Message

From: Keklak, Ariel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8EEA3E4334584CD995B7E34825EF46A8-KEKLAK, ARI]
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Subject: News Clips - 20 June 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Coal Ash

E&E Greenwire - Pruitt's Okla. first to get EPA disposal program approval

Daily Caller - TRUMP'S EPA LETS OKLAHOMA BECOME FIRST STATE TO REGULATE COAL ASH DISPOSAL

Vehicle Emissions Standard

The Hill - Colorado joins states adopting stricter vehicle emissions standard

Administrator Pruitt Coverage

E&E Daily - Ethanol boosters kicking Pruitt while he's down

E&E Climatewire - Enviros love to hate Scott Pruitt

The Hill - EPA says it abandoned plan for office in Pruitt's hometown

BNA - GOP Chairman Bows to Pressure, Schedules Hearing for EPA Head

Reuters - EPA chief to face Senate panel in August

Politico - EPA watchdog reports on Pruitt expected before August hearing, Barrasso says

The Hill - Pruitt to testify before Senate panel in August

AP - Senior GOP senator defends embattled EPA chief

Washington Post - This GOP senator implied Scott Pruitt was on thin ice. He's now back in the EPA chief's corner.

Daily Caller - TOM STEYER AND MAD EPA EMPLOYEES ARE BEHIND SCOTT PRUITT'S SCANDALS, INHOFE SAYS

Bloomberg - Republican Senator Takes Back Criticism of Pruitt After Meeting

E&E Climatewire - La. attorney general urged Pruitt to speak at industry event

General

E&E Greenwire - EPA sends 'good neighbor' smog proposal to White House

BNA - Mining Industry, States Fight Financial Requirements in Court

BNA - States in the Dark About EPA Effort to Tackle Upwind Air Pollution (1)

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060085091/search?keyword=EPA
Pruitt's Okla. first to get EPA disposal program approval
By Sean Reilly, 6/19/18

Oklahoma has become the first state to gain EPA approval to run its own coal ash disposal permitting program, a development immediately cheered by electric power producers and slammed by environmental groups.

The final decision, announced late yesterday, came as no surprise, given that EPA had already granted preliminary approval to Oklahoma's application in January (Greenwire, Jan. 12).

While the state's requirements for coal ash storage ponds and landfills differ from the federal standards in two main particulars, they are "at least as protective," according to the notice signed by EPA Administrator Scott Pruitt.

"This historic announcement places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state," Pruitt, who previously served as Oklahoma attorney general, said in a news release.

Also welcoming EPA's approval were Scott Thompson, executive director of the Oklahoma Department of Environmental Quality (ODEQ), and Kirk Johnson, top lobbyist for the National Rural Electric Cooperative Association.

"We hope this will be the first of many more state program approvals," Johnson said in the same EPA release.

Among environmental groups, the reaction was dismay and questions about whether Oklahoma regulators are capable of handling the added responsibility.

In recent years, the Oklahoma Legislature has repeatedly cut ODEQ's budget, Mark Derichsweiler, a retired engineering manager for the agency who is now vice chairman of the state's Sierra Club chapter, said in a phone interview this morning.

"There's a real concern that they don't have the resources," he said, "even if there was the will do an adequate job of oversight."

An Earthjustice attorney quickly promised a lawsuit challenging EPA's decision. Together with other environmental groups, Earthjustice also released an analysis showing that groundwater around four coal ash disposal sites in the state contains boron and other toxic contaminants.

The pollution "is proof that state officials are not holding coal plant operators accountable to the people of Oklahoma," Earl Hatley, another activist who serves as "riverkeeper" for the Grand River in northeastern Oklahoma, said in a statement.

In an email to E&E News, Erin Hatfield, a spokeswoman for the Oklahoma Department of Environmental Quality, responded that EPA's handling of the state's application was a sign of confidence.

The department's "mission has been, and will continue to be, to operate our program with the highest standards and uphold our mission to be protective of public health and the environment," Hatfield said.

Coal ash, the residue generated by coal-fired power plants, ranks among the nation's largest waste streams. While EPA officially labeled it as nonhazardous under landmark 2015 regulations, the agency has acknowledged that arsenic and other toxics have leached out of disposal sites at levels high enough to warrant concern.

Four years ago, a spill at a Duke Energy Corp. facility dumped tens of thousands of tons of coal ash in North Carolina's Dan River.

Under EPA's 2015 regulations, the main enforcement mechanism is citizen lawsuits. With prodding from the utility industry, Congress authorized EPA the following year to allow states to create their own permitting programs, partly on the grounds that it would foster greater regulatory certainty while maintaining the same level of protection.

Although Pruitt has encouraged states to take advantage of that option, the response has so far been sluggish. Agency staffers have confirmed that Georgia is also pursuing an application; other states reportedly planning to apply are Texas, Alabama, Missouri and Indiana, according to environmental groups.

Daily Caller
http://dailycaller.com/2018/06/19/trumps-epa-lets-oklahoma-regulate-ash-disposal/
TRUMP'S EPA LETS OKLAHOMA BECOME FIRST STATE TO REGULATE COAL ASH DISPOSAL
By Jason Hopkins, 6/19/18, 3:17 PM

The Environmental Protection Agency is allowing Oklahoma to operate a program for coal ash disposal, marking the first time the federal government has granted a state oversight authority in managing toxic ash disposal from coal plants.

The EPA approved Oklahoma's application to manage a permit program for the disposal of coal combustion residuals on Monday, more commonly referred to as coal ash. The unprecedented move makes Oklahoma the first state in the U.S. to be given the authority to oversee the disposal of coal ash, a responsibility historically given to the federal government.

"This historic announcement places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state," EPA Administrator Scott Pruitt said in a statement Monday. "Oklahoma is leading the way for other states to establish state coal ash permit programs, and EPA stands ready to work with each and every state to improve coal ash management."

Before becoming the chief of the EPA, Pruitt, a Republican, served as attorney general of Oklahoma.

The move, however, hasn't come without controversy. Coal ash is the residue that's left over when plants burn coal to generate electricity. The proper disposal of this residue is tightly managed so as to not allow toxic chemicals be released into the outside environment. Climate change advocates and other environmentalist groups have long called for oversight of this process to remain in the federal government's hands. (RELATED: Study: Arizona 'Clean Energy' Initiative Won't Even Help The Environment)

The "industry has asked for leniency, less stringency. That's the direction they're going," said Lisa Evans, an attorney for environmental nonprofit Earthjustice, adding that the states involved have demonstrated "they don't care about the health and safety of communities near coal ash dumps," according to the Associated Press.

Many in the industry, however, have celebrated the EPA's decision, arguing that oversight is best left to the individuals who are in the best position to manage the process.

"The EPA approval of each state's ability to develop an EPA approved plan to deal with environmental issues makes much more sense than the 'one plan fits all' approach of the past. The State of Oklahoma and individual utilities have worked closely in the past to solve difficult environmental issues that benefited all citizens of the state and with this progressive step, that work can continue," Western Farmers Electric Cooperative CEO Gary Roulet said in a Monday statement.

Other states might be soon following Oklahoma's example. Georgia has submitted an application of its own to operate a state-run program, and Texas officials are also moving in the same direction.

The Hill
http://thehill.com/policy/energy-environment/393044-colorado-adopts-californias-stricter-vehicle-emissions-standard
Colorado joins states adopting stricter vehicle emissions standard
By Miranda Green, 6/19/18, 2:04 PM

Colorado announced Tuesday it will join a number of states that have moved to implement heightened vehicle emissions standards as the Environmental Protection Agency (EPA) mulls changing laws to weaken federal regulations.

The decision by the state's Gov. John Hickenlooper (D) will add Colorado to a list of 12 states, including California, that have adopted stronger tailpipe emission regulations in an effort to combat climate change.

"Colorado has a choice. This executive order calls for the state to adopt air quality standards that will protect our quality of life in Colorado," Hickenlooper said in a statement. "Low emissions vehicles are increasingly popular with consumers and are better for our air. Every move we make to safeguard our environment is a move in the right direction."

The executive order comes as the EPA is working on a new rule to replace the Obama-era policy that allowed states to set stronger standards, arguing that the current regulations are too stringent and unattainable for car companies.

EPA Administrator Scott Pruitt in April announced the agency's plans to change the policy.

"It is very right for us to be here to recognize that what was done in 2011 and 2012, as we evaluate now, is not appropriate going forward and we're going to get it right," he said at the time at the agency's headquarters.

The EPA has not yet announced its proposed rule, but many expect a draft to be released sometime this summer.

California has led the fight against the EPA's proposed changes to the Obama-era rule, arguing that lowering standards will adversely affect the state's air quality and harm its economy.

California Attorney General Xavier Becerra (D) filed a lawsuit in May along with the attorneys general of 16 other states against the Trump administration over the policy announcement.

"The evidence is irrefutable: today's clean car standards are achievable, science-based and a boon for hardworking American families. But the EPA and Administrator Scott Pruitt refuse to do their job and enforce these standards," Becerra said in a statement.

E&E Daily
https://www.eenews.net/eedaily/stories/1060085031/search?keyword=EPA
Ethanol boosters kicking Pruitt while he's down
By Nick Bowlin, 6/19/18

Buffeted by reports of opulent spending and misuse of power, Scott Pruitt left Washington, D.C., last week for an agriculture tour touting his support for farmers.

The EPA chief found little reprieve in the Corn Belt.

Farmers and agriculture groups are furious at his agency's actions on the renewable fuel standard, which requires blending biofuels into the nation's gasoline supply.

Both critics and supporters of Pruitt are wondering whether he will either quit or be fired, and being in the middle of a fight over the RFS has shaken his standing with would-be allies.

Pruitt's EPA has provided several small refiners waivers for renewable fuel credits. Oil groups say the new administration is following the law and compensating for an overly stingy Obama-era EPA.

The agency also gave waivers to three of energy giant Andeavor's smallest refineries. It was the first exemption for a company of Andeavor's size. Renewable fuel credit prices hit five-year lows in late May.

With Pruitt on their turf, ethanol advocates let fly.

In Kansas, the chairman of the Anderson County Republican Committee called him "a dead man walking," and the CEO of the Renewable Fuels Association, Bob Dinneen, wrote a blog post wondering whether Pruitt's trip was "anything more than a hollow good will tour to deflect attention from his anti-ethanol policy."

Growth Energy, the top ethanol industry trade group, launched a sustained online ad barrage that tracked Pruitt's swing through corn-reliant states, according to social media ad data.

"Welcome to Nebraska, Scott Pruitt — will you finally choose farm families over Big Oil?" read one Facebook ad. The accompanying image opposed a three-generation farm family against an oil refinery. The same ad ran in Iowa and South Dakota.

Former Sens. Byron Dorgan (D-N.D.) and Jim Talent (R-Mo.) — both of whom helped implement the RFS — called on Pruitt to halt waivers to big oil refiners, according to a release by the National Biodiesel Board.

Outside spending groups have also waded in to slam Pruitt.

American Future Fund, a dark-money outfit that was once part of the Koch network, debuted a television ad accusing Pruitt of "embarrassing" President Trump with near-weekly scandals.

As a 501(c)(4) group, or a political nonprofit, AFF does not disclose its donors, but The New York Times reported in 2010 that the group began with a large contribution from Bruce Rastetter, a co-founder and former chief executive of Hawkeye Energy Holdings LLC, one of the largest ethanol producers in the nation.

Rastetter, once a board member at Growth Energy, is one of the most powerful agriculture industry advocates in the GOP. He supported the president's 2016 run, served on the campaign's agriculture committee and was seen as a possible administration appointee during the transition.

Industry made sure to prop up its friends.

Digital ads from Growth Energy thanked Agriculture Secretary Sonny Perdue and Republican Iowa Sens. Joni Ernst and Chuck Grassley for supporting year-round sales of 15 percent ethanol fuel, which EPA restricts in summer months. The ongoing campaign was seen between 10,000 and 50,000 times, according to online ad data.

Ernst and Grassley, the leading RFS proponents in Congress, have been tough on Pruitt in recent weeks. Grassley said he would call for Pruitt's resignation if EPA continues granting the refinery waivers.

In a June 6 call with reporters, the senator said Pruitt misled senators during the confirmation process by suggesting he'd support ethanol.

"I know he's had meetings with Democratic senators saying he's pro-ethanol," Grassley said. "But all the actions are contrary. He's hoodwinked all of us who believed him" (E&E News PM, June 6).

Like many of his actions in office, Pruitt's moves on biofuel credits look to benefit the oil industry, but they run up against promises by Trump. On the campaign trail in 2016 and in the White House, Trump has repeated support for corn farmers.

Ethanol backers are careful not to hit Trump in their volleys at Pruitt, framing the EPA chief as the problem, not his boss.

In April, the president promised to allow 15 percent ethanol all year, but no policy changes followed.

Midwestern Democrats in red states are eager to leverage Pruitt's support for oil and gas at ethanol's expense, a chance to hit the administration.

The North Dakota Democratic Party accused Rep. Kevin Cramer, a Republican Senate nominee, of "failing" the state for his role on the Republican Study Committee, which opposes ethanol subsidies. Cramer faces Democrat Sen. Heidi Heitkamp in one of the midterm's most consequential Senate contests.

Nebraska Democratic Senate nominee Jane Raybould began anti-Pruitt ads on June 4 that ran through his visit last weekend.

In Iowa, meanwhile, Democratic Rep. Dave Loebsack's campaign page blamed Pruitt for "policies that prioritize Big Oil" and hurt farmers.

State Rep. Abby Finkenauer (D), a top party recruit in the competitive 1st District, did not call out Pruitt by name but referenced "shady backroom deals that would harm our renewable energy industry."

E&E Climatewire
https://www.eenews.net/climatewire/2018/06/20/stories/1060085169
Enviros love to hate Scott Pruitt
By Zack Colman, 6/20/18

Scott Pruitt's critics are calling for his ouster, but in the meantime, he's become a useful punching bag.

Environmental groups and other foes of the Trump administration have piled on criticisms as the embattled EPA boss's job security has grown increasingly tenuous. Some organizations have even launched a campaign titled "Boot Pruitt," aimed at ejecting the administrator from the agency's top slot.

Meanwhile, some Pruitt antagonists say he's a clumsy regulator whose work the courts and even the White House have rejected for being sloppy, incomplete or illegal, which could make his policies easier to overturn later. Some GOP lawmakers are anxious that the attention on Pruitt's bizarre scandals could sacrifice President Trump's environmental agenda or cost the Republican Party in tight midterm races — outcomes the left would welcome. And environmentalists acknowledge that whoever replaces Pruitt would push a similar policy agenda that, by and large, has been supported by the broader GOP base.

So the question now facing those organizations is how to avoid a Pyrrhic victory should Pruitt actually resign. Would they be better off just leaving him there?

"That's a good question, and it's open-ended," said Sally Hardin, a research analyst with the liberal Center for American Progress Action Fund.

Hardin said the narrative that Pruitt is a master destroyer of President Obama's environmental and climate legacy is incorrect, given the various court reversals of EPA moves.

"I would hope he stays on at least through the November elections," John O'Grady, president of the American Federation of Government Employees Council 238, said of Pruitt.

Ire toward Pruitt — and to Trump's environmental agenda more broadly — has galvanized the green base.

The League of Conservation Voters, perhaps the movement's heavyweight when it comes to political races, has nearly surpassed the $8.3 million it raised in 2016 for its GiveGreen fund, which supports pro-environment candidates. It's only June. The group's annual gala, held this month, attracted record attendance.

The EPA chief also is playing into electoral strategy for the November midterms. LCV and the Sierra Club each is conducting its own polls to see how people respond to Pruitt.

Environmental groups emphasized that they're worried about the long-term damage Pruitt's presence brings to the agency. They say no political outcomes can justify the message sent by his persistence amid a bevy of ethical missteps that would sink almost any other political official.

If the EPA boss steps down or gets fired, the person most likely to replace him — at least in the short term — is his deputy administrator, Andrew Wheeler. He's a former staffer of climate skeptic Sen. Jim Inhofe (R-Okla.) and an ex-lobbyist for coal company Murray Energy Corp.

"Somebody like Andrew Wheeler, if he were to take over, he is very knowledgeable about the EPA and how to get things done, and I think he could do a very good job of ruining the agency himself," O'Grady said.

Pruitt for months was pushing policies that environmental groups opposed. But public attention and GOP reticence began spiking largely when Pruitt's seemingly bottomless trove of controversies emerged. Little of that had to do with policy.

Still, environmental groups say they'll be able to keep pressure on the Trump EPA even in a post-Pruitt world. But they're aware that some people might think the battle is over if Pruitt is out of the picture.

"We're going to have to keep a really close eye on Wheeler now," Hardin said. "He's not any different than Pruitt. ... Boot Pruitt was a great name for a coalition, but it's not our sole mission."

'The same reckless rollbacks'

Career EPA employees acknowledge that Pruitt's leaving wouldn't change the Trump administration's policy agenda. Those staffers are used to the policy pendulum swinging between GOP and Democratic administrators. Many have

implemented policies they might not agree with, but those actions were at least consistent with the agency's purpose and within the bounds of the law, one longtime agency staffer said.

The sense is, however, that ridding EPA of Pruitt would at least signal a commitment to good governance. EPA staffers noted that the Pruitt scandals have demoralized the agency.

"They make us take ethics training. Everything we've seen is exactly what we've been told not to do," the career EPA staffer said. "You see that in high places, and it can create rot in an agency in the long run."

Many of those scandals came to light as a result of the Boot Pruitt campaign. It has largely accomplished this by suing for the release of documents requested through the Freedom of Information Act. Environmental groups like the Sierra Club and Natural Resources Defense Council have then shared those communications with reporters who unearthed numerous potential ethical violations by Pruitt and his staff.

Those revelations have made Pruitt's departure seem almost inevitable. Conservative media figures and GOP lawmakers are now questioning his viability or calling for his resignation. That the environmental movement and personalities like Laura Ingraham or publications like the National Review desire the same goal represents somewhat of a watershed.

But those figures on opposite ends of the ideological spectrum want the same outcome for very different reasons.

For environmental groups, Pruitt has humiliated the agency and its employees by pushing policies in direct contradiction of EPA's mission while adding embarrassing, petty scandals on top of it all — and still kept his job. For his conservative opponents, he's a distraction that delegitimizes Trump's agenda of rolling back onerous environmental regulations, who could jeopardize the GOP's chances to maintain the House and Senate.

"Clearly, some of the comments coming from folks [last week] is protecting the president and his image," said Jeremy Symons, vice president of political affairs with the Environmental Defense Fund, referring to criticism from conservatives. "And it's unfortunate that those folks aren't concerned about the very real health damage from his action."

O'Grady said the force with which the public has pushed back against Pruitt might also compel his eventual successor — Wheeler or someone else — to "walk a little more lightly."

That could translate into somewhat less zealous policy, as well, said John Walke, clean air director with the NRDC. He noted that Pruitt's outsider status within environmental policy circles has lent itself to ideas that have caused political officials within his own agency, White House aides, and the Office of Information and Regulatory Affairs to bristle. Walke said Pruitt's exit would leave proposals to nix pollution rules for heavy-duty trucks and restrict the use of science the agency can use to form policy without a champion.

Walke noted that such changes between a Pruitt-led EPA and a Wheeler-led EPA are at "the very small margins." He also said Pruitt could become a "drag on Republicans" this fall. But that doesn't mean a change at the top should be avoided.

"On balance, yes, we would see the same reckless rollbacks at EPA with or without Scott Pruitt," he said. "But the country would be better served by his absence, whether you are a Republican, Democrat or independent."

The Hill
http://thehill.com/policy/energy-environment/393201-epa-says-it-abandoned-plan-for-pruitts-hometown-office
EPA says it abandoned plan for office in Pruitt's hometown
By Timothy Cama, 6/20/18, 9:58 AM

The Environmental Protection Agency (EPA) told lawmakers this week that it abandoned plans to establish an office for Administrator Scott Pruitt in his home town of Tulsa, Okla.

“Although the EPA staff did explore whether office space was available in Tulsa, this possibility was ultimately abandoned,” Troy Lyons, the EPA's associate administrator for congressional affairs, wrote in a Tuesday letter to Rep. Eddie Bernice Johnson (D-Texas), the top Democrat on the House Science Committee.

Early on in Pruitt's tenure at the agency, and even before he was confirmed, the agency wanted to rent office space for him in Tulsa, according to Lyons' letter.

Johnson and two other high-ranking Democrats on the panel previously obtained documents showing EPA staff trying to establish the office. Johnson asked about the office in May, saying it would be an unnecessary and ethically questionable expense.

“Establishing a new EPA office in Tulsa may be personally convenient for you, but it seems ethically questionable, professionally unnecessary, and financially unjustified,” Johnson and her colleagues wrote in a letter to Pruitt dated May 1.

Pruitt has been under fire in recent months for various ethics and spending scandals, centered in part around allegations that he has sought to use taxpayer resources for personal gain.

In his first few months on the job, he frequently traveled to Tulsa for business and then stayed at home for the weekend. The EPA’s inspector general is investigating whether the trips were a proper use of agency funds.

Lyons also sent the Democrats a series of emails, some of which the lawmakers appeared to already have.

They show that shortly after Trump's inauguration, Ryan Jackson, who at the time was chief of staff for Sen. Jim Inhofe (R-Okla.), reached out to EPA staff asking them to research office space in Tulsa that Pruitt could use when he was home. After Pruitt was confirmed by the Senate, Jackson became his chief of staff at EPA.

“Pruitt wants to know when he goes home to Tulsa, Oklahoma, where he can work,” Jackson wrote to James Blizzard, in EPA’s congressional affairs office, on Jan. 30, 2017, when he was still on Inhofe's staff.

Jackson later got more specific about what Pruitt would need.

“Office for him, meeting room, lobby space but that’s largely it I think,” he wrote on Jan. 31, adding that he'll also need a secure compartmented information facility "in the event he is working on spill info or otherwise protected information.

"Of course when the President communicates with the Cabinet those communications are protected so we will need to be able to accommodate that,” he added.

Jackson said Pruitt also would need a secure computer and phone, 24-hour access and a parking garage. He added that he wanted the space to be “consistent with previous Administrators,” saying former EPA head Gina McCarthy had a similar setup in her hometown of Boston when she served during the Obama administration.

Jackson said he didn’t think it was necessary to ask for a provision in EPA’s annual appropriations legislation to fund the office space.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136465390&item=408&prod=deln&cat=AGENCY
GOP Chairman Bows to Pressure, Schedules Hearing for EPA Head

By Dean Scott, 6/20/18

The chairman of the Senate environment panel bowed to pressure from Democratic and Republican critics alike June 19, agreeing to hold a congressional hearing this August on embattled EPA head Scott Pruitt.

Sen. John Barrasso (R-Wyo.), chairman of the Senate Environment and Public Works Committee, provided few details in the announcement, including the precise date of the hearing.

The Senate is traditionally in recess in August but Senate Majority Leader Mitch McConnell (R-Ky.) has vowed to keep the chamber in session through the month, in part to clear what he complains is a backlog of presidential nominations awaiting confirmation.

The hearing "will give senators the opportunity to ask important questions and hear about the work being done at the agency," Barrasso said.

Reuters
https://www.reuters.com/article/us-usa-epa-pruitt-senate/epa-chief-to-face-senate-panel-in-august-idUSKBN1JF34Z
EPA chief to face Senate panel in August
By Reuters Staff, 6/19/18, 5:37 PM

WASHINGTON (Reuters) - U.S. Environmental Protection Agency chief Scott Pruitt will testify before the Senate's environment committee in August, panel chairman Senator John Barrasso said on Tuesday, where he will face questions about spending and ethics controversies.

Barrasso said previously that he would call Pruitt to testify about Pruitt's spending on first class travel, use of security detail and connections with lobbyists and industry groups. But he was waiting for findings from reviews into Pruitt's ethics by the EPA inspector general and the White House. Barrasso's office said the exact date of the hearing will come later.

"The hearing will give senators the opportunity to ask important questions and hear about the work being done at the agency," Barrasso, a Wyoming Republican, said in a release.

Pruitt, who repeatedly sued the EPA when he was attorney general of oil-producing Oklahoma over regulations on the industry, last testified on the committee in January. The EPA did not immediately respond to a request for comment on the hearing.

Politico
https://subscriber.politicopro.com/energy/whiteboard/2018/06/epa-watchdog-reports-on-pruitt-expected-before-august-hearing-barrasso-says-1447133
EPA watchdog reports on Pruitt expected before August hearing, Barrasso says
By Alex Guillen, 6/20/18, 10:59 AM

EPA's internal watchdog is planning to finish multiple investigations into Scott Pruitt's behavior by August, before the administrator appears before the Senate Environment and Public Works Committee, Sen. John Barrasso said today.

"I understand the inspector general will have completed several reviews later this summer," the EPW chairman said at a hearing this morning on two EPA nominees. "And for that reason I have asked Administrator Pruitt to testify before us in August and we're working on the final date so we can have that as a substantive hearing because we'll actually have information from the inspector general before the administrator appears."

The inspector general's office has said it expects to complete a review of Pruitt's frequent use of first-class travel by later this summer, but has not announced deadlines for its investigations of major raises granted to close aides, Pruitt's use of security on personal trips, Pruitt's $50-a-night condo rental deal and the $43,000 phone booth, among other issues.

Sen. Tom Carper (D-Del.), the committee's ranking member, said he is "pleased" the Pruitt hearing is on the books. But, he added, if Obama-era EPA chief Gina McCarthy or Lisa Jackson had been accused of "even a fraction of what Administrator Pruitt's been accused of, they would be sitting at this desk week after week after week explaining what's going on at EPA and why they're doing those things."

Pruitt previously appeared before EPW in January, before many of the most scandalous allegations were reported.

The Hill
http://thehill.com/policy/energy-environment/393090-pruitt-to-testify-to-senate-panel
Pruitt to testify before Senate panel in August
By Timothy Cama, 6/19/18, 4:24 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt is slated to testify in August in front of the main Senate committee that oversees the agency, the panel announced Tuesday.

The committee scheduled the hearing following months of spending and ethics controversies involving Pruitt. Senate Democrats have long sought to put Pruitt in the hot seat over the scandals, and Republicans are expressing increasing concern as well.

"The hearing will give senators the opportunity to ask important questions and hear about the work being done at the agency," Sen. John Barrasso (R-Wyo.), the chairman of the Environment and Public Works Committee, said in a statement Tuesday.

Barrasso did not specify a date in August for the hearing, and the committee said it will be set later.

A handful of GOP senators on the panel — including Sens. James Inhofe (Okla.), Joni Ernst (Iowa) and Dan Sullivan (Alaska) — have pushed in recent days for Pruitt to come before the committee.

It will be Pruitt's first time at the environment committee since January and his first congressional hearing since May, which preceded a fresh wave of reports raising ethical questions surrounding the EPA chief's actions.

The reports and accusations regarding Pruitt in recent months have included that he rented a condo from a lobbyist for just $50 for each night he spent there, spent $43,000 on a soundproof booth for his office, spent $3.5 million on an unprecedented security detail and had aides or security staff do personal tasks like helping his wife find a job and trying to find a used Trump International Hotel mattress.

Barrasso and other GOP senators have generally stood by Pruitt and have not called for him to resign, arguing that his policy efforts at the EPA are valuable and it would be difficult to confirm a replacement. But their concerns about the allegations against him have grown louder recently.

"I think something needs to happen to change that," Inhofe said last week on a radio show, referring to the controversies. "One of those alternatives would be for him to leave that job."

Democrats, meanwhile, have repeatedly called on Pruitt to be fired or resign due to the scandals.

"Mr. Pruitt is an embarrassment. It is a stain on our democracy that he still holds this once esteemed position," Sen. Tom Carper (Del.), the committee's top Democrat, said earlier this month.

"And it is an abject failure that so many Republicans in Congress have chosen to turn a blind eye to the seemingly endless ethical shortcomings that should have led to Mr. Pruitt's removal a long time ago."

AP
https://apnews.com/7a45939ac1ff4be299fa9f02e06405e1/Senior-GOP-senator-defends-embattled-EPA-chief
Senior GOP senator defends embattled EPA chief
By Ellen Knickmeyer, 6/20/18, 12:00 PM

WASHINGTON (AP) — A senior Republican senator is defending the embattled Environmental Protection Agency administrator, calling ethics allegations against Scott Pruitt "outrageous" and "lies."

Oklahoma Sen. James Inhofe's comments were some of the strongest on Pruitt's behalf by a member of Congress amid months of federal ethics investigations.

The probes are examining allegations that Pruitt misused his office to get perks for himself and his family, as well as scrutinizing his first-class travel and high security costs.

Inhofe sparred with Democratic Sen. Tom Carper of Delaware over Pruitt at a Senate committee hearing Wednesday. Carper urged that Pruitt appear quickly before the panel; a hearing has tentatively been set for August.

Inhofe says Pruitt's job required him to take premium-class trips to Morocco and Italy. He blamed the news media for Pruitt's troubles.

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/06/20/this-gop-senator-implied-scott-pruitt-was-on-thin-ice-hes-now-back-in-the-epa-chiefs-corner/?utm_term=.80c52933c6f3
This GOP senator implied Scott Pruitt was on thin ice. He's now back in the EPA chief's corner.
By Brady Dennis and Juliet Eilperin, 6/20/18, 12:15 PM

Sen. James M. Inhofe (R-Okla.) looked up from a set of talking points he'd been reading Wednesday morning about Scott Pruitt to explain the key reason he'd invited a group of reporters to his office.

"I'm a little embarrassed I was starting to doubt him in some areas where he shouldn't have been doubted," Inhofe said of the Environmental Protection Agency administrator, a longtime friend and fellow Oklahoman.

Inhofe — one of Pruitt's staunchest allies on Capitol Hill — had said only last week that he'd "had enough" of the seemingly endless allegations of ethical conduct dogging the EPA chief, including the most recent stories by The Washington Post that Pruitt had used his official position to help his wife obtain a job. "I think something needs to happen to change that, and one of those alternatives is for him to leave that job," he told conservative talk radio show host Laura Ingraham at the time.

"I was becoming skeptical. I was getting concerned," he told the reporters in his office.

But a face-to-face meeting with Pruitt on Tuesday evening assuaged his doubts. By Wednesday morning, Inhofe had adopted Pruitt's approach of blaming his ethics quandaries on disgruntled former employees, a bloated government bureaucracy, unfair media coverage and political opponents such as liberal activist Tom Steyer and "left-wing environmentalists" who oppose Trump administration policies.

Having Inhofe stand up for him publicly offers Pruitt an important boost given his waning support within conservative circles. Still, whether the administrator keeps his Cabinet-level post depends on the continued backing of President Trump. Even Inhofe wouldn't venture a guess about whether Pruitt's job is safe.

"I don't have any idea if it is or not," he said. "We don't have the most predictable president in the history of America."

One by one, Inhofe addressed a half-dozen of the spending and ethics allegations Pruitt faces, reading from the talking points about why he now felt each was unfounded or overblown.

On the more than $3 million that taxpayers have paid for Pruitt's round-the-clock security detail: "The difference is his predecessors never had any threats against them. None of them." (That isn't true, though officials say Pruitt has faced more threats than previous administrators.)

On the hundreds of thousands of dollars taxpayers have paid for Pruitt's first-class domestic and foreign travel: "Travel costs were in line with all the past administrators," Inhofe said. (Actually, Pruitt's travel spending has far outpaced that of his predecessors.)

On scrutiny of the $43,000 secure phone booth installed in Pruitt's office: "The government bureaucracy, being what it is, should have made a lot better deal than they made."

Inhofe declined to address all of the allegations that have led to a flurry of federal inquiries into Pruitt's behavior and management decisions. For instance, asked specifically whether he was concerned about reports that Pruitt used his position and subordinates' time to help his wife obtain employment, Inhofe referred reporters to Pruitt's outside attorney, Cleta Mitchell.

And the senator claimed that the media has often written about the allegations without bothering to include Pruitt's side of the story. (EPA often declines to comment, and The Post, which always seeks a response, includes any explanation the agency provides.)

Overall, Inhofe said, he was satisfied with Pruitt's explanations, though he acknowledged that the EPA chief had made missteps as he found his footing in Washington. "I think there are probably times when he displayed questionable judgment, or I'm a little more cautious than he is," the lawmaker said. "I have to say this about him, though. He sure didn't know anything about Washington when he got here . . . He's had a wake-up call."

Inhofe is not the only Republican in Congress to question Pruitt's leadership, though Iowa Sens. Charles E. Grassley and Joni Ernst have largely focused on his approach to ethanol policy. On Wednesday, Grassley remarked at a Senate Agriculture Committee hearing, "Pruitt is ill-serving the president."

The American Future Fund, a conservative nonprofit group based in Iowa, launched a 30-second ad last week calling for Pruitt's resignation, describing him as a "swamp monster" who is "embarrassing President Trump." Ingraham also tweeted last week that Pruitt needed to go because his poor decisions were "hurting" Trump.

And a recent editorial in the conservative National Review argued that Pruitt "is replaceable. And he should be replaced."

As the various inquiries into his decision-making continue, Pruitt is scheduled to testify in August before the Senate Environment and Public Works Committee.

"The hearing will give senators the opportunity to ask important questions and hear about the work being done at the agency," Sen. John Barrasso (R-Wyo.), the committee's chairman, said in announcing the hearing this week.

Daily Caller
http://dailycaller.com/2018/06/20/jim-inhofe-scott-pruitt-scandal/
TOM STEYER AND MAD EPA EMPLOYEES ARE BEHIND SCOTT PRUITT'S SCANDALS, INHOFE SAYS
By Tim Pearce, 6/20/18

Environmental Protection Agency Administrator Scott Pruitt regained a key ally Tuesday after meeting with Oklahoma Sen. Jim Inhofe one-on-one over recent scandals reported in the media, Bloomberg reported.

Inhofe, a Republican, had expressed doubts about Pruitt's future at the EPA and suggested the administrator may need to resign last week. Pruitt has faced a wave of criticism and negative media reports that he abused his position by using agency staff to look for a job for his wife, accepted unauthorized gifts from lobbyists, spent taxpayer money on luxuries like flying first class and other scandals. (RELATED: Jim Inhofe Says Pruitt May Need To 'Leave That Job' At EPA)

Coming out of the meeting, Inhofe was convinced the allegations of unethical behavior were overblown and fueled by environmentalists, such as billionaire Tom Steyer, and EPA employees unhappy with the administrator's agenda, as well as "unprecedented threats" leveled against Pruitt that have led to increased spending on security and precautions.

Jennifer A. Dlouhy✓
@jendlouhyhc
After meeting w/ @EPAScottPruitt, Sen. @JimInhofe says his doubts about the EPA administrator have been put to rest. A disgruntled employee, Tom Steyer & "unprecedented threats" against Pruitt are behind allegations, he says. ($)
http://bit.ly/2ytXWuM via @AriNatter

9:59 AM - Jun 20, 2018
7
See Jennifer A. Dlouhy's other Tweets
Twitter Ads info and privacy

Inhofe's renewed support comes days after The New York Times was forced to correct a story that alleged Pruitt used his position at the EPA to help his daughter into law school, which was later proven untrue. (RELATED: NY Times Admits It 'Erroneously' Reported Info About Scott Pruitt's Daughter)

Pruitt has fielded criticism and calls for resignation from Republicans. Conservative pundit Laura Ingraham said Pruitt has "GOTTA GO" in a tweet on June 13. The conservative magazine National Review also published an article on June 13 titled "Scott Pruitt Should Go." (RELATED: National Review: 'Scott Pruitt Should Go')

Other Conservative stalwarts, such as Rush Limbaugh and Mark Levin, have defended the EPA chief and President Donald Trump has maintained that Pruitt is "doing a great job within the walls of the EPA."

"Outside, he's being attacked very viciously by the press," Trump told reporters on June 8. "And I'm not saying that he's blameless, but we'll see what happens."

Bloomberg
https://www.bloomberg.com/news/articles/2018-06-20/pruitt-s-capitol-hill-ally-takes-back-criticism-after-meeting
Republican Senator Takes Back Criticism of Pruitt After Meeting
By Ari Natter, 6/20/18, 12:05 PM

EPA Administrator Scott Pruitt's longtime friend and political ally on Capitol Hill is walking back his criticism of the embattled agency leader after the two met Tuesday evening.

Senator Jim Inhofe, a Republican from Pruitt's home state of Oklahoma, said he's "a little embarrassed" over telling conservative political commentator Laura Ingraham last week that the Environmental Protection Agency head may need to resign amid mounting ethics complaints.

"I was beginning to have doubts about Scott Pruitt, all these accusations, but I had to find out for myself," Inhofe said in an interview Wednesday.

Inhofe blamed some news media outlets -- he didn't name them but said they "hate" Pruitt -- for not providing the EPA's response to allegations Inhofe said came from disgruntled former agency employees he didn't identify. He also alleged that Pruitt is a target of a campaign bankrolled by billionaire political activist Tom Steyer.

Aleigha Cavalier, a spokeswoman for NextGen America, an environmental group founded by Steyer, responded in an email that Pruitt is a "national disgrace" and should resign.

Pruitt's high security costs are justified because of the "unprecedented threats" against him and his family, Inhofe said. Pruitt also repaid an intermediary for tickets to the Rose Bowl, he said.

"I'm really harboring some guilty feelings because I was sucked into the same thing the public was," Inhofe said.

Pruitt has been under scrutiny for months over matters including an arrangement to rent a bedroom in a Capitol Hill condo from a lobbyist for $50 a night and frequent taxpayer-funded travel to his home state of Oklahoma. He's also under fire for leaning on EPA employees to run personal errands and help secure a job for his wife.

Pruitt faces more than 11 federal investigations by lawmakers, the White House and the EPA's internal watchdog involving his travel, spending, security and other matters.

President Donald Trump, who has stood by Pruitt amid months of allegations, told reporters last week that he's "not happy about certain things," though he added Pruitt's done "a fantastic job" at the EPA.

Inhofe later told reporters that Pruitt "may have displayed poor judgment," but said his lack of Washington experience was partly to blame.

Asked if he thought the EPA administrator would keep his job, Inhofe said, "We don't have the most predictable president in America. Anything could happen."

E&E Climatewire
https://www.eenews.net/climatewire/2018/06/19/stories/1060085009
La. attorney general urged Pruitt to speak at industry event
By Scott Waldman, 6/19/20

Louisiana Attorney General Jeff Landry (R) appealed to EPA Administrator Scott Pruitt to speak at an industry gathering last fall.

Landry reached out in September to Pruitt's then-policy aide Samantha Dravis, hoping to prod the EPA boss to speak at a chemical group's annual meeting in New Orleans.

"Just following up on a conversation we had a month or so ago," he wrote. The "Louisiana Chemical Association is having their annual meeting Oct 26&27 in NOLA at the Loew's hotel. This is a meeting of the Managers that are responsible for operation [of] the chemical facilities in Louisiana. They would like Scott to address the group either day. Can you let me know if he is still available?"

The email was signed, "Jeff Landry Attorney General."

The two Republican politicians have known each other for years and even joined forces in some lawsuits against the Obama EPA. But it's not clear why the state attorney general would offer an invitation for a private industry event.

Asked to comment about the meeting invitation, Landry lauded Pruitt's efforts to roll back rules.

"Over 52% of the refining capacity in the United States is located on the Gulf Coast. The downstream energy sector is one of the largest middle class job building industries in the country," Landry said in a statement. "This sector has been tormented by useless job killing regulations. That is until President Trump came along and appointed people like Administrator Pruitt who work to scale back regulations contributing to historic economic growth."

Pruitt and Landry have a history of advocating on behalf of the chemical industry and fighting against regulations opposed by that sector. When they were at the Republican Attorneys General Association, they jointly opposed chemical industry regulations. One of Pruitt's first actions in office was to delay stronger safety rules on chemical plants and oil refineries. Landry was one of 11 attorneys general who requested the delay from EPA.

His September request was quickly met with approval from Pruitt's top aides, who wrote that they would try to get it on his schedule, according to emails obtained by the Sierra Club under a Freedom of Information Act request.

"I believe it would be a great opportunity," Landry wrote.

Within days, Hayley Ford, EPA's deputy White House liaison, confirmed the visit.

"I'm happy to let you know that the Administrator will be available to address this group," she wrote. "He appreciates the invitation and opportunity. Who should [we] communicate with regarding details and logistics? Specifically, exact timing and agenda for the event so we can build into his schedule? Thank you and we look forward to it!"

Pruitt later flew on a first-class flight for $2,265 to the conference, The Washington Post has reported. It has not been previously reported that Landry issued the invitation to the conference for Pruitt. In the emails, a Pruitt aide noted that the chemical association secured Pruitt a room.

Critics have accused both Pruitt and Landry of being too cozy with chemical companies. Some of Pruitt's political appointees at EPA have come directly from the American Chemistry Council, and Landry was endorsed in his attorney general bid by the Louisiana Chemical Association.

In the days before the conference, a representative for Landry invited Pruitt to have dinner with the attorney general while he was in New Orleans. Pruitt's aides declined that dinner but invited Landry to a breakfast with chemical industry representatives that EPA was organizing the next morning.

"We are organizing breakfast the morning of Fri, Oct 27 before the speaking engagement and we would be happy to have AG Landry attend if he would like," Ford wrote to one of Landry's aides. "It is more of an event, with several area CEOs and industry representatives. We don't yet have a firm location, but can share details with you as they develop this week."

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060085085/search?keyword=EPA
EPA sends 'good neighbor' smog proposal to White House
By Sean Reilly, 6/19/18

EPA, facing a tight court-ordered deadline, has sent a proposal to the White House budget office that appears geared to addressing the remaining "good neighbor" obligations for its 2008 ground-level ozone standard.

The agency forwarded the proposed rule yesterday to the Office of Management and Budget for a standard review, according to the Reginfo.gov site. That step came less than a week after a federal judge ruled in favor of New York and Connecticut in their lawsuit charging that the agency was illegally overdue in imposing federal plans to curb upwind emissions that are allegedly making it harder for the New York City metro area to meet the 2008 ozone standard of 75 parts per billion (E&E News PM, June 13).

In the order, U.S. District Judge John Koeltl of the Southern District of New York gave EPA until June 29 to sign off on a proposal for addressing those upwind emissions from Illinois, Michigan, Pennsylvania, Virginia and West Virginia. The final version is due by Dec. 6, under Koeltl's order.

EPA press staffers did not respond to requests for confirmation this morning that the proposal sent yesterday to OMB — titled "Determination Regarding Good Neighbor Obligations for the 2008 Ozone [National Ambient Air Quality Standards]" — corresponds to what is required by Koeltl's order.

Ozone, the main ingredient in smog, is produced by the reaction of nitrogen oxides and volatile organic compounds in sunlight. In their lawsuit, filed early this year, New York and Connecticut charged that pollution wafting downwind from the five other states was undermining efforts to bring the sprawling New York City metro area into compliance with the 75 ppb threshold. That area, which includes part of Connecticut, is listed as in "moderate" nonattainment for the standard. In the ensuing legal proceedings, EPA officials did not dispute that the federal cleanup plans were statutorily supposed to have been in place by last August.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136465409&item=408&prod=deln&cat=AGENCY
Mining Industry, States Fight Financial Requirements in Court
By Sylvia Carignan, 6/20/18

The mining industry and state governments want to ensure that the EPA's abandoned proposal for financial assurance against environmental disasters isn't resurrected, potentially costing the industry millions.

Environmental groups are asking the U.S. Court of Appeals for the District of Columbia Circuit to review the Environmental Protection Agency's decision under Administrator Scott Pruitt last December not to finalize the proposed rule. The American Iron & Steel Institute and 14 states are defending the EPA's decision in court documents filed June 15.

The institute argued in its filing that its members, including ArcelorMittal USA, ThyssenKrupp Industrial Solutions Inc., and SunCoke Energy Inc., would be “directly and profoundly affected by any reversal” of the EPA's decision.

If the proposed rule had been finalized, mining companies would have had to prove to the federal agency that they could pay for the environmental risks of their operations, whether through insurance, bonds, or guarantees. The mining industry and state governments were among the entities that convinced the EPA to back down from the rule in December (RIN:2050-AG61).

The 14 states supporting EPA's decision in the appeals court case are Alaska, Arizona, Arkansas, Colorado, Louisiana, Michigan, Montana, Nevada, New Mexico, South Carolina, South Dakota, Utah, Wisconsin, and Wyoming.

Financial Assurance Requirements
Some states have their own requirements for financial assurance. According to the states’ June 18 court filings, Nevada holds nearly $2.8 billion in financial assurance for hardrock mines, while New Mexico holds more than $600 million.

State requirements make federal rules unnecessary, the states argued, and a federal program would risk pre-empting existing state programs.

"EPA would put at risk billions of dollars in financial responsibility already in place under state laws," the states said in their court filings.

The agency decided Dec. 1, 2017, not to issue a rule addressing financial assurance specifically for hardrock mining operations. The rule would have cost the industry more than $170 million annually, according to the EPA, and companies said the rule duplicates existing requirements at the state level.

Hardrock mining refers to the extraction of hard metals, such as gold, copper, iron, zinc, and lead. About 200 facilities would have been subject to the proposed rule.

Earthjustice is one of the groups asking the court to review the rule. Lisa Evans, senior counsel for Earthjustice, told Bloomberg Environment that a federal regulation for financial assurance at hardrock mining sites is important to cover cleanup costs.

"At hardrock mining site after mining site, hazardous contamination has occurred, and the cost of cleanup at these sites can be over a billion dollars at each site," she said.

Weak Oversight

The EPA's weak oversight of companies' insurance against environmental disasters leaves them open to billions of dollars in financial risk, the agency's inspector general reported in December.

The agency accepts companies' self-insurance against environmental contamination, but it doesn't require full disclosure of possible risks and doesn't have a data system capable of validating insurance for companies facing multiple liabilities, the inspector general said. When a company is unable to pay for cleanup, the costs could fall to the EPA and the property could become a Superfund site.

Sites on the EPA's National Priorities List, also known as Superfund sites, are the most contaminated in the country. Listed sites include the Pearl Harbor Naval Complex in Hawaii, Bonita Peak Mining District in Colorado, and Portland Harbor in Oregon.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=136465397&item=408&prod=deln&cat=AGENCY

States in the Dark About EPA Effort to Tackle Upwind Air Pollution (1)

By Amena H. Saiyid

The EPA is keeping mum about its plans to address emissions of smog-forming pollutants that prevent downwind states from meeting federal ozone pollution requirements.

The proposal was submitted June 18 to the White House Office of Management and Budget for interagency review before being publicly released.

The Environmental Protection Agency acknowledged in a brief summary of the proposal that it partially addressed what is known as the Clean Air Act's good neighbor provision as part of its 2016 update to the Cross-State Air Pollution Rule, an interstate emissions trading program.

The agency stopped short of saying what it plans to do in the upcoming rulemaking.

The good neighbor provision requires states to address problems with downwind pollution. EPA air officials recently told the 12 states and the District of Columbia that make up the Ozone Transport Commission that they prefer states draft their own plans to keep their pollution from affecting their neighbors, rather than grant state petitions seeking federal limits on emissions from specific power plants and other facilities.

Power plants are the largest sources of nitrogen oxides, a precursor to ozone, which causes a variety of health problems, especially for children, the elderly, and people with asthma.

The EPA didn't respond to a request for more details on the proposal, and the National Association of Clean Air Agencies also declined to comment.

Back in 2016, the EPA described its rule addressing interstate transport of power plant pollution as a cost-effective yet "partial remedy" to help downwind states meet the national ozone standard of 75 parts per billion that were set in 2008. However, the agency added, "The EPA will continue to look at the availability, cost-effectiveness, and timing of emissions reductions from other sectors for potential inclusion in a future interstate transport rule."

The cross state air pollution rule identified the states contributing one percent of pollution, and then assigned them reduction obligations based on reductions that could be made within a certain cost threshold, Janet McCabe, who served as EPA's acting assistant administrator for air and radiation during the Obama administration, told Bloomberg Environment.

"That amount of reductions was not enough to fully address the upwind obligation to certain downwind states, so we referred to it as a 'partial' solution," McCabe said. "I don't know what this rule will say, of course. It may require additional reductions from those one percent upwind states, or it may propose that further reductions aren't needed."

It is unclear whether the EPA is crafting another interstate rule to address emissions from other sources, such as automobiles and personal care products, such as aerosols, state and former EPA officials told Bloomberg Environment.

All Eyes on Proposal

"The way EPA has handled cross state air pollution in the past has been very controversial, and it may be that they are planning to change that, but we won't know until we actually see the proposal," Jeff Holmstead, former EPA assistant administrator for air and radiation under President George W. Bush who now is a partner in Bracewell LLP's Washington office.

The EPA's policy required upwind states to control power plant emissions if downwind states found themselves out of compliance by even a single percent of the national ozone standard, Holmstead said.

Alternatively, the EPA may decide that it already has addressed the good neighbor provision in 2016, and will do no more using the cost criteria it set up in the 2016 rule, Paul Miller, deputy director and chief scientist for the Northeast States for Coordinated Air Use Management (NESCAUM), told Bloomberg Environment. The group is an association of eight Northeast states.

Northeastern states are concerned about ozone-forming pollution blowing in from upwind states because monitoring shows that the greater New York City area and parts of Connecticut will be out of compliance with the 2008 as well as the 2015 ozone standards of 70 ppb.

"I am going to be interested if this is EPA's attempt to address lingering significant contributions beyond the update to the 2016 Cross-State Air Pollution rule, and particularly how they address costs to determine whether there are any highly effective controls available in those 22 states. If not, they are imposing huge costs on downwind states," Miller said.

As part of the 2016 updates, the EPA said it would work with Western states to meet the ozone standard on a case-by-case basis. Western states said the EPA needs to assist with studies to understand the influential role played by natural sources, such as wildfires, as well as long-range transport of pollutants that account for ozone exceedances.

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 7/2/2018 2:46:02 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: FOR REVIEW/APPROVAL FW: Story re: EPA aides testimony

Ex. 5 - Deliberative Process

From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Monday, July 2, 2018 10:02 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Cc: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: Story re: EPA aides testimony

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Among the things we understand they told interviewers:

--They maintained that the administrator pressed to travel first-class or via private jet

--Dravis said that Mr. Pruitt asked his subordinates to do non-official work for him

--Dravis told investigators that the administrator wanted his spouse to find a post with an annual salary of more than $200,000. (To be clear, we don't say this actually happened. And we also make clear that Cleta Mitchell has said she was the point person in helping with the job search).

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--In addition, Jackson said he and Dravis had raised concerns about the administrator's decision to begin routinely traveling first class.

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As always, feel free to reach either of us by phone or email. I'm in transit at the moment but should be at the office soon. Juliet is on the road today and will be reachable on and off.

Many thanks,

Brady

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Brady Dennis

Staff Writer

The Washington Post

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Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
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To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: FW: Story re: EPA aides testimony

First inquiry on this topic...

From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Monday, July 2, 2018 10:02 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Cc: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
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Brady

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Message

From: Wooden-Aguilar, Helena [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=991AB84F64BE4B6B9DD10A68C81887B0-HAWODD]
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Subject: Fwd: Administrator's Travel Discussion Document with OCFO/OC Edits
Attachments: Audit Objective 1 V2 (003).docx; ATT00001.htm; Audit Objectives 2 and 3 Version 3.docx; ATT00002.htm; Attachment - Objective 1.xlsx; ATT00003.htm

Helena Wooden-Aguilar
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wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Date: June 29, 2018 at 1:16:57 PM EDT
To: "Trent, Bobbie" <Trent.Bobbie@epa.gov>
Cc: "Conklin, Jeanne" <Conklin.Jeanne@epa.gov>, "Anthony, Sherri" <Anthony.Sherri@epa.gov>, "Jones-Peeler, Meshell" <Jones-Peeler.Meshell@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: RE: Administrator's Travel Discussion Document with OCFO/OC Edits

Bobbie- I apologize for the delay. I have attached your latest versions and added my/COS additional comments. Please let me know if it is clear. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I am here if you need anything else.

Helena

From: Trent, Bobbie
Sent: Thursday, June 28, 2018 9:52 AM
To: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Cc: Conklin, Jeanne <Conklin.Jeanne@epa.gov>; Anthony, Sherri <Anthony.Sherri@epa.gov>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>
Subject: RE: Administrator's Travel Discussion Document with OCFO/OC Edits

I apologize for being unclear please send everything to me/OCFO, thank you.

Bob Trent

OCFO/OC/PTAD/MIAB
202-566-0983

From: Wooden-Aguilar, Helena
Sent: Thursday, June 28, 2018 9:43 AM
To: Trent, Bobbie <Trent.Bobbie@epa.gov>
Cc: Conklin, Jeanne <Conklin.Jeanne@epa.gov>; Anthony, Sherri <Anthony.Sherri@epa.gov>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>
Subject: Re: Administrator's Travel Discussion Document with OCFO/OC Edits

Yes to sending COS's comments to OIG (with a cc to all) or yes to sending to you?

Helena Wooden-Aguilar
Acting Deputy Chief of Staff
Office of the Administrator
U.S. Environmental Protection Agency
202-564-0792 (office)
Ex. 6 - Personal Privacy mobile)
wooden-aguilar.helena@epa.gov

On Jun 28, 2018, at 9:40 AM, Trent, Bobbie <Trent.Bobbie@epa.gov> wrote:

Hi Helena:

I left you a voicemail, too, yes, please send your remaining comments and reply all, thank you.

Bob Trent
OCFO/OC/PTAD/MIAB
202-566-0983

From: Wooden-Aguilar, Helena
Sent: Wednesday, June 27, 2018 5:32 PM
To: Trent, Bobbie <Trent.Bobbie@epa.gov>
Cc: Conklin, Jeanne <Conklin.Jeanne@epa.gov>
Subject: Re: Administrator's Travel Discussion Document with OCFO/OC Edits

Hello Bobbie - I have a few more edits to the documents I previously sent. Can I send those forward to you? Also, the COS has some edits as well and wants to send those directly to the audit team on Friday. Is that possible? Helena

Helena Wooden-Aguilar
Acting Deputy Chief of Staff
Office of the Administrator
U.S. Environmental Protection Agency
202-564-0792 (office)
Ex. 6 - Personal Privacy (mobile)
wooden-aguilar.helena@epa.gov

On Jun 20, 2018, at 10:24 AM, Trent, Bobbie <Trent.Bobbie@epa.gov> wrote:

Nikki and Khary:

Ex. 5 - Deliberative Process

Bob Trent
OCFO/OC/PTAD/MIAB
202-566-0983

From: Wooden-Aguilar, Helena
Sent: Wednesday, June 20, 2018 9:27 AM
To: Trent, Bobbie <Trent.Bobbie@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Anthony, Sherri <Anthony.Sherri@epa.gov>; Brookshire, Malena <Brookshire.Malena@epa.gov>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>; Conklin, Jeanne <Conklin.Jeanne@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Subject: RE: Administrator's Travel Discussion Document with OCFO/OC Edits

Bobbie-

I am attaching my comments and edits to the document you shared. I have also sent additional documentation to the OIG auditor's on June 15th. I have included the documentation on this message as a FYI. I copied you and Jeanne on that message.

Thanks,

Helena

From: Trent, Bobbie
Sent: Friday, June 15, 2018 9:23 AM
To: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov<mailto:Wooden-Aguilar.Helena@epa.gov>>; Packard, Elise <Packard.Elise@epa.gov<mailto:Packard.Elise@epa.gov>>
Cc: Anthony, Sherri <Anthony.Sherri@epa.gov<mailto:Anthony.Sherri@epa.gov>>; Brookshire, Malena <Brookshire.Malena@epa.gov<mailto:Brookshire.Malena@epa.gov>>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov<mailto:Jones-Peeler.Meshell@epa.gov>>; Conklin, Jeanne <Conklin.Jeanne@epa.gov<mailto:Conklin.Jeanne@epa.gov>>
Subject: Administrator's Travel Discussion Document with OCFO/OC Edits

Good Morning:

Please find attached the OCFO/OC edited version of the discussion document for you to add your edits and comments. If you could return this to me by COB Wednesday, June 20, 2018, I will consolidate your comments for review by Jeanne Conklin and then to the CFO, after their review if there are any substantial edits from our review I will circle back to you with the document. We plan on providing the OIG our edited version and any supplemental documentation on Friday, June 29, 2018. If you have any questions or concerns, please let me know, thank you.

Bob Trent
OCFO/OC/PTAD/MIAB
202-566-0983

Ex. 5 - Deliberative Process

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 7/2/2018 4:09:28 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: RE: FOR REVIEW/APPROVAL FW: Story re: EPA aides testimony

Resending this for your review Ryan and Jahan:

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Monday, July 2, 2018 10:46 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: FOR REVIEW/APPROVAL FW: Story re: EPA aides testimony

Ex. 5 - Deliberative Process

From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Monday, July 2, 2018 10:02 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Cc: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: Story re: EPA aides testimony

Hi all,

Hope you're staying cool in the swelter. We wanted to touch base with you about a story that likely will post sometime later today, as far as we know, and run in print tomorrow. It primarily deals with some of the testimony that Samantha Dravis and Ryan Jackson gave to House Oversight staffers late last week.

Among the things we understand they told interviewers:

--They maintained that the administrator pressed to travel first-class or via private jet

--Dravis said that Mr. Pruitt asked his subordinates to do non-official work for him

--Dravis told investigators that the administrator wanted his spouse to find a post with an annual salary of more than $200,000. (To be clear, we don't say this actually happened. And we also make clear that Cleta Mitchell has said she was the point person in helping with the job search).

-- Dravis described how Mr. Pruitt asked her and another former top aide, Sarah Greenwalt, to provide pro bono legal advice by reviewing a rental agreement he wanted out of early. The Pruitts lived briefly in Washington's U St. corridor before relocating, a move that forced them to pay a penalty.

--Jackson told interviewers that he had helped connect Pruitt with a fellow Oklahoman, lobbyist J. Steven Hart, to reach a housing deal in early 2017. The initial arrangement--under which Pruitt agreed to pay $50 a night only on the days when he stayed in the condo owned by Hart's wife, Vicki--was supposed to last six weeks, Jackson told House staffers.

--In addition, Jackson said he and Dravis had raised concerns about the administrator's decision to begin routinely traveling first class.

(FYI, we got this email from Ryan: "Committee counsel explicitly asked me at the beginning of the morning not to reveal what the Committee asked me about. I don't know if there's an obligation to follow that, but I intend to follow that request.")

In addition, the story includes a mention of how Reginald Brown, who handled the administrator's financial disclosure documents in early 2017, took the unusual step of asking an EPA ethics official to help make sure that the incoming EPA administrator abided by federal rules around travel and political activity. Also, we understand that Oklahoma State Supreme Court Justice Patrick Wyrich, who worked as the state's solicitor general while Pruitt served as attorney general, cautioned Pruitt before and after he had taken over at EPA that excessive spending could lead to ethics problems.

As always, feel free to reach either of us by phone or email. I'm in transit at the moment but should be at the office soon. Juliet is on the road today and will be reachable on and off.

Many thanks,

Brady

****

Brady Dennis

Staff Writer

The Washington Post

202-334-7745

brady.dennis@washpost.com

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 7/2/2018 4:02:25 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]
Subject: Re: Story re: EPA aides testimony

RJ -

Let me know if you need anything from me on this inquiry.

On Jul 2, 2018, at 10:23 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you.

From: Konkus, John
Sent: Monday, July 2, 2018 10:08 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: FW: Story re: EPA aides testimony

First inquiry on this topic...

From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Monday, July 2, 2018 10:02 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Cc: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: Story re: EPA aides testimony

Hi all,

Hope you're staying cool in the swelter. We wanted to touch base with you about a story that likely will post sometime later today, as far as we know, and run in print tomorrow. It primarily deals with some of the testimony that Samantha Dravis and Ryan Jackson gave to House Oversight staffers late last week.

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--Dravis told investigators that the administrator wanted his spouse to find a post with an annual salary of more than $200,000. (To be clear, we don't say this actually happened. And we also make clear that Cleta Mitchell has said she was the point person in helping with the job search).

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(FYI, we got this email from Ryan: "Committee counsel explicitly asked me at the beginning of the morning not to reveal what the Committee asked me about. I don't know if there's an obligation to follow that, but I intend to follow that request.")

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As always, feel free to reach either of us by phone or email. I'm in transit at the moment but should be at the office soon. Juliet is on the road today and will be reachable on and off.

Many thanks,

Brady

****

Brady Dennis

Staff Writer

The Washington Post

202-334-7745

brady.dennis@washpost.com

Message

From: Jones, Enesta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]
Sent: 7/9/2018 7:56:09 PM
To: AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]
Subject: Daily News Clips, 7/9/18

Acting Administrator Wheeler

Bloomberg Environment: Tread Carefully on Policy Conflicts, Watchdogs Warn New EPA Head

Bloomberg Environment: New EPA Chief Has Questioned Agency Actions—Like Pruitt Did

E&E News: Wheeler allies expect Democratic support for acting chief

E&E News: Wheeler's not the Big Oil guy some imagine

E&E News: Wheeler once tweeted about 'climate alarmists'

E&E News: Pruitt's gone. But his problems remain for aides

E&E News: Will Wheeler follow Pruitt on security, travel, access?

E&E News: Who's Andrew Wheeler? Social media offer clues

Politico: Pruitt leaves behind a long to-do list

Politico: Wheeler aims for improved transparency at EPA

Wall Street Journal: Acting EPA Chief Plans to Stick With Trump's Priorities

Washington Post: Incoming EPA chief: 'This is the right job for me.'

Air

Bloomberg: Trump-Ordered Talks on Future of Fuel Economy Stuck in Neutral

Bloomberg Environment: Revisions of Air Pollution Permits Will Stay on Course At EPA

Bloomberg Environment: Air Permitting for Factories, Refineries Gets White House Review

Bloomberg Environment: Petroleum Refineries Get Breathing Room to Meet Toxic Air Limits

Chemicals

Bloomberg Environment: BASF to Stop Making Cosmetic Chemical in U.S.

ProPublica: How the EPA and the Pentagon Downplayed a Growing Toxic Threat

North Dakota Tour

Ag Week: EPA officials visit ND for Grain Growers Association's 25th E-Tour

AgweekTV Full Show: EPA in ND, SD pork industry, life after CRP

Red River Farm Network: ND Grain Growers Host 25th Annual E-Tour

Williston Herald: EPA drops by for friendly visit

Officials

The Hill: EPA nominees start working at agency before Senate confirmation votes

Transportation

New York Times 'Super Polluting' Trucks Receive Loophole on Pruitt's Last Day

Incoming EPA chief: 'This is the right job for me.'
https://www.washingtonpost.com/news/energy-environment/wp/2018/07/06/incoming-epa-chief-this-is-the-right-job-for-me/?utm_term=.d5dfaeaf81c1
by Brady Dennis and Juliet Eilperin July 6 at 7:56 PM

In some ways, Andrew Wheeler — former Environmental Protection Agency career staffer, Republican Senate aide, energy lobbyist — could hardly be more different from the man he is replacing as head of the EPA.

Where Scott Pruitt was a career politician who enjoyed the limelight, Wheeler has worked behind the scenes on energy and environmental law. Pruitt filled his time at the agency by traveling the country, speaking to groups of industry executives and praising President Trump. As the EPA's deputy administrator, Wheeler has spent much of his short tenure meeting with career staffers and delving into the policy weeds at the agency's headquarters.

But this much is clear: Wheeler intends to pursue many of the regulatory rollbacks Pruitt put in motion and to carry out Trump's promises of a more efficient, less powerful EPA. A day after the president asked for Pruitt's resignation amid a flurry of ethics scandals, the EPA's acting administrator spoke with The Washington Post about what comes next. The interview has been edited for length and clarity:

Washington Post: How do you feel arriving as administrator under these circumstances? And what's the message you're giving to employees who have been through a tumultuous time?
Andrew Wheeler: I sent out an all-hands statement to all the employees yesterday evening. One, thanking the administrator for his service, and then telling everybody that it's work as usual — we're all working together — and that I share the core mission of the agency, which is to protect public health and the environment.

WP: Can you expand a little on that and what you're going to do in terms of continuing the policies that Scott Pruitt put in motion? As you can imagine, Democrats and environmentalists are making the argument that you're an even more skilled deregulator.
Wheeler: A more skilled deregulator?

WP: Do you reject that notion?
Wheeler: I don't get that notion. I'll have to think about that. I've actually seen a lot of things about me in print the last day or two. But I would say that the agenda for the agency was set out by President Trump. And Administrator Pruitt has been working to implement that. I will try to work to implement the president's agenda as well. I don't think the overall agenda is going to change that much, because we're implementing what the president has laid out for the agency. He made several campaign promises that we are working to fulfill here. But there will probably be a little bit of difference in the way Administrator Pruitt and I will talk about some issues. There have already been some differences in how I've talked to EPA employees since I've been here.

You know, I had the benefit of having the longest confirmation process for a deputy administrator in EPA history. So I had some time to think about what I wanted to do as the deputy. I took a hard look at the major criticisms that the agency has received over the last 20 some years. What can be changed? What can be fixed? What can be put in a different direction? And how does all that fit under cooperative federalism, return to rule of law and getting back to basics of the agency?

Since I've been here, I've been going around talking to groups of career employees. I've been to three of our regions, and I've been to our Research Triangle Park lab in North Carolina. I've talked about what I want to try to accomplish on behalf of the administration, on behalf of the president. I really think we need to provide more certainty to the American public. And I look at certainty in three different areas. The first is certainty on permits. The second is certainty on enforcement actions. And the third — the one that's most important to me — is certainty on risk communication.

WP: As you know well, one of the criticisms of Mr. Pruitt was a lack of transparency in who he was meeting with and what he was doing with his time at the agency. Do you plan to put in place mechanisms to be more transparent, in letting the public be aware of the work that's being done?
Wheeler: I'm not going to criticize my predecessor in any way. But I will answer by saying this: I cut my teeth as a career employee here at the EPA in the early '90s working on the Community Right-to-Know Act. And I believe that my time on the Hill and in the legislation I worked on — how I addressed all statutes, how I addressed all laws — was that the more information we make available to the American public, the more transparency we have, the better our decisions will be. The more open we are, the better it is for everyone.

That's how I cut my teeth on environmental law. And that's been part of my core beliefs in the agency and how I look at environmental issues. The more transparent we are, the better understood our decisions will be.

WP: On climate change, that's been a key issue. As staff director, one of the things you did working with [Senate Environment and Public Works Committee Chairman James M.] Inhofe was, while he talked a lot about questioning climate science, you expanded what he talked about to really include things like the economic costs of these regulations. Can you talk a little about how you see your approach to climate, as well as science, including the changes we've seen to the Scientific Advisory Board?
Wheeler: Sure. There are a couple questions embedded in that. You're right, when I went over to the Senate, I personally focused more on the cost side on the climate debate — the cost-benefit and the different aspects of the legislation.

I did do my undergraduate work in biology. I do not consider myself to be a scientist, and I've always deferred to career scientists on issues of science. I've done that in the two and a half months I've been here, and I'll continue to do that. On the Science Advisory Board, I think it's important to be very transparent, and I think it's important to make sure people who serve on the science advisory boards don't have conflicts of interest.

While I was not here last year when the Science Advisory Board was reconfigured . . . I understand the desire to make sure that the people serving on the board weren't also benefiting from science grants from the agency. I do think that's important to make sure that there are not conflicts of interest. Hopefully, you saw my recusal statement where I did not seek any waivers, and I don't plan to seek any waivers. I think it's important to make sure that we address conflicts of interest very openly and upfront.

WP: Can you summarize where you stand on climate change and, more importantly, EPA's role in dealing with that problem?**Wheeler:** I do believe climate change is real. I do believe that people have an impact on the climate. What's the most important — and I'm glad you asked it that way — is the second half of your question is, what is EPA's role there?

I think our role is to follow the statutes that are provided to us by Congress. And I think that the statutory directives are very small. My criticism of the Obama administration's Clean Power Plan was that it was outside the four corners of the Clean Air Act. And I think the fact that the Supreme Court took the unprecedented move of issuing a stay showed the fact that the law probably would

not have held up in court. So I think as we move forward on a potential replacement for the Clean Power Plan, you're going to see us taking a hard look at what the act says and the authorities the act gives us, and we'll put something forward that follows the law.

I know that there's a number of senators that would like us to go much further, but of course environmental organizations would love us to go much further. But you're not going to see the EPA, at least under my direction, make up a lot as we go along. We're going to follow the law that Congress has given us.

WP: To follow up on that, do you hold that, for example, the "endangerment finding" [that created the basis for regulating carbon dioxide as a pollutant] is settled law? Or would you say that there's also an open question about whether that is a proper interpretation of the Clean Air Act?
Wheeler: On the endangerment finding, I was very critical of the method that the agency used to come up with the endangerment finding, that they did not do independent analysis, that they relied upon the [Intergovernmental Panel on Climate Change]. And that was litigated; it was taken to the U.S. Circuit Court, and the Circuit Court upheld the EPA position. So I consider that to be settled law. There would have to be a major, compelling reason to try to ever reopen that. I don't think that's an open question at this point.

WP: Before coming to the EPA in recent years, you worked as a lobbyist for some of the industries that you'll now be responsible for regulating. How will you approach regulating those industries, many of which are heavily invested in what comes out of EPA?
Wheeler: You're right, I did work for a number of different industries, a number of different companies. I did not lobby the EPA for at least the last two years. In fact, our communications team today has tried to press me to remember how long ago it was that I actually lobbied the EPA, and I can't remember. It's been at least three or four years, maybe longer. The only EPA issue that I've actually lobbied on the last couple of years was the Energy Star program, and that was on behalf of a client who was fighting to keep the integrity of the EPA program intact. It was to defeat a Senate Republican amendment that wanted to do away with third-party certification.

So, I mean, anybody could take a look at any one of my clients and say, "Well, you might be biased this way or you might be biased that way." I've spent a career working on multiple issue areas and multiple sides of different issues. Having started my career at EPA, having worked on the Hill for two different members who didn't agree on every issue, and then working in the private practice, where I've worked on behalf of different clients — I don't think I'm biased.

I certainly have no fiduciary arrangements with any of my former clients or my former law firm. I don't benefit financially from anything like that. And I think there's been enough distance on the EPA issues that I've worked on in the past where I don't believe I have bias in any particular way on any of these issues. But I think the experience that I've had working as a consultant, working on the Hill, working as a career employee of the agency, has really prepared me well for this job at this point in my life.

WP: For someone who is so often described as low-profile, this doesn't seem the type of job that you can really avoid the spotlight. How do you feel about that part of it?
Wheeler: I really did not seek this job out, to be acting administrator. I was very content being the deputy. So I'm going to have to deal with that. But I have been in D.C. now for over 25 years. I realize that I'm walking into a job that's going to be a lot more high-profile than I would have wanted. But I really do think [that] my background, at this point in time, that this is the right job for me.

'Super Polluting' Trucks Receive Loophole on Pruitt's Last Day
https://mobile.nytimes.com/2018/07/06/us/glider-trucks-loophole-pruitt.html
July 6, 2018 By Eric Lipton

WASHINGTON — In the final hours of Scott Pruitt's tenure as administrator, the Environmental Protection Agency moved on Friday to effectively grant a loophole that will allow a major increase in the manufacturing of a diesel freight truck that produces as much as 55 times the air pollution as trucks that have modern emissions controls.

The move by the E.P.A. came after intense lobbying by a small set of manufacturers that sell glider trucks, which use old engines built before new technologies significantly reduced emissions of particulates and nitrogen oxide that are blamed for asthma, lung cancer and other ailments.

It was just as strongly opposed by an unusual alliance of public health groups like the American Lung Association, environmental groups like the Environmental Defense Fund and major industry players like United Parcel Service, the largest truck fleet owner, and Volvo Group, one of the largest truck manufacturers.

The shift in agency policy came quietly late Friday, the last day of work for Mr. Pruitt, who resigned after several ethics scandals. But agency officials confirmed to The New York Times that, through the end of 2019, the E.P.A. will not enforce an annual cap of 300 gliders per manufacturer that had been imposed in January.

The glider truck concept began so the engines of relatively new trucks that had been involved in accidents could be transferred to new truck bodies. But as the emissions control requirements went into effect in recent years, companies like Fitzgerald Glider Kits of Crossville, Tenn., began to attract thousands of buyers from around the United States — including many small fleet owners — that wanted to evade the new rules, getting trucks they argued were cheaper to run.

Fitzgerald made about 3,000 of these trucks in 2017, a production rate that it will now be allowed to return to. An estimated 10,000 glider trucks were sold nationally in 2015 — about 4 percent of new heavy-duty truck sales — and production could soon return to that level.

"The Agency is exercising its enforcement discretion in 2018 and 2019," Molly Block, an agency spokeswoman, said in a statement late Friday, meaning that it is notifying glider manufacturers that even though the limit legally remains in place, the companies can effectively ignore it.

The agency, she said, is also considering formally delaying the 300-unit cap until December 2019 — by which point it hopes to have permanently repealed the cap. The rollback was immediately condemned by environmental groups, which have appealed to the White House to block the E.P.A. from creating the loophole. They noted that the effort to reduce air pollution caused by diesel trucks had been embraced by Democratic and Republican administrations for nearly two decades.

Vickie Patton, the general counsel at the Environmental Defense Fund, blamed both Mr. Pruitt and Andrew Wheeler, the No. 2 official at the E.P.A. who will become its acting administrator.

"Pruitt and Wheeler are creating a loophole for super polluting freight trucks that will fill our children's lungs with toxic diesel pollution, ignoring public comments from moms and leading businesses across the country," she said.

Ms. Block did not respond when asked what role, if any, Mr. Wheeler played in the decision.

One year's worth of truck sales was estimated to release 13 times as much nitrogen oxide as all of the Volkswagen diesel cars with fraudulent emissions controls, a scheme that resulted in a criminal case against the company and more than $4 billion in fines.

Mr. Pruitt had championed the rollback, claiming that the E.P.A. did not have the legal authority to force companies like Fitzgerald to significantly reduce production of glider trucks. But that move came only after Fitzgerald donated tens of thousands of dollars to Representative Diane Black, Republican of Tennessee, who is a candidate for governor there, and who asked Mr. Pruitt to reverse the rule.

Mr. Pruitt announced his intention to eliminate the 300-unit limit last year, but it was slowed down by the White House. Agency officials said the White House asked the E.P.A. to do a more comprehensive study of the environmental and economic impacts of his proposal — an unusual move during the Trump administration. Executives at Fitzgerald did not respond Friday to a request for comment. But in an opinion piece written in April, Tommy Fitzgerald Sr., its chief executive, praised Mr. Pruitt and blamed industry competitors, like Volvo, that sell new trucks for the now-delayed regulatory effort.

(Emails released through a Freedom of Information request show that E.P.A. officials had been working with an executive from Volvo Group North America to perform tests on glider trucks that would be used to challenge the effort by Mr. Pruitt.)

"The new truck industry conspired with the Obama EPA to try to put us out of business," Mr. Fitzgerald wrote, adding, "Our goose was cooked until President Trump and Pruitt came to town."

Revisions of Air Pollution Permits Will Stay on Course At EPA
https://news.bloombergenvironment.com/environment-and-energy/revisions-of-air-pollution-permits-will-stay-on-course-at-epa
Posted July 6, 2018, 5:34 PM
By Amena H. Saiyid

- No change in new source review revisions under acting EPA chief's leadership
- Wheeler is more interested in program changes than making public appearances

The pace of changes to the Clean Air Act permitting program for new or expanded facilities will likely continue under the leadership of Acting EPA Administrator Andrew Wheeler, former state and federal officials told Bloomberg Environment.

Outgoing EPA Administrator Scott Pruitt, who resigned July 5, was at odds with the agency's air chief, Bill Wehrum, over the pace at which changes to the air pollution permitting program should proceed.

While Pruitt favored a comprehensive overhaul of the permitting program known as new source review, Wehrum is pushing incremental program changes through a combination of guidance and rulemakings. Wheeler isn't expected to change the direction Wehrum is taking.

Under the new source review program, refineries, manufacturing plants, paper mills, and power plants are required to install new pollution controls for emissions increases that result from making any changes to their plants or operations.

Jeffrey Holmstead, an attorney with Bracewell LLP who served as the EPA air chief under President George W. Bush, said Wehrum's approach will be backed by Wheeler, and other environmental attorneys agreed.

"I don't think we will see any change in the way EPA approaches new source review reforms," Holmstead said, adding that Pruitt, too, had come around to Wehrum's approach.

New Source Review Changes

At a recent Air & Waste Management Association meeting in Hartford, Conn., Wehrum outlined the agency's plans to revisit the definition of ambient air in the context of reforming the new source review program.

Under the law, industrial facilities are required to monitor ambient air, or the air we breathe, at the fenceline of their properties to ensure that the area's air quality standards are maintained. The industry wants the provision on ambient air revised so that controls aren't required at locations where public exposure is unlikely.

Under Wehrum's instructions, the EPA would issue guidance this fall to build on its 2016 rule that defined how oil and gas operations that share equipment and are a quarter mile apart are treated as adjacent for permitting purposes.

The agency also has decided to reconsider the 2009 rule that allows a facility to aggregate or clump emissions increases from two separate yet related projects for permitting purposes. This proposed rule will be heading to the White House Office of Management and Budget in the next couple of weeks.

"There is no reason for EPA to change course," Richard Alonso, a Sidley Austin LLP attorney who focuses on Clean Air Act issues, told Bloomberg Environment. Alonso is a former EPA air enforcement official.

The big difference between Pruitt and Wheeler is that the outgoing EPA chief was focused on press appearances and speeches, while "Andy is more interested in managing the agency pushing forward with agency reforms," Holmstead said.

Frank O'Donnell, president of the nonprofit Clean Air Watch, recalls when Wheeler, as Republican staff director for the Senate Environment and Public Works Committee, was instrumental in pushing changes to the new source review program under Bush's Clear Skies initiative, which set caps on emissions of sulfur dioxide, nitrogen oxides and mercury from power plants.

"All of that was about wiping out the new source review programs," O'Donnell said.

Acting EPA Chief Plans to Stick With Trump's Priorities
Andrew Wheeler says the agency will push for changes in the Clean Power Plan and improve how it deals with polluters and environmental crises
https://www.wsj.com/articles/new-epa-chief-plans-to-stick-with-trumps-priorities-1530919299
By Timothy Puko and Heidi Vogt

The acting head of the Environmental Protection Agency said Friday he plans to stick with President Donald Trump's priorities, including changing the Clean Power Plan, de-emphasizing climate-change initiatives and improving how the agency deals with polluters and environmental crises.

The agency's new chief, the former coal and energy lobbyist and ex-EPA staffer Andrew Wheeler, said in an interview that the agency won't shift from the direction established by Scott Pruitt, who resigned the post a day earlier amid a series of allegations of ethics and spending lapses.

"If the environmentalists think [Mr. Trump is] going to make promises and we're going to do the opposite, then there's not a lot of common ground to work on," Mr. Wheeler said. "I'm going to continue to move forward with those" priorities Mr. Pruitt laid out on behalf of Mr. Trump.

The White House on Thursday elevated Mr. Wheeler from deputy administrator after Mr. Pruitt resigned in the middle of more than a dozen ethics investigations.

Many in the business community and the GOP have welcomed the EPA's direction in the Trump era, after maintaining that the agency under President Barack Obama was excessive in its regulatory regimen and stifled business. Environmentalists cheered Mr. Pruitt's departure and have been harshly critical of Mr. Wheeler as a replacement, citing his past work for energy companies.

Mr. Wheeler spent his initial weeks at the agency going to meet career staff in headquarters and at regional offices in part to emphasize how the agency can get better at core Trump administrative initiatives, namely more clarity of permitting and enforcement and better communications with the public.

Mr. Wheeler also said he would like to ratchet down the political rhetoric surrounding the EPA.

"You might see a shift in terms of how I talk about some things," he said. "I have thought for years environmental issues need to be depoliticized. In 1991 when I came to town they were not as politicized as they are today. And I would love to return to that."

Jeff Holmstead, a former EPA official under George W. Bush, said Mr. Wheeler's decades in Washington and experience with the regulatory process mean he may avoid some of Mr. Pruitt's "missteps."

"I think Andy will be much more focused in shepherding these regulatory reforms through EPA as opposed to being out and giving speeches and making press appearances," Mr. Holmstead said.

Environmental groups say Mr. Wheeler isn't much of an improvement over Mr. Pruitt.

"Like Pruitt, this veteran coal lobbyist has shown only disdain for the EPA's vital mission to protect Americans' health and our environment. Make no mistake: we'll fight Wheeler's pollution agenda with the same vigor as we did Pruitt's," Ana Unruh Cohen, head of government affairs at the Natural Resources Defense Council, said in a statement.

At the top of Mr. Wheeler's list of priorities, the acting chief said, is giving businesses and the public more certainty on how long it will be before they get decisions on environmental permitting and enforcement.

"I just think we owe it to American business to get those resolved in a shorter time period," he said. "I'm not suggesting we let these people off the hook or that people won't pay fines. But we should be able to give more certainty on the time period."

Mr. Wheeler's other major priority is better communication from the agency about risks to the public. He cited the agency's failings after the Sept. 11 terrorist attacks, a mine breach in Colorado and the water crises in Flint, Mich., as inspiration for better people with accurate, up-to-date information on health risks.

Mr. Trump came into office promising sweeping changes to the agency. That led to several overhauls from Mr. Pruitt, who started rollbacks on power-plant pollution rules, vehicle-emissions limits, and EPA's power over streams and lakes.

Mr. Wheeler said that he does believe in climate change, but that there are legal limits to what EPA can do about it. And he said he shared the administration's philosophy—long held by many Republicans—of a more narrow view of EPA authority.

Mr. Wheeler referred to his time as limited, but declined to say whether he would take the agency's top role permanently if asked. He would need to be confirmed by the Senate if he were nominated. The Senate confirmed him for the deputy post in April with a 53-45 vote.

"I'm not going to decline or accept a job I haven't been offered," Mr. Wheeler said about taking the post full time. "The president asked me to step in as the acting administrator for the foreseeable future. I don't know how long that will be, but that's up to him."

Among others who might be considered: Donald Van der Vaart, formerly North Carolina's top environmental regulator; Bryan Shaw, environmental regulator in Texas and Mr. Holmstead, who said he had no comment on whether he would consider the position.

Pruitt leaves behind a long to-do list

Here are the top ongoing legal and political battles that acting Administrator Andrew Wheeler will have to tackle.

https://www.politico.com/story/2018/07/07/epa-pruitt-successor-legal-battles-wheeler-674038

By ERIC WOLFF and EMILY HOLDEN

07/07/2018 06:48 AM EDT

Scott Pruitt has left a lot of unfinished business for his successor.

For all his reputation as a deregulatory crusader — the trait that helped him stay atop the Environmental Protection Agency through months of ethics scandals — Pruitt's efforts to wipe out the Obama administration's environmental rules suffered at least five early setbacks in court.

Now EPA is adopting a more deliberate approach to undoing regulations. And that task might be better suited for new acting Administrator Andrew Wheeler, the former coal lobbyist who will run EPA at least until a permanent nominee is confirmed.

"Andy has been around these issues his whole professional career," said Jeff Holmstead, an energy lawyer and the head of EPA's air office under President George W. Bush. Wheeler "went to EPA right out of grad school, he's been working on EPA issues a long time, he comes with a more sophisticated understanding of these issues."

Matt Dempsey, a managing director at FTI Consulting who worked with Wheeler on Capitol Hill, said Wheeler will pursue largely the same policy platform as Pruitt. "I don't think you're going to see a lot of separation there," he said.

Jody Freeman, director of Harvard Law School's environment and energy program who was climate change counselor for the Obama White House, said in a tweet that "the Wheeler for Pruitt swap at EPA could be on net negative" for environmentalists.

"Wheeler is a sophisticated insider who will not make Pruitt's amateur and corrupt mistakes. Expect an iron deregulatory fist in a velvet glove," she said.

Here are the top ongoing legal and political battles Wheeler will have to tackle:

Climate change

Three federal judges have warned that EPA is running out of time to issue a draft replacement for the Clean Power Plan, the Obama rule aimed at reducing greenhouse gas emissions by spurring states to shift away from burning coal for electricity. The agency is

expected to send its proposal to the White House any day now. In the meantime, the U.S. Court of Appeals for the D.C. Circuit has been withholding a decision on legal challenges to the Obama-era rule filed by red states and industry groups.

Wheeler has opposed Obama's efforts to cut carbon pollution — but, unlike Pruitt, is not expected to pursue a public debate on the soundness of the underlying climate science. He could face pressure from the conservative activists and coal executives who had lobbied Pruitt to attack a 2009 EPA legal conclusion that obligated the agency to regulate climate change — but other Republicans fear such an effort could prove politically embarrassing.

Waters and wetlands

Pruitt arrived at EPA looking to achieve one victory in a matter of months: repealing and replacing the Waters of the U.S. rule, a 2015 regulation on waterways and wetlands that has drawn criticism from the farming, mining, development and energy industries. But just the repeal has been stalled for nearly a year.

The Obama administration produced more than 400 pages of scientific research to support its years-long effort to write the rule. Pruitt initially tried to repeal it with an 11-page proposal insisting that he had the discretion to reverse course — even if the facts and circumstances haven't changed. Last week, EPA appeared to acknowledge the shortcomings of that approach and issued a hefty set of additional paperwork that must go through its own 30-day comment period. EPA also sent its draft replacement rule to the White House for interagency review last month.

The replacement would vastly restrict the types of streams and wetlands that enjoy protection under the Clean Water Act. The repeal fight is expected to head eventually to the Supreme Court, where it recently received a major leg up thanks to the retirement of Justice Anthony Kennedy, who cast the deciding vote in a turning-point 2006 decision on the issue.

Car rules

Wheeler faces an all-out war with blue states over EPA's expected proposal to freeze tough vehicle standards. California can set its own mileage rules, which other states can adopt, but the Trump administration reportedly may try to claw back that authority. Californians hope Pruitt's departure will enable some kind of negotiated truce — but they might be looking in the wrong place. Sources say Heidi King, deputy administrator of the Department of Transportation's National Highway Traffic Safety Administration, is in the driver's seat on fuel economy rules, and King sees lowering the requirements as a key part of Trump's deregulatory agenda. EPA and NHTSA have not yet released formal proposals.

Ethanol

Wheeler inherits the bad blood that erupted during the Pruitt era between EPA and the corn interests that are key to Trump's Midwestern electoral dominance.

Pruitt achieved one rare accomplishment: For two years in a row, he managed to put the annual rule setting biofuel mandates on schedule. But his expansion of "economic hardship waivers" for small refiners infuriated ethanol interests. Wheeler will have to use all his Hill experience to convince Iowa Republican Sens. Chuck Grassley and Joni Ernst that EPA can fix the problems Pruitt created

— while simultaneously keeping oil refiners, who have gotten their way so far, happy enough that they or their allies, like Sens. Ted Cruz or Pat Toomey, don't march into the Oval Office and demand changes.

"The RFS is the law of the land. I fully support the program," Wheeler said at his confirmation hearing last year.

Ozone pollution

Another major rollback in limbo is EPA's 2015 rule creating more stringent smog, or ozone, standards, which the Obama administration had hailed as a major advance for public health.

States challenging the move had agreed to delay their lawsuit while EPA contemplated whether it could withdraw or alter the rule, but a court on Monday decided EPA had taken too long and restarted the case. Wheeler might decide to take up the gauntlet, or he could let the legal battles run their course.

Behind the scenes, EPA has granted air pollution exemptions to oil and gas producers, such as those operating in an area of Utah that aren't meeting ozone standards meant to prevent asthma and other respiratory illnesses, POLITICO reported.

The lesser-known climate treaty

EPA will play a key role in one unlikely sounding debate: Whether the Trump administration will embrace an Obama-era treaty meant to reduce the use of Earth-warming coolants called hydrofluorocarbons, found in refrigerators and air conditioning. Wheeler criticized the 2015 Paris climate deal, which Pruitt last year helped persuade Trump to exit, but he does not appear to have weighed in on the HFC treaty Obama endorsed in 2016. The Trump administration has not said whether it will submit the HFC treaty for Senate ratification, a decision Wheeler may help shape.

The D.C. Circuit struck down EPA's previous attempt to write a rule to implement the treaty, so it will be up to Wheeler and the agency's lawyers to decide whether EPA can develop another implementing regulation under a different law — or should wait for Congress to pass new statute.

The treaty has significant support from U.S. coolant manufacturers who will produce the world's supply of next generation coolants, but conservative organizations like the Competitive Enterprise Institute oppose it as new red tape.

Reshaping EPA

Aside from the sweeping rollbacks Pruitt has pursued, he has also fundamentally restructured the way the agency works, barring EPA from considering science that doesn't have publicly available data, installing conservative state and industry representatives on advisory boards and limiting the health benefits that the agency can count in considering regulations. Those changes, along with a sharp decrease in the agency's workforce, leave an agency far less likely to issue standards to curb industry pollution, environmental advocates say. EPA enforcers are aiming to issue fewer penalties and instead work with companies to comply with rules, top officials have said. Wheeler will have broad authority over those changes.

Annie Snider contributed to this report.

Wheeler aims for improved transparency at EPA
EPA is promising less secrecy under its new boss.
https://subscriber.politicopro.com/energy/whiteboard/2018/07/wheeler-aims-for-improved-transparency-at-epa-1529837
By EMILY HOLDEN

Andrew Wheeler takes over today as acting administrator after Scott Pruitt resigned amid a cloud of scandal and accusations of violating public records laws.

An EPA spokesman says Wheeler wants to improve the agency's relationship with the public and the press. Wheeler once worked as a career employee at EPA during the administration of George H.W. Bush, before long stints on Capitol Hill and as a lobbyist for coal companies and other businesses.

"As with any change in leadership you can expect a change in approach, and in this case a change in tone as well. Acting Administrator Wheeler has already stated that he puts a premium on transparency and that transparency helps the Agency so people know and understand what we are doing," EPA public affairs official John Konkus told POLITICO.

"I think you can take that mindset and apply it across the board when it comes to how EPA will be communicating with the media and the public going forward," he added. "A lot of the specifics in regards to how we will change the approach to calendars, schedules, briefings, etc. will be worked out over the coming days and weeks, but a change is coming."

In a shift from Pruitt, Wheeler plans to announce travel and speeches in advance and publish his calendars "frequently," Konkus said. And top EPA officials also plan more media briefings on policy announcements.

Wheeler allies expect Democratic support for acting chief
https://www.eenews.net/eedaily/2018/07/09/stories/1060088507
Kevin Bogardus, **E&E News reporter**
Published: Monday, July 9, 2018

Lawmakers return to Capitol Hill this week to see a new era begin at EPA.

Scott Pruitt, after months under fire for ethical lapses, resigned as administrator of the agency last week during the congressional recess. Andrew Wheeler, Pruitt's deputy, starts today as EPA's acting chief.

Democrats in Congress had called on Pruitt to step down while Republicans had grown tired of daily questions over his excessive spending and mismanagement at the agency. Wheeler is a more known quantity for lawmakers as a former longtime Senate aide and then lobbyist for energy interests.

Matt Dempsey, who worked with Wheeler on Capitol Hill as communications director for Sen. Jim Inhofe (R-Okla.), said the new EPA leader keeps a low profile that works well in policy and politics.

"Andrew is one of the good guys in Washington," Dempsey said, adding Wheeler listens to those around him and has the ability "to say why he disagrees but being able to do so in a way that makes people comfortable."

Environmentalists have already geared up to campaign against Wheeler, like they did with Pruitt. Green groups have focused on Wheeler's past lobbying, specifically his work on behalf of coal giant Murray Energy Corp. — the company's CEO, Bob Murray, is a vocal critic of the Obama-era EPA.

The Murray connection hurt Wheeler during his confirmation. Yet some Democrats see a chance for a fresh start at EPA.

Sen. Tom Carper (D-Del.), ranking member on the Senate Environment and Public Works Committee, peppered the agency with oversight letters while Pruitt was in charge.

But on Friday, he sent a missive to Wheeler where he compared the acting chief to William Ruckelshaus, who replaced the scandal-plagued Anne Gorsuch Burford as head of EPA during the Reagan administration.

"Andrew, you have been granted an enormous challenge and responsibility, but an even greater opportunity," Carper said.

"The damage Scott Pruitt has done to the Agency will not easily be undone," he said. "While you and I have not always agreed, and will not always agree, on every environmental policy matter, it is my hope and expectation that you will carefully consider the lessons of the past as you prepare to chart the Agency's future."

Carper offered a number of recommendations for Wheeler at EPA, including improving transparency at the agency as well as pulling back on several policies proposed by Pruitt.

Wheeler may have to take Pruitt's place on Capitol Hill before Carper and other senators. EPW Chairman John Barrasso (R-Wyo.) announced last month that the panel would hold a hearing in August to examine ethics allegations against Pruitt.

Asked Friday if the committee still planned to hold that hearing, with or without the former administrator, an EPW Committee spokesman said the panel didn't have any scheduling announcements to make.

As acting chief, Wheeler can lead EPA for 210 days under the Vacancies Act, although if Trump nominates someone else for administrator, that could lengthen Wheeler's time in charge until that person is confirmed.

Still, Wheeler as acting chief gives the president some political respite when it comes to the lighting rod that is EPA.

Cary Coglianese, director of the Penn Program on Regulation at the University of Pennsylvania Law School, said Trump can now wait on making his next pick to lead the agency.

"People wonder, well, why did Pruitt twist in the wind as long as he did? Maybe that's all due to the fact that Trump really liked Pruitt. But there's also a structural, political reason why it took longer for Pruitt to go: By waiting a little bit longer and now having Pruitt go, the administration can have Wheeler at the helm past the November election," Coglianese said.

"So to the extent that Trump wants to avoid another controversial appointment, as he's likely to have with the Supreme Court pick that will be announced soon, he could put this off," he said.

Wheeler himself has been mentioned as Trump's next nominee to lead EPA, along with a few others. The acting administrator, however, has not said whether he would take on the job permanently.

"I'm not going to decline or accept a job I haven't been offered," Wheeler said in an interview with *The Wall Street Journal* on Friday.

"The president asked me to step in as the acting administrator for the foreseeable future," he said. "I don't know how long that will be, but that's up to him."

The Senate confirmed Wheeler as deputy EPA administrator on a 53-45 vote this April. Three Democrats — Sens. Joe Donnelly of Indiana, Heidi Heitkamp of North Dakota and Joe Manchin of West Virginia — voted for him along with Maine Sen. Susan Collins, the lone Republican who opposed Pruitt's confirmation.

Wheeler could reinforce and perhaps expand his support in the Senate, depending how he runs EPA. He will have to handle some tricky situations that tripped up Pruitt, such as biofuel mandates.

Asked for her thoughts on Wheeler, Heitkamp brought up the renewable fuel standard. Pruitt issued waivers to refiners from the mandate, which angered farm state senators.

"Scott Pruitt said he would support the renewable fuel standard, but that clearly didn't hold water and I continued to hold his feet to the fire on that issue," Heitkamp said in a statement, noting she met Wheeler months ago where she pressed him on "the need for a strong RFS."

"I'm not going to let him forget that supporting North Dakota's farmers and biofuels workers must be a top priority for the EPA," she said.

It remains to be seen if Wheeler can calm EPA's troubled waters after months of turmoil under Pruitt.

Dempsey, Wheeler's former colleague on Capitol Hill, believes Democrats will support the acting EPA chief as he goes about his work at the agency.

"If you ask the right questions, they're going to say they like him, they respect him and they want to work with him," Dempsey said. "I don't know of anyone who knows Andrew [that] doesn't respect him."

Reporters Robin Bravender and Maxine Joselow contributed.

Wheeler's not the Big Oil guy some imagine
https://www.eenews.net/energywire/2018/07/09/stories/1060088251
Mike Soraghan, **E&E News reporter Published: Monday, July 9, 2018**

As much as new EPA chief Andrew Wheeler is associated with the fossil fuel industry, there's one aspect of it where he has little private-sector experience: oil and gas.

He lobbied for one of the country's most controversial and politically active coal companies, Murray Energy Corp., and represented the Nuclear Energy Institute. But lobbying records don't indicate any work on behalf of oil majors, independents or midstream companies. His former firm, Faegre Baker Daniels Consulting, doesn't have extensive lobbying clients in that realm, either.

He certainly has familiarity with energy issues broadly and likely experience with oil and gas. Before becoming a lobbyist, he worked for Sen. Jim Inhofe (R-Okla.), one of the most vocal advocates of the oil and gas industry in Congress, if not the most. And he has lobbied on ethanol matters.

That provides some contrast to predecessor Scott Pruitt, who came to the job with a well-established relationship with major independent oil companies in his home state of Oklahoma.

As Oklahoma's attorney general, Pruitt famously signed off on a letter to EPA written primarily by Oklahoma City-based Devon Energy Corp. In suing the Fish and Wildlife Service, he joined with an oil and gas group co-founded by Continental Resources Inc. CEO Harold Hamm, who led his re-election campaign.

Pruitt spent time at EPA maintaining and building that relationship. He attended the American Petroleum Institute's board of directors dinner at the Trump International Hotel and addressed the oil company board of directors meetings.

But the scarcity of Wheeler's oil and gas connections is no concern for the industry, said Jason Hutt, head of Bracewell LLP's environmental and natural resources practice. For starters, he said, EPA doesn't deal with oil and gas nearly as much as it does other sectors of the energy world.

"His home state doesn't put oil and gas in his DNA like Pruitt's does," Hutt said of Wheeler, who grew up in Ohio. "But I don't know that it changes all that much. Andy knows the issues."

North Dakota Petroleum Council President Ron Ness expects things to keep going in the same direction — the right one, from his perspective.

Trump administration officials at EPA do have several oil and gas priorities they're working on, starting with undoing Obama-era standards for methane emissions from new oil and gas sites. Those standards are still in place after a federal court rejected efforts to stall them.

The agency is studying whether federal regulations should be changed to allow more uses of oil and gas production wastewater. Enforcement chief Susan Bodine is shepherding a program to let oil and gas producers self-report air pollution violations.

Administration officials at the agency have also proposed withdrawing "control techniques guidelines" for production sites the Obama administration adopted in 2016 to control volatile organic compound emissions.

Wheeler once tweeted about 'climate alarmists'
https://www.eenews.net/climatewire/2018/07/09/stories/1060088523
Maxine Joselow, **E&E News reporter**
Published: Monday, July 9, 2018

Before he became EPA acting administrator, Andrew Wheeler was tweeting about "climate alarmists."

On April 6, 2009, Wheeler wrote in a tweet, "Climate alarmists refuse to debate or leave their facts at home when they do."

The tweet linked to a piece in the *American Thinker* titled "No Wonder Climate Alarmists Refuse to Debate."

In the piece, blogger Marc Sheppard accused former Vice President Al Gore and Joe Romm, the founding editor of *ClimateProgress*, of not being able to defend their beliefs about climate change.

Sheppard also dismissed the U.N. Intergovernmental Panel on Climate Change (IPCC) — whose findings are widely accepted by scientists around the world — as "overly venerated" and "politically motivated."

That year, the IPCC had released its Fifth Assessment Report, which had found: "Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen."

In contrast, Sheppard argued that the Earth had just experienced a "decade of zero-discernable warming," citing "recent reliable predictions of multi-decadal cooling."

Kevin Trenberth, a distinguished senior scientist at the National Center for Atmospheric Research and a co-author of the IPCC's Fifth Assessment Report, told E&E News that the blog post presented some "extremely misleading" claims.

The global surface temperature did, in fact, increase from 1999 to 2009, the decade that Sheppard was referring to, Trenberth said.

"But there was a massive El Niño in 1997-98," he said. "If you start off around then, of course you're not going to get much warming through 2009 on a global basis. So the key thing about that statement is [Sheppard] is very carefully choosing the beginning and endpoints. It's an extremely misleading statement. It's cherry-picking."

'I do believe climate change is real'

EPA's press office didn't respond to a question about whether Wheeler still believes the claims made in the piece, which is now 9 years old. But his recent public remarks show that his views on climate science and the endangerment finding for greenhouse gases have evolved.

Wheeler, a former principal at Faegre Baker Daniels LLP, was previously quoted on the law firm's website suggesting in 2010 that the EPA endangerment finding — which created a basis for regulating carbon dioxide as a pollutant — was vulnerable to legal challenges (*Climatewire*, Feb. 8).

The quote has since been removed from the website. And in February, Wheeler told Delaware Sen. Tom Carper in a meeting that the endangerment finding has been legally settled, according to Carper, the top Democrat on the Senate Environment and Public Works Committee.

More recently, Wheeler elaborated on his views on climate change in a lengthy interview Friday with *The Washington Post*.

"I do believe climate change is real," he told *The Post's* Brady Dennis and Juliet Eilperin. "I do believe that people have an impact on the climate."

Asked about the endangerment finding, Wheeler said, "On the endangerment finding, I was very critical of the method that the agency used to come up with the endangerment finding, that they did not do independent analysis, that they relied upon the [Intergovernmental Panel on Climate Change]. And that was litigated; it was taken to the U.S. Circuit Court, and the Circuit Court upheld the EPA position.

"So I consider that to be settled law. There would have to be a major, compelling reason to try to ever reopen that," he said. "I don't think that's an open question at this point."

Pruitt's gone. But his problems remain for aides
https://www.eenews.net/climatewire/2018/07/09/stories/1060088157
Zack Colman, **E&E News reporter**
Published: Monday, July 9, 2018

Goodbyes have been said. Social media pages were scrubbed. Agency letterhead will have a new name and title — "acting administrator" — across the top.

The Scott Pruitt era at EPA is over. But his ghost still looms.

Thirteen federal investigations into Pruitt were open before he left the agency Friday. Some of those probes could still ensnare political aides who remain on the payroll, even as acting Administrator Andrew Wheeler tries to steer the agency away from the turbulence of Pruitt's tenure.

"It's going to directly affect Wheeler because he's going to have the biggest spotlight and microscope underneath him," said Kevin Chmielewski, a former Pruitt aide who's cooperating with investigators. "That guy's not going to be able to do anything."

The probes may widen to include people like Chief of Staff Ryan Jackson, who is expected to stay on to work with Wheeler. Pruitt had blamed Jackson for authorizing pay increases through the Safe Drinking Water Act without his consent — a claim that riled Jackson's allies in the agency.

Jackson did not respond to a request for comment.

Ethics watchdogs, however, say the inquiries are largely toothless. Overseen by the EPA Office of Inspector General, the Government Accountability Office and others, all that the investigations can do is offer recommendations. Many of their findings will likely be swatted away if aides were shown to have been following Pruitt's orders, watchdogs said.

Those aides seemed to accept their ex-boss's missteps on spending and ethics in hopes of eventually working for Wheeler, who, for many, is a loyal colleague dating back to his time working for Sen. Jim Inhofe (R-Okla.).

"They hunkered down and made sure things happened. Tons of respect," a former EPA aide said. "That's the thing: Everyone's coming out of this better."

It's possible the House Oversight and Government Reform Committee, which is collecting the most damaging testimony from current and former Pruitt aides, may try to salvage some of its efforts by holding a hearing, said Jeff Ruch, executive director of Public Employees for Environmental Responsibility.

That could lead to more scrutiny of political aides who are still on EPA's payroll, but Ruch said such revelations would likely carry less weight now that Pruitt's gone.

The Trump administration has shown little interest in following its own ethics rules, having issued numerous waivers for ex-lobbyists, noted Craig Holman, a government affairs lobbyist with Public Citizen. Wheeler himself might make decisions about companies for which he lobbied within the past year. To the Trump administration's critics, he represents the same kind of conflicts of interest that dogged Pruitt.

"Their work culture has already been set, and that isn't going to change," Holman said. "[The investigations] are just going to fade away."

The outside pressure will not.

Opposition by environmental groups helped elevate Pruitt to a household name by focusing on his scandals — often through public records requests that spawned investigations. Now, they're recalibrating. Wheeler is next in line, and he will surely be a target. Other holdovers from the Pruitt regime promise to be, too. How quickly the agency emerges from Pruitt's scandals depends partly on whether his detractors are effective at targeting Wheeler (*Climatewire*, June 20).

"I don't know that it necessarily matters that Pruitt is there or not," a former senior administration official said. "I don't know if that means they're not going to continue to go after people. But Andy Wheeler is a straight arrow."

Wheeler is viewed as being more careful. Career staffers say he's taken more time to interact with them, and he's an alumnus of the agency. He could take small, symbolic steps to build trust by disbanding or shrinking the around-the-clock security detail Pruitt demanded and restoring the employee gym benefits that Pruitt tossed, Ruch said.

Those are the types of action that could insulate Wheeler and the remaining political aides from widening investigations associated with Pruitt's tenure, Ruch said.

"We have the impression that Wheeler is more collegial. Pruitt ostracized the senior civil service staff," Ruch said. "I don't get the feeling that there's that same sort of vibe with Wheeler."

Reporter Robin Bravender contributed.

Tread Carefully on Policy Conflicts, Watchdogs Warn New EPA Head
https://bnanews.bna.com/environment-and-energy/tread-carefully-on-policy-conflicts-watchdogs-warn-new-epa-head
By Abby Smith, Posted July 9, 2018, 8:45 AM

- Wheeler's former clients include coal, energy, agriculture, mining companies
- Watchdog groups say recusal statement too limited given breadth of lobbying

Andrew Wheeler won't have much time to get his bearings as acting EPA administrator before his feet are held to the fire by Scott Pruitt's critics.

Those critics said they are more emboldened than ever to bring the Environmental Protection Agency's flaws to light as the agency's No. 2 moves up to helm the ship.

"It's critically important to keep the pressure on EPA and Wheeler," Austin Evers, executive director of the watchdog group American Oversight, told Bloomberg Environment. "We view Scott Pruitt as a symptom of a much larger disease that plagues the entire Trump administration when it comes to conflicts of interest and ethics problems."

But Wheeler—a former energy lobbyist and Capitol Hill staffer who's described as a careful, behind-the-scenes leader—may not be as likely to face allegations of lavish spending and abuses of office as his predecessor did.

Wheeler's path will be instead mired by potentially thornier conflicts, as he has to navigate making decisions that affect his former lobbying clients, which span the coal, energy, utility, agriculture, and mining sectors. As he does, Wheeler will have to convince the public—and potentially the courts—that he is acting objectively.

"He is now the place where the buck stops," Stan Meiburg, former EPA acting deputy administrator from 2014 to 2017, told Bloomberg Environment. "It will require him to be even more careful."

Murray's Action Plan

Wheeler's critics have already homed in on his work for coal mining giant Murray Energy Corp., a vocal opponent of many EPA climate and air regulations. Last year, the coal company offered the EPA, as well as the Department of Energy, an action plan calling for the elimination of several Obama-era rules, such as greenhouse gas limits for power plants and restrictions for ozone and other air pollutants.

Meiburg, the former EPA official who now directs graduate programs in sustainability at Wake Forest University, said Wheeler isn't likely to ever satisfy his critics. Thus, his challenge will be to clearly articulate the rationale behind the agency's policy decisions, with the help of the EPA ethics counsel.

"It's not exactly a secret that the administration is in accord with many of the elements in the so-called action plan," he said, referring to Murray Energy's wish list. "I think the question there will just be [Wheeler's] ability to say when he makes a decision, 'I appreciate the fact that this was on the list, but I made this decision independently and these are my reasons.'"

If Wheeler isn't careful, a court could throw out an EPA action by ruling that the acting administrator prejudged the outcome. That could ultimately jeopardize the Trump administration's policy agenda.

List of Recusals

But Wheeler didn't lobby the EPA for Murray Energy or any other client in the past two years, according to an EPA spokesperson. He is also prohibited from participating in any matter involving his former clients until April 28, 2020, the spokesperson added.

Robert Murray, head of Murray Energy, told Bloomberg Environment in a statement that he hasn't had contact with Wheeler since he started as EPA's No. 2 in April.

Wheeler's May 24 recusal statement, addressed to Pruitt and agency ethics officials, lists seven other former clients that could pose potential conflicts: Xcel Energy, Growth Energy, International Paper, Martin Farms, Sargento Food Inc., Underwriters Laboratories, and Energy Fuel Resources Inc.

Senate lobbying records don't offer many specifics about what issues Wheeler lobbied on for the companies, beyond general energy-, environment-, or agriculture-related topics.

The new acting administrator will also sit out discussions on Energy Star and Trump administration efforts to prop up coal and nuclear plants using the Federal Power Act, the recusal statement said.

Wheeler's list of recusals is unlikely to grow, Jeff Holmstead, an attorney with Bracewell LLP in Washington and former EPA air chief during the George W. Bush administration, told Bloomberg Environment.

"Whether he is deputy or acting administrator, the ethics issues will be exactly the same," he added.

Not Comprehensive Enough

Watchdog and environmental groups, however, said Wheeler's recusal statement isn't comprehensive enough.

"I'm not sure you can reconcile Wheeler's limited recusal with the breadth of his portfolio," American Oversight's Evers said.

Wheeler doesn't have a waiver under President Donald Trump's January 2017 executive order that prevents administration officials who were registered lobbyists from participating in issues on which they lobbied in the prior two years before they began government service. Evers said the lack of such a waiver appears to prohibit Wheeler from working on large swaths of EPA policies.

"Only Andrew Wheeler knows the full scope of what work he did as a lobbyist for the coal and energy sectors," Evers added. "If he is not being forthcoming, it would be difficult for an ethics official to help him navigate the complexities of applying" ethics rules.

Democrats Set Expectations

Democratic lawmakers have already signaled they'll be watching Wheeler closely. Sen. Sheldon Whitehouse (D-R.I.) has, in three separate letters, demanded more information from the EPA about its communications with Murray Energy about the action plan.

Wheeler, during his November 2017 confirmation hearing, told Whitehouse he had seen the document but didn't have a copy.

"I hope Andrew Wheeler will be the honest broker we knew at the Environment and Public Works Committee," Whitehouse said in a statement.

A spokesman for Whitehouse said the senator hasn't yet received a substantive response from the EPA to any of his letters about the action plan.

Sen. Tom Carper (D-Del.), the top Democrat on the Senate environment committee, wants a meeting with Wheeler to discuss the EPA's future. He challenged the new acting administrator to restore public trust in the agency.

"The damage Scott Pruitt has done to the agency will not easily be undone," Carper wrote in a July 6 letter to Wheeler. "While you and I have not always agreed, and will not always agree, on every environmental policy matter, it is my hope and expectation that you will carefully consider the lessons of the past as you prepare to chart the agency's future."

—With assistance from Sylvia Carignan and Amena Saiyid.

New EPA Chief Has Questioned Agency Actions—Like Pruitt Did
https://bnanews.bna.com/environment-and-energy/new-epa-chief-has-questioned-agency-actionslike-pruitt-did
Posted July 9, 2018, 9:06 AM
By David Schultz and Dean Scott

- Andrew Wheeler set to be acting head of EPA after departure of Scott Pruitt
- Wheeler has been working on environmental policy issues for decades
- Previous statements, lobbying clients may indicate how he views EPA's priorities

Andrew Wheeler has questioned the need to regulate coal ash from power plants and cast doubt on efforts to address climate change. Now the former coal lobbyist and Senate staffer is the head of the Environmental Protection Agency.

Over the years, Wheeler has weighed in on numerous issues that he will now be responsible for addressing when he becomes acting head of the EPA. The last day for Wheeler's predecessor, Scott Pruitt, was July 6.

Mining Wheeler's resume, his clients, and his public statements over the past decade offers hints as to where he stands on some of today's most important environmental issues—as a deep skeptic of regulation.

Like other conservatives on environmental policy, "he's much more willing to say, 'Let the free market handle things,'" Ken Kopocis, a former Democratic aide on the Senate Environment and Public Works Committee, where Wheeler was the Republican staff director, told Bloomberg Environment.

"Unlike Mr. Pruitt, Andrew has a long Washington resume," Kopocis said. "He understands much more than Pruitt did about how Washington works. Which means to me he won't be so clumsy or haphazard."

Climate Change

Few decisions Wheeler will face will be more scrutinized than those related to climate change.

During his confirmation hearings last year to become the EPA's deputy administration, Wheeler told the Senate committee he used to work for that he believes "man has an impact on the climate, but what is not completely understood is what the impact is."

Wheeler also lobbied on behalf of several fossil fuel companies, including Murray Energy Corp., one of the largest coal mining companies in the U.S. whose CEO, Robert Murray, is a prominent denier of climate science.

When he was the Republican staff director at Environment and Public Works, Wheeler was adept at advocating for the views of this then-boss, Sen. James Inhofe (R-Okla.), Wheeler's former colleague Matt Dempsey said.

"And I think that translates to Trump, in the sense that he's now the boss," Dempsey, the committee's communications director under Inhofe, told Bloomberg Environment.

The EPA didn't respond to a request to interview Wheeler.

Energy

Kopocis recalled that Wheeler expressed skepticism about solar energy's reliability when they worked together on Capitol Hill.

"He once said, 'Well, you can't always rely on the sun,'" Kopocis said. "Which I found kind of interesting, because it does come up every day."

While lobbying for Murray, Wheeler weighed in on one of the primary environmental issues for its industry: the storage and removal of coal ash from power plants.

Speaking at a 2013 American Bar Association conference, he criticized the Obama administration's push to regulate coal ash waste, saying he was "not positive it should have been a high environmental priority."

Earlier this year, Wheeler recused himself from matters involving Murray Energy in a letter, which was released to Bloomberg Environment through a Freedom of Information Act request. It's unclear if his recusals will affect his involvement with coal ash disposal regulations.

Several environmentalists, however, expect Wheeler to continue Pruitt's efforts to follow through on the company's desire to let states and coal-powered electric utilities decide whether substances leaking from coal ash ponds and landfills are unsafe for the public and the environment.

"We have every reason to expect that the lobbyists and lawyers for the coal ash utilities will continue to direct the policies of the agency," Frank Holleman, senior attorney at the Southern Environmental Law Center, told Bloomberg Environment.

Robert Murray has had no contact with Wheeler since he became deputy EPA administrator, according to a statement from the company.

In addition to his time lobbying on behalf of Murray Energy with the firm Faegre Baker Daniels Consulting, Wheeler's clients also included the natural gas firms Xcel Energy and Bear Head LNG, as well as the uranium mining company Energy Fuels Resources and the nuclear power industry group the Nuclear Energy Institute, according to federal lobbying disclosure data.

Renewable Fuels

Wheeler also lobbied on behalf of a now-defunct group called the Domestic Fuel Solutions Group. Newsletters from the group archived on the Internet indicate it was opposed to the EPA's renewable fuel requirements that force refiners blend corn-based ethanol into their products. The group's former headquarters is listed at the same Irving, Texas, location as the home of Celanese Americas, a chemical manufacturer for which Wheeler also lobbied.

Some of Pruitt's strongest criticism from Republicans came from lawmakers who represent Midwestern corn-producing states who felt the ousted EPA chief was trying to undermine the ethanol mandate. However, Wheeler didn't indicate any hostility to ethanol in his confirmation hearings.

"The [Renewable Fuels Standard] is the law of the land and I fully support the program," he said. "I support both the law and the intent."

Fuel Efficiency

Another issue Wheeler will face as the head of the EPA is whether to allow California to set its own air pollution standards for cars and trucks.

The Golden State currently has this power, but the Trump administration has discussed nullifying it in an effort to loosen federal standards, which automakers have called for.

At the height of the financial crisis in 2008, when Wheeler was the Republican staff director of Environment and Public Works, he told Bloomberg Environment this authority might not make sense any more. Wheeler said California's tight emissions standards could make life harder for U.S. automakers, which were then teetering on the edge of bankruptcy.

Refrigerants

Wheeler also has a history in the debate over whether to ban a particular type of refrigerant chemical that is also a potent greenhouse gas. So far, the Trump administration has declined to back an international pact, known as the Kigali Agreement, to phase out hydrofluorocarbons, or HFCs, despite the agreement's strong backing from the chemical industry.

This issue is one that will be familiar for Wheeler. In 2011 he lobbied on behalf of ICOR International, a subsidiary of The Chemours Co. that produces replacement products for HFC-based refrigerants.

Science Transparency

During his confirmation hearings, Wheeler showed no indication his views differ at all from his predecessor's on the issue of the EPA's use of science.

Earlier this year, the agency proposed a rule that would prohibit it from relying on non-public data when crafting new regulations, which many environmentalists fear will halt EPA action on new pollution threats.

Wheeler told the Senate that all of the data the EPA uses "should be out in the public for everybody to see."

—With assistance from Sylvia Carignan and Sam McQuillan.

How the EPA and the Pentagon Downplayed a Growing Toxic Threat
A family of chemicals — known as PFAS and responsible for marvels like Teflon and critical to the safety of American military bases — has now emerged as a far greater menace than previously disclosed.
https://www.propublica.org/article/how-the-epa-and-the-pentagon-downplayed-toxic-pfas-chemicals
by Abrahm Lustgarten
July 9, 5 a.m. EDT

The chemicals once seemed near magical, able to repel water, oil and stains.

By the 1970s, DuPont and 3M had used them to develop Teflon and Scotchgard, and they slipped into an array of everyday products, from gum wrappers to sofas to frying pans to carpets. Known as perfluoroalkyl substances, or PFAS, they were a boon to the military, too, which used them in foam that snuffed out explosive oil and fuel fires.

It's long been known that, in certain concentrations, the compounds could be dangerous if they got into water or if people breathed dust or ate food that contained them. Tests showed they accumulated in the blood of chemical factory workers and residents living nearby, and studies linked some of the chemicals to cancers and birth defects.

Now two new analyses of drinking water data and the science used to analyze it make clear the Environmental Protection Agency and the Department of Defense have downplayed the public threat posed by these chemicals. Far more people have likely been exposed to dangerous levels of them than has previously been reported because contamination from them is more widespread than has ever been officially acknowledged.

Moreover, ProPublica has found, the government's understatement of the threat appears to be no accident.

The EPA and the Department of Defense calibrated water tests to exclude some harmful levels of contamination and only register especially high concentrations of chemicals, according to the vice president of one testing company. Several prominent scientists told ProPublica the DOD chose to use tests that would identify only a handful of chemicals rather than more advanced tests that the agencies' own scientists had helped develop which could potentially identify the presence of hundreds of additional compounds.

The first analysis, contained in an EPA contractor's PowerPoint presentation, shows that one chemical — the PFAS most understood to cause harm — is 24 times more prevalent in public drinking water than the EPA has reported. Based on this, the Environmental Working Group, an advocacy organization whose scientists have studied PFAS pollution, has estimated that as many as 110 million Americans are now at risk of being exposed to PFAS chemicals.

In the second analysis, ProPublica compared how the military checks for and measures PFAS-related contamination to what's identified by more advanced tests. We found that the military relied on tests which are not capable of detecting all the PFAS chemicals it believed to be present. Even then, it underreported its results, sharing only a small part if its data. We also found that the military's own research programs had retested several of those defense sites using more advanced testing technology and identified significantly more pollution than what the military reported to Congress.

Even before the troubling new information about PFAS chemicals emerged, the government had acknowledged problems relating to them were spreading. Past EPA water testing, however incomplete, identified drinking water contamination across 33 states that Harvard researchers estimated affected some 6 million people. The military suspected drinking water at more than 660 U.S. defense sites where firefighting foam was used could be contaminated; earlier this year, it announced it had confirmed contamination in 36 drinking water systems and in 90 groundwater sites on or near its facilities.

The new analyses suggest these findings likely represent just a fraction of the true number of people and drinking water systems affected.

In written responses to questions, the EPA did not directly address whether it had understated contamination from PFAS chemicals. The agency said it had confidence in its current testing procedures and had set detection limits at appropriate levels. It also stated that it is taking steps towards regulating some PFAS compounds and registering them as "hazardous substances," a classification that triggers additional oversight under waste and pollution laws.

The agency will "take concrete actions to ensure PFAS is thoroughly addressed and all Americans have access to clean and safe drinking water," then-EPA Administrator Scott Pruitt, who recently resigned, said in the written statement to ProPublica in May.

The Department of Defense also responded to questions in writing, defending its testing methods as the best available and calling it difficult to fully assess risks from PFAS because the EPA has not regulated these chemicals. A DOD spokeswoman said the Pentagon's research group has a program underway aimed at enhancing the test methods and detecting more PFAS compounds, but suggested that no alternatives were ready for use. She did not answer questions about why the agency reported contamination levels for only two chemicals to Congress when it would have had data on many more, stating only that the Pentagon "is committed to protecting human health and the environment."

Environmental experts aren't convinced.

"Widespread contamination may be harming the health of millions or even tens of millions of Americans and the government is intentionally covering up some of the evidence," said Erik Olson, a senior director for health, food and agriculture initiatives at the Natural Resources Defense Council, in an interview. The EPA and Defense Department "have done all they can to sort of drag their feet and avoid meaningful regulatory action in making significant investment in cleanups."

In May, a Politico report revealed that the EPA and the White House, along with the Defense Department, had pressured a division of the Centers for Disease Control and Prevention to withhold a health study expected to warn that people exposed to PFAS chemicals face greater health risks than were previously understood. That report was quietly released in mid-June and, indeed, estimated safe levels of exposure are seven to 10 times smaller than what the EPA has said.

Such a determination could spur stricter limits on exposure than the EPA appears to have considered. Paired with an emerging realization that testing by the EPA and DOD hasn't captured the true extent of contamination, the government could be forced to reconceive its approach to these compounds, said David Sedlak, the director of the Institute for Environmental Science and Engineering at the University of California, Berkeley, who helped develop one of the most advanced commercial tests for PFAS substances.

“Not talking about it isn’t going to make the problem go away,” Sedlak said. “And because these compounds are forever — they aren’t going to degrade on their own — eventually there is going to be a day of reckoning.”

The PFAS compounds might not exist if weren’t for a lab accident in 1938, when a frozen block of refrigerant turned into an extraordinarily slippery white, waxy mass. A decade later DuPont was manufacturing it as Teflon. 3M developed its own version, the molecularly similar PFOA in 1954, when a chemist inadvertently spilled a mixture of chemicals on her shoe and found the stain was impervious to soap or water. They called it Scotchgard.

These products work, in part, because the chemicals they contain are made up of some of the strongest and most resilient molecular bonds in existence, thanks to a unique structure that keeps them from breaking down. There are thousands of variations, all characterized by extremely strong daisy chains of carbon and fluorine molecules and differentiated mostly by the length of their “tails” — the string of carbon molecules that can be anywhere from two to 14 units long.

In the mid-1970s, with the use of the chemicals proliferating, Dupont and 3M began privately testing the blood of their plant workers and others. The companies had grown increasingly concerned about the toxicity of PFAS compounds, learning that they “bio-accumulate” in food and people and that they could cause harm. But it wasn’t until 2000, when 3M pulled Scotchgard from the market, that the EPA began to investigate PFAS’s potential damage to human health and the environment, and soon after, that the blood tests became public.

At first, the EPA took steps that suggested it would quickly get to the bottom of the problem. Citing the spread of contaminants in water supplies in Minnesota and Ohio, in 2002 the agency launched a “priority review” of some PFAS compounds. It wrote then that exposure can “result in a variety of effects including developmental/reproductive toxicity, liver toxicity and cancer.”

By 2003, the EPA launched its first draft risk assessment for PFOA, typically a substantial step towards establishing strict regulatory standards that limit a chemical’s use and mandate its cleanup. When the draft was released in early 2005, it said that while the epidemiological evidence remained inconclusive, rats tested with PFOA were more likely to develop liver and pancreatic cancers, and there were worrisome signs that workers in plants that manufactured PFOA had a higher risk of dying of prostate cancer.

The EPA also asked industries to voluntarily phase out PFOA-related products, including the firefighting foam, by 2015.

The question was then — and remains today — how much exposure to PFAS chemicals would make people seriously ill?

In 2009, the agency attempted an answer, issuing “provisional” voluntary guidelines for safe levels of the chemicals in drinking water. This meant that for the first time, the government offered a precise, scientific measure for how much of the compounds was too much. But it didn’t mandate those limits, or create a regulation enforceable by law. And even those limits — it would later become clear — proved too loose.

Meanwhile, other instances of water contamination — in Minnesota and Alabama — heightened concerns. One study of 60,000 residents in West Virginia and Ohio exposed to high levels of PFOS and PFOA from a DuPont manufacturing plant and an Army airfield showed they had high rates of thyroid malfunction, testicular and kidney cancers and preeclampsia. The study was completed as part of a roughly $107 million settlement of a lawsuit against DuPont. Studies on animals also linked the chemicals to structural birth defects and dramatic changes in hormone levels.

In 2013, with concern rising over the ubiquity of PFAS compounds, the EPA decided it would test for some of the chemicals in public drinking water systems. The agency regulates chemicals under the Safe Drinking Water Act and adds new substances to the list based on tests showing they're widespread enough to pose a national threat. Listing a chemical for such testing is often a step toward creating enforceable regulations for it.

At the same time, the agency began to reconsider the health advisory limit it had established in 2009. In 2016, the agency announced a dramatically lower limit for how much PFAS exposure was safe for people, suggesting a threshold less than one-eighth the amount it had once assured would cause no harm. Under the new guidelines, no more than 70 parts per trillion of the chemicals, less than the size of a single drop in an Olympic pool, were deemed safe.

Yet even this standard remains voluntary and unenforceable. Until there's a true limit on the concentration of PFAS compounds allowable in drinking water, soil and groundwater — and the classification of PFAS as a hazardous substance — the EPA can't hold water utilities, companies or other polluters to account. It also can't compel the Department of Defense to adhere to the standard or clean up contamination.

There is increasing evidence that PFAS contamination is more widespread on and around military bases than previously thought.

The Department of Defense launched a full-scale review of contamination in drinking water systems at its facilities in 2016, despite the lack of clear regulatory limits from the EPA.

This spring the Pentagon reported to Congress that 564 of the 2,445 off-base public and private drinking water systems that it had tested contained PFOS or PFOA above the EPA's advisory limits. It also announced that groundwater at 90 out of 410 military bases where it tested contained dangerous levels of these two chemicals. A staggering 61 percent of groundwater wells tested exceeded the EPA's threshold for safety, according to the presentation Maureen Sullivan, the deputy assistant secretary of defense for environment, safety and occupational health, gave to Congress in March. Attending to the problem, several news outlets have reported, would cost the Pentagon at least $2 billion.

In presenting its liabilities to Congress, the Defense Department took an important step in wrestling with a troublesome issue, much as the EPA had in undertaking national data collection.

But both agencies have quite deliberately chosen not to use the most advanced tools or to collect the most comprehensive data on contamination, researchers say.

To identify PFAS compounds in drinking water, the EPA uses a lab test called "Method 537," which separates microscopic molecules so they can be more easily seen. It's not the most sophisticated test available, but scientists have used it enough to give them — and regulators — extraordinary confidence in its results. This is the test the EPA chose in 2013, when it directed its labs across the country to test water samples to evaluate emerging PFAS chemical contaminants to help determine whether they should be regulated.

But even though the Method 537 test can detect 14 PFAS compounds, the EPA only asked for data on six of them. The EPA said this was to allow for testing of non-PFAS pollutants, since the agency is only allowed to target a certain number of emerging contaminants in each round of tests.

The agency also set detection thresholds for the six PFAS compounds included as much as 16 times higher than what the test was sensitive enough to detect — so high that only the most extreme cases of contamination were reflected in the federal drinking water dataset.

Indeed, according to a recent presentation by Andrew Eaton, vice president of Eurofins Eaton Analytical, the largest drinking water test lab in the country, which handled testing of more than 10,000 samples from 1,100 public water systems — about 30 percent of the EPA's water samples overall — vast amounts of detected contamination was ignored by design.

Through its federal water quality reporting, the EPA has said publicly that PFOA was detected in just 1 percent of water samples across the nation. But when Eaton recently went back and reanalyzed the data the EPA didn't want, he found PFOA was in nearly 24 percent of the samples his company tested.

Another chemical, PFBS, is considered a sentinel because in situations where it is a component of contamination also containing PFAS and PFOA, it travels further and faster in water and shows up months or years ahead in places where PFOA or PFOS are ultimately detected. The EPA has reported that PFBS was found in less than one-tenth of 1 percent of all its water samples — not even one in 100. Eaton's re-analysis detected the sentinel chemical in nearly one out of eight of samples.

"It basically says the plume is on its way, that's the leading indicator… PFOS and PFOA is likely on the way to your house," said Jennifer Field, a professor of environmental and molecular toxicology at Oregon State University. Field is a leading expert on test methods for PFAS compounds. The Department of Defense helps fund her research. "If you are on the hydrological flow path it's a matter of time and distance."

The EPA defended its detection limits, saying its testing protocol is designed to yield consistent, reliable results even if labs conducting the tests are less sophisticated.

But the government is far from certain that lower levels of PFAS compounds than those that count as contamination by the EPA's definition aren't health threats. The EPA has repeatedly lowered how much exposure to PFAS compounds it considers acceptable. And when the CDC finally released its health analysis for PFAS compounds in June, it called for limits of one compound to be 10 times lower than the EPA's current threshold, and another to be seven times lower. Such a standard would be more in line with some states, which already have tougher limits in place. New Jersey, for example, has set its exposure limit for PFOA at roughly one-fifth of what the EPA prescribes.

The EPA's testing protocol — which only certifies the 537 test, with its limitations — also hasn't kept up with fast-evolving science around PFAS chemicals. Researchers have identified new forms of the chemicals and, potentially, new dangers from these variants.

In 2016, Field and several other researchers — as part of a Defense Department research program examining water samples from 15 defense sites where firefighting foam was used (researchers declined to name them) — identified 40 new families of PFAS chemicals, consisting of some 240 compounds they'd never seen before.

"You're starting to get this idea that more complex chemistry was used at these sites than was picked up in the tests, and that's kind of the punchline," said Field, of the firefighting foam sites in particular. "There is more mass down there, there are more species and in higher concentrations than what you see."

Method 537, as a rule, is not capable of detecting these additional compounds. Yet when the Pentagon launched its own water testing program at U.S. bases in 2016, it chose to use the EPA's outdated testing process, even though a test capable of detecting the presence of dozens of additional PFAS compounds was available. That test, called the Top Assay, was even developed with Defense Department support.

Instead, the Defense Department relied exclusively on the 537 test and then, when it reported its findings to Congress this past March, it offered only the results for PFOS and PFOA and not the other 12 compounds the test process identifies, because that's what Congress had asked for. Indeed, according to one memorandum from the Department of the Navy, the armed services were explicitly instructed to withhold their extra data — at least for the time being — because it was "not being used to make decisions."

"If you were going to spend $200 million testing DoD sites across the country, wouldn't you want to test for all of the chemicals you know you used?" asked Jane Williams, executive director of California Communities Against Toxics, who has been active on chemical cleanup issues at Defense sites.

"It's almost like a deliberate thing, where you're going to tell people their water is safe to drink, and you know that you have a gap in your testing and you know that you haven't found all of the chemicals in the water."

Scientists are only now beginning to understand the importance of the information the government is choosing to leave out. Field has found, for example, not only that there are more variations of PFAS compounds, but that some degrade over time into PFOS or PFOA, or, like PFBS, travel faster in the environment, making them predictors for other contaminants soon to come.

Many of the variants with shorter "tails" — or shorter chains of molecules than the test methods can detect — "are likely to break through systems designed to capture" them, Field and others wrote in a 2017 paper published in the journal Environmental Science and Technology. They are also more likely to elude the water treatment methods the EPA and the Department of Defense are using to clean water identified as contaminated.

The consequence of these systemic blind spots is that "by the time you see PFOS and PFOA you may have been drinking other things for a longer period of time," Field said.

When Field retested water samples at several U.S. defense sites using the most advanced testing available, she found that many of these obscure additional chemicals were nearly uniformly present — and in huge numbers. At one site, for example, where PFOS was detected at 78,000 parts per trillion, another obscure PFAS compound was present at nearly three times that concentration.

Based on Eaton's higher-resolution detection rates, scientists at the Environmental Working Group, an advocacy organization that researches the dangers of PFAS compounds, have generated new estimates of contamination linked to the chemicals.

They now think more than 110 million people have been exposed to the compounds through their drinking water, more than five times as many as the group had previously estimated.

The EPA "has really underplayed the extent of contamination," said David Andrews, a senior scientist at EWG. "The scope of the problem seems to be expanding."

EPA officials visit ND for Grain Growers Association's 25th E-Tour
http://www.agweek.com/business/agriculture/4466531-epa-officials-visit-nd-grain-growers-associations-25th-e-tour
By Jenny Schlecht / Agweek Staff Writer on Jul 2, 2018 at 8:30 a.m.

KARLSRUHE, N.D. — When Nancy Beck visited California farms, she heard complaint after complaint about what wasn't working with Environmental Protection Agency regulations. But in North Dakota, that wasn't the case.

"These guys are making it work," she said. "I think it's refreshing."

Beck, who oversees the EPA's chemicals and pesticides program, was one of 12 EPA officials to come to North Dakota as part of the North Dakota Grain Growers Association's 25th annual E-Tour.

Dennis Haugen, a director with the Grain Growers Association, said the tour is part of an effort to provide ongoing education and collaboration with regulators. Every year they try to include stops pertaining to herbicides, fungicides, insecticides and more, showing the equipment used and the philosophies involved in farming.

Over the years, the tour has grown to include other ag groups from North Dakota rather than just the Grain Growers Association.

"It's pretty much all the facets of agriculture in North Dakota," Haugen said.

On Wednesday, June 27, the tour visited Paul Thomas' farm in Karlsruhe. Thomas, North Dakota Corn Growers Association secretary, hopped on the tour bus a few miles from his farm to give the officials some basic information about his operation. His message, he said, was to explain what he does and why he does it, and to demonstrate how he stores and handles grain and how he handle chemicals. Part of his goal was to explain grain storage and the fact that he doesn't use fumigants, he said.

Thomas, with his wife and two sons, farms about 5,500 acres on four farmsteads. He's the fourth generation on the farm.

"Every farmer, at least in this area, has the goal of making the land better," Thomas told the group later in his spick-and-span shop.

Thomas explained his diversified operation to the group. This year, he is growing corn, wheat, oats, barley, canola, peas, chickpeas and soybeans. Some years, he includes pinto beans, lentils and flax. The diversification allows him to spread out his planting and harvesting and to not have all his eggs in one basket, risk-management-wise.

Thomas told the EPA officials how every farm is different. He practices no-till, but it might not work for others people with other soil types and other goals, he explained.

"If I lived in Fargo, N.D., I can't tell you I'd do it the same way," he said.

As Thomas went through the history of his farm, one EPA official questioned why he decided to move to conventional agriculture after he took over for his father, who had been certified organic. Thomas explained that he didn't find the labor needs of organic agriculture to be a good fit for the farm, and that he also felt the soil had been degraded by the tilling required. That started a conversation on the use of herbicide in no till, and Thomas talked about his crop rotation philosophies and how he chooses crop sequences in part to help reduce his herbicide and fungicide use.

Beck said the information gained on the tour helps officials understand how products are used and gives them better information for labeling and regulation.

"You can read a lot in an office in D.C., but there's nothing like being out seeing actually how farmers, growers actually work, operate, the constraints that they have, how our regulations are workable or not workable," she said.

Her team in Washington, made up largely of agronomists and soil scientists, works on registrations, regulations, and health and safety information pertaining to chemicals. Of the 12 EPA officials on the trip, 10 are based in Washington and work on pesticides, while two are based out of the Region 8 office in Denver.

Hearing from farmers themselves is especially beneficial, Beck said. She said the perspectives they gain on farm tours allow them to understand risks and economics on the farm. She also appreciates the ability to get to know farmers so that in the event that she has questions she knows who to call.

"We're really interested in knowing what's really happening," she said.

Though the focus of the trip was on pesticides, Beck said she has heard comments on water regulation and the Renewable Fuel Standard to bring back to her colleagues at the EPA.

EPA drops by for friendly visit
Annual E-tour gives farmers a chance to show the officials who write the rules how farming gets done
https://www.willistonherald.com/news/epa-drops-by-for-friendly-visit/article_5aa21832-7a59-11e8-a598-8b3d8787a975.html
By Renée Jean rjean@willistonherald.com, Jun 28, 2018

It's an experience that can't be had in Washington D.C., and one that can have a significant impact on the regulations that affect farmers every day. The annual North Dakota Grain Growers E-tour brings high-level EPA officials from D.C. to see real-world agricultural operations across west-central North Dakota. Among them this year, the farm of Ryan Ellis, in Williams County.

Members of the tour wanted to see the pea, lentil, flax, and canola seeds at Ellis' farm up close. Some even took a taste test.

"Oh, these taste really good," said one member of the tour, munching on some flax seeds.

Another, wanting to know how the canola seeds make oil, was told the seeds get crushed.

"It doesn't seem like they have that much oil," she said.

This is the 25th anniversary of the North Dakota Grain Growers E-tour, which was begun to give EPA officials an inside look into how family farms are run.

Nancy Beck, Deputy Assistant Administrator with the EPA, said the tour had been really interesting.

"It's really informative to see how they do it," she said. "It's a good chance to ask all our questions. This is really great for them," she added, indicating her colleagues. "They need to understand the whole economics of it and everything."

LisaRenee English, a biologist with the EPA in the office of pesticide programs, does benefit analysis for risk assessments, as well as Section 18s. The latter are emergency exemptions for when a pest has suddenly moved into a field.

"The state can intervene and ask for the use of a pesticide that's not registered for that use," she explained.

The exemptions are short-term, emergency measures.

As she sees her position, she is a grower's advocate. Some of her colleagues are focused on environmental mitigation strategies, but it's her job to dial those back, when they would affect growers adversely.

The tour was invaluable for her, to better understand the perspectives of growers, and how the regulations that the EPA writes affect them.

Ellis has been a stop on the E-tour twice now. His operation includes both farming and ranching.

"This gives them a chance to see in person exactly what kind of equipment we have, and what we do as far as the machinery goes," Ellis said. "Most of them work out of an office every day. And they are living in an urban area, so there's not much chance to see how farming actually gets done."

The tour participants were all pretty interested in the machinery, Ellis added.

"We're on the bus with them all day, too, so there are a lot of opportunities for one on one time to ask questions," he said. "They are all from different divisions, but they're all kind of from the chemical side of the EPA. So they are writing the regulations on the chemicals we use. They write all the regulations we have to abide by, so it's good for them to see how things are done."

After Ellis' farm, the group headed to Dennis Johnsrud's farm in Epping, where they learned about bees. North Dakota is among the top honey producers in the nation, and Johnsrud's farm annually hosts a number of bee hives.

ND Grain Growers Host 25th Annual E-Tour
https://www.rrfn.com/2018/06/29/nd-grain-growers-host-25th-annual-e-tour/
Published June 29, 2018

Eleven employees of the Environmental Protection Agency experienced North Dakota agriculture on the North Dakota Grain Growers Association E-Tour. The group made a stop at NDGGA President Jeff Mertz's farm near Hurdsfield, where they learned about the environmental and economic importance of drain tile. "They're concerned about nutrients getting into the water supply," says Mertz. "However, we're not putting on large amounts of nitrogen, so it really helps with fixing soil issues." The EPA group also had the opportunity to see farm equipment and technology in action. ND Grain Growers Second Vice President and Linton farmer Tom Bernhardt says these experiences open gateways for collaboration. "It's amazing for them to see our pinpoint accuracy that we have with modern technology. We also went to problem fields and showed them things that we can maybe try to correct collaboratively."

AgweekTV Full Show: EPA in ND, SD pork industry, life after CRP
http://www.agweek.com/business/agriculture/4469527-agweektv-full-show-epa-nd-sd-pork-industry-life-after-crp

This week on AgweekTV, EPA officials travel to North Dakota to learn about farm pesticide management. A new 2,400 head swine facility near Volin is indicative of the exciting growth and expansion going on in the pork industry in South Dakota. And CRP has been a popular program for decades, but we'll look at life after CRP contracts expire.

EPA nominees start working at agency before Senate confirmation votes
http://thehill.com/policy/energy-environment/396080-2-epa-nominees-start-work-before-senate-confirmation-votes?amp
By Timothy Cama
July 09, 2018 - 10:33 AM EDT

The Environmental Protection Agency (EPA) has hired two officials nominated for senior positions to work at the agency before the Senate has had a chance to vote on them.

Peter Wright and Chad McIntosh both started work Monday as "special counsels" to acting EPA chief Andrew Wheeler, according to an EPA staff-wide email that Wheeler's chief of staff Ryan Jackson sent Friday. The email was obtained by The Hill.

The hirings come as both Wright and McIntosh have nominations pending before the Senate to lead the Office of Land and Emergency Management and the Office of International and Tribal Affairs, respectively, a fact that the top Senate Democrat overseeing the EPA says is concerning and an attempt to avoid the confirmation process.

Jackson said in his email that both men will advise Wheeler on matters related to the offices for which they have been nominated. Those offices are currently being led by career employees.

The Environment and Public Works Committee, which is responsible for vetting Wright and McIntosh for their positions, held a confirmation hearing for them less than three weeks ago and has not voted on whether to advance the nominations to the full Senate. The deadline for them to answer written questions from the panel isn't until the end of the day Monday.

Sen. Tom Carper (Del.), the top Democrat on the committee, said the news of their hiring is "troubling," and a bad start for Wheeler's tenure at the EPA's helm.

"I just wrote to Mr. Wheeler today urging him to restore the public's trust in the EPA," Carper said in a statement.

"To announce that EPA will bring on Mr. Wright and Mr. McIntosh on the day that Administrator Pruitt departs - before they have even responded to Senators' post-hearing questions and without notifying the Environment and Public Works Committee, the committee that has jurisdiction over the agency - not only breaks with past norm and precedents, but shows incredibly poor judgment, especially when we should be turning over a new leaf."

The EPA said Wright's and McIntosh's positions are in line with the law and legal decisions regarding what candidates can do while their nominations are pending.

"Neither will be performing any duties that are reserved for the position for which they have been nominated," an agency spokesman said.

Kevin Minoli, the EPA's top ethics official, said in his own statement that the agency "will ensure we are in compliance with the law at all times" regarding Wright and McIntosh's work.

Before his EPA job, Wright was a high-ranking attorney for Dow Chemical Co., which is responsible for some of the Superfund pollution sites that his office at the EPA oversees. McIntosh led Ford Motor Co.'s environmental programs before retiring last year.

Both nominees signed ethics agreements after they were nominated earlier this year, in which they agreed to recuse themselves from matters that have a "direct and predictable effect on the financial interests" of their most recent employers.

Wright's and McIntosh's hirings were first reported by E&E News.

Under the Trump administration, the EPA has previously hired at least two other nominees before their confirmation: Susan Bodine, the current head of the enforcement office; and Michael Dourson, who withdrew his nomination to lead the chemical office amid mounting Senate opposition.

Air Permitting for Factories, Refineries Gets White House Review
https://bnanews.bna.com/environment-and-energy/air-permitting-for-factories-refineries-gets-white-house-review
Posted July 9, 2018, 11:52 AM

A federal Clean Air Act rule that could allow factories, refineries, and power plants to clump emissions increases from separate—yet related—projects for permitting purposes is now under review at the White House Office of Management and Budget.

The Office of Management and Budget began its review July 6 of the rule that revives the January 2009 Clean Air Act permitting regulation that never took effect because the Environmental Protection Agency under the Obama administration proposed to revoke it in 2010.

Once the OMB review is complete, the rule (RIN: 2060-AP80) will be issued to the public.

Petroleum refineries, power plants, paper mills, and other manufacturing plants backed the regulation, which the departing George W. Bush administration put forth. The regulation allows companies making changes to various projects at a facility to avoid being subject to New Source Review permits and the resulting requirements for pollution controls.

Under the New Source Review program, refineries, manufacturing plants, paper mills, and power plants are required to seek costly controls for emissions increases that result from making any changes to their plants or operations.

The rule reviving the project aggregation rule is part of the EPA Office of Air and Radiation's priorities to revise the new source review program. Bill Wehrum, who heads the EPA air office, was instrumental in writing the 2009 rule when he headed the EPA air office under the Bush administration.

Petroleum Refineries Get Breathing Room to Meet Toxic Air Limits
https://bnanews.bna.com/environment-and-energy/petroleum-refineries-get-breathing-room-to-meet-toxic-air-limits
Posted July 9, 2018, 12:36 PM
By Amena H. Saiyid

- EPA pushing back compliance date to Jan. 30, 2019
- American Petroleum Institute, American Fuel & Petrochemical Manufacturers sought delay

Petroleum refineries built before July 1, 2014, will have more time to meet toxic air pollution limits for maintenance vents used when operations are started up or shut down for inspection or routine repairs.

The Environmental Protection Agency plans to push the compliance date from Aug. 1, 2017, to Jan. 30, 2019, to give refiners time to engineer changes, including the installation of new alarms, conducting risk assessments, updating plans, and providing training.

Maintenance vents are used only during startup, shutdown, maintenance, or inspection when equipment is emptied, depressurized, degassed, or placed into service, according to the EPA.

Deciding Deadlines

The Clean Air Act requires maximum achievable controls to limit hazardous air pollution. The 2015 rule spelled out new requirements for maintenance vents. Aug. 1, 2017, was the initial deadline the petroleum industry received in the 2015 rule.

A number of refineries requested and received a one-year extension to Aug. 1, 2018, but the EPA said this delay wasn't enough to get everyone on board. The American Petroleum Institute and the American Fuel & Petrochemical Manufacturers asked for an extension to Jan. 30, 2019.

The proposed extension recognizes the difficulty the refiners are facing in meeting the compliance date, the EPA said. That's why the agency also proposed changes (RIN: 2060-AT50) April 10 to the requirements for maintenance vents that it said will be completed before the Jan. 30 deadline.

BASF to Stop Making Cosmetic Chemical in U.S.
https://bnanews.bna.com/environment-and-energy/basf-to-stop-making-cosmetic-chemical-in-us

Posted July 9, 2018, 1:05 PM
By Sam McQuillan

- Last U.S. maker of 1,4-dioxane, found in soaps, cosmetics, halts production
- Chemical will be produced exclusively in Europe
- Firm tells EPA it could remove 1,4-dioxane from agency's review plans

The U.S. will no longer be a manufacturing base for a chemical commonly found in soaps and makeup.

The sole U.S. producer of 1,4-dioxane, BASF, told the EPA on July 2 that it will move production exclusively to Europe, calling the decision a purely economic one due to declining sales in North America.

The German Badische Anilin und Soda Fabrik company suggested in a letter that the Environmental Protection Agency may wish to drop plans to assess the chemical's risks, since it will no longer be made in the U.S.

Possible Carcinogen

1,4-dioxane is classified by the EPA as possibly carcinogenic to humans, and is managed under the 2016 amendments to the Toxic Substances Control Act.

The solvent also has been found in groundwater, which means it has the potential for regulation under the Safe Drinking Water Act. The agency, however, recently opted to limit its risk evaluation for 1,4-dioxane to just occupational and industrial exposures.

Despite the chemical's potential health risks, the Food and Drug Administration does not have labeling requirements for its uses in sunscreens, deodorants, and lotions.

Developments Abroad

BASF is currently in the process of migrating any remaining U.S. purchasers of the solvent to its business in Ludwigshafen, Germany, where it will now be exclusively manufactured.

In a separate July 9 announcement, the company said it plans to build a new $10 billion chemical complex in China, which would make it the first foreign company to fully own a site there.

Neither the EPA nor BASF could be immediately reached by phone for comment.

Will Wheeler follow Pruitt on security, travel, access?
https://www.eenews.net/greenwire/2018/07/09/stories/1060088571
Kevin Bogardus, E&E News reporter Published: Monday, July 9, 2018

Scott Pruitt is gone from EPA, but he has left some perks in place for his successor.

Tighter security and more secrecy as well as high-spending travel and accommodations were hallmarks of Pruitt's time at EPA. Whether Andrew Wheeler, now acting chief for the agency, will follow suit or change course remains to be seen.

Pruitt had also put in place new restrictions and disclosures at the agency after his spending and management garnered a backlash in the press and within the Trump administration. Wheeler, too, will have to decide whether he follows through on those measures.

Wheeler, a longtime Capitol Hill aide and lobbyist, has never been an elected politician like Pruitt. Friends say he likes to keep a low profile and work his way through the policy weeds.

EPA press officials didn't answer specific questions from E&E News regarding how Wheeler plans to manage the administrator's office at EPA. They did say, however, to expect changes under the acting administrator's watch in the near future.

"As with any change in leadership, you can expect a change in approach, and in this case a change in tone as well. Acting Administrator Wheeler has already stated that he puts a premium on transparency and that transparency helps the agency so people know and understand what we are doing," said EPA spokesman John Konkus.

"I think you can take that mindset and apply it across the board when it comes to how EPA will be communicating with the media and the public going forward. A lot of the specifics in regards to how we will change the approach to calendars, schedules, briefings, etc. will be worked out over the coming days and weeks."

Here are some of the big questions confronting Wheeler as he follows in Pruitt's footsteps.

Will Wheeler have 24/7 security?

Pruitt had a stepped-up security presence compared with past EPA chiefs. Guards provided 24/7 protection for the past administrator as threats against him poured into the agency.

But some have questioned the gravity of those threats, noting investigations that turned up nothing more than flippant remarks on social media or protesters disrupting public events. The around-the-clock detail sparked an EPA inspector general review and resulted in big costs for the agency — about $3.5 million in payroll and travel expenses for Pruitt's protection during his first year in office.

In May, EPA committed to release the administrator's security detail payroll and travel cost figures on a quarterly basis going forward. It's unclear whether Wheeler will keep that promise.

What will happen to Pruitt's phone booth?

After Pruitt said he asked for a secure phone line, EPA installed a soundproof booth in the administrator's office.

Costs for the facility ballooned, rising to about $43,000, and became a marker for his time at EPA. The Government Accountability Office also found EPA violated appropriations law by not informing lawmakers about the expenditure in advance.

The acting chief can already use two other "sensitive compartmented information facilities," or SCIFs, in EPA headquarters, according to GAO.

Wheeler will have decide whether to adhere to new spending limits, as well. Pruitt issued a memo requiring sign-off from top EPA officials to make expenditures of more than $5,000 for the administrator's office.

Does Wheeler plan to fly first class?

Pruitt took several first-class trips as EPA administrator, racking up travel expenses for the agency.

Federal employees are encouraged to fly coach, but EPA officials pointed to security concerns for why Pruitt took premium flights. A memo from the head of his security detail said Pruitt's flying coach "would endanger his life."

Pruitt's frequent flying has also triggered an IG review, and after a public backlash, he said he would look to fly coach as administrator. Wheeler could also stick to economy class.

What about Wheeler's calendar?

Unlike past EPA administrators, Pruitt did not release a daily schedule in advance.

That often left reporters wondering where the head of a federal agency was for the day. EPA did disclose Pruitt's public schedule — along with those of other top EPA officials — online, but weeks later and with spare detail.

The agency has also been slow to share Pruitt's private calendar, turning it over only after losing Freedom of Information Act litigation. In addition, EPA is facing allegations that aides changed Pruitt's calendar to hide select meetings from the public.

Will EPA open up to staff and press under Wheeler's watch?

Career employee and press access tightened at EPA during Pruitt's tenure.

Pruitt's public speeches would not be announced in advance, and only select reporters were allowed in to question the EPA chief. Others complained about being left off the agency's email list and battling with an aggressive, campaign-style press shop.

Career EPA staff, too, have often been left in the dark, finding out first from the news about happenings at the agency rather than their superiors. Several have grumbled that the hallway outside the administrator's office was even restricted during Pruitt's time.

Wheeler has already hinted at a change of direction at EPA.

"I believe that my time on the Hill and in the legislation I worked on — how I addressed all statutes, how I addressed all laws — was that the more information we make available to the American public, the more transparency we have, the better our decisions will be," he said in an interview with *The Washington Post*.

"The more open we are, the better it is for everyone."

Who's Andrew Wheeler? Social media offer clues
https://www.eenews.net/greenwire/2018/07/09/stories/1060088561
Maxine Joselow, E&E News reporter Published: Monday, July 9, 2018

The acting EPA administrator is — in no particular order — a fan of Dolly Parton, Paul Ryan and Lisa Murkowski.

So says Andrew Wheeler's Facebook profile.

As Wheeler steps in as acting EPA chief today following Scott Pruitt's resignation Friday, environmental groups are digging for dirt by submitting public records requests for his communications (*Climatewire*, June 26).

But social media offer another window into his beliefs and preferences, on subjects ranging from music to politics.

On Facebook, Wheeler has "liked" a Virginia bluegrass band called Dead Men's Hollow, the TV show "Gotham" and the conservative organization Americans for Prosperity.

He also "likes" the Committee for a Constructive Tomorrow, which was formed as a free-market group but has since focused its efforts on the denial of mainstream climate science.

His Facebook presence became a point of contention during his Senate confirmation process for deputy administrator, according to emails released to the Sierra Club through the Freedom of Information Act (*Climatewire*, June 14).

Dino Grandoni of *The Washington Post* wrote to EPA's press office last October asking for comment about Wheeler's February 2016 criticisms of Trump on Facebook.

Wheeler had said of then-presidential candidate Donald Trump, "no one really knows what his political beliefs are," he "doesn't understand how the government works," and "he is a bully."

EPA Chief of Staff Ryan Jackson strategized with EPA's press office about a response, saying it was important to know the context of the post.

Wheeler clarified that he wrote the post while working for Florida Republican Sen. Marco Rubio's presidential campaign, and he had since switched his support to Trump after seeing Trump speak at a rally.

On Twitter, Wheeler has maintained a personal account since April 2009, a few months after he left his post as a senior staffer for Sen. Jim Inhofe (R-Okla.) to become a lobbyist with Faegre Baker Daniels Consulting.

He had fewer than 300 followers on the personal account as of this morning. His bio contains the common disclaimer: "This is my personal account and is not affiliated with my employer."

In February 2017, Wheeler launched a professional account. As of this morning, the account had more than 60,000 followers and only a single tweet sharing his interview with *The Wall Street Journal*.

His private account has attracted some scrutiny from *The Daily Beast*, which reported in April that Wheeler had publicly defended alt-right troll Milo Yiannopoulos.

In August 2016, Wheeler defended Yiannopoulos after the latter had been banned from Twitter for harassing "Saturday Night Live" actress Leslie Jones.

In a now-deleted tweet, Wheeler linked to a six-minute video titled "The Truth About Milo" that was produced by InfoWars editor-at-large Paul Joseph Watson, who said in the video that conservatives could be "banned from using the internet altogether if they trigger your butthurt."

By and large, Wheeler's Twitter presence is that of a credentialed conservative and skeptic of the Obama administration's climate policies.

In April 2009, he said in a tweet, "Climate alarmists refuse to debate or leave their facts at home when they do" (*Climatewire*, July 9).

In June 2015, he tweeted, "Commemorating Obama's Climate Action Plan Thanks ACCCE for cupcakes #AllPainNoGain" along with a picture of cupcakes decorated with the slogan "#AllPainNoGain," an apparent jab at President Obama's broad plan to cut carbon pollution. (ACCCE stands for American Coalition for Clean Coal Electricity, a trade group.)

And in November 2015, he echoed President Trump's disdain for liberal media outlets, tweeting, "Just watched most biased panel in years on #meetthepress thought it was msnbc for a minute."

'The bar is very high'

As Wheeler settles into his role today, watchdog groups are examining his statements on social media platforms like Facebook and Twitter for potential conflicts of interest.

Sierra Club spokesman Adam Beitman said the group previously did some digging on social media when Wheeler was nominated for EPA's No. 2 spot and will continue to scrutinize his activities through the Freedom of Information Act.

Austin Evers, executive director of American Oversight, said the group hasn't found anything that would represent a conflict of interest so far.

But the group remains focused on Wheeler's time as a lobbyist at Faegre Baker Daniels Consulting, where one of his top clients was coal mining executive Bob Murray, who is currently pushing the Trump administration for favorable federal treatment to bail out struggling coal plants. Wheeler's recusal statement as deputy administrator, obtained by E&E News, shows he pledged to stay away from his former lobbying clients, including Murray Energy Corp. (*Climatewire*, July 2).

"It's not a conflict of interest or an ethics problem for Wheeler to have anti-Obama administration views," Evers said. "What raises a concern is that he used to work for Murray Energy, and Murray has been going around the administration with a wish list of regulatory changes."

He added, "That's the thing the American people should be most concerned about. We have a right to an impartial, good-faith government. And I think after Scott Pruitt, the bar is very high for Wheeler on how he needs to comport himself in office."

Trump-Ordered Talks on Future of Fuel Economy Stuck in Neutral

https://bnanews.bna.com/environment-and-energy/trump-orderedtalks-on-future-of-fuel-economy-stuck-in-neutral

Posted July 9, 2018, 3:44 PM By Ryan Beene, John Lippert, and Eric Roston

Talks between the U.S. and California on auto emissions standards have made little progress since President Donald Trump told his agencies to pursue a deal, according to a top state official, who's hoping the EPA will get more involved.

Mary Nichols, chair of the California Air Resources Board, said in a July 9 interview that the Environmental Protection Agency hasn't weighed in with its own technical analysis to underpin the administration's proposed changes to fuel economy and tailpipe emissions rules. She said she's hopeful this will change after the departure of Administrator Scott Pruitt.

In a White House meeting with top auto industry executives in May, Trump told federal regulators to seek a deal with officials from the state. Such talks have not occurred, Nichols said in a meeting with Bloomberg News reporters and editors in New York.

"There has been no substantive progress on that at all since the time that the president spoke with the companies," she said.

New Course

Pruitt's resignation last week won't have an immediate impact, but his replacement, Acting EPA Administrator Andrew Wheeler, may give the agency a chance to change course, Nichols said.

"The key question is whether bringing in a new administrator will cause the EPA to decide they should take another look at the situation and see if they want to more active in trying to use their resources, which are considerable, to develop alternative proposals," Nichols said.

The White House's Office of Management and Budget is reviewing joint proposals by the EPA and National Highway Traffic Safety Administration to weaken federal auto efficiency standards. The proposals also call for revoking California's authority to set its own limits on vehicle emissions, people familiar with the matter have said, a move the state is vowing to fight in court.

California announced last year that, after reviewing the tailpipe emissions standards to which it had agreed with President Barack Obama, it saw no reason to change them. State officials have vowed to fight a push by the Trump administration to roll back the standards.

Conflict between Washington and Sacramento over the rules could lead to a messy court battle or a balkanized market with federal requirements in most states and differing rules set by California that are followed by 12 other states that together account for more than a third of U.S. auto sales. Colorado also plans to adopt California's clean-car rules.

Taking Action

In August, California plans to propose revoking the ability of carmakers to automatically comply with California's tailpipe standards if they meet EPA's rules, Nichols said.

"If the federal rules go away, we then will be faced with a situation where we can't any longer accept compliance with the federal rules as equivalent to California," she said. "We have to take action to protect ourselves against that eventuality."

During a meeting in San Francisco on June 29, Pruitt said discussions about the vehicle rules ought to take place after the federal agencies release their proposal, according to Nichols. That document could be released in the coming weeks.

Nichols decried a lack of rigor and analysis in the EPA's work under Pruitt compared with prior administrations, including when she was an assistant administrator during President Bill Clinton's first term. Back then, the EPA successfully updated emission standards by holding voluntary negotiations with industry—the first time the agency had done such a thing without direction from Congress.

She said the EPA had the credibility and confidence to negotiate with industry because of its vast in-house expertise. Officials were able to independently verify industry information and go beyond it to bring their own analysis to bear on talks.

'Depressing Situation'

During the Obama administration's development of national standards, the EPA drew on expertise from the national laboratories and industry consultants, who "were able to call to literally take apart and cost out every single piece of a car that could possibly have an impact on fuel economy, in order to make a finding that the standards that were adopted were cost effective and technically feasible," she said.

She said the EPA showed none of this rigor under Pruitt in its midterm review of automotive greenhouse gas emissions, which published in April.

"It was really a very depressing situation from perspective of those of us who have worked with EPA over the years," she said.

Nichols did credit Trump's EPA—and, reluctantly, "Mr. Pruitt's office"—for still maintaining focus on enforcement of existing agency regulations.

"They continue to find and to prosecute violations that they found on the emissions side, which I think is worth noting," she said. "But when it comes to anything that has a regulatory flavor to it, they just were just missing in action."

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 9/5/2018 9:47:07 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Morning Energy: Conferees to meet, but approps deal elusive — OSTP nominee on tap — Last chance for PFAS

By Kelsey Tamborrino | 09/05/2018 05:45 AM EDT

With help from Anthony Adragna, Alex Guillén and Darius Dixon

LET'S GET TOGETHER: The House and Senate conference committee gathers today at 2 p.m. for a meeting on the first minibus, H.R. 5895 (115), that contains the energy and water title, but already things are off to a rocky start over, you guessed it, a policy rider. At issue is language being pushed by Washington Rep. Cathy McMorris Rodgers and other House Republicans related to the Columbia and Snake River in McMorris Rodgers' home state, POLITICO's John Bresnahan, Sarah Ferris and Rachael Bade report.

Idaho Rep. Mike Simpson, the top Republican on the Energy and Water subcommittee, said there are disputes over more than a dozen policy riders — including the provision that impacts salmon runs in the Columbia and Snake River — which have held up action on the first of the "minibus" conference reports. "We're working through the bill," Simpson said Tuesday, declining to get into specifics. "The Columbia River is one of them. That's OK, we'll work through this." Both McMorris Rodgers and Washington Rep. Dan Newhouse have pushed a provision to ban "spill overs" of water at the river dams, which was included in the House-passed Energy and Water bill, but not part of the bipartisan deal in the Senate.

And with final action slowing on what is normally one of the more straightforward funding packages of the bunch, multiple Hill aides say there's little chance a final agreement can be reached this week. "I can't say whether we'll get it done in time to have it out this week just because the time it takes to get through the bill," Simpson said, but added he'd like to have a deal in place by the end of this week.

Senate Appropriations Chairman Richard Shelby said he met with House Appropriations Chairman Rodney Frelinghuysen and other senior appropriators on Tuesday afternoon. "We're making progress," Shelby told reporters. "We're hoping we can continue that." Shelby also said appropriators are still hoping to complete work on their second minibus, H.R. 6147 (115) , that contains the Interior and Environment title ahead of the Sept. 30 deadline, but hedged a bit on whether it would. "All of them are alive. How much life? We don't know," Shelby said. (Sarah separately reports this morning on the success of the Senate's side of this year's appropriations battles, which in large part have to do with a plan hatched by Shelby and Appropriations ranking Democrat Patrick Leahy.)

Meanwhile, Republican leaders will also confer with President Donald Trump this afternoon in the latest attempt to convince him not to risk a government shutdown before Election Day, Rachael and John report. The president has threatened to veto any spending measures that don't include $5 billion for his planned border wall, but GOP leaders are hoping to delay that fight until after the election.

WELCOME TO WEDNESDAY! I'm your host, Kelsey Tamborrino. Entergy's Rob Hall had a two-day win this week, and was the first to correctly ID the five former presidents who once had offices in the Russell Senate Building: Warren Harding, Harry Truman, John F. Kennedy, Lyndon B. Johnson, and Richard Nixon. For today: Which U.S. national park contains the most lighthouses? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

OSTP NOMINEE ON TAP: The Senate Commerce Committee votes this morning on the nominations of Kelvin Droegemeier to be director of the Office of Science and Technology Policy and James Morhard to be deputy administrator of NASA, among others. Droegemeier has earned praise from Senate Democrats and is likely to skate to confirmation, even though he was never asked at his confirmation hearing last month whether he acknowledges the scientific consensus that human activity is driving climate change. **If you go:** The committee meeting begins at 10 a.m. in 106 Dirksen.

DO THE DOE SHUFFLE! The Energy Department has now installed what is at least the third interim director for its popular ARPA-E program, agency leaders told staff in an email Tuesday afternoon. DOE's Chief Financial Officer, John Vonglis, who was confirmed late last year, will lead the office until Trump pick Lane Genatowski gets the Senate's blessing. Eric Rohlfing led the operation shortly after Trump took office and before principal deputy director Chris Fall, who has now been tapped to be Science office director, was given the acting title. The announcement, signed by Energy Secretary Rick Perry and DOE No. 2 Dan Brouillette, also said that Office of Technology Transitions director Chanette Armstrong, will move to ARPA-E. Conner Prochaska will take Armstrong's post while also being chief commercialization officer.

REPORT: TRUMP TO TAP CLIMATE SKEPTIC: Trump is expected to tap William Happer, a Princeton physicist who has argued that increased carbon dioxide would benefit the planet, to be senior director for emerging technologies on the National Security Council, CNN reports. Happer also served in the Energy Department's Office of Science under former President George H.W. Bush.

LAST CHANCE FOR PFAS: EPA will hold its fifth and final "community engagement" meeting today on the toxic nonstick chemicals known as PFAS. The meeting will occur at the Riverfront Community Center in Leavenworth, Kan., and will follow the format of previous meetings, with a morning working session followed by a listening session, where the public can speak. Fort Leavenworth was one of 11 military installations that the Defense Department said last year was affected by elevated levels of the chemicals PFOS and PFOA. See today's agenda here.

The meeting comes one day before the issue will be front and center for its first congressional hearing before the House Energy and Commerce Committee on Thursday. Witnesses for that hearing were released Tuesday and include Peter Grevatt, EPA director of the Office of Groundwater and Drinking Water, and Maureen Sullivan, deputy assistant secretary of Defense for energy.

NEXT UP: EPA's Office of Inspector General, which weighed in on former Administrator Scott Pruitt's $3.5 million round-the-clock security detail on Tuesday, is ready to take on its next endeavor: glider vehicle emissions testing conducted by the agency in 2017 under Pruitt. As part of the audit, which follows complaints from congressional Republicans that the agency is targeting Tennessee manufacturer Fitzgerald, the OIG will look into the testing of glider vehicles at the EPA's National Vehicle and Fuel Emissions Laboratory. The OIG audit likely will take months, Pro's Alex Guillén reports. In the meantime, EPA is considering easing or repealing the glider regulations, which were part of the Obama administration's Phase 2 heavy-duty truck rule.

What else? EPA's Office of Inspector General is expected to unveil two reports today: one on the effectiveness of EPA's process for reviewing and approving air quality dispersion models and one on its citizen science efforts.

HOW ACE IS PLAYING OUT: EPA's own estimates on its proposed Affordable Clean Energy plan to regulate carbon dioxide emissions from power plants is turning off voters, a new POLITICO/Morning Consult poll found. When asked whether EPA "estimates that the proposal could, in some scenarios, increase annual premature deaths from certain particulate emissions by up to 1,400 by 2030" would make voters more or less likely to support the plan, 30 percent of respondents said it would make them "much more likely to oppose" the plan. Fifteen percent said it would make them "somewhat more likely" to oppose the ACE plan, while 9 percent

and 13 percent said it would make them "much more likely to support" or "somewhat more likely to support" the plan, respectively.

Asked a similar question about agency estimates that the proposal could reduce 2030 carbon dioxide emissions by as much as 1.5 percent from projected levels without the existing Clean Power Plan, 15 percent of voters said that knowledge would make them either "somewhat more" or "much more" likely to oppose the plan, while 45 percent said the opposite. The poll was conducted Aug. 28-31, with a margin of error of plus or minus 2 percentage points. It surveyed 1,964 registered voters.

COURT SAYS MASSACHUSETTS CARBON CAP APPLIES TO UTILITIES: Massachusetts' top court on Tuesday ruled that electric utilities are indeed subject to the state's major climate change law, including a shrinking cap on carbon emissions imposed last year following an order from Republican Gov. Charlie Baker. The New England Power Generators Association and GenOn argued that the cap cannot apply to the electric sector because it is already regulated under another part of the state law. But the seven-member Massachusetts Supreme Judicial Court ruled that the two parts of the law "complement each other," adding: "Given that the electric sector is one of the largest in-state greenhouse gas emission sources, it would make little to no sense for the Legislature to have excluded it from the critical emission reduction requirements."

REPORT: RESIDENTIAL SOLAR GROWS YEAR-OVER-YEAR: The megawatt-hours of energy storage used in the second quarter of this year is triple what was deployed during the same time period in 2017, at 156.5 MWh, according to today's U.S. Energy Storage Monitor report from the Energy Storage Association and Wood Mackenzie Power and Renewables. Among the growing segments, residential led the way with increases that were tenfold year-over-year. Non-residential and front-of-meter segments also both grew on an annual basis when measured in megawatt-hours. Residential deployments were mostly concentrated in California and Hawaii, which together made up 72 percent of megawatt-hours for the quarter.

HEADS UP! The House E&C Energy Subcommittee will hold a hearing Thursday on the Strategic Petroleum Reserve Reform Act, H.R. 6511 (115), which would allow the Energy secretary to carry out the leasing of underutilized SPR facilities. The hearing follows the DOE's announcement in July that it intends to finish within six months a study on how to modernize the SPR. The hearing is slated for 1 p.m. in 2123 Rayburn.

OOPS! The D.C. Circuit Court of Appeals will wait to hear from EPA before deciding whether to immediately reinstate an Obama-era chemical safety rule, the federal court said Tuesday, after it ordered the agency to reinstate the rule on Friday. In the one-page order issued Tuesday, the court says the order was issued "inadvertently" on Friday, Alex reports . Instead, it directs EPA to return it "forthwith," with no further explanation given on how the order was issued accidentally.

GAO HITS FEMA OVER DISASTER RESPONSE: The agency tasked with coordinating the response to natural disasters struggled to do just that in 2017 following four disasters — hurricanes Harvey, Irma, Maria, and the California wildfires — according to a report from the Government Accountability Office. The report out Tuesday highlighted the numerous challenges FEMA faced in areas including Puerto Rico and the Virgin Islands, like the need to provide services due to the loss of power. Last year's disasters highlighted "long-standing issues and revealed other emerging response and recovery challenges" at FEMA, the report said. "In addition, FEMA's available workforce was overwhelmed by the response needs."

At the height of FEMA deployments in mid-October, 54 percent of FEMA employees did not meet agency standards for "qualified" in disaster recovery, according to the report. That included not having enough bilingual employees to communicate with local residents or to translate documents. The report was requested by multiple members of Congress, and the agency will make recommendations once the ongoing research is completed.

MOVERS, SHAKERS: Jay Faison's ClearPath Foundation will announce the addition of two staffers to its ranks today. Chris Tomassi joins ClearPath as government affairs director. He previously was a Republican aide

on the Senate Appropriations Committee and senior counsel and aide on the Environment and Public Works Committee. Faith Smith also joins ClearPath as a policy analyst. She previously worked for the Texas Commission on Environmental Quality's Underground Injection Control Permits Section.

COUGH, COUGH: The LCV Victory Fund launched a new $663,000 ad campaign Tuesday targeting GOP Rep. Mike Coffman in Colorado. The ad, titled "Cough," will air in the Denver market for two weeks. In the ad, a narrator says "Coffman took over $800,000 from polluters ... then voted to let them spew dangerous toxins into our air and water."

— **EDF Action launched** a new ad hitting GOP Rep. Claudia Tenney for working with special interests, including "big polluters." The $235,000 ad buy will run in three areas of New York for two weeks: Syracuse, Utica and Binghamton.

QUICK HITS

— "Warnings over pollution met with a shrug in coal country," The Associated Press.

— "Transocean agrees to acquire Ocean Rig UDW for $2.7 billion," The Wall Street Journal.

— "Tropical Storm Gordon shuts 9 percent of oil output in Gulf of Mexico," Reuters.

— "'America First' or coal first? LNG groups want to know," E&E News.

— "Dire climate change warnings cut from Trump power-plant proposal," Bloomberg.

HAPPENING TODAY

9 a.m. — Future Power Markets Summit 2018, 1000 H Street NW.

9:30 a.m. — Senate Judiciary Committee continues hearing on the nomination of Brett Kavanaugh to the Supreme Court, 226 Dirksen.

10 a.m. — Senate Commerce Committee hearing on nominations of Kelvin Droegemeier to be director of the Office of Science and Technology Policy and James Morhard to be deputy administrator of NASA, among others, 106 Dirksen.

10:15 a.m. — House Natural Resources Committee markup on various bills, 1324 Longworth.

11:30 a.m. — Atomic Wings lunch and learn on "The U.S. Nuclear Fleet: Jobs, Exports, and Clean Energy Leadership," 2060 Rayburn.

Noon — The Environmental Law Institute webinar on a book titled "Beyond Politics: The Private Governance Response to Climate Change."

Noon — The Nuclear Threat Initiative releases the 2018 Nuclear Security Index, 1300 Pennsylvania Avenue NW.

Noon — Georgetown University discussion on "Rethinking Plastic: Answering a Global Call to Action," 3700 O Street NW.

1 p.m. — The National Academy of Sciences briefing on new report, "Exoplanet Science Strategy," 2101 Constitution Avenue NW.

2 p.m. — House Natural Resources Water, Power and Oceans Subcommittee hearing on title transfer bills, 1324 Longworth.

2:30 p.m. — The Great Lakes Commission and Northeast Midwest Institute briefing on "Great Lakes Regional Green Infrastructure Policy Analysis: Addressing Barriers to Implementation," 27 Independence Avenue SE.

3 p.m. — The Global Commission on the Economy and Climate releases 2018 "New Climate Economy" report, New York City.

5 p.m. — The Young Conservatives for Energy Reform & Christian Coalition hosts Conservative Clean Energy Summit, 400 New Jersey Avenue NW.

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Stories from POLITICO Pro

House Republicans stalling appropriations 'minibus' package Back

By John Bresnahan, Sarah Ferris and Rachael Bade | 09/04/2018 08:28 PM EDT

Policy fights between House Republicans and nearly everyone else on Capitol Hill are slowing down final action on the first "minibus" package of annual spending bills, throwing in doubt a GOP plan to avoid a government shutdown on Oct. 1.

One of the policy disputes is over a provision being pushed by Republicans in the Washington state delegation, including Rep. Cathy McMorris Rodgers and Dan Newhouse. McMorris Rodgers — the No. 4 House Republicans and the top GOP female lawmaker in Congress — faces a tough reelection fight this year.

The quarrel between House Republicans on the Appropriations Committee and the other "three corners" of the 2019 spending negotiations - House Democrats, plus Senate Republicans and Democrats - comes as GOP congressional leaders will tramp down to the White House on Wednesday to implore President Donald Trump not to provoke a government shutdown over border wall funding. Trump is seeking $5 billion for his controversial project next year, far more than Congress agreed to during negotiations earlier this year to end a prolonged funding fight.

Yet with House Democrats increasingly confident they will recapture control of the chamber in November - meaning Trump may not get any wall funding in the next Congress - some White House officials are urging Trump to fight it out now, even if that means a shutdown on Oct. 1, potentially sealing the fate of the House GOP majority.

Against this backdrop, Rep. Mike Simpson of Idaho, top Republican on the Energy and Water subcommittee on Appropriations, said disputes over more than a dozen policy riders — including a provision that impacts salmon runs in the Columbia and Snake River in Washington State, McMorris Rodgers' home state — have held up

action on the first of the "minibus" conference reports, the $145 billion package that covers the Energy and Water Development, Military Construction and Veterans Affairs, and Legislative Branch funding bills.

This minibus is considered the easiest of the three such packages to get through Congress. The minibus, which funds agencies such as the Department of Energy, is typically non-controversial. And breaking up the 12 annual spending bills in this fashion was the GOP congressional leadership's scheme to guarantee that at least some federal spending gets signed into law before the Sept. 30 deadline.

Appropriators in both chambers warn that if Congress has to pass a continuing resolution to fund the government, it will be at a funding level $36 billion lower than the omnibus funding deal, split equally between defense and non-defense spending.

"We're working through the bill," Simpson insisted on Tuesday, declining to get into the specifics of the policy fights. "The Columbia River is one of them. That's ok, we'll work through this."

"The three corners - the Democrats in the House and Senate, and the GOP in the Senate - kind of struck a deal. But they left us out," Simpson added. "And that's what created part of the problem."

House GOP leaders had wanted to have a conference report on this minibus voted on this week, but Simpson asserted "I can't say whether we'll get it done in time to have it out this week just because the time it takes to get through the bill." Simpson said he'd like to have a deal in place by the end of this week.

Simpson said he and House Appropriations Committee Chairman Rodney Frelinghuysen (R-N.J.) met with their Senate counterparts - Sen. Lamar Alexander (R-Tenn.) and Senate Appropriations Committee Chairman Richard Shelby (R-Ala.) - to try to settle their disputes. Negotiations are ongoing, Republican lawmakers and aides said.

"We're making progress, we hope that we can continue that," Shelby said.

One of the key issues involves "spill over" of water at the Columbia and Snake River dams. Environmental groups say that procedure makes it easier for salmon to spawn. But industry groups say the process cuts energy output at the dams, which could lead to higher electricity costs.

A Democratic aide called the "spill over" provision a political "gift" to McMorris Rodgers (R-Wash.) as she faces a rough reelection challenge. McMorris Rodgers and Rep. Dan Newhouse (R-Wash.) have pushed a provision to ban such spill overs. It was included in the House-passed Energy and Water bill, but was not part of the bipartisan deal.

"Dams and fish can coexist, and this language in the Energy and Water Development and Related Agencies Appropriations Bill is another avenue for us to stop the spill at the Columbia and Snake River dams," said McMorris Rodgers in a July statement. "We have to get this done to protect our dams, our fish, and ratepayers in the Pacific Northwest."

With final action slowing on such a normally straightforward funding package, multiple Hill aides say there's little chance a final agreement can be reached this week, eliminating GOP leaders' room for error with just 11 working days left until the deadline.

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'Back the way it was': One political odd couple works to end the shutdown cycle Back

By Sarah Ferris | 09/05/2018 05:07 AM EDT

In July, Democrats had a rare chance to sink one of President Donald Trump's judicial nominees. But then Sen. Patrick Leahy informed party leaders he wouldn't be voting.

The Vermont Democrat had made a promise, he explained, not to weigh in against the contentious pick because Sen. Richard Shelby (R-Ala.) was too sick to travel back to Washington — a bipartisan gesture that has all but disappeared in today's Senate.

That accord, in blatant defiance of partisanship, illustrates the way the two senior spending leaders have unexpectedly ended a decades-long standstill in the Senate Appropriations Committee this year, calling a political truce backed up by nothing more than a nonbinding verbal commitment to keeping controversial policy language out of funding bills.

"We haven't made this kind of progress in probably 20 years," Shelby, a first-term chairman, said in a recent sit-down interview in the Capitol. "What we're trying to do is make the Senate work. The Senate won't really work or be effective if appropriations doesn't work."

In just six months, the chamber has muscled through funding bills at a quicker clip than most sitting senators have ever witnessed. Amid political scandals and policy brawls, the Senate has cleared fiscal 2019 appropriations measures that make up 90 percent of all government spending, with almost no resistance from lawmakers on either side of the aisle.

Some skeptical observers note that the Senate is just one side of the Capitol and that some, if not most, government agencies are almost certainly still headed for a stopgap funding bill on Oct. 1. But the upper chamber's record on spending bills this year is an odds-defying success story that few predicted in an age of increasingly polarized congressional politics.

"I think there was a longing among those of us who've been here awhile to go back to the way things used to be," said Sen. Susan Collins (R-Maine), "where the appropriations bills were fully debated, almost always bipartisan, brought across the Senate floor and available for amendment."

The annual task of passing spending bills was made far simpler by the budget deal, H.R. 1892 (115), enacted in February, which freed up an additional $160 billion for Congress to allocate this year.

Still, multiple lawmakers and aides largely attribute the success to the ingenuity of Shelby and Leahy, a pair of institutionalists with a combined 75 years in office, who have witnessed the decadeslong erosion of Congress' most basic function: Funding the government.

"Sen. Shelby has made a huge difference by reaching out to the Democrats and up-front setting the rules that we would avoid 'poison pills,'" Collins said.

This spring, Shelby took the helm of the Senate Appropriations Committee from retired Sen. Thad Cochran (R-Miss.). Leahy, his longtime confidant, was already ranking Democrat.

The friendship began decades ago, however, between the former Southern Democrat and the New England agriculture ally.

The pair started meeting one-on-one just after Congress closed the books on its ugliest year of fiscal policy in recent memory, with two shutdowns, five stopgap spending bills and one massive omnibus, H.R. 1625 (115). The final product — 2,232 pages long — was shaped almost entirely without input from appropriators.

"We said, 'What is the sense of being here, doing all this work, if nothing happens?'" Leahy recalled in a recent interview, explaining that he only agreed to become the committee's ranking Democrat "because I thought we could get it back the way it was" before political feuds could hold up funding for entire federal departments.

Shelby, too, describes last year's legislative paralysis as a "turning point" that convinced even the Senate's political hardliners to shuck partisan show votes in favor of getting the job done.

Within weeks, Shelby and Leahy came up with a strategy to pass all 12 bills for the first time since 2000 by swearing off any new "poison pill" policy language — at least on their side of the Capitol.

On April 18, Shelby invited the panel's subcommittee chairmen to a closed-door meeting to announce his plan to work with Democrats on each of the dozen measures this year.

The chairman promised he wouldn't insert a single political rider into his own bill, the behemoth Defense funding measure, S. 3159 (115), and said Leahy had agreed to do the same. He reminisced about his years under successful appropriations chairmen like Thad Stevens, Robert Byrd and Daniel Inouye, before Congress was "lurching from crisis to crisis."

To his fellow appropriators and the rest of the GOP, Shelby stressed the importance of compromise.

"Things don't happen. You have to work at it. I know because I've been on both sides," said Shelby, who began his Senate career as a Democrat before switching parties in 1994. "If you just want your way, it's not going to work. You've got to reach out, you've got to give and take. You can make a statement. You can make a splash. You can create good will or ill will. But then the job doesn't get done."

For his part, Leahy worked to sell Democrats on the plan, recalling years when other political odd couples like Barry Goldwater and Hubert Humphrey, or Bob Dole and George McGovern, could cut the same kind of deals.

Less than a week later, the two Appropriations leaders sat down with Majority Leader Mitch McConnell and Minority Leader Chuck Schumer to begin a rare series of high-level talks before the official start of the spending season.

"We said, 'We want your backing. But we're going to do this no matter what,'" Leahy said, explaining that there was a sense of skepticism in some Capitol suites. "I think there was a feeling, 'Yeah guys, this would be really nice, but we haven't been able to do this for 15 to 20 years. Why would we do it now?'"

Both McConnell and Schumer supported the effort and eventually helped quash the types of political rebellions that have tanked appropriations bills in years past, according to multiple aides.

Last month, instead of taking its usual summer recess, the Senate overwhelmingly passed a third funding package, H.R. 6157 (115), that makes up two-thirds of government operations. If signed into law, it would be the first time in nearly a decade that the Pentagon, as well as HHS, don't start the fiscal year under yet another stopgap.

The Senate must now merge its bills with far more partisan ones from the House, where language on issues like abortion, nuclear waste and financial deregulation could still trip up negotiations.

But the cross-party pact was essential to spurring legislative action in the upper chamber, where a single senator can prolong the process and the prospect of votes on especially controversial amendments can spook leaders away from even bringing up a bill.

In closed-door meetings with Senate Democrats this summer, Schumer and his deputies instructed lawmakers to retreat from the usual political show votes that a minority party would typically force during an election year. In the end, not a single amendment on Obamacare, immigration or environmental issues ended up provoking a major fight on the floor.

The toughest hurdle, Leahy said, was convincing Democrats who were eager to use the spending bills as a proxy fight over Trump administration policies.

"'We're not in the majority. Right now, we have a whole lot of things you want and I want in here. So let's stick together on that,'" Leahy said he told his Democratic colleagues. "I said, 'No, we're not going to be like the House with 150 poison pills.'"

In talks with both Democrats and Republicans, Leahy often relied on personal ties, he said, as well as the keys to a coveted Capitol suite overlooking the National Mall, reserved for the Senate's longest-serving member.

The 78-year-old Vermonter enjoys inviting colleagues, and sometimes their families, to that balcony for a taste of single malt "holy water" at sunset, he said.

Shelby had his own party struggles, exacerbated by the fact that — in late July — Trump issued yet another threat via Twitter to sink funding bills as leverage to secure more money for a wall along the U.S.-Mexico border.

There is no guarantee, Shelby said, that the president will sign the final versions of bills he and Leahy have shepherded.

If lawmakers do succeed in dodging a funding lapse this month, though, the two committee leaders say they believe it will restore confidence in the Senate's ability to advance other bills.

"If we can show how the appropriations [process] could work and does work, then maybe some of this will rub off on the legislative end. ... Be a little more collegial, respectful," Shelby said. "People are watching us to see if this works."

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GOP congressional leaders to meet with Trump on Wednesday Back

By Rachael Bade and John Bresnahan | 09/04/2018 05:15 PM EDT

Congressional GOP leaders will meet with President Donald Trump Wednesday afternoon, the latest in an ongoing lobbying effort to convince the president not to shutter the government before Election Day, according to multiple sources.

Speaker Paul Ryan, Senate Majority Leader Mitch McConnell, House Majority Leader Kevin McCarthy, Senate Majority Whip John Cornyn and House Majority Whip Steve Scalise will head to the White House to brief the president on the GOP spending strategy.

The federal government's fiscal year ends on Sept. 30, just a few weeks before the critical midterm elections. But Trump has threatened to veto any spending measures that don't include $5 billion for his border wall with Mexico.

With Senate Democrats loath to give in without their own immigration concessions, GOP leaders have set in motion a plan to delay the funding fight over border security until after the election. But Trump has sent mixed signals about whether or not he will go along.

GOP leaders, fighting to save their majorities in Congress, have been impressing upon the president their belief that the House could be lost if Republicans shut the government down so close to Election Day. There are some factions in the White House, however, that believe the House is already lost and that the president should fight on for his own priorities while he still can.

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Droegemeier vows to improve climate models as science chief Back

By Anthony Adragna | 08/23/2018 12:12 PM EDT

Kelvin Droegemeier, nominee to head the White House Office of Science and Technology Policy, vowed today to improve climate change modeling and work on improving resilience to severe weather events if confirmed.

"We need improvements in climate models," he told the Senate Commerce Committee at his confirmation hearing. "There certainly is uncertainty, kind of an ironic way to say it, in climate models. We need to reduce it."

No senator directly asked Droegemeier, a meteorologist at the University of Oklahoma, whether he acknowledges the scientific consensus that human activity is driving the problem. He did tell Sen. Ted Cruz (R-Texas) that he welcomes "all points of view" about the science.

"Science rarely provides immutable answers about anything," Droegemeier said. "Science is the loser when we tend to vilify and marginalize other voices. I think we have to have everyone at the table talking about these things and let the science take us where it takes us."

Ensuring science is conducted without political interference is "absolutely, without question, important and, to me, there is no other way to do it," Droegemeier said, adding he would ensure work on climate change continued without interference.

Droegemeier has won significant praise from Senate Democrats and appears poised to skate to confirmation.

"If confirmed, you have a tough task ahead of you, but I think a lot of us on this committee are going to be happy that you're the White House science advisor," Sen. Bill Nelson (D-Fla.), ranking member of the committee, said in his opening statement.

Jim Morhard, nominee to be deputy administrator of NASA, told Sen. Ed Markey (D-Mass.) human activity has a "significant" impact on climate change but declined to state whether it is the dominant factor.

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Watchdog: EPA failed to justify lavish security for Pruitt Back

By Alex Guillén and Anthony Adragna | 09/04/2018 12:33 PM EDT

EPA failed to prove that former Administrator Scott Pruitt faced threats that justified pouring $3.5 million into round-the-clock security for him, the agency's internal watchdog said on Tuesday.

The number of agents in Pruitt's security detail more than tripled while the agency's costs doubled, according to the report, but it stopped short of identifying any unlawful activity by Pruitt, who left the agency in July under a cloud of scandal.

Pruitt received an unprecedented level of security once he joined EPA, expanding the door-to-door protection previous administrators had received to 24/7 coverage, even inside the agency's Washington headquarters. Agency officials had contended that a spike in the number of threats against Pruitt and his family, as well as protesters at his occasional public appearances, justified the extra protection.

But the Office of Inspector General report said the agency does not even have an approved process in place to determine when to increase an administrator's security, and the decision was made by Pruitt's office.

"Failure to properly justify the level of protective services provided to the Administrator has allowed costs to increase from $1.6 million to $3.5 million in just 11 months," the report concluded.

The report highlights Pruitt's oftentimes brash management style at the agency he had sued more than a dozen times during his prior tenure as Oklahoma's attorney general. Even as conservatives praised his deregulatory agenda, his time atop the agency was derailed by several scandals.

OIG is also conducting probes into Pruitt's extensive first-class travel, his $50-a-night condo rental from a lobbyist with business before EPA, large raises granted to top aides through a statutory loophole, EPA's use of a special hiring authority to bring on political staffers, his construction of a $43,000 secure phone booth and the nature of a meeting with a coal mining group.

Tuesday's report said EPA officials had relied on an August 2017 memo written by an OIG official that summarized threats made against Pruitt and his family, former administrator Gina McCarthy and other EPA employees. However, the memo was not a formal threat assessment because it "only consisted of statistical data of threats received by the OIG," which investigates all threats made against the administrator, the OIG report concluded.

The memo "did not assess the potential danger presented by any of these threats," the OIG said, adding that it was prepared nearly six months after the decision to implement 24/7 protection for Pruitt.

EPA was supposed to conduct a cost analysis and threat assessment within two weeks of Pruitt's arrival in February 2017 to determine whether or not to continue the round-the-clock protection his office had requested. The OIG report said it found evidence of a cost analysis, but no threat assessment.

"We have not received any documented evidence or justification supporting the decision to continue to provide 24/7 protective services," the OIG report says.

In a statement to POLITICO, EPA spokesman Michael Abboud said the agency "disagrees with the OIG's characterization of how a level of protective services is determined."

Dangerous people often do not make threats that would show up in a threat analysis, he said, citing recent attacks that occurred without warning, such as the 2017 shooting at the Republican congressional baseball practice and the 2011 attack on then-Rep. Gabby Giffords.

"A threat analysis cannot be the sole source of information used to determine if protective services are provided or the level of protection," Abboud said.

The OIG disagreed with EPA and said it considers its recommendations to improve EPA's process to be "unresolved." The threat analysis "should be used to document and justify the level of protective services to be provided," the report said. It also faulted EPA's proposed fixes for not requiring documentation about the decisions on the level of protection.

Sen. Tom Carper (D-Del.), top Democrat on the Environment and Public Works Committee, said the report confirmed their suspicions about Pruitt's spending.

"Mr. Pruitt's excessive, 24/7 security detail and the costs it incurred while Pruitt traveled the world first-class on the taxpayers' dime was not properly justified and was not based on a security threat analysis on risks to Pruitt," Carper said in a statement. "This is simply unacceptable."

The inspector general also found the agency improperly approved more than $100,000 in overtime costs related to security between January 2016 and March 2017 — prior to Pruitt's arrival.

Pruitt also drew criticism for flying exclusively in first class, both because his predecessors usually flew coach and because it came as he sought to slash his agency's budget and workforce. EPA against said a string of incidents — such as an individual who reportedly approached him in Atlanta's airport shouting, "Scott Pruitt, you're f---ing up the environment" — prompted his security team to recommend he travel in first class.

Pruitt also faced reports that he requested his security team use his vehicle's lights and sirens to travel around the city, and that he used guards to pick up dry cleaning and drive him around Washington to hunt for his favorite lotion.

Andrew Wheeler, Pruitt's deputy who is now acting administrator, canceled the 24/7 protection a week after Pruitt left, the OIG report says. Wheeler will be provided with "portal-to-portal" protection.

The inspector general report also said it could not determine whether the administrator's security team has statutory law enforcement authority — a status that allows agents to make arrests, conduct investigations and carry firearms. The agency now asserts it has that authority in a June 29 legal opinion from Associate General Counsel Wendy Blake in response to the draft report.

Outside of EPA, other Pruitt investigations remain underway.

House Oversight Chairman Trey Gowdy (R-S.C.) opened his own probe, which has involved meeting with top Pruitt aides for transcribed interviews. The White House and OMB also said they were conducting their own inquiries.

None of those investigations has produced any public reports or results, though a House Democratic aide to the Oversight Committee vowed its probe would continue. A spokeswoman for committee Republicans did not respond to request for comment.

"Although Mr. Pruitt is no longer at the agency, we continue to continue to investigate his wasteful use of taxpayer money and other mismanagement issues that plagued the EPA while Mr. Pruitt served the American people as Administrator," the Democratic aide said.

Meanwhile, the Government Accountability Office is still looking into Pruitt's decision to remove several members of EPA's scientific advisory committees who received research grant money from the agency. And the Office of Special Counsel, an independent agency, is investigating allegations that Pruitt retaliated against several career and one political staffer who questioned his spending and activities.

Several outside probes have concluded, including one GAO investigation that said that Pruitt's private phone booth violated spending laws, although EPA disputes that conclusion.

However, other closed investigations found no wrongdoing.

GAO concluded that Pruitt's appearance in a cattle industry group's video promoting repeal of a water regulation did not violate anti-lobbying laws. The OSC dismissed complaints that Pruitt's frequent travel to Oklahoma was politically motivated after finding "no evidence that Mr. Pruitt used government resources to travel to Oklahoma to support a future candidacy for state office."

And the Oklahoma Bar Association in July ended its investigation related to Pruitt's statement to Congress that he did not use personal email to conduct business as Oklahoma attorney general.

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EPA watchdog to audit agency glider truck emissions study Back

By Alex Guillén | 09/04/2018 03:05 PM EDT

EPA's inspector general said today it will audit the agency's 2017 testing of emissions from glider trucks following complaints from congressional Republicans that the agency is targeting Tennessee manufacturer Fitzgerald.

The November 2017 study, done at EPA's lab in Ann Arbor, Mich., concluded that glider trucks — refurbished engines placed inside new truck cabs — emit up to 55 times the particulate matter and 43 times the nitrogen oxides of newly built trucks under highway cruise conditions.

EPA's findings ran counter to a Fitzgerald-funded study from Tennessee Tech that said gliders were as clean as new engines. That study was never peer-reviewed or released in full publicly, and the school has since urged EPA not to rely on it for rulemakings amid allegations of "research misconduct."

House Science Chairman Lamar Smith and other Republicans in July alleged that EPA had worked with Volvo, an engine maker that competes with glider producers like Fitzgerald, to target the company's vehicles. EPA air chief Bill Wehrum last month responded to Smith that Volvo assisted EPA in obtaining glider trucks for testing, but that EPA had ignored Volvo's "unsolicited views on the EPA test program."

"As part of this audit, the OIG will examine the selection, acquisition and testing of glider vehicles at the EPA's National Vehicle and Fuel Emissions Laboratory, as well as the EPA's planning for this testing," the OIG said in its opening memo.

WHAT'S NEXT: The OIG audit likely will take months. EPA in the meantime is considering easing or repealing the glider regulations, which were part of the Obama administration's Phase 2 heavy-duty truck rule.

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Energy Department to conclude SPR update study within 6 months Back

By Ben Lefebvre | 07/24/2018 01:23 PM EDT

The Energy Department plans to finish within six months a study on how to modernize the Strategic Petroleum Reserve, a department official told lawmakers today.

The study would help the department decide the best way to update its 40-year-old system of oil storage sites for the first time in more than two decades, DOE Assistant Secretary of Fossil Energy Steven Winberg said during a House Energy and Commerce subcommittee hearing today.

"The need (to update SPR) is pretty great," Winberg told the energy subcommittee. "We have pipelines, valves and pumps that need to be replaced on the surface."

Republicans and Democrats on the committee both supported a draft bill that would allow the Energy Department to create a pilot program to lease excess SPR storage capacity to the private sector, potentially using proceeds to pay for updates to the system.

Congress has mandated selling enough oil out of the SPR to fund general budget projects that storage levels will fall to 45 percent of the system's capacity by 2027, according to a Government Accountability Office report. Leasing that space would make sense, said GAO Natural Resources and Environment Director Frank Rusco.

"Just leaving that excess capacity is just throwing money away," Rusco said at the hearing. "I'm sure there will be private sector interest in using this capacity. It's the cheapest way to store oil."

WHAT'S NEXT: DOE will ask private companies whether they would be interested in possibly leasing of SPR storage space.

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Court orders EPA to immediately reinstate chemical safety rule as industry objects Back

By Alex Guillén | 08/31/2018 06:29 PM EDT

The D.C. Circuit Court of Appeals today ordered EPA to immediately reinstate an Obama-era chemical safety rule just two weeks after it first struck down the Trump administration's delay of the requirements.

The unusual order cut short the typical period for any appeal, and industry groups that supported the Trump administration's delay complained this afternoon that the court had wrongly silenced them.

Courts typically give the losing side at least 45 days to decide whether to appeal before formally issuing an order, known in legal terms as "issuing the mandate." Environmental and labor groups on Aug. 24 asked the court to more quickly order EPA to reinstate the rule, arguing that giving EPA that full time would mean the rule might not be reinstated until October, further adding to a delay that the court said was unlawful.

The two-judge panel granted that request today in a one-page order that did not explain the decision.

Industry groups that supported delaying the rule — including the American Petroleum Institute, the American Chemistry Council and American Fuel & Petrochemical Manufacturers — quickly filed an emergency motion asking the court to reverse its order to EPA. The groups said they were preparing to file a response on Sept. 4, but that the court's Friday order meant they had no "notice or an opportunity to respond."

"The Court should accordingly rescind the Order and recall its mandate to give Industry Intervenors the opportunity to exercise their right to respond," they wrote.

WHAT'S NEXT: The court must decide whether to recall its order to EPA.

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Court withdraws mistaken order to reinstate EPA chemical rule Back

By Alex Guillén | 09/04/2018 05:00 PM EDT

A federal court today said it will wait to hear from EPA before deciding whether to immediately reinstate an Obama-era chemical safety rule.

The D.C. Circuit Court of Appeals last Friday ordered EPA to reinstate the rule — just two weeks after a three-judge panel struck down the Trump administration's delay of the rule. Environmentalists had asked the court to order EPA to act immediately, rather than wait the typical six weeks to give the agency a chance to appeal first. EPA and the industry groups and states supporting it had a chance to weigh in on the matter before the court issued its order.

But in a one-page order issued today, the court says the order was issued "inadvertently" on Friday and directs EPA to return it "forthwith." No further explanation was given as to how the order was issued accidentally.

The rule took effect in January 2017, but EPA moved to delay its implementation soon after President Donald Trump took office so the new administration could consider changes to its requirements.

WHAT'S NEXT: The court gave EPA and its supporters until 4 p.m. Wednesday to file their responses to the environmentalists' request to quickly order EPA to act. The court has no set deadline to act but could do so as early as Thursday.

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Washington Post - Pruitt aides reveal new details of his spending and management at EPA

Politico - Woman with toddler confronts Pruitt at D.C. restaurant

CNN - Whistleblower: EPA's Pruitt kept secret calendar to hide meetings

USA Today - Mom confronts EPA head Scott Pruitt at DC restaurant: I want you to resign

CNN - Reports: EPA aides testify to Congress about how Pruitt enlisted them for personal errands

ABC News - Pruitt allies sought EPA jobs for friends, family as companies suggested hires, emails show

New York Times - Former E.P.A. Aide Says Pruitt Asked Her to Help Find Work for His Wife

Utility Dive - EPA finds 20 states don't need more ozone pollution reductions to be 'good neighbors'

Politico - Utah oil drillers won pollution break from Pruitt

Inside EPA - EPA Region 1 Chief Signals Possible Support For Interim PFAS Measures

Inside EPA - Industry Backs EPA Science Rule As Means Of Targeting Strict Risk Studies

Bloomberg Environment - Senate Republicans Agree on Pruitt's Future: It's Trump's Call

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Bloomberg Environment
https://news.bloombergenvironment.com/environment-and-energy/senate-republicans-agree-on-pruitts-future-its-trumps-call
Senate Republicans Agree on Pruitt's Future: It's Trump's Call
Dean Scott
Posted July 3, 2018, 7:13 AM

- ***While some Republicans admonish Pruitt, few have yet to call for his firing***
- ***EPA chief to appear before Senate environment panel in August***

Sen. Susan Collins was the lone Republican to vote no on EPA Administrator Scott Pruitt's nomination. But 16 months later, following multiple revelations about Pruitt's conduct, the Maine Republican isn't ready to demand the agency chief's resignation.

"It's not my call as to whether or not he stays in his post—that's the president's call," Collins told Bloomberg Environment in a recent interview.

Her stance illustrates the political quandary confronting Pruitt's Democratic critics. If they can't get the lone Republican who voted against Pruitt's confirmation to demand his firing, then how are they to convince Republicans who backed the Environmental Protection Agency head to abandon him now?

Other Republican senators who have been sharply critical of Pruitt agree with Collins' assertion that it's up to President Donald Trump to decide Pruitt's fate. As a result, not even further congressional hearings—such as one coming up in August, which the chairman of the Senate's environment committee foreshadowed recently following new ethics revelations about Pruitt—will make much of a difference in persuading Republicans to join Democrats calling for the EPA head's ouster, the Senate's second-ranking Democrat predicts.

"I don't know if there's an ethical tripwire when it comes to Scott Pruitt, because he has served the purpose of some Republicans to emasculate environmental protection, and as a result, they are willing to look the other way when he has been guilty of repeated ethical violations," Senate Minority Whip Dick Durbin (D-Ill.) told Bloomberg Environment.

Republicans have grown increasingly uncomfortable defending Pruitt's conduct, ranging from his around-the clock security detail to his $50 a night bedroom rental in a Capitol Hill condominium from a lobbyist. Other actions that have raised eyebrows: allegations that Pruitt sought first-class upgrades at taxpayer's expense, used his public position to prod Chick-fil-A Inc. to award a franchise to his wife, Marlyn Pruitt, and sent out top EPA aides for personal errands.

For now, Pruitt's position appears safe. Trump said June 15 that Pruitt is doing "a fantastic job" but added, "I'm not happy about certain things. I'll be honest."

Handful of Critics

In April, more than 130 House Democrats joined 38 Senate Democrats, as well as Independent Sen. Bernie Sanders (Vt.), offering a resolution expressing no confidence in Pruitt and calling for his immediate resignation.

The depth of Pruitt critics' frustration was on display July 2, when a woman confronted the EPA chief in a Washington, D.C., restaurant. Pruitt got up and left the restaurant.

But only a handful of House Republicans—several of them members of the bipartisan Climate Solutions Caucus, which tends to attract more moderate Republicans—have called on Pruitt to call it quits. They include Florida Reps. Carlos Curbelo and Ileana Ros-lehtinen; New York Rep. Elise Stefanik; New Jersey Rep. Frank LoBiondo; and most recently, Rep. Brian Fitzpatrick of Pennsylvania. Both LoBiondo and Ros-Lehtinen are retiring.

"Ironically, because [Pruitt] has been so reckless and has no credibility left in Congress, he has strengthened those who want to see our country take a different course," Curbelo told Bloomberg Environment. "So we're taking advantage of that, and I certainly hope he leaves the administration one way or the other as soon as possible. In the meantime, we're going to continue taking advantage of his incompetence, pettiness, and recklessness to advance our cause."

Fitzpatrick at a June 25 news conference in Horsham, Pa., said that Pruitt should step down because "there's way too much stuff now" under investigation, referring to separate inquiries the Government Accountability Office, EPA inspector general, House Oversight Committee, and others are conducting.

Ernst Among Toughest Critics

Sen. Joni Ernst (R-Iowa) has called Pruitt "about as swampy as you get here in Washington, D.C." Ernst and her Iowa GOP colleague, Sen. Chuck Grassley, have criticized him on biofuels policy, with Grassley warning he would call for Pruitt's resignation if the EPA continued exempting small oil refineries from a mandate to use renewable fuels such as ethanol.

Pruitt subsequently made moves to do what Grassley and Ernst wanted, but that in turn angered oil-state senators.

Asked if Pruitt's conduct warrants his early departure, Ernst said, "I do. I believe so." But she told Bloomberg Environment, "If the president decides to let him go, I am totally OK with that. But it is up to the president to make that decision."

Sens. John Kennedy (R-La.) and Shelley Moore Capito (R-W.Va.) also haven't hesitated to criticize Pruitt. But Kennedy, who has warned that Pruitt's behavior hurts Trump, agreed the call is still the president's.

Capito has repeatedly called for more congressional oversight over Pruitt, saying he needs to "clear the debris" she said is piling up around his conduct. But she also stopped short of calling on Trump to fire him.

"The president is going to make the decision on whether or not he goes or not," Capito said.

Pruitt has made only a handful of appearances before congressional committees. But Sen. John Barrasso (R-Wyo.), chairman of the Environment and Public Works Committee, recently bowed to pressure from members to bring Pruitt before a hearing in August.

Barrasso told Bloomberg Environment that he is eyeing mid- to late-August for the hearing, after senators return from a scheduled work period the week of Aug. 6.

Steep Learning Curve?

Many Republicans, such as the chairman of the House Rules Committee, Rep. Pete Sessions (R-Texas), say Pruitt has been slow to adapt to national media attention and struggled along a learning curve that can be a challenge for new Cabinet members and others new to Washington.

"Scott Pruitt is learning that Washington, D.C., is a very expensive and difficult town to make your way in and around," Sessions told Bloomberg Environment.

Other Republican senators remain firmly in Pruitt's camp. They include Sen. Jim Inhofe (Okla.), who raised concerns over Pruitt's actions in recent weeks but came to the fellow Oklahoman's defense after meeting with him this month.

Sen. Steve Daines (R-Mont.) said he's been impressed with Pruitt's attention to the Anaconda Co. Smelter site in Montana, which Daines said is finally seeing progress under Pruitt's campaign for more progress on Superfund cleanups.

Daines said he sees no reason for Pruitt to consider resigning.

"Part of this too is you've got a group of folks, extremists, who are chasing him relentlessly because they just don't like what he's doing at EPA," Daines said.

Inside EPA
https://insideepa.com/daily-news/industry-backs-epa-science-rule-means-targeting-strict-risk-studies
Industry Backs EPA Science Rule As Means Of Targeting Strict Risk Studies
Maria Hegstad
July 03, 2018

Industry groups are welcoming EPA Administrator Scott Pruitt's controversial plan requiring use of public research to justify agency policies, saying it will make it easier for them to access raw data underlying studies they have questioned and which the agency has, in at least one case, used to set conservative risk values that drove strict policies.

In early comments submitted on the proposed rule, chemical manufacturers say their experiences trying to access data they question are evidence of the need for the rule. In the case of trichloroethylene (TCE), the Halogenated Solvents Industry Alliance (HSIA) has yet to gain access to data underlying a controversial study indicating the widely-used solvent can cause cardiac birth defects -- and which EPA has used to set strict risk values and subsequent cleanup policies.

HSIA said in comments released by EPA earlier this month that it "support[s] EPA's proposed transparency rule and point to the use of the Johnson et al (2003) in EPA's derivation of toxicological values for TCE as an example of why the rule is needed."

In comments released at the same time, the Truck and Engine Manufacturers Association (EMA) says the rule will make it easier for other industry groups to avoid the difficulty they faced gaining access to data underlying a controversial 2012 study by the National Institute of Occupational Safety and Health and the National Cancer Institute (NCI) that showed a positive correlation between estimated levels of a diesel exhaust surrogate and lung cancer.

The study, known as the Diesel Exhaust in Miners Study (DEMS), led EPA risk assessors to consider whether to update their 2001 IRIS assessment of diesel exhaust's health risks, which excluded cancer risk because of a lack of data."Notwithstanding EMA's ultimate success in ensuring that other leading scientists could obtain access to the DEMS data in a manner sufficient to enable necessary reanalyses, the processes and expenses that EMA was forced to underwrite were unduly burdensome and costly," the group says in its comments.

"Accordingly, in its implementation of the [proposed rule], EPA should take the steps necessary to ensure that future third-party efforts to gain access to the data underlying pivotal study data are far more streamlined and cost-effective," the group adds.

Pruitt's proposed rule seeks to bar regulators from relying on any research in major regulations where the underlying data and models are not publicly available, though the rule as proposed also gives the administrator latitude to grant exemptions from the policy.

Opponents of the proposal, ranging from Democrats to academic associations and environmentalists, have been particularly vocal, arguing that the rule as proposed would bar EPA from using most public health data because it contains private medical information.

They have been especially concerned that the rule would make it more difficult for EPA to rely on human health studies conducted by NCI and others that the agency has long used when setting air quality standards for ozone, particulate and other criteria pollutants.

Industry groups have been more circumspect, with the American Chemistry Council one of a handful that have publicly praised the proposal's aim of transparency.

TCE Study

Now HSIA and EMA are welcoming the proposal, saying it will help gain access to underlying data for those seeking to scrutinize studies they criticize.

In HSIA's case, the group hopes the rule will help them gain access to data underlying the 2003 Johnson study, which found evidence of cardiac malformations in fetal mice after their mothers were exposed to TCE, results that HSIA has long disputed. HSIA represents the makers and users of TCE and other halogenated solvents.

EPA used the study in part to justify its 2011 IRIS assessment of TCE, which included strict drinking water and inhalation risk estimates. EPA has also used the risk values to set regulatory policies. For example, EPA Region 9 in 2014 set strict action levels that can lead to building evacuations to protect workers and residents from short-term exposure to TCE vapors at Superfund and other waste sites in the region.

Some states are also beginning to adopt the region's action levels, HSIA writes.

But HSIA reiterates its long-standing charge that the Johnson study is flawed. The group points to flaws in the study's design and record-keeping, and argues that its findings have not been replicated.

"HSIA's attempts to see the raw data which formed the basis of the Johnson et al (2003) study have been unsuccessful," HSIA writes, adding that its request to obtain the data from EPA resulted in a brief summary of data. HSIA's examination of this summary "reveals an absence of certain critical information, including more importantly dates for any of the individual treatment/control animals," which the authors sought to address in a pair of published errata.

"HSIA has consistently maintained that the data presented" in the original study and the two errata "do not allow calculations of the incidence of cardiac malformations per litter that is time-matched to concurrent controls (the standard practice for developmental toxicity studies.) … The lack of data availability and clarity sufficient to construct key analyses associated with a key study should disqualify the use of that study in important decisions such as [reference concentration and reference dose] calculations used for regulatory purposes."

HSIA also argues that the Johnson study is "not reproducible," pointing to two efforts that failed to reproduce the effect in studies designed to meet EPA or Organisation for Economic Cooperation and Development guidelines -- one of which included Johnson in the scientific team. HSIA is funding a third attempt at replicating the Johnson study, underway at a contract lab. HSIA says that results are expected by September.

EMA's Comments

Similarly, EMA writes in its comments that it hopes EPA's proposed rule will help ensure that other industry groups will be able to more easily gain access to data underlying studies they oppose to help reanalyze them.

The group notes that its investigators eventually gained access to the data, which allowed them to demonstrate, among other things, that "the reported associations between occupational exposures to [diesel engine exhaust] and lung cancer are greatly attenuated, with most being statistically non-significant."

But EMA says its efforts were costly and time consuming, noting it took more than three years and cost more than $200,000 -- excluding the cost of the investigators' fees.

"In the end, however, those efforts proved to be well worth the effort, since the investigators . . . ultimately were able to complete their reanalyses, which in turn led to the publication of four important peer-reviewed journal articles highlighting the significant questions and uncertainties that pertain to the original DEMS results."

The group says this should "serve as a clear-cut example of the vital importance of ensuring that pivotal scientific data are made available for review, replication and reanalysis by other independent scientists. Without that type of third-party expert review, the original results of pivotal regulatory science might not receive the scrutiny and reassessment that is warranted. . . .That in turn could lead to the implementation of mis-informed regulatory policy and inherently flawed regulations."

As a result, the group says that when the proposed rule is "properly" implemented, it "can serve as a safeguard against that type of adverse outcome."

The group also recommends changes that it argues will improve the proposal's implementation based on its experience with the DEMS study. For example, it suggests that EPA "set up data-housing capabilities and protocols at the [National Center for Health Statistics' Research Data Center] or at another suitable data-storage/analysis site to facilitate the receipt and centralized management of pivotal study data in a manner that can streamline third-party access to data, while also providing safeguards and Agency oversight to protect confidentiality concerns; develop standardized data-access, data-sharing, data-security and confidentiality agreements; and "ensure that any fees for gaining authorized access to pivotal study data at EPA's authorized data-housing site(s) are kept to a minimum." -- Maria Hegstad (mhegstad@iwpnews.com)

Inside EPA
https://insideepa.com/daily-news/epa-region-1-chief-signals-possible-support-interim-pfas-measures
EPA Region 1 Chief Signals Possible Support For Interim PFAS Measures
Suzanne Yohannan
July 03, 2018

EPA Region 1 Administrator Alexandra Dunn says the agency may be willing to take interim steps to address perfluorinated chemicals before the agency completes work on the four action items that Administrator Scott Pruitt recently announced, telling a regional forum that additional actions may be folded into a national management plan slated for released later this year.

In closing remarks to last week's forum, Dunn said that she heard community members call for interim actions beyond items the agency has already pledged to take on per- and polyfluoroalkyl substances (PFAS), though she did not commit to any specific measures.

"Once our eyes" are open to the situation and concerns regarding PFAS contamination, "you can't really close them and not act," Dunn told the June 26 forum, according to a recording of the session released by a citizens coalition.

Dunn spoke at EPA's first of several community engagement forums across the regions aimed at addressing PFAS, following a national summit in May between EPA and states that was criticized by community groups for giving limited access to citizens.

New England-based Region 1 held the first of the regional fora, as the region has drawn significant concerns from community groups facing PFAS contamination in their drinking water systems stemming from manufacturers or military use of the substances in fire fighting foam.

At the June 26 closing session of the two-day forum in Exeter, NH, Dunn spoke following Peter Grevatt, the director of EPA's Office of Ground Water and Drinking Water and the top official on PFAS policy. "I think what you heard form Peter [Grevatt] is EPA is in action mode at this point on this matter," Dunn said.

She reiterated the four PFAS action items Pruitt announced in May: evaluating the need for an enforceable drinking water standard for two PFAS -- perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), taking steps to propose those two chemicals as hazardous substances under the Superfund law, developing groundwater cleanup recommendations for PFOA and PFOS for use at contaminated sites, and developing toxicity values for newer generation PFAS known as GenX and perfluorobutane sulfonate.

She said those actions "will be helpful, but I know what we heard [here] is there's so much that can be done in the interim."

Dunn said she has many notes from the New England forum about other items besides the four action items previously pledged by EPA that "may become part of [the agency's] national plan that reflects the true input that you all gave us."

Dunn did not specify which actions advised by community groups the agency may take up, only saying some attendees at the forum talked about Superfund sites and other drinking water issues.

She noted that EPA held the forum after community group members sought a say in the decisions the agency makes on PFAS affecting communities. Dunn also referenced her background in teaching environmental justice at three law schools, noting the real opportunity she now has to "practice what we preach, which is inclusion and listening."

Dunn and Grevatt planned to meet with Pruitt to brief him on the meeting's proceedings June 27.

'Strong' Standard

At the forum, citizen group members reiterated their request for a "strong, enforceable" national drinking water standard for PFAS that is health-protective of multiple populations, a community coalition member told Inside EPA.

Groups also asked for strong cleanups, designating contaminated sites as Superfund sites and making sure the polluter pays, the source says.

The forum included speakers from community groups in New England and state regulators from New England states, as well as New York. The community coalition source says that hearing the differences between Vermont and New Hampshire regulators over PFAS drinking water contamination stemming from the same company in different towns -- with Vermont applying a health advisory limit of 20 parts per trillion (ppt), for instance, and New Hampshire applying EPA's 70 ppt health advisory level for its drinking water -- highlighted the discrepancies in state responses.

It also highlighted the need for a strong, health-protective standard for drinking water capturing the total of these chemicals, the source says.

This source did not hear any strong commitments coming from federal agencies at the forum, but says citizens at the meeting are hopeful that "contextualizing" their request and personal stories will help [EPA] to additionally prioritize meaningful action on this class of chemicals as soon as possible. The source said, "I'm cautiously hopeful."

Another community group source noted that the best part of the summit was the networking with others who can help with their PFAS contamination -- such as the design engineers for a drinking water filter system planned for their community in Massachusetts.

The source noted the continuing problem in Westfield, MA, where contamination from an Air National Guard base is polluting city wells, but the guard lacks access to funds to pay for treating the water. Whether Westfield receives

help remains to be seen, the source says, adding though that at least community members were able to talk to those in charge of a pending treatment system that may be paid for by the city through a controversial bond initiative. -- Suzanne Yohannan (syohannan@iwpnews.com)

POLITICO
https://www.politico.com/story/2018/07/03/utah-oil-drillers-won-pollution-break-after-pruitt-joined-epa-666916
Utah oil drillers won pollution break from Pruitt
By EMILY HOLDEN
07/03/2018 11:00 AM EDT

Utah oil and gas producers tried for years to get the Environmental Protection Agency to exempt them from smog rules meant to prevent ailments like asthma.

They finally got their relief after Scott Pruitt took charge of the agency, newly released emails show.

To groups opposed to President Donald Trump's policies, the records are yet another sign that Pruitt has transformed an agency created to protect the environment into a tool for granting favors to industry. They say that's troubling even if it falls short of the overt collusion his critics have accused him of amid revelations about his ties to lobbyists who helped him arrange housing and travel.

"The public is being shut out of the decisions that affect the air we all breathe while polluters have Pruitt at their beck and call whenever they ask to throw out a lifesaving protection," said Matt Gravatt, the associate legislative director at the Sierra Club, which obtained the emails in a lawsuit over a public records request.

The EPA's aid for the oil and gas companies in Utah came after an industry lobbyist, Marc Himmelstein, a former American Petroleum Institute executive with longstanding connections to top GOP fundraisers, enlisted help from another like-minded Republican, House Natural Resources Chairman Rob Bishop (R-Utah), who has pushed legislation to promote oil and gas development and ease permitting requirements.

Himmelstein coordinated a July 2017 phone call between the Utah lawmakers and Pruitt, offering specific talking points for Bishop to use, according to the records obtained in a lawsuit by the Sierra Club.

The EPA was set to declare that the tribal land in the Uinta Basin in Utah was not meeting standards for smog or ozone pollution. Once that happened, oil and gas producers wouldn't be able to use a streamlined permitting process and would instead have to seek approval for each of the thousands of wells they aim to drill there.

"We ask the Agency to develop a streamlined permitting solution for future development of the Basin," Himmelstein's talking points for Bishop said.

In April, EPA proposed just that.

Himmelstein had also sent Pruitt's chief of staff marked-up regulatory text that he shared with Bishop to propose. And he said the EPA would receive a letter from the office of Republican Gov. Gary Herbert. Herbert, who is aiming to increase energy production in Utah, had been focused on the issue already and did convey the industry concerns to Pruitt in a letter last summer, his office confirmed.

Himmelstein is a longtime Washington lobbyist and president of the energy lobbying firm National Environmental Strategies, which was previously caught in an ethics controversy over its ties to a former Interior Department official. He told Jackson he was working with QEP Resources and Newfield Exploration, two of the biggest drillers in the region that includes the companies' leases in the Uintah and Ouray Indian reservations.

Himmelstein is also treasurer of the Conservative Leadership Alliance, a 501(c)(4) that spent $1.4 million on federal elections this year, according to OpenSecrets. And he is a lobbyist for FirstEnergy Solutions, which has been

influential with the Trump administration in its bid to keep coal and nuclear plants online.

Pruitt's critics have long complained the former Oklahoma attorney general was too closely tied to the oil and gas industry. Email records show senior staffers at the EPA also exchange scores of messages with top lobbyists for the fossil fuel, agriculture and chemicals industries, and the newly released messages show the consideration top agency staffers gave to energy companies, who often complained that the Obama administration ignored their concerns.

Oil and gas development has been blamed for contributing to northeastern Utah's ozone pollution, which can affect people suffering from bronchitis, emphysema and asthma. A 2013 study of the area found that at least 98 percent of volatile organic compounds and 61 percent of nitrogen oxides — building blocks of ozone — come from oil and gas.

Himmelstein and representatives for the two companies did not respond to requests for comment. But Pruitt's chief of staff, Ryan Jackson, told POLITICO that the EPA was eager to help them because the Obama-era requirements would have unfairly limited oil and gas production on the tribal lands compared with other nearby operations.

Jackson said the stricter permitting process for oil and gas companies in Utah would have been "entirely unnecessary and entirely unfair." EPA is likely to pursue a broader rewrite of the rule, in addition to the carve-out for the Uinta Basin, he added.

"Why are we disadvantaging Indian country?" he said, "That makes no sense."

But Jackson has it backward, said Jon Goldstein, director of regulatory and legislative affairs for the Environmental Defense Fund.

"What's unfair is asking people to continue to breathe unhealthy air that has consequences," Goldstein said.

While Himmelstein wanted the EPA to remove the stipulation that drillers in any tribal areas that failed to meet ozone requirements must apply for source-by-source permits, the EPA instead drafted an amendment specific to the Uinta basin.

The amendment would provide a "permanent mechanism for streamlining construction authorizations" on the reservation, including in areas not meeting ozone standards, the EPA's fact sheet explains. It notes that the EPA is also working on a rule for the reservation to reduce ozone-forming emissions "while allowing continued development of its oil and natural gas resources."

Himmelstein, who has long been acquainted with Jackson and met socially on several occasions with him last year, first emailed the EPA chief of staff and then-White House special assistant on energy Mike Catanzaro in June 2017 about setting up a meeting with the two companies.

"We need your help," Himmelstein wrote. "The Uinta Basin in Northeast Utah (Rob Bishop's district) is going to be listed as an ozone non-attainment area later this year. It is a prolific oil and gas producing area that encompasses state, tribal and federal lands."

Pruitt had agreed to meet with QEP when he spoke at the American Exploration and Production Council in late May, Himmelstein reminded in another exchange.

Bishop's spokesperson said the lawmaker's phone call to Pruitt was part the Natural Resources Committee chairman's efforts to press for changes in permitting and air quality rules in the Uinta Basin.

"This is an issue that dates back many years. The Chairman had numerous similar conversations with Pruitt's predecessor, Gina McCarthy. The issue has not been resolved and Chairman Bishop continues to advocate for

reasonable regulatory reforms that will protect and enhance the lives of the people of Utah's first congressional district," Bishop's spokesperson said.

Anthony Adragna contributed to this report.

Utility Dive
https://www.utilitydive.com/news/epa-finds-20-states-dont-need-more-ozone-pollution-reductions-to-be-good/527029/
EPA finds 20 states don't need more ozone pollution reductions to be 'good neighbors'
By Robert Walton, 7/3/18

Dive Brief:

- The 2016 Cross-State Air Pollution Rule (CSAPR) Update to the National Ambient Air Quality Standards (NAAQS) was sufficient to address the so-called "good neighbor" provisions of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) concluded in a proposed determination published last week.

- The provisions are meant to address pollution from activities like electric generation, particularly when it becomes an issue in neighboring downwind states. New York and Connecticut, among other states, have sued the EPA, claiming the federal government was ignoring its duty to curb upwind emissions.

- EPA says that once the CSAPR update is fully implemented, upwind states in this region "are not expected to contribute significantly to nonattainment" of national air quality standards in any downwind states.

Dive Insight:

Twice last month, federal judges ruled the EPA must enforce the "good neighbor" provisions of the Clean Air Act. The agency in 2015 had concluded about two dozen states were failing to develop adequate pollution reduction plans, which was impacting the ability of downwind states to comply with national ambient air quality standards, setting off a two-year deadline to address the issue.

But EPA now says that's no longer true for 20 upwind states.

New York and Connecticut — which between them have nine upwind states they say are impacting their clean air attainment — sued earlier this year after that deadline passed. And while EPA recently denied petitions from Delaware to address out-of-state emissions, several lawmakers have petitioned the agency to reconsider.

True to President Donald Trump's campaign promises, his administration has been rolling back a variety of environmental rules that impact the utility sector, and coal plants in particular. While the administration may need to enforce the rules on the books, EPA's proposal last week criticized the CSAPR regulations and concluded there is no reason to add more rules to address the upwind/downwind issue.

"Instead of imposing additional top-down regulations, this action analyzes air quality trends and modeling that show states in the CSAPR Update region will meet the 2008 ozone NAAQS after the CSAPR Update is fully implemented, and additional upwind reductions are not required," EPA said in a statement accompanying the proposed finding.

According to the EPA, the most recent air quality data and modeling predict that by 2023 there will be no remaining nonattainment or maintenance areas for the 2008 Ozone NAAQS in the CSAPR Update region. And once the update is fully implemented, "upwind states in this region are not expected to contribute significantly to nonattainment or interfere with maintenance of 2008 ozone standards in any downwind state," the agency said.

The proposal would mean neither the EPA nor 20 states covered by the update would be obligated to establish additional requirements for sources to further reduce transported ozone pollution to meet the 2008 ozone NAAQS.

"Based on progress in reducing concentrations and precursor emissions of ozone, this proposed action will close out the CSAPR approach to 'good neighbor' obligations, which has involved the imposition of federal implementation plans and lingering uncertainty for our state partners," EPA Office of Air and Radiation Assistant Administrator Bill Wehrum said in a statement.

Starting this year, Wehrum said the agency expects states to "step up to address these interstate obligations and EPA has identified technical tools and flexibilities to facilitate these plans."

New York Times
https://www.nytimes.com/2018/07/02/climate/epa-pruitt-wife-job.html
Former E.P.A. Aide Says Pruitt Asked Her to Help Find Work for His Wife
By Lisa Friedman
July 2, 2018

WASHINGTON — Samantha Dravis, the former policy chief at the Environmental Protection Agency, told a congressional committee that Scott Pruitt, the administrator, asked her to help find his wife a job as a fund-raiser at the Republican Attorneys General Association, according to two people familiar with the interview.

The fresh allegation that Mr. Pruitt enlisted a subordinate to perform personal duties comes on top of reports that he asked an aide to seek a business opportunity for his wife from the fast-food franchise Chick-fil-A, and that she received $2,000 from Concordia, a Manhattan-based nonprofit that had asked Mr. Pruitt to speak at an event last year.

Mr. Pruitt, before taking the helm of the E.P.A., was the attorney general of Oklahoma and served two terms as chairman of RAGA, the Republican network for state attorneys general. The request to help his wife, Marlyn Pruitt, a former school nurse, find a job at the organization came during the summer of 2017, the people with knowledge of the interview said.

Ms. Dravis, who then was the E.P.A.'s associate administrator for the policy office, told congressional investigators that Mr. Pruitt hoped for his wife to earn a six-figure salary and asked her help in finding a political fund-raising job with the attorneys' network.

Ms. Dravis told investigators she declined to reach out to the organization on Ms. Pruitt's behalf. She also told the investigators that she had cautioned Mr. Pruitt that he would have to disclose his wife's income on federal financial disclosure documents, and that he responded that he would create a limited liability corporation, according to the two people with knowledge of her interview, both of whom asked not to be identified because of the continuing investigation.

John Konkus, an E.P.A. spokesman, said in a statement that the agency has not spoken with Ms. Dravis or the committee about her testimony, which was reported in The Washington Post. Andrew D. Herman, a lawyer for Ms. Dravis, described her as "remarkably evenhanded" in answering the committee's questions about Mr. Pruitt's activities. "She is an honest broker and a very credible witness," Mr. Herman said. "She's trying to just tell the truth and get on with her life."

Cleta Mitchell, Mr. Pruitt's lawyer who is managing his legal defense fund, said she was not aware of the administrator asking for Ms. Dravis's assistance. "I don't know anything about that," Ms. Mitchell said. Ms. Mitchell, a longtime friend of Mr. Pruitt's, said in a recent op-ed that she had volunteered her time to find Ms. Pruitt

employment. Some E.P.A. officials, she wrote, "may have taken it upon themselves to get involved in her job search."

The House Oversight and Government Reform Committee is conducting a sweeping inquiry into Mr. Pruitt's spending, ethics and management of the E.P.A., including his frequent first-class travel and the circumstances of a condo he rented from the wife of an energy lobbyist for $50 a night. There currently are 13 federal investigations, including the committee inquiry, into Mr. Pruitt's actions at the agency.

Ms. Dravis as well as Ryan Jackson, Mr. Pruitt's chief of staff, each spoke to the committee last week for several hours, accompanied by lawyers. Mr. Jackson, in an emailed statement, accused the committee of making his discussions public after asking him to remain silent. "It appears they can't honor their own request," he said.

ABC News
https://abcnews.go.com/Politics/pruitt-allies-sought-epa-jobs-friends-family-companies/story?id=56313981
Pruitt allies sought EPA jobs for friends, family as companies suggested hires, emails show
By SOO RIN KIM
Jul 3, 2018, 4:03 AM ET

Just months into the Trump administration, Environmental Protection Agency Administrator Scott Pruitt's allies from Oklahoma contacted Pruitt and his chief of staff trying to get jobs for family friends and a chemical industry lobbyist – and Pruitt himself tried to recruit from the oil and gas industry, according to internal EPA emails.

One of the allies was Oklahoma lawyer Gentner Drummond, who is vying to take Pruitt's former position as state attorney general in the GOP primary runoff in August. The emails were obtained by the Sierra Club through a public records request and provided to ABC News.

"I am aware that you have visited with [redacted] regarding a position within the EPA. I have known [redacted] for most of [redacted] life, and would love to see another Oklahoman at the Agency," Drummond wrote in a June 29, 2017 email to EPA Chief of Staff Ryan Jackson, who is also from Pruitt's home state of Oklahoma. "I am pleased to call or email Scott. What is your recommendation? The last cell number that I have for Scott is [redacted]."

Although the name of the person being recommended is redacted in the body of the email, the subject of the email reads "RE: Katherine English." Drummond told ABC News that English is a niece of one of his former law partners, and that she had asked him to recommend her for the EPA job.

English's name was hardly unfamiliar at the EPA. For nearly a decade, she had lobbied the EPA and Congress on behalf of chemical corporations. Most recently, she was the director of government affairs at Dow Chemical, and one of the company's leading lobbyists.

In less than an hour, Jackson replied in an email, "Thank you. I know [redacted] really well and that would be fine. Thanks and hope all is well."

Jackson and English go back more than 10 years, when Jackson was chief of staff at the Senate Committee on Environment and Public Works in Washington and English was a counsel at the committee. They are both alums of the University of Oklahoma as well.

Drummond told ABC News that he didn't know which position English was seeking at the EPA, but said that he just knew that English was a qualified lawyer who had worked in Washington for a long time dealing with environmental matters. Drummond said he had not personally interacted with Pruitt, but knew of him as his capacity as a former state attorney general.

A couple of weeks later, Drummond emailed Jackson again: "I have left Scott a voice message and a text but have not heard back, which is understandable given his ever-expanding role. What are your thoughts on a position for [redacted] within the Agency?"

Drummond said he never heard back from Jackson after that last email.

English was not reachable for an immediate comment.

The emails show that Drummond was just one of many of Pruitt's old allies asking about positions at the EPA.

For example, the emails reveal details about contacts between Jackson and lobbyist J. Steven Hart, a longtime Pruitt supporter. Pruitt rented a Capitol Hill condo from Hart's wife Vicki Hart – also a Washington lobbyist – for a below market rate. In the emails, Hart invited Jackson out to dinner and often asked him for favors – including trying to get jobs at the EPA for Hart's friends. Both Hart and Pruitt have denied Hart tried to guide and influence EPA decisions.

Hart sent an email to Jackson in April 2017 about a family friend who had applied for a job at the EPA. Jimmy Guiliano was seeking a policy position at the agency when Hart wrote to Jackson that his wife, Pruitt's landlord, spoke to Pruitt directly and he was following up on the matter.

"He [Pruitt] told Vicki to talk to you about how to handle this," Hart wrote Jackson.

Jackson responded "on it" after Hart wrote that Guliano was "important to us." In a statement to ABC News, EPA spokesman Jahan Wilcox said "the Agency accepts career recommendations from a number of acquaintances. Ultimately, Mr. Guiliano was not hired."

According to the emails, Hart also recommended candidates for the Science Advisory Board on behalf of a client, Dennis Treacy, currently a board member of the Smithfield Foundation – the charitable arm of Smithfield Foods. The EPA also sought recommendations for the advisory board from major Trump donor Doug Deason and a former advisory board member Bryan Shaw.

The emails also appear to indicate that the EPA has been recruiting agency employees from the oil and gas industry, which has backed Pruitt since his time as attorney general in Oklahoma.

According to an email from ConocoPhillips lobbyist Kevin Avery, Pruitt "made a plea for candidates to fill some of the regional director positions within the agency" when he met with the American Petroleum Institute executives in March last year. ConocoPhillips was one of the oil companies that met up with Pruitt at the meeting.

On March 27, just a week after the meeting, Avery reached out to one of Pruitt's closest aides, Samantha Dravis, with recommendations from the company.

"As the communique indicates API member companies were asked to consider providing names of candidates who may be interested in government service," ConocoPhillips spokesperson Daren Beaudo said in a statement to ABC News. "We submitted two candidates for consideration at the EPA's request. We were not involved in any other aspect of the process, and neither was ultimately appointed."

Meanwhile, Henry Darwin, a former state of Arizona Chief of Operations who joined the EPA as the assistant deputy secretary in July last year, also got his wife a job at the agency.

While negotiating his potential job offer at the EPA in May 2017, Darwin expressed concerns about the potential salary to Jackson, and asked if his wife, who is a "legitimate environmental professional" can also have a job at the EPA.

"It would help our financial decision immensely," Darwin wrote to Jackson. "If not out of the question, I would be happy to forward her resume and references (which I would suggest you check - everyone loves her almost as much as I do)."

Henry Darwin's wife, Veronica Darwin, eventually got a job at the EPA as a senior adviser to the administrator for Land and Emergency Management.

"Veronica Darwin has spent more than 18 years working extensively on environmental waste issues that included roles as a compliance officer with EPA's Region 9 office and as deputy division director for the Arizona Department of Environmental Quality's Waste Divisions Program," EPA spokesperson Kelsi Daniell said in a statement to ABC News. "As EPA was looking to bolster its Superfund program and OLEM team, Ms. Darwin was an ideal fit for her current role."

An anti-nepotism statute to a presidential appointment in the executive branch, a public official may not "advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official."

It is unclear whether there is a statute that prohibits a candidate for a politically appointed position from recommending a family member for a job at the same agency.

Cheers, R.

CNN
https://www.cnn.com/2018/07/03/politics/scott-pruitt-epa-aides-house-testimony/index.html

Reports: EPA aides testify to Congress about how Pruitt enlisted them for personal errands
By Veronica Stracqualursi, CNN
Updated 9:29 AM ET, Tue July 3, 2018

Washington (CNN)Two aides to Scott Pruitt detailed to House investigators how the Environmental Protection Agency administrator enlisted them for personal tasks, including job searching for his wife, and pursued first class travel, according to two new reports.

Samantha Dravis, who was Pruitt's top policy adviser at the EPA, and Pruitt's chief of staff Ryan Jackson met with the House Oversight Committee last week.

Dravis recalled to investigators how Pruitt asked her to contact the Republican Attorneys General Association about a job for his wife, The Washington Post reported Monday, citing an individual familiar with the situation.

Citing two people with knowledge of Dravis' interview, The New York Times reported Monday that she told the committee she informed Pruitt that he would have to disclose his wife's income on federal financial forms and he responded that he would form a limited liability corporation.

Pruitt served as the head of the association previously when he was Oklahoma's attorney general.

According to the Post and the Times, Dravis said she declined reaching out to avoid potentially violating the Hatch Act, which is intended to stop the federal government from affecting elections or going about its activities in a partisan manner

The former policy adviser also said Pruitt wanted his wife, Marlyn, to secure a job with an annual salary of more than $200,000, according to the Post. Reports last month detailed how Pruitt had enlisted another aide to inquire about a business opportunity for his wife with Chick-fil-A.

The Post reported that Dravis told Hill staffers that Pruitt asked her and another former EPA aide, both of whom are lawyers, to review a rental agreement.

Pruitt's chief of staff Jackson said he helped Pruitt get in touch with energy lobbyist J. Steven Hart, from whom the administrator rented a room for about $50 a night, according to the Post.

Jackson also said that he and Dravis both raised concerns over putting the administrator in first-class seating, according to the newspaper.

An EPA spokesperson told the Post over email that the agency "has not spoken with Mr. Jackson or Ms. Dravis about their testimony."

CNN has confirmed that Dravis spoke with House investigators Thursday, while Jackson appeared before the committee Friday. CNN has not viewed transcripts of the two aides' interviews.

Charli Huddleston, a spokeswoman for House Oversight Chairman Trey Gowdy, R-South Carolina, told the Post in an email that the committee "plans to wait until the conclusion of our investigation to release our findings."

In an interview with the Post, Dravis' attorney, Andrew D. Herman, said his client answered questions "as forthrightly and candidly as she could, and she pushed back on both sides when they were either wrong or pushing their agenda."

He added to the Post, "I don't think she was trying to protect anybody, and I don't think she was trying to hurt anybody, She was giving her view of what happened."

"Committee counsel explicitly asked me at the beginning of the morning not to reveal what the Committee asked me about," Jackson told the Post via email. "I don't know if there's an obligation to follow that, but I intend to honor that request as long as Committee counsel honors it as well."

The House Oversight Committee is investigating allegations of misuse of government funds, improper travel, and outsized spending at the EPA. The EPA chief has also been the subject of roughly a dozen other inquiries into his actions at the agency.

Washington Post
https://www.washingtonpost.com/national/health-science/pruitt-aides-reveal-new-details-of-his-spending-and-management-at-epa/2018/07/02/71b87384-7aec-11e8-80be-6d32e182a3bc_story.html?hpid=hp_rhp-top-table-main_pruittredflags-723pm%3Ahomepage%2Fstory
Pruitt aides reveal new details of his spending and management at EPA
By Juliet Eilperin, Josh Dawsey and Brady Dennis
July 2 at 6:49 PM

Two of Scott Pruitt's top aides provided fresh details to congressional investigators in recent days about some of his most controversial spending and management decisions, including his push to find a six-figure job for his wife at a politically connected group, enlist staffers in performing personal tasks and seek high-end travel despite aides' objections.

The Trump administration appointees described an administrator who sought a salary that topped $200,000 for his wife and accepted help from a subordinate in the job search, requested aid from senior EPA officials in a dispute with a Washington landlord and disregarded concerns about his first-class travel.

The interviews conducted by staffers for the House Oversight and Government Reform Committee late last week shed new light on the EPA administrator's willingness to leverage his position for his personal benefit and to ignore warnings even from allies about potential ethical issues, according to three individuals familiar with the sessions, who spoke on the condition of anonymity because of the sensitivity of the ongoing investigation.

The EPA's former associate administrator for the Office of Policy, Samantha Dravis, spoke to Republican and Democratic aides for several hours on Thursday, followed by Pruitt's chief of staff, Ryan Jackson, on Friday.

Both aides described instances in which their boss pressed to travel first-class or via private jet, while Dravis acknowledged that Pruitt asked his subordinates to do nonofficial work for him, multiple individuals said.

Dravis's attorney, Miller & Chevalier's Andrew D. Herman, said in an interview Monday that his client answered questions from Republicans and Democrats "as forthrightly and candidly as she could, and she pushed back on both sides when they were either wrong or pushing their agenda."
"I don't think she was trying to protect anybody, and I don't think she was trying to hurt anybody," Herman said. "She was giving her view of what happened."

According to an individual with knowledge of the matter, Dravis told congressional staffers that Pruitt initially asked her to contact the Republican Attorneys General Association — a group Pruitt had once led and Dravis had worked for before coming to the EPA — as part of the job search for his wife. Dravis said she declined to make that call to avoid any potential conflicts of interest or possible violations of the Hatch Act, which limits federal officials' political activities.

Agency spokesman John Konkus declined via email Monday to comment. "EPA has not spoken with Mr. Jackson or Ms. Dravis about their testimony," he said.

The new accounts by Pruitt's handpicked staff come as EPA's chief ethics officer, Kevin Minoli, has urged the agency's Office of Inspector General to broaden its review of Pruitt's conduct. Minoli told the Office of Government Ethics in a letter dated Wednesday that he suggested the move after "additional potential issues regarding Mr. Pruitt have come to my attention through sources within the EPA and media reports."

Don Fox, former acting director of the U.S. Office of Government Ethics, said in an interview Sunday that the fact that the administrator asked federal employees to perform multiple tasks unrelated to their official work raises serious questions about whether the EPA administrator has violated federal rules of official conduct.

"Pruitt is the gift that keeps on giving in terms of examples of how senior government officials, particularly in this administration, abuse their power and their position," Fox said, "and really treat the government's resources — of which the most valuable are personnel — as personal servants."
Fox said that because most of the behavior Pruitt has been accused of involves violations that fall under federal Standards of Ethical Conduct for executive branch employees, it is up to either the president or his chief of staff to respond.

"If we were talking about any other federal employee it would be that person's supervisor to take disciplinary action, which could be anything from counseling to dismissal from public service," he said. "This falls squarely on the shoulders of the president, and he seems to do nothing but go out of his way to praise Scott Pruitt."

Officials on Capitol Hill declined to comment on the aides' testimony.

"The committee plans to wait until the conclusion of our investigation to release our findings," Charli Huddleston, a spokeswoman for House Oversight Committee Chairman Trey Gowdy (R-S.C.), said in an email. "Selectively releasing interview accounts damages the credibility of our investigation and discourages future witnesses from coming forward," she said.

Dravis, who The Post recently reported had helped seek employment for Pruitt's wife, Marlyn, told investigators that the administrator wanted his spouse to find a post with an annual salary of more than $200,000, according to one individual familiar with the matter.

Working with GOP lawyer Cleta Mitchell, Dravis eventually did help find Marlyn Pruitt a job at the Judicial Crisis Network, but the conservative group said it paid her less than six figures to work as an independent contractor setting up new offices. The arrangement ended earlier this year, the group told The Post.

When Dravis raised the prospect of discussing the job search with an official in EPA's ethics office, the former aide told congressional staffers, Pruitt instructed her instead to consult Mitchell.

During her session with investigators Thursday, according to two individuals, Dravis also described how Pruitt asked her and another former top aide, Sarah Greenwalt, to review a rental agreement that he had decided to break. Pruitt and his wife lived briefly last year in Washington's U Street corridor before relocating — a move that forced them to pay a penalty. The administrator asked the two advisers, both of whom are lawyers, to examine the lease to see if there was a way to avoid the penalty, Dravis told committee staffers.

Jackson, according to two individuals familiar with the matter, confirmed that he had helped connect Pruitt with a fellow Oklahoman, lobbyist J. Steven Hart, to reach a housing deal in early 2017. The initial arrangement — under which Pruitt agreed to pay $50 a nightonly on the days when he stayed in the condo owned by Hart's wife, Vicki — was supposed to last six weeks, Jackson said.
A spokesman for the Harts said Monday that Pruitt was initially supposed to stay in the Capitol Hill condo for 39 days. He lived there for six months, and the matter is now under review by lawmakers and the EPA's inspector general, according to those offices.

Jackson said he, along with Dravis, also had raised concerns about the administrator's decision to begin routinely traveling first class. Pruitt, who has repeatedly said that agency security experts made the decision to switch him to premium seats, returned to traveling coach earlier this year.
"Committee counsel explicitly asked me at the beginning of the morning not to reveal what the Committee asked me about," Jackson said in an email. "I don't know if there's an obligation to follow that, but I intend to honor that request as long as Committee counsel honors it as well."

Investigators at the Office of Special Counsel, on the Hill and at the EPA's inspector general's office continue to probe an array of spending and management decisions during Pruitt's time in office.
Even before Pruitt took the helm of the EPA, however, some of his own associates had tried to head off potential ethics issues, according to four individuals familiar with the matter.

These individuals, all of whom spoke on the condition of anonymity out of fear of retaliation, said that some of the Republicans tasked with preparing him for Senate confirmation warned Pruitt that he needed to be careful to avoid conflicts of interest or spending decisions that could amount to — or be perceived as — a misuse of taxpayer funds.

WilmerHale partner Reginald Brown, who handled Pruitt's financial disclosure documents in early 2017, took the step of asking an EPA ethics official to develop procedures to make sure Pruitt was compliant with federal rules on travel and political activity, two people familiar with the meeting said. Pruitt's frequent EPA-funded trips to Oklahoma have been one subject of the ethics probes he faces.

"Mr. Brown's request for EPA ethics officials to help the new Administrator seems like a normal and reasonable request. That's what EPA ethics officials are here to do," Konkus said.
Brown declined to comment on the matter.

Meanwhile, Oklahoma Supreme Court Justice Patrick Wyrick, who worked as the state's solicitor general while Pruitt served as attorney general, cautioned Pruitt before and after he had assumed the helm of the EPA that his spending could lead to ethics problems and that he should curb it.
Wyrick is currently awaiting Senate confirmation to sit on the U.S. District Court for the Western District of Oklahoma. Wyrick's name has also been floated in the past week as a possible candidate to replace retiring Supreme Court Justice Anthony M. Kennedy.

"EPA cannot speak to a personal conversation between Administrator Pruitt and Justice Wyrick," Konkus said.

Pruitt's approach during the transition foreshadowed the kind of behavior that has attracted scrutiny in recent months. According to a current and former EPA official, Pruitt routinely asked his assistants — including then-executive scheduler Sydney Hupp — to put hotel reservations on their personal credit cards rather than his own.

In one instance, according to former deputy chief of staff Kevin Chmielewski, Hupp was stuck with a bill of roughly $600 for a booking she had made for the administrator's family during the transition. Chmielewski said in an interview last month that he was in Jackson's office when Hupp approached Pruitt's chief of staff to explain that the period for transition reimbursements had expired and that Pruitt had not covered the bill.

The incident, aspects of which were first reported in the Hill newspaper, prompted Jackson to leave $600 in cash in Hupp's drawer.

Politico
https://www.politico.com/story/2018/07/03/scott-pruitt-confronted-692397
Woman with toddler confronts Pruitt at D.C. restaurant
By Louis Nelson
07/03/2018 08:44 AM EDT

Environmental Protection Agency Administrator Scott Pruitt was accosted Monday inside a Washington café by a woman who urged him "to resign before your scandals push you out."

"Hi, I just wanted to urge you to resign because of what you're doing to the environment and our country," Kristin Mink told Pruitt inside a Teaism restaurant in downtown Washington, not far from the EPA's Pennsylvania Avenue headquarters. "This is my son. He loves animals. He loves clean air. He loves clean water. Meanwhile, you're slashing strong fuel standards for cars and trucks, for the benefit of big corporations."

Mink, who was holding her son as she spoke to the EPA administrator, posted a video of the encounter on her Facebook page.

She cited Pruitt's $50-per-night condo rental from the wife of a prominent energy lobbyist, slashing of regulations and his approval for fossil fuel projects as evidence of his poor stewardship of the EPA.

Although the video does not show it, Mink said in her video that Pruitt quickly left the restaurant after she confronted him.

The EPA did not immediately respond for comment.

Monday's exchange is the latest instance of a Trump administration official being castigated in public. Secretary of Homeland Security Kirstjen Nielsen left a Mexican restaurant near the White House last month when a group interrupted her dinner to protest the administration's practice of separating families of undocumented immigrants, and White House press secretary Sarah Huckabee Sanders was asked to leave a Lexington, Virginia, restaurant last month by its owner.

CNN
https://www.cnn.com/2018/07/02/politics/scott-pruitt-whistleblower-secret-calendar/index.html
Whistleblower: EPA's Pruitt kept secret calendar to hide meetings
By Scott Bronstein, Curt Devine and Drew Griffin, CNN
Updated 6:57 AM ET, Tue July 3, 2018

(CNN) - EPA Administrator Scott Pruitt and his aides have kept "secret" calendars and schedules to overtly hide controversial meetings or calls with industry representatives and others, according to a former EPA official who is

expected to soon testify before Congress. A review of EPA documents by CNN found discrepancies between Pruitt's official calendar and other records.

EPA staffers met routinely in Pruitt's office to "scrub," alter or remove from Pruitt's official calendar numerous records because they might "look bad," according to Kevin Chmielewski, Pruitt's former deputy chief of staff for operations, who attended the meetings.

A CNN review which compared Pruitt's public calendar with internal EPA schedules and emails shows more than two dozen meetings, events or calls were omitted from his public calendar.
Chmielewski said that some interactions were intentionally removed from Pruitt's calendar after they occurred, such as meetings in June 2017 between Pruitt and Cardinal George Pell, who was charged weeks later with multiple historical charges of sexual offenses. Pell has pleaded not guilty.

"We would have meetings what we were going to take off on the official schedule. We had at one point three different schedules. One of them was one that no one else saw except three or four of us," Chmielewski told CNN. "It was a secret ... and they would decide what to nix from the public calendar."

Chmielewski says he was forced to leave the EPA in February after raising questions about Pruitt's spending and management.

If the allegations are true, the practice of keeping secret calendars and altering or deleting records of meetings could violate federal law as either "falsifying records" or hiding public records, according to legal experts interviewed by CNN.

"If somebody changed, deleted, scrubbed a federal record with the intent of deceiving the public or intent of deceiving anybody, it could very well be a violation of federal law," said Larry Noble, a former general counsel at the Federal Election Commission.

Chmielewski said Pruitt's aides would print sections of the private calendar containing details of events, gather around a table, sometimes in Pruitt's office, and decide what would be omitted or altered on the public calendar. He said this often occurred under Pruitt's direction.
CNN has reached out to EPA repeatedly for comment on the allegations.

Chmielewski's description of hiding controversial events from the public appears to be supported by discrepancies between Pruitt's public calendar posted on the EPA's website and internal schedules, emails and travel itineraries that have been released by the agency in response to public records requests and lawsuits filed by the Sierra Club and Environmental Integrity Project.

While some of the omitted events CNN uncovered consisted of meetings with other government officials -- such as a lunch with Kellyanne Conway -- others involved meetings with industry executives and attorneys.

For example, Pruitt's public EPA schedule shows that his final meeting for the day of April 26, 2017, was with Australia's environmental minister, but an internal calendar shows that later the same day he attended a dinner at the BLT Prime restaurant inside Trump International Hotel hosted by coal producer Alliance Resource Partners and its CEO, Joseph Craft.

Craft, who donated $1 million to President Donald Trump's inauguration and has given millions more to mostly Republican candidates and committees, has advocated for the rollback of former President Barack Obama's coal-industry regulations.

While Pruitt's public calendar notes that he met with former Sen. Trent Lott in September 2017, his internal schedule shows that the meeting also included Anthony Chiarello, the then-CEO of shipping company TOTE.

Chiarello and Pruitt discussed TOTE's ships and their fuel sources, according to documents and a TOTE spokesperson.

Seven of the undisclosed meetings involved individuals who were nominated or reportedly under consideration for EPA positions.

CNN has repeatedly asked EPA officials about the allegations and why the EPA calendar omits some information shown in internal records. The agency has not returned CNN's messages or calls.
The EPA's website with Pruitt's calendar states that it "displays meetings with staff, stakeholders, elected officials, and others outside the Agency."

Chmielewski said some events were only recorded in a "secret" calendar and have not been made public in documents released by the EPA.

In June 2017, Pruitt took a controversial trip to Italy that cost taxpayers $120,000. While there he dined with Cardinal Pell, a top Vatican official known for denying climate change who was then under investigation for claims of prior sexual offenses.

The dinner never appeared on Pruitt's official calendar. An EPA spokesperson previously said Pell was one of many at the dinner and that Pruitt was unaware the cardinal was coming there. Chmielewski says that is not true.

"All of our time at the Vatican was spent with Cardinal Pell. Cardinal Pell was basically our host. I mean, that was who we were going to meet with," Chmielewski said.

He said that in addition to dinner, Pruitt had two additional meetings with Pell that have not been previously reported. One was a lunch with Pell. The other was part of a Vatican tour. Chmielewski said he witnessed Pell greet Pruitt when Pruitt arrived at the Vatican, which is also supported by an internal EPA itinerary that at the time of Pruitt's arrival states, "Will meet Cardinal Pell."

About three weeks after the trip, Pell was charged in Australia with sexual assault offenses, and Pruitt's aides decided to remove Pell's name from the yet-to-be-released official EPA schedule, Chmielewski said.

"Once we came back and the Cardinal was actually charged with the offenses, I alerted [top EPA staff] and that's when it was basically taken off the schedule that we met with Cardinal Pell," Chmielewski said. Pell has vigorously denied the charges.

Chmielewski said EPA aides would disguise the details of some of Pruitt's meetings or calls by labeling them "staff briefing" on his public schedule.

On Oct 18 at 10:30 a.m., Pruitt's official calendar states, "Staff Briefing." But internal scheduling documents mark that time as "Meeting: Orange County Superfund Site," and emails show private attorneys representing a local water district confirmed that they would attend the meeting, which was originally requested on their behalf by conservative radio host Hugh Hewitt. Politico first reported that meeting.

William Ruckelshaus, the nation's first EPA administrator selected to start the agency by President Richard Nixon, and who was tapped again to be the administrator under President Ronald Reagan, told CNN he first began a long-running practice of publicly releasing the schedules of senior EPA officials. He said Pruitt should not meet with industry representatives or stakeholders without fully disclosing those interactions to the public.

"That destroys trust, and these regulatory agencies need trust. If they don't have it, they're in real trouble," Ruckelshaus said.

Representatives of former EPA Administrators Christine Todd Whitman (former Republican governor of New Jersey) and Gina McCarthy told CNN they sought to accurately publicize all meetings and calls with industry and environmental stakeholders.

Pruitt is facing at least 14 federal probes regarding his spending, management and ethics.
CNN's Sara Ganim, Rene Marsh, Juana Summers and Aaron Kessler contributed to this report.

USA Today
https://www.usatoday.com/story/news/nation-now/2018/07/03/mom-confronts-epa-head-scott-pruitt-dc-restaurant/753865002/
Mom confronts EPA head Scott Pruitt at DC restaurant: I want you to resign
Ashley May**, USA TODAY**Published 6:54 a.m. ET July 3, 2018 | **Updated 10:43 a.m. ET July 3, 2018**

A mother confronted President Donald Trump's Environmental Protection Agency Administrator Scott Pruitt on Monday, asking him to resign.

Kristin Mink wrote on Facebook that she walked up to Pruitt at a Teaism restaurant in Washington, D.C., Monday carrying her 2-year-old son. In a video, Mink is seen telling Pruitt how her son loves animals, breathing clean air and drinking clean water.

Referencing notes, Mink speaks of scandals surrounding the EPA head, including his reported room rent deal with with the wife of an energy lobbyist. Pruitt has been criticized by environmentalists and public health advocacy groups for trying to undo a number of Obama-era regulations addressing water quality, clean air and climate change. Recently, there have also been various reports of asking a top aide to run personal errands.

"I would urge you to resign before your scandals push you out," Mink, a teacher at Quaker school Sidwell Friends, said in the video.

Pruitt is seen quietly listening to Mink's statements. The video cuts out after Mink's speech. She said Pruitt had no response and left the restaurant before she returned to her seat three tables away.

But, Lincoln Ferguson, EPA spokesman, said Pruitt thanked her for her comments.

"Administrator Pruitt always welcomes input from Americans, whether they agree or disagree with the decisions being made at EPA," Ferguson said in a statement sent to USA TODAY. "This is evident by him listening to her comments and going on to thank her, which is not shown in the video. His leaving had nothing to do with the confrontation, he had simply finished his meal and needed to get back to EPA for a briefing."

The encounter comes after a number of Trump officials have been asked to leave or harassed at restaurants, including White House Press Secretary Sarah Huckabee Sanders and Homeland Security Secretary Kirstjen Nielsen.

Cheers, R.

Robert Daguillard
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Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 7/3/2018 4:52:15 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: FW: From WashPost

FYI. **Ex. 5 - Deliberative Process**

From: Stromberg, Stephen [mailto:Stephen.Stromberg@washpost.com]
Sent: Tuesday, July 3, 2018 12:43 PM
To: Press <Press@epa.gov>
Subject: From WashPost

Hi –

I'm seeking comment on the story our newsroom ran last night on Mr. Jackson's and Ms. Dravis's congressional testimony. Doesn't the revelation that they expressed concerns about Mr. Pruitt's first-class travel show that it was not a reasonable security precaution? Was it appropriate for Mr. Pruitt to ask staff to contact conservative groups in search of a lucrative job for his wife? Or to review a rental agreement on a U street apartment? Or to refer staff to a GOP lawyer rather than an EPA ethics official?

Thank you in advance.

All Best,
Steve

Steve Stromberg
The Washington Post
Office: (202) 334-6370
Cell: Ex. 6 - Personal Privacy

Message

From: Daguillard, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BBE9682B940C4F2C90732E4D37355DD4-DAGUILLARD,]
Sent: 7/3/2018 12:51:04 PM
To: AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]
Subject: WASHINGTON POST: Pruitt aides reveal new details of his spending and management at EPA

Washington Post
https://www.washingtonpost.com/national/health-science/pruitt-aides-reveal-new-details-of-his-spending-and-management-at-epa/2018/07/02/71b87384-7aec-11e8-80be-6d32e182a3bc_story.html?hpid=hp_rhp-top-table-main_pruittredflags-723pm%3Ahomepage%2Fstory

Pruitt aides reveal new details of his spending and management at EPA
By Juliet Eilperin, Josh Dawsey and Brady Dennis
July 2 at 6:49 PM

Two of Scott Pruitt's top aides provided fresh details to congressional investigators in recent days about some of his most controversial spending and management decisions, including his push to find a six-figure job for his wife at a politically connected group, enlist staffers in performing personal tasks and seek high-end travel despite aides' objections.

The Trump administration appointees described an administrator who sought a salary that topped $200,000 for his wife and accepted help from a subordinate in the job search, requested aid from senior EPA officials in a dispute with a Washington landlord and disregarded concerns about his first-class travel.

The interviews conducted by staffers for the House Oversight and Government Reform Committee late last week shed new light on the EPA administrator's willingness to leverage his position for his personal benefit and to ignore warnings even from allies about potential ethical issues, according to three individuals familiar with the sessions, who spoke on the condition of anonymity because of the sensitivity of the ongoing investigation.

The EPA's former associate administrator for the Office of Policy, Samantha Dravis, spoke to Republican and Democratic aides for several hours on Thursday, followed by Pruitt's chief of staff, Ryan Jackson, on Friday.

Both aides described instances in which their boss pressed to travel first-class or via private jet, while Dravis acknowledged that Pruitt asked his subordinates to do nonofficial work for him, multiple individuals said.

Dravis's attorney, Miller & Chevalier's Andrew D. Herman, said in an interview Monday that his client answered questions from Republicans and Democrats "as forthrightly and candidly as she could, and she pushed back on both sides when they were either wrong or pushing their agenda."

"I don't think she was trying to protect anybody, and I don't think she was trying to hurt anybody," Herman said. "She was giving her view of what happened."

According to an individual with knowledge of the matter, Dravis told congressional staffers that Pruitt initially asked her to contact the Republican Attorneys General Association — a group Pruitt had once led and Dravis had worked for before coming to the EPA — as part of the job search for his wife. Dravis said she declined to make that call to avoid any potential conflicts of interest or possible violations of the Hatch Act, which limits federal officials' political activities.

Agency spokesman John Konkus declined via email Monday to comment. "EPA has not spoken with Mr. Jackson or Ms. Dravis about their testimony," he said.

The new accounts by Pruitt's handpicked staff come as EPA's chief ethics officer, Kevin Minoli, has urged the agency's Office of Inspector General to broaden its review of Pruitt's conduct. Minoli told the Office of Government Ethics in a letter dated Wednesday that he suggested the move after "additional potential issues regarding Mr. Pruitt have come to my attention through sources within the EPA and media reports."

Don Fox, former acting director of the U.S. Office of Government Ethics, said in an interview Sunday that the fact that the administrator asked federal employees to perform multiple tasks unrelated to their official work raises serious questions about whether the EPA administrator has violated federal rules of official conduct.

"Pruitt is the gift that keeps on giving in terms of examples of how senior government officials, particularly in this administration, abuse their power and their position," Fox said, "and really treat the government's resources — of which the most valuable are personnel — as personal servants."
Fox said that because most of the behavior Pruitt has been accused of involves violations that fall under federal Standards of Ethical Conduct for executive branch employees, it is up to either the president or his chief of staff to respond.

"If we were talking about any other federal employee it would be that person's supervisor to take disciplinary action, which could be anything from counseling to dismissal from public service," he said. "This falls squarely on the shoulders of the president, and he seems to do nothing but go out of his way to praise Scott Pruitt."

Officials on Capitol Hill declined to comment on the aides' testimony.

"The committee plans to wait until the conclusion of our investigation to release our findings," Charli Huddleston, a spokeswoman for House Oversight Committee Chairman Trey Gowdy (R-S.C.), said in an email. "Selectively releasing interview accounts damages the credibility of our investigation and discourages future witnesses from coming forward," she said.

Dravis, who The Post recently reported had helped seek employment for Pruitt's wife, Marlyn, told investigators that the administrator wanted his spouse to find a post with an annual salary of more than $200,000, according to one individual familiar with the matter.

Working with GOP lawyer Cleta Mitchell, Dravis eventually did help find Marlyn Pruitt a job at the Judicial Crisis Network, but the conservative group said it paid her less than six figures to work as an independent contractor setting up new offices. The arrangement ended earlier this year, the group told The Post.

When Dravis raised the prospect of discussing the job search with an official in EPA's ethics office, the former aide told congressional staffers, Pruitt instructed her instead to consult Mitchell.
During her session with investigators Thursday, according to two individuals, Dravis also described how Pruitt asked her and another former top aide, Sarah Greenwalt, to review a rental agreement that he had decided to break. Pruitt and his wife lived briefly last year in Washington's U Street corridor before relocating — a move that forced them to pay a penalty. The administrator asked the two advisers, both of whom are lawyers, to examine the lease to see if there was a way to avoid the penalty, Dravis told committee staffers.

Jackson, according to two individuals familiar with the matter, confirmed that he had helped connect Pruitt with a fellow Oklahoman, lobbyist J. Steven Hart, to reach a housing deal in early 2017. The initial arrangement — under which Pruitt agreed to pay $50 a nightonly on the days when he stayed in the condo owned by Hart's wife, Vicki — was supposed to last six weeks, Jackson said.
A spokesman for the Harts said Monday that Pruitt was initially supposed to stay in the Capitol Hill condo for 39 days. He lived there for six months, and the matter is now under review by lawmakers and the EPA's inspector general, according to those offices.

Jackson said he, along with Dravis, also had raised concerns about the administrator's decision to begin routinely traveling first class. Pruitt, who has repeatedly said that agency security experts made the decision to switch him to premium seats, returned to traveling coach earlier this year.
"Committee counsel explicitly asked me at the beginning of the morning not to reveal what the Committee asked me about," Jackson said in an email. "I don't know if there's an obligation to follow that, but I intend to honor that request as long as Committee counsel honors it as well."

Investigators at the Office of Special Counsel, on the Hill and at the EPA's inspector general's office continue to probe an array of spending and management decisions during Pruitt's time in office.
Even before Pruitt took the helm of the EPA, however, some of his own associates had tried to head off potential ethics issues, according to four individuals familiar with the matter.

These individuals, all of whom spoke on the condition of anonymity out of fear of retaliation, said that some of the Republicans tasked with preparing him for Senate confirmation warned Pruitt that he needed to be careful to avoid conflicts of interest or spending decisions that could amount to — or be perceived as — a misuse of taxpayer funds.

WilmerHale partner Reginald Brown, who handled Pruitt's financial disclosure documents in early 2017, took the step of asking an EPA ethics official to develop procedures to make sure Pruitt was compliant with federal rules on travel and political activity, two people familiar with the meeting said. Pruitt's frequent EPA-funded trips to Oklahoma have been one subject of the ethics probes he faces.

"Mr. Brown's request for EPA ethics officials to help the new Administrator seems like a normal and reasonable request. That's what EPA ethics officials are here to do," Konkus said.
Brown declined to comment on the matter.

Meanwhile, Oklahoma Supreme Court Justice Patrick Wyrick, who worked as the state's solicitor general while Pruitt served as attorney general, cautioned Pruitt before and after he had assumed the helm of the EPA that his spending could lead to ethics problems and that he should curb it.

Wyrick is currently awaiting Senate confirmation to sit on the U.S. District Court for the Western District of Oklahoma. Wyrick's name has also been floated in the past week as a possible candidate to replace retiring Supreme Court Justice Anthony M. Kennedy.

"EPA cannot speak to a personal conversation between Administrator Pruitt and Justice Wyrick," Konkus said.

Pruitt's approach during the transition foreshadowed the kind of behavior that has attracted scrutiny in recent months. According to a current and former EPA official, Pruitt routinely asked his assistants — including then-executive scheduler Sydney Hupp — to put hotel reservations on their personal credit cards rather than his own.

In one instance, according to former deputy chief of staff Kevin Chmielewski, Hupp was stuck with a bill of roughly $600 for a booking she had made for the administrator's family during the transition. Chmielewski said in an interview last month that he was in Jackson's office when Hupp approached Pruitt's chief of staff to explain that the period for transition reimbursements had expired and that Pruitt had not covered the bill.

The incident, aspects of which were first reported in the Hill newspaper, prompted Jackson to leave $600 in cash in Hupp's drawer.

Hupp could not be reached for comment.

Cheers, R.

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Message

From: Trent, Bobbie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08B98C62C53442CF8E6EEE9A1D5C648B-BTRENT]
Sent: 7/3/2018 12:49:09 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Conklin, Jeanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=481fa3d82ac8418496c9ca2d96a93785-JConklin]; Jones-Peeler, Meshell [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed2ef9b868cb4e57a23db68491cb9f4f-MJones12]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Anthony, Sherri [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0756f1695adf4090952b9e21dd1206a6-SAnthony]
Subject: Word Versions of Administrator's Travel Discussion Documents
Attachments: Audit Objective 1 V2 (003).docx; Audit Objectives 2 and 3 Version 3 (003).docx

WIF Ex. 5 - Deliberative Process

Good Morning Mr. Jackson:

Please find attached, the word versions of the Discussion Documents, please let me know if you need any further assistance, thank you.

Bob Trent
OCFO/OC/PTAD/MIAB
202-566-0983

Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 5/16/2018 2:12:00 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Murkowski says Pruitt must answer 'legitimate questions' on ethics

By Annie Snider

05/16/2018 10:01 AM EDT

Sen. Lisa Murkowski, who chairs the Senate panel overseeing EPA's budget, said there are "legitimate questions that need to be answered" about the ethics scandals plaguing Administrator Scott Pruitt.

"Unfortunately, I am concerned that many of the important policy efforts that you are engaged in are being overshadowed because of a series of issues related to you and your management of the agency," Murkowski said at the opening of a Senate Appropriations Interior-EPA subcommittee hearing.

Murkowski lauded Pruitt's work to repeal the Waters of the U.S. rule and Clean Power plan, but said instead she is being asked, "really constantly" about Pruitt's sweetheart condo rental deal from a lobbyist, 24/7 security and frequent first class travel.

Pruitt is facing a dozen investigations from federal watchdogs over those and other controversies.

Sen. Tom Udall, the panel's ranking member, excoriated Pruitt.

"It needs to be said that your tenure at the EPA is a betrayal of the American people," he said, criticizing not just the ethics scandals, but also his regulatory rollbacks.

"This isn't cooperative federalism, it's flat-out abandonment," he said.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2018/05/murkowski-says-pruitt-must-answer-legitimate-questions-on-ethics-1230373

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POLITICOPRO

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]
Sent: 4/25/2018 1:19:29 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
Subject: RE: APPROVAL: Request for comment on hearings

Ex. 5 - Deliberative Process

From: Lyons, Troy
Sent: Wednesday, April 25, 2018 9:07 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: APPROVAL: Request for comment on hearings

Ex. 5 - Deliberative Process

Sent from my iPhone

On Apr 25, 2018, at 8:45 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Wednesday, April 25, 2018 7:32 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Request for comment on hearings

Hi Liz & Jahan,

I'm running a story today that advances the congressional hearings at which Mr. Pruitt will testify Thursday.

The story will include and make reference to a document that I have, entitled "Hot Topics." The story will characterize this document as outlining Mr. Pruitt's potential responses to likely questions during the hearings.

Can you tell me who drafted this document? I'd also like to get a comment on whether it accurately describes answers that Mr. Pruitt has been prepped by staff to give.

I won't attach the actual document but for purposes of verifying its validity with you, this with you it begins:

HOT TOPICS

Condo

Kevin Minoli, EPA's principal deputy general counsel, in a March 30 memo determined that the rate for 30 consecutive days would have equated to a monthly rent of$1,500. Minoli described that as " reasonable market value." He also found it did not constitute a "prohibited gift." I would be happy to provide that memo to your staff.

These, according to the document, are some of the other topics he is prepared to address — several of which I will make reference to in the story:

SCIF; Sweeping the office; Biometric Locks; Bullet proof vehicles and tires; Office Decoration; Netjets; G7 Trip; Staffing (Raises; Samantha Dravis; Alleged Reassignment of Staff); Sue and Settle; Super Fund Task Force; Travel; First Class Travel; Morocco; Non-Commercial Flights; Homebuilders Association Hotel; Advisory Panels (membership, grants); Definers Contract; Chlorpyrifos; Climate change strategic plan; Enforcement; Funding; DOJ Funding; emails; Environmental Justice; War on Lead; IRIS; grants process; meetings with industry; Narragansett Bay; Regulatory Task Force; Reorganizations; and VERA/ViSP.

Finally, the story will point out that, according to the preparations shown in this document, Mr. Pruitt may say that other people were responsible for the bulk of the recent spending and ethics issues like frequent first class travel, the SCIF and pay raises.

I will need a comment on this by 11 a.m, and of course if you have any other comment on Mr. Pruitt's plans for testifying before Congress tomorrow I will certainly include. I'll be out of pocket for the next hour but you can also call me on my cell after 8:30 a.m. if you'd like to speak directly.

Thanks so much,

Lisa

--

Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
Ex. 6 - Personal Privacy ell

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 11/9/2017 10:43:12 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Morning Energy, presented by ExxonMobil: Senate expected to send Pruitt an air chief today — Senate Energy slots in Nov. 15 ANWR markup as text released — East vs. West coal battle heats up — New hurdle for nuclear waste bill

By Anthony Adragna | 11/09/2017 05:41 AM EDT

With help from Emily Holden and Eric Wolff

HELP'S ON THE WAY: The Senate is expected to confirm William Wehrum today at 11:30 a.m. to run EPA's air office, sending Administrator Scott Pruitt a key, if controversial, lieutenant as he embarks on a sweeping agenda to roll back a host of Obama-era air regulations. Barring any huge surprises (the cloture vote was along party-lines), Wehrum is expected to receive unanimous Republican backing and universal Democratic opposition.

Al Franken made a candid hot mic comment during the cloture vote. Watch here.

Pressure to testify ramps up: With help on the way to the agency, look for Congress to further lean on Pruitt to return for oversight hearings. House Energy and Commerce Environment Subcommittee Chairman John Shimkus told reporters he's personally told Pruitt within the past two weeks that he needs to appear before the committee. "I know that I said, 'You know you're eventually going to have to come before the committee, and the sooner you do it the better,'" he said. "He was quiet." House Science Chairman Lamar Smith said in a letter his staff was working on finding "a mutually convenient time" for Pruitt to come. From ME's perspective, Hill Republicans may have to do more than nicely ask for Pruitt to appear.

Speaking of Pruitt, a tipster tells ME they spotted the administrator in first class on a flight from D.C. to Detroit on Wednesday morning. An agency spokeswoman wouldn't say where he was going or what he was doing once he arrived.

Hey, EPA: That's not how this works. Pruitt is a Cabinet official, not a private citizen. His responsibilities include testifying before Congress regularly, and the public has a right to know where he is on a given day. Unlike Pruitt, other Cabinet officials — including Secretary of State Rex Tillerson, Defense Secretary Jim Mattis, Agriculture Secretary Sonny Perdue, Commerce Secretary Wilbur Ross (even President Donald Trump himself) — regularly provide their daily schedules in advance.

So where is he today? Pruitt's slated to meet with the American Chemistry Council's board of directors for 2-1/2 hours on Kiawah Island, S.C.

IF IT'S THURSDAY, ME'S HERE FOR YOU! I'm your host Anthony Adragna, and EPA deputy nominee Andrew Wheeler was first (on the morning of his confirmation hearing!) to identify that Sen. Shelley Moore Capito's father, Arch Moore, served three terms as West Virginia governor before legal troubles ended his career. For today: Which former lawmaker left the House to become a public works commissioner? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ANWR LEGISLATION RELEASED: Senate Energy Chairman Lisa Murkowski released a four-page reconciliation package late Wednesday that would open Arctic National Wildlife Refuge in Alaska to oil and

gas drilling. According to the CBO, the measure would net $1.092 billion over the 10-year budget while limiting development to 2,000 acres of federal land. The release allows the committee to move on to a markup on Nov. 15. Efforts to open ANWR to drilling are staunchly opposed by Democrats, including Ranking Member Maria Cantwell, and environmental advocates. Remember instructions in the budget resolution, H. Con. Res. 71, require Murkowski's committee to raise $1 billion in revenue over the next decade.

Hot docs: Text of the chairman's mark here. Summary of the mark here. Map of the area under consideration here.

NEW EAST V. WEST BEEF: Energy Secretary Rick Perry's grid resiliency push to boost the coal and nuclear sectors is casting a brighter light on the ever-expanding divide between the coal industry's Appalachian mines and Wyoming's Powder River Basin, Pro's Alex Guillén reports . And though the Trump administration has paid close attention to boosting the fortunes of Appalachia in its early months, experts say the industry's future appears brighter out West. "The industry recognizes it's just a fact of geology and Mother Nature and economics," said analyst Michael Dudas of Vertical Research Partners. "Over the past decades, the mix has certainly gone away from Appalachia towards the Powder River Basin."

Eastern and Western coal states have been on different trajectories for decades, with 56 percent of U.S. coal production in 2015 coming from the Western region and just 25 percent from Appalachia. Western coal is easier to access and reserves are so abundant that companies were able to absorb an Obama-era moratorium on new leases largely unfazed. "In the grand scheme of things, economically, we're the better bet for a utility," Travis Deti, executive director of the Wyoming Mining Association, said.

But the nostalgia factor: Appalachia is the nation's sole producer of metallurgical coal, high-grade fuel used to make steel and other metals and is better-positioned to export its coal. But beyond those factors, it continues to occupy an overwhelming cultural and political presence in parts of the country. "Our advantage is we have the best coal miners in the world and we got probably some of the best coal in the world right here. The Lord blessed us in that standpoint," Bill Raney, president of the West Virginia Coal Association, said.

NUCLEAR WASTE BILL HITS NEW HURDLE: A dispute between Shimkus and House Appropriators over how money from the Nuclear Waste Fund is spent must be resolved before a bipartisan nuclear waste bill can hit the floor, Pro's Darius Dixon reports . At issue is mandatory spending in the Shimkus bill that would go to operating costs related to Yucca Mountain and additional payments through a "benefits agreement" with the state of Nevada. Current law has Congress dole out monies from the fund during the annual appropriations process and lawmakers on that panel don't want to cede that power. "My frustration is that we are serious but the appropriators, right now, are still wedded to a year-to-year process," Shimkus told Darius.

It's a pile-on! Even if the bill gets out of the House, there's been little appetite to move on the issue in the Senate where leadership doesn't want to put vulnerable Nevada Republican Sen. Dean Heller in a tough spot. "Senate Republicans have made it clear they don't want to move forward on Yucca Mountain because it could hurt Sen. Heller," a senior Senate aide said. Heller said in an interview — with a smile — he'd been pushing Majority Leader Mitch McConnell to keep Yucca funding out of the next spending package. "I think we'll get there," he added.

**** Presented by ExxonMobil:** We're collaborating with FuelCell Energy on a novel idea to use fuel cells to capture carbon at natural gas power plants, and in the process reduce emissions and increase electrical output. This technology could be a game changer in addressing the world's growing need for energy, while also reducing the impact on the environment. Learn more. **

HOW ABOUT A MEETING? The Senate's number two Democrat has no plans to lift his hold on multiple Interior nominees until Secretary Ryan Zinke meets with his office about his review of national monument

designations, your ME host reports. "A meeting, how about that for a radical idea?" Sen. Dick Durbin told ME when asked what it would take to lift the holds. "We asked the secretary to meet with us and he won't do it." Zinke demanded the senators "lift the random and senseless holds" in a tweet late Wednesday.

ROUGH WATERS FOR CORPS NOMINEE? Rickey Dale "R.D." James, Trump's pick to run the Army Corps of Engineers, is likely to face scrutiny today before the Armed Services Committee over what critics say are his conflicts of interests, Pro's Alex Guillén reports . His thousands of acres of valuable Missouri farmland lie within the New Madrid floodway, a relief-valve channel that can be used to divert floodwaters from the Mississippi and Ohio rivers. James, a long-time member of the powerful Mississippi River Commission, has admitted to being conflicted about flooding the area because of his ties there. "I could not displace from my mind what the decision would mean to my friends and neighbors," James told the Defense Media Network in 2012.

His defenders include both of Mississippi's senators — Thad Cochran and Roger Wicker — and major waterways groups. Once he clears the Armed Services Committee, he will go through another hearing and vote before the Senate Environment and Public Works Committee. The session gavels in at 10 a.m. in Dirksen G-50.

OLD KING COAL: Michael Bloomberg and Bloomberg Philanthropies today will announce a $50 million cash infusion to launch the Europe Beyond Coal campaign to reduce the continent's dependence on coal energy. Done in partnership with the European Climate Foundation and a sister campaign on ongoing U.S efforts, both groups plan a Nov. 11 event on the sidelines of the UN's COP23 to discuss their new push.

Taking stock: As the climate confab in Bonn continues, a new analysis from Data-Driven Yale finds nearly 15,000 subnational and non-state actors have set close to 100,000 goals to curb climate change. The researchers synthesized information from 17 platforms and organizations, finding that more than 7,000 cities representing 17 percent of the world's population have climate targets. Most (5,831) are in Europe, and 554 are in North America. The study identified climate commitments from about 6,225 companies and investors with $36.5 trillion in revenue, and from 34 of the world's 57 largest banks, as well as 700 U.S. colleges and universities

HYDROPOWERING THROUGH: The House voted 257 to 166 on Wednesday to approve the Hydropower Policy Modernization Act H.R. 3043 (115) revamping the permitting process for hydropower projects. "This bill won't change outcomes or environmental standards. Instead, it will speed up the relicensing process and save time and money," bill sponsor Rep. Cathy McMorris Rodgers said in a statement. Twenty-six Democrats backed the measure, while three Republicans voted against it.

BISHOP'S 'DISAPPOINTED' BY PREPA'S ABSENCE: House Natural Resources Chairman Rob Bishop told ME he's "disappointed" but not surprised the head of Puerto Rico's utility backed out of a congressional hearing earlier this week. "They would have had to face all the questions about Whitefish, so I kind of understand why they didn't necessarily want to be there," he said. "If we're trying to solve the problem, spending a lot of time on Whitefish would be fun but not necessarily essential with moving forward."

FIGURE IT OUT: Democratic Sens. Sheldon Whitehouse and Michael Bennet asked FERC in a Wednesday letter to reverse course and include the social cost of carbon as part of its review of pipeline projects. They included a point-by-point rebuttal of a recent draft FERC analysis in which the commission said it would not include the figure estimating societal costs of carbon pollution in its analyses.

ATLANTIC SUNRISE CAN PROCEED: A three-judge panel of the D.C. Circuit denied a request Wednesday from community and environmental groups to halt construction of the Atlantic Sunrise natural gas pipeline while a broader challenge to FERC approval of the project proceeds, Pro's Darius Dixon reports. "Petitioners have not satisfied the stringent requirements for a stay pending court review," the court said in its order.

MAIL CALL! THANKS, MR. PRESIDENT! A group of advanced biofuel producers, including ethanol giants Archer Daniels Midland and POET, sent a letter to Trump thanking him for past support of the ethanol industry and asking him to make sure advanced biofuel volumes are raised from proposed levels. "Mr. President, we very much appreciate your ongoing commitment to the biofuels industry and the Americans who work every day to produce biofuels and other bio-based, agricultural products," the letter says.

Hey, House, lay off our wind tax credit: Rhode Island Gov. Gina Raimando and South Dakota Gov. Dennis Daugaard are asking House tax writers to lay off changes to the wind tax credit. In a letter to Ways & Means Chairman Kevin Brady and ranking member Richard Neal , the pair, who are also the current and past chairmen of the Governors Wind and Solar Energy Coalition, say the bill should drop its provisions that change how wind projects qualify and that eliminate an inflation adjustment. Fifteen House members, led by Rep. David Young, made a similar plea in their own letter Wednesday.

Not sold: A group of 17 environmental and public health groups sent a letter to the House on Wednesday strongly opposing the chamber's tax package, H.R. 1 (115) . "The plan puts at risk our clean energy future by preserving tax breaks for dirty energy sources while slashing them for cleaner forms of energy," the letter, signed by groups like the Center for Biological Diversity, Sierra Club and Oil Change International, says. "And if the tax plan itself weren't harmful enough, it is also being packaged in the Senate with unrelated, controversial legislation that hands over the pristine and sacred Arctic National Wildlife Refuge to exploitation by Big Oil."

Energy research can be fun(ded)! A group of business leaders sent a letter to top House and Senate appropriators urging robust energy research funding. "Ensuring America stays at the forefront of global energy technology research is both an economic and security imperative," the letter, signed by leaders including Southern Co's Tom Fanning, ClearPath's Jay Faison and the U.S. Chamber's Thomas Donohue, says.

GOOD YEAR FOR PARKS: The Trust for Public Land ran the numbers and voters around the country approved $1.5 billion in local and state ballot measures for parks and conservation. Twenty-six of the 30 local park and open space measures passed. "At a time when Americans seem to be increasingly divided, one thing we all agree on is that we love our parks, whatever our political party," Will Rogers, the group's president, said in a statement.

TAKE A GLANCE! Energy In Depth, a research program of the Independent Petroleum Association of America, is launching a website today pushing back on claims made by the #ExxonKnew campaign.

QUICK HITS

— How Coal Giant Peabody's Ideas Ended Up in Trump's Coal Study. Bloomberg.

— Coal-fired plant shifted $1bn offshore while pocketing $117m from Australian taxpayers. The Guardian.

— End may be nearing for Diablo Canyon nuclear plant. San Franciso Chronicle.

— Shell Enchilada oil platform in Gulf of Mexico shut after fire. Reuters.

— Homeland nominee questions human role in climate change. AP.

— California Gov. Jerry Brown delivers a blunt climate change message in Germany. Los Angeles Times.

HAPPENING TODAY

9:15 a.m. — "Heavy-Duty Innovation: Energy, Automation & Tech in the Trucking Sector," Securing America's Future Energy, The Loft at 600 F, 600 F Street Northwest

9:30 a.m. — ITC hearing on countervailing and anti-dumping duty investigations into Argentine and Indonesian biodiesel, 500 E St., SW

9:30 a.m. — "What Lessons Can Be Learned from Power Africa?" Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

10:00 a.m. — Various nomination hearing, including head of the Army Corps of Engineers, Senate Armed Services Committee, Dirksen G-50

10:15 a.m. — "H.R.___, Farm Regulatory Certainty Act," House Energy and Commerce Environment Subcommittee, Rayburn 2322

11:00 a.m. — FERC Chairman Neil Chatterjee holds discussion with Platts reporters and other credentialed press, S&P Global Platts Washington office, 1200 G St., NW, Ste. 1000

THAT'S ALL FOR ME!

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To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/11/senate-expected-to-send-pruitt-an-air-chief-today-025463

Stories from POLITICO Pro

Wehrum clears cloture hurdle Back

By Anthony Adragna | 11/08/2017 05:30 PM EDT

The Senate invoked cloture on William Wehrum's nomination to run EPA's air office, leaving just one final vote until Administrator Scott Pruitt lands his first lieutenant.

The vote was 49-46 along party lines.

It's been an arduous process for Wehrum, a veteran of the George W. Bush Office of Air and Radiation in EPA. A vote in the Senate Environment and Public Works Committee was briefly delayed due to Republican concerns over the agency's plans for the Renewable Fuel Standard.

Democrats and environmental groups oppose his selection. During his confirmation hearing, Wehrum said the degree that human activity drives climate change remains an "open question," contradicting mainstream science.

WHAT'S NEXT: A final vote on the nomination is likely sometime on Thursday.

To view online click here.

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Nuclear waste bill clears House committee with bipartisan backing Back

By Darius Dixon | 06/28/2017 12:05 PM EDT

The House Energy and Commerce Committee approved nuclear waste reform legislation this morning on a bipartisan 49-4 vote, facing only a handful of Democratic holdouts.

The bill, H.R. 3053, sponsored by E&C Environment Subcommittee Chairman John Shimkus, would make the first changes in 30 years to the Nuclear Waste Policy Act, which names Yucca Mountain as the nation's sole waste repository.

The committee agreed to a compromise manager's amendment that would let DOE open one interim storage facility while regulators continue to work on a permanent repository. That eliminated most of the Democratic objections to a draft version of the bill that would have barred such work until the Nuclear Regulatory Commission issued a decision on Yucca Mountain.

Yucca Mountain supporters have been concerned that a storage site would take the pressure off of approving a repository. Meanwhile, lawmakers have been anxious to move the waste building up at defunct nuclear power plants in their states.

Another bipartisan amendment, also approved on a voice vote, removed the bill's original language impacting Nevada's water rights and air permitting. The amendment would also increase Yucca's capacity from 70,000 metric tons to 110,000 metric tons.

The bill also authorizes payments to host states and limits work on any defense waste-only repository.

New Jersey Rep. Frank Pallone, the top Democrat on E&C, said that the bill was "a delicate and difficult negotiation, but I believe we have arrived at a very good compromise."

WHAT'S NEXT: Shimkus has said he expects the bill to get a vote by the full House before the August recess, but GOP leaders have not yet scheduled floor time for the bill.

To view online click here.

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Shimkus: Nuclear waste bill mired in dispute with appropriators Back

By Darius Dixon | 11/08/2017 06:10 PM EDT

Rep. John Shimkus is in the midst of a face-off with members of the powerful Appropriations Committee over language in his bipartisan nuclear waste bill that would limit their say in how money from the Nuclear Waste Fund is spent.

The Illinois Republican's bill, H.R. 3053, would authorize the Energy Department to open one interim storage facility while regulators review plans to permanently house it at Yucca Mountain, which would be expanded in size. But the measure also sets aside mandatory spending from the fund, an account amassed from fees on nuclear-generated electricity that was valued at $46 billion last year.

Mandatory spending in the Shimkus bill includes operating costs related to Yucca Mountain and additional payments through a "benefits agreement" with the state of Nevada. Under existing law, Congress spends money from the fund through annual appropriations bills, a process that allowed Democrats to block required regulatory reviews of Yucca Mountain for the last several years.

"We want to be able to send a signal to not just DOE to move forward and that there's going to be some consistent funding, but we also want to send a signal to the state of Nevada that if there's going to be an agreement on benefits that that's not at the whim of a year-to-year process," Shimkus told POLITICO on Wednesday. "My frustration is that we are serious but the appropriators, right now, are still wedded to a year-to-year process."

GOP leadership "wants us to resolve this conflict" before bringing the bill to the floor, Shimkus said.

Given the fund's $46 billion value last year, Shimkus' bill would permit DOE to spend at least $500 million annually for the construction and operation of a Yucca Mountain facility as well as payments to Nevada for hosting "without further appropriation."

Shimkus said the negotiations with appropriators over his bill are separate from the omnibus spending bill lawmakers need to address next month, making it difficult to estimate when the conflict might be resolved.

The showdown is only the latest hurdle for long-suffering nuclear advocates who want the U.S. to establish a permanent waste repository.

Even if Shimkus and the appropriators resolve their differences on his bill, the Senate has shown little appetite this year for addressing a permanent nuclear waste repository, despite the retirement of former Democratic Leader Harry Reid, Yucca Mountain's No. 1 foe. Nevada Republican Dean Heller , who faces one of the toughest reelection fights next year, has become the biggest roadblock in the upper chamber. The House included $150 million to restart Yucca in its fiscal 2018 spending bill for the Energy Department and the Nuclear Regulatory Commission, but the Senate did not follow suit and seems unlikely to go along with including the funds in an omnibus.

"Senate Republicans have made it clear they don't want to move forward on Yucca Mountain because it could hurt Sen. Heller," a senior Senate aide said.

Sen. Lamar Alexander (R-Tenn.), who chairs the appropriations subcommittee with jurisdiction over Yucca, acknowledged in a recent interview that Heller is "a well-respected, influential U.S. senator, so his views will be paid attention to by lots of senators," but that it was too soon to tell how a final deal would shake out.

Heller himself wouldn't say whether he'd secured any assurances from Senate Majority Leader Mitch McConnell to keep new Yucca funds out of the next spending law. "I keep urging it," he said with a smile. "I think we'll get there."

The Senate is "not passionate about this," said Tim Peckinpaugh, a partner at K&L Gates, a law firm that was involved with the lawsuits that sued to force the federal government to continue work on the Yucca Mountain application. "I don't see a John Shimkus in the Senate," he said. "He has passion and incredible persistence on this issue. But I do see broad-based support. I'm convinced that if there's an up-or-down vote in the Senate, it would pass by big numbers — more than 60 — and I think both sides know that, quite frankly."

Simply looking at the map of where the commercial and defense nuclear waste destined for a site like Yucca Mountain currently sits, logical supporters of the new funding would include members of the Senate Democratic leadership like Sens. Chuck Schumer of New York, Dick Durbin of Illinois and Patty Murray of Washington.

But Sen. Catherine Cortez Masto (D-Nev.), like Heller, opposes Yucca in line with the rest of her state's congressional delegation. And she's convinced that Schumer, the Senate minority leader, won't support new cash for the project next month.

"I don't anticipate that there's going to be any funding," she said. "I've talked to my leadership about it. ... Sen. Schumer is opposed to it."

To view online click here.

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Durbin freezes Interior nominees over monument review Back

By Anthony Adragna | 11/08/2017 04:17 PM EDT

Senate Minority Whip Dick Durbin said in a letter today that he's placed a hold on multiple Interior nominees until the agency responds to an earlier October letter concerning his review of national monument designations.

"I remain hopeful that a meeting can be scheduled in the near future to discuss these important issues," he wrote to Micah Chambers, acting director of Interior's Office of Congressional and Legislative Affairs. "Please let the Secretary know that while my colleagues and I await his scheduling decision, my holds on Department of Interior nominees will continue."

In that previously unreleased October letter, Sens. Tom Udall, Martin Heinrich and Jeff Merkley and Durbin asked Zinke to meet with Durbin's office to explain his recommendations to shrink several national monuments created under the Antiquities Act by prior administrations.

They also requested maps, documentation and justifications for those recommendations and called for his report to be released publicly.

Zinke sent a letter earlier today to Senate leadership demanding "immediate action" on multiple Interior nominations that have been held up for months.

WHAT'S NEXT: Durbin said his hold on the nominees will continue until Zinke agrees to a meeting.

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Army Corps nominee to face scrutiny over Mississippi River project Back

By Alex Guillén | 11/08/2017 06:36 PM EDT

President Donald Trump's pick to run the Army Corps of Engineers, Rickey Dale "R.D." James, is likely to draw some scrutiny on Thursday over what critics complain is his conflict of interest over a controversial Mississippi River flood control project.

James, a civil engineer by training, was recommended to Trump by Sens. Thad Cochran (R-Miss.) and Roger Wicker (R-Miss.) to head the agency with a $6 billion budget that takes the lead on major water infrastructure projects across the U.S.

The pair were impressed by James' 36 years sitting on the Mississippi River Commission, which along with the Corps oversees water projects on the nation's biggest river and its many tributaries.

"He has been a friend to Mississippi in terms of supporting projects and policies to improve navigation and flood control in our state," Cochran said in a statement.

Cochran chairs the Appropriations Committee and thus exercises great power over the Army Corps' budget, while Wicker is a senior member of the Armed Services Committee, which will host Thursday's hearing.

Major waterway groups are pleased as well.

"Given his tenure on the Mississippi River Commission, he really has an in-depth knowledge of the Corps of Engineers and the importance of investing in infrastructure," said Amy Larson of the National Waterways Conference.

But James' critics say he used his position on the powerful commission to protect his own interests, which include thousands of acres of valuable Missouri farmland sitting inside a controversial floodway.

"He has a long history of advocating for environmentally devastating and costly projects that benefit a handful of special interests," said Melissa Samet, a water attorney at the National Wildlife Federation. "And a lot of that advocacy has been carried out despite what we see as a clear conflict of interest with his position at the Mississippi River Commission."

James and his wife own New Madrid farmland worth between $2.5 million and $11 million, according to his financial disclosure. Some of that land is rented out via a family limited partnership. If confirmed to the Army Corps post, James has promised to hand over control of the farmland and a company he owns to his son, although he will still receive crop rent income.

James' farmland lies squarely within the New Madrid floodway, a relief-valve channel that can be used to divert floodwaters from the Mississippi and Ohio rivers. But using the floodway — as has happened twice in the last 90 years — means damaging James' farm and the land of other politically powerful landholders.

Following the most recent flooding in 2011, the Army Corps delayed blowing out a levee that would activate the floodway, and the state even sued in an attempt to stop it, despite rising flood levels in Cairo, Ill., up the Mississippi River. James, who consulted on the decision, said he had been conflicted about flooding the Missouri farmland because of his family's holdings.

"My family's land lies within the floodway, and I could not displace from my mind what the decision would mean to my friends and neighbors," James told the Defense Media Network in 2012.

The political battle over whether to replace that levee, which would protect the land owned by James and other farm owners but leave small Illinois towns at risk of flooding in the future, continues to this day.

James will likely also find himself at the center of budget battles between the White House, which has proposed a steep 16 percent spending cut in the Army Corps' budget to $5 billion, and lawmakers who are desperate to fund more major civil works projects in their states.

The Senate budget package calls for a small boost to $6.2 billion, slightly above the $6.16 billion sought by the House. It is unclear whether those increases will survive whatever spending deal Congress eventually strikes, but the Army Corps' funding is unlikely to decrease from fiscal 2017.

Larson said James' personal experiences with Corps projects means he is well placed to pressure the White House to maintain or increase project funding. "Given his position, he understands that we need additional funds for investments in the nation's infrastructure," she said.

And James will play a major role in helping EPA rewrite its Waters of the U.S. regulation, which will determine the waterways that fall under federal jurisdiction. EPA has indicated it will not propose a new version of the Obama rule until early next year.

Once James clears the Armed Services Committee, he will go through another hearing and vote before the Senate Environment and Public Works Committee.

In addition to the farm, James manages a Missouri cotton gin and grain elevator company. His term on the Mississippi River Commission is the group's second-longest tenure, and he was most recently reappointed by former President Barack Obama in January.

James has given more than $21,000 to federal candidates since the 1990s, according to FEC records. Most of that money went to Missouri lawmakers, including former Sen. Jim Talent and former Rep. Jo Ann Emerson, both Republicans, and Rep. Marion Berry, a Democrat from Arkansas' 1st Congressional District. The only presidential campaign he gave to was Rudy Giuliani in 2007.

James and his wife report owning stocks in the utilities Dominion Energy and American Electric Power, natural gas company Spectra Energy and oil giant Shell.

To view online click here.

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Appeals court denies stay on Atlantic Sunrise pipeline construction Back

By Darius Dixon | 11/08/2017 06:22 PM EDT

A federal court panel today denied a request from community and environmental groups to halt construction of the Atlantic Sunrise natural gas pipeline while those organizations challenge FERC's approval of the project.

"Petitioners have not satisfied the stringent requirements for a stay pending court review," a three-judge panel of the D.C. Circuit Court of Appeals said in the order.

The panel instituted an administrative stay on Monday while it weighed whether to grant the full stay, which would've been in place until the lawsuit, *Allegheny Defense Project, et al v. FERC*, 17-1098, was resolved.

WHAT'S NEXT: The court still needs to establish the briefing schedule for the lawsuit and has not decided when or whether to hold oral arguments.

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Subject: News Clips - 23 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

P3 Grants

Daily Sun News - University of Washington students awarded Environmental Protection Agency funding

WTVQ Kentucky - EPA AWARDS $15,000 OF GRANTS TO UK FOR PROJECT

Newsroom America - Univ. of Oklahoma, Oklahoma State awarded EPA grants for innovative technology projects

WTKR Virginia - EPA awards ODU 15K toward research into lead removal from drinking water

EPA Budget

Politico - Rebuking White House, GOP lawmakers see sweet spot for EPA funding

AP - Spending bill rejects Trump effort to gut water cleanups

Litigation

Reuters - Marathon Petroleum unit to pay $335,000 fine for pipeline spill -U.S. EPA

BNA - EPA Delays of Farmworker Pesticide Training Rule Deemed Illegal

Politico - Ethanol group seeks to block EPA waiver for bankrupt refiner

E&E News PM - EPA rebuffs challenge of Exxon plant permit

Superfund

BNA - Kinross to Fight EPA's Gold King Groundwater Pollution Order

Washington Post - We already tried letting states clean up the Chesapeake Bay. It didn't work. (*Op-Ed)

General

The Hill - Pruitt says he's 'dumbfounded' by 'media narratives' on travel costs

E&E Climatewire - Pruitt touts states' rights. What about Calif.?

E&E Greenwire - Chemical panel expands from 18 to 29 members

The Hill - Toxic spills caused by Hurricane Harvey worse than first reported

BNA - Oil Giants Back Switch to Natural Gas as Study Tallies Pollution Deaths

BNA - Firms' Stockpiled Asbestos Should Prompt Probe: Health Advocates

+++

The Daily Sun
http://www.dailysunnews.com/news/2018/mar/22/university-washington-students-awarded-environment/
University of Washington students awarded Environmental Protection Agency funding
3/22/18

SEATTLE — The U.S. Environmental Protection Agency announced over $463,000 in funding for 31 student teams through the People, Prosperity and the Planet (P3) grants program.

These teams, made up of college students from across the country, are developing sustainable technologies to solve current environmental and public health challenges.

A student team from the University of Washington has been awarded a $15,000 EPA P3 Phase 1 grant to develop an enhanced and more affordable method to recover phosphorus in wastewater using an innovative online sensor.

"This year's P3 teams are applying their classroom learning to create innovative and practical technologies," EPA Administrator Scott Pruitt said. "This next generation of scientists has demonstrated a commitment to designing sustainable solutions that will help protect public health and the environment and ensure America continues to lead the world in innovation and science for decades to come."

Funding for the P3 competition is divided into two phases. Teams selected for Phase I awards receive grants of as much as $15,000 to fund the proof-of-concept for their projects, which are then showcased at the National Sustainable Design Expo.

The 2018 Expo is scheduled to take place at the USA Science and Engineering Festival in Washington, D.C., April 7-8. Phase I teams are eligible to compete for Phase II awards of as much as $75,000 to further develop and implement their designs.

Some wastewater treatment plants are designed to focus on removing nutrients, such as phosphorus and nitrogen, to prevent them from entering waterbodies.

Excessive phosphorous loading in rivers, lakes and streams can cause explosive plant growth, deplete dissolved oxygen and harm fish and insect habitat. Greener, more sustainable wastewater treatment also aims to reduce chemical use and enhance nutrient and resource recovery for re-use.

Enhanced Biological Phosphorus Removal, or EBPR, is a more cost effective and environmentally friendly way to remove phosphorous without adding chemicals to the process.

The sludge produced can also be used as fertilizer. EBPR is not commonly used at wastewater treatment plants due to the challenges of maintaining a stabilized microbial community and process failure prevention.

The University of Washington's student project is aimed at developing an innovative sensor technology that uses online monitoring and controls the EBPR process. If successful, it will be the first sensor to provide reliable, real-time measurements of phosphate in wastewater.

Once in place, these sensors could potentially simplify operations, increase removal and recovery efficiency and dramatically reduce chemical usage at EBPR facilities.

The complex design was developed by an interdisciplinary student team with knowledge and expertise in wastewater engineering, microbiology and computer science. Student researchers expect to achieve full-scale technology implementation at wastewater plants in the near future.

WTQV Kentucky
https://www.wtvq.com/2018/03/22/epa-awards-15000-grants-uk-project/
EPA AWARDS $15,000 OF GRANTS TO UK FOR PROJECT
By Christy Bollinger, 3/22/18

LEXINGTON, Ky. (WTVQ) – The U.S. Environmental Protection Agency (EPA) announced the University of Kentucky would receive a $15,000 grant to fund a Phase I student team through the People, Prosperity, and the Planet (P3) grants program Thursday.

Over $463,000 in funding is being provided by the program for 31 teams nationwide that are developing sustainable technologies to solve current environmental and public health challenges.

"This year's P3 teams are applying their classroom learning to create valuable, cutting-edge technologies," said EPA Administrator Scott Pruitt. "This next generation of scientists is designing sustainable solutions that will help protect public health and the environment and ensure America continues to lead the world in innovation and science for decades to come."

Funding for the P3 competition is divided into two phases. Teams selected for Phase I awards receive grants of up to $15,000 to fund the proof of concept for their projects, which are then showcased at the National Sustainable Design Expo.

The 2018 Expo is scheduled to be held at the USA Science and Engineering Festival in Washington, DC, April 7-8. Phase I teams are eligible to compete for Phase II awards of up to $75,000 to further develop and implement their designs.

The University of Kentucky student team will use the funding to design and construct a prototype wind harnessing system from low cost materials that dries grain quickly.

By reducing the drying time, student researchers seek to inhibit the growth of molds known to produce the poisonous carcinogen aflatoxin that causes stunting in children, which is prevalent in developing countries.

"It is interesting to note that a simple technology that harnesses wind energy for forced air generation can help improve the quality of grains and other agricultural products that need drying in developing countries," said Doctor Akinbode A. Adedeji, Carnegie Fellow & Assistant Professor of Food Process Engineering at the University of Kentucky.

Inadequate and slow drying cause mold growth that produces a highly toxic material that has serious effect on human health.

A student-led design effort at University of Kentucky addresses this problem that has a far reaching effect on the prosperity of people all over our planet, and we are very excited about it."

To learn more about the projects of the 2017 Phase I winners, visit: https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/recipients.display/rfa_id/632/records_per_page/ALL.

For more information on the P3 Program, visit: http://www.epa.gov/P3.

Newsroom America
http://www.newsroomamerica.com/story/649570/univ._of_oklahoma_oklahoma_state_awarded_epa_grants_for_innovative_technology_projects.html
Univ. of Oklahoma, Oklahoma State awarded EPA grants for innovative technology projects
3/22/18, 2:59 PM

DALLAS – (March 22, 2018) Today, the U.S. Environmental Protection Agency (EPA) announced student teams from the University of Oklahoma (OU) and Oklahoma State University (OSU) are among those receiving over $463,000 in Phase I grants the People, Prosperity, and the Planet (P3) grants program. Thirty-one teams of college students from across the country are developing sustainable technologies to solve current environmental and public health challenges.

"Oklahoma's flagship universities have well-earned reputations as leaders in science and applied research," said Regional Administrator Anne Idsal. "EPA is proud to recognize and support these teams with P3 grants as they carry on this tradition of excellence."

The OU project involves developing a prototype well to capture geothermal energy underground, which could result in more efficient recovery of this clean-burning energy source. The OSU project aims to develop a low-cost way to enhance efficiency of wastewater treatment plants by controlling amounts of aeration during the treatment process. The projects will receive $15,000 each.

Funding for the P3 competition is divided into two phases. Teams selected for Phase I awards receive grants of up to $15,000 to fund the proof of concept for their projects, which are then showcased at the National Sustainable Design Expo. The 2018 Expo is scheduled to be held at the USA Science and Engineering Festival in Washington, DC, April 7-8. Phase I teams are eligible to compete for Phase II awards of up to $75,000 to further develop and implement their designs.

Grantees include student teams from the following universities:

· Case Western Reserve University – Cleveland, Ohio · Cornell University – Ithaca, N.Y. · Georgia Technology Research Corporation – Atlanta, Ga. · Kansas State University – Manhattan, Kan. · Kennesaw State University – Kennesaw, Ga. · Loyola University of Chicago – Chicago, Ill. · Mercer University – Macon, Ga. · Michigan Technological University – Houghton, Mich. · Montana State University, Bozeman – Bozeman, Mont. · North Dakota State University – Fargo, N.D. · Oklahoma State University – Stillwater, Okla. · Old Dominion University Research Foundation – Norfolk, Va. · Purdue University – West Lafayette, Ind. · The Sage Colleges – Albany, N.Y. · University of Alabama – Tuscaloosa, Ala. · University of California, Davis – Davis, Calif. · University of California, Riverside – Riverside, Calif. · University of Central Florida – Orlando, Fla. · University of Delaware – Newark, Del. · University of Kentucky – Lexington, Ky. · University of Maryland, Baltimore County – Baltimore, Md. · University of Massachusetts, Lowell – Lowell, Mass. · University of Miami – Coral Gables, Fla. · University of Michigan, Ann Arbor – Ann Arbor, Mich. · University of Oklahoma – Norman, Okla. · University of Southern California – Los Angeles, Calif. · University of Texas at Arlington – Arlington, Texas · University of Washington – Seattle, Wash. · Utah State University – Logan, Utah · Wayne State University – Detroit, Mich.

These students, who represent the future workforce in diverse scientific and engineering fields, are following in the footsteps of previous P3 teams. Some of these teams have gone on to start businesses based on ideas and products developed through their P3 project. For example, Sunn began as a team of students from Cornell University that won a P3 award in 2012 to design and test a Fiber Optic Hybrid Lighting system (https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.abstractDetail/abstract/9890/report/0) . Sunn now creates energy-efficient LED light fixtures and apps that mimic outdoor light, inside. In 2007, a P3 team from Drexel University developed a Bubble Column Reactor which used fatty acids gathered from grease-trap waste at wastewater management plants to create biodiesel. This technology formed the foundation for Environmental Fuel Research, LLC.

Projects from this year's P3 teams include innovative ideas like harnessing solar power to disinfect drinking water and using beetles as a way to degrade Styrofoam waste.

WTKR Virginia
http://wtkr.com/2018/03/22/epa-awards-odu-15k-toward-research-into-lead-removal-from-drinking-water/
EPA awards ODU 15K toward research into lead removal from drinking water
By Nick Boykin, 3/22/18, 6:29 PM

PHILADELPHIA, Pa. – Old Dominion University will receive a $15,000 grant from the U.S. Environmental Protection Agency to develop a way to remove lead from driving water at a low-cost.

The grant will focus on using a water filter through biochar for removing lead from drinking water, according to a press release from the EPA.

The People, Prosperity, and the Planet (P3) grants program is part of more than $463,000 in funding nationally for 31 Phase I university student teams across the nation.

"This year's P3 teams are applying their classroom learning to create valuable, cutting-edge technologies," said EPA Administrator Scott Pruitt. "This next generation of scientists is designing sustainable solutions that will help protect public health and the environment and ensure America continues to lead the world in innovation and science for decades to come."

The P3 grant is part of a two-phase competition that will allow these student-led teams to compete for more money towards research.

Teams that are apart of Phase 1 will share their ideas and research at the National Sustainable Design Expo in Washington, D.C., on April 7-8.

According to the release sent to News 3, the Old Dominion Team also believes this project will provide a good outreach opportunity for educating the public, especially school students in the local community.

If ODU's student-led team makes it to Phase 2, they will be awarded 75,000 to further develop the ideas in-which they created in Phase 1 of the challenge.

Politico
https://www.politicopro.com/energy/article/2018/03/rebuking-white-house-gop-lawmakers-see-sweet-spot-for-epa-funding-439738

Rebuking White House, GOP lawmakers see sweet spot for EPA funding
By Anthony Adragna and Emily Holden, 3/22/18, 6:49 PM

After years of demanding sharp budget cuts to trim what they see as fat at a bloated EPA, some Republicans now appear to be concerned about hitting bone.

After winning control of the House in 2010, congressional Republicans pressed for billions in budget reductions for the Obama administration's EPA that they complained was out of control and was strangling the economy with regulations.

But the omnibus bill released Wednesday showed lawmakers were unwilling to heed the Trump administration's calls to slash EPA's fiscal 2018 budget by nearly a third, the deepest cuts it sought for any federal agency. Instead, they plan to keep EPA spending levels about the same as fiscal 2017 — while also funding many of the climate and clean energy research activities that the White House had targeted for elimination.

Rep. Tom Cole (R-Okla.), a member of the House Appropriations EPA and Interior Subcommittee, said it was rare for Congress to give EPA more than the agency requests.

"A lot of this is grants and things like that that are universally popular, so I'm not interested in cuts in those areas," Cole said. "You do have to have enforcement capabilities. I'd want to sit and work with the administrator ... I think this has been a more collaborative product than we've seen the last eight years and that's all to the good."

More than half of EPA's budget funds programs run by states, and many lawmakers fretted those local programs would suffer or risk being shuttered by further reductions.

Rep. John Shimkus (R-Ill.), who chairs the Energy and Commerce Environment Subcommittee, said while conservatives want to make sure EPA spends money wisely, the budget is "close" to where it should be.

"Republicans will always scrutinize the Environmental Protection Agency and make sure it's able to do the job of protecting health and the environment. They do have a role, but we want to make sure they're focused on the core missions," he said.

EPA's base funding will stay level, but under a deal to raise spending caps, the agency will get millions of extra dollars to spend on grants and loans to states, including $300 million each for two water funds, $50 million for water infrastructure for small and disadvantaged communities and for reducing lead in school drinking water, and $66 million for programs to clean up Superfund sites.

And while there's agreement on preserving some grant and cleanup programs, other Appropriators say they aren't sure if there's room to cut more at EPA.

"Whether it's a sweet spot or not, I don't know," Rep. Mike Simpson (R-Idaho) said.

But Democrats contended their persistent defense of the agency and the splits among Republicans were responsible for maintaining EPA funding, rather than a sudden change of heart from the GOP.

"The Republican caucus is not able to pass a spending bill with their own votes so they need Democratic votes. And when they need Democratic votes we get to ask for things like protecting EPA funding," Rep. Ted Lieu (D-Calif.) said.

EPA's base budget for fiscal 2018 spending will be $8.1 billion under the omnibus, compared to the all-time high in fiscal 2010 at $10.3 billion. Its workforce has fallen by 1,400 since Trump took office and stands at 14,056, far below its peak of 17,417 at the beginning of the decade.

While the White House called for bigger cuts, EPA spokeswoman Liz Bowman said the omnibus package funds a number of Administrator Scott Pruitt's priorities, including new grants to eradicate lead in drinking water. She also touted

provisions exempting farmers from certain emission reporting requirements and designating biomass as a carbon neutral energy source.

Jeff Holmstead, who was assistant administrator of EPA's air office under George W. Bush, said both Republicans and Democrats understand that while some of EPA's work is controversial, "a lot of it is just basic good government" services.

"My impression is both the members and the career staff on the Appropriations subcommittee clearly feel like over the last six or eight years, they really have kind of right-sized EPA. So I think there was reluctance to do it much further," Holmstead said.

Advocates for research funding and environmentalists viewed the EPA budget that emerged from the GOP-controlled Congress as a stern rebuke to the White House's demands for deeper cuts.

"I think this is a stunning rejection of both Trump and Pruitt's goals to gut the EPA, and it really calls into question Pruitt's management skills," said Judith Enck, an Obama-era regional administrator at EPA.

In January, during a short-lived government shutdown, Pruitt announced that EPA's account had enough money to keep it open for five days, a sign some observers said indicated it wasn't running at full steam.

"They're not spending the money they have, and they're ignoring congressional directives by not spending what they have," Enck said.

Despite President Donald Trump's criticism of climate change policies and support for fossil fuels, Congress either held steady or hiked spending on climate change activities, clean energy and science across agencies in the omnibus.

At the Department of Energy, the omnibus increased spending on research and development, clean energy loan guarantees and ARPA-E. The legislation raised NASA's budget, gave more money for satellite acquisition at the National Oceanic and Atmospheric Administration and increased sustainable agriculture research dollars.

"In general, we're pleased with the way Congress has prioritized the science budgets across agencies," said Ken Kimmell, president of the Union of Concerned Scientists. "I do think that our conclusion is that although the Trump administration may not have recognized it in their budget, Congress recognizes a robust federal role in basic science and research and development is a key aspect of our future, and they have come up with a budget that invests in it in a responsible way."

Not all Republicans feel they've had their final battle over EPA's budget yet. Rep. Ken Calvert (R-Calif.), who oversees the agency funding on the Appropriations Committee, said lawmakers have worked with Pruitt to give him the resources to run the agencies.

"He's been making efficiencies within the department," Calvert said. "I think there's still some efficiencies to create."

AP
https://apnews.com/999eca7ffe4c4137a71cb83197fc64a2/Spending-bill-rejects-Trump-effort-to-gut-water-cleanups
Spending bill rejects Trump effort to gut water cleanups
By John Flesher, 3/23/18

TRAVERSE CITY, Mich. (AP) — President Donald Trump has gotten nowhere in his push to kill federal support for cleaning up some of the nation's most prized waterways, as Congress voted to keep funding at current levels — and in some cases, boost it.

A $1.3 trillion spending package approved Thursday by the House and early Friday by the Senate includes nearly $448 million for Environmental Protection Agency programs benefiting regional waters degraded by pollution, overdevelopment and exotic species invasions. That's an increase from $436 million in the previous budget.

By far the biggest recipient is the Great Lakes Restoration Initiative, which again gets $300 million. It has averaged roughly that amount annually since it was established in 2010 to accelerate removal of toxins in river sediments, fight invaders such as Asian carp and prevent runoff that causes algae blooms.

Trump called for eliminating its funding last year and has proposed a 90 percent for 2019, only to be rebuffed as lawmakers from both parties jumped to its defense. They also spared nearly a dozen similar programs benefiting Chesapeake Bay, the Gulf of Mexico, Puget Sound, San Francisco Bay and other iconic waters, which the president's budget had recommended killing or cutting to the bone.

The programs' survival illustrates yet again that even in a highly polarized Congress, partisanship often stops at the water's edge.

"There's an understanding that we're all connected from sea to shining sea," said Caitlin Sweeney, director of a public-private partnership called the San Francisco Estuary Project that rebuilds wildlife habitat and works on a variety of pollution issues.

Trump's administration argues that such programs are "primarily local efforts" for which state and local governments should pay. Their supporters counter that federal funding is essential and often prompts matching contributions from other sources.

"You simply are not going to make the restorations, improvements and protections that are needed unless you have that federal investment," said Todd Ambs, director of the Healing Our Waters-Great Lakes Coalition, which represents more than 140 organizations in eight states, from New York to Minnesota.

The Great Lakes initiative, which has funded more than 3,500 projects, is popular with voters who appreciate clean beaches, good fishing and other benefits, Ambs said.

"Every member of Congress from the region can point to a few projects in their district that have brought tangible improvements to the environment and, in most cases, the economy," he said. "That's not lost on any of them."

Aside from the Great Lakes, those staying at their current levels include Chesapeake Bay, San Francisco Bay, Puget Sound, South Florida, Lake Pontchartrain in Louisiana and estuaries in southern New England.

"The Bay is making progress and our legislators know how important it is to keep doing what works, especially when it is grounded in science," said William C. Baker, president of the Chesapeake Bay Foundation. The bay's program will get $73 million.

Programs benefiting the Gulf of Mexico, New York's Long Island Sound and Lake Champlain in New York and Vermont will get funding increases under the bill. The Gulf's total will jump from $8.5 million to $12.5 million.

"It's a pretty good signal when the Congress says, 'We'll see you one and raise you one,'" said Steve Cochran, who deals with Gulf of Mexico protection for the Environmental Defense Fund.

Reuters
https://www.reuters.com/article/marathon-pete-epa/marathon-petroleum-unit-to-pay-335000-fine-for-pipeline-spill-u-s-epa-idUSEMN3O4WQM

Marathon Petroleum unit to pay $335,000 fine for pipeline spill -U.S. EPA
3/22/18, 3:53 PM

WASHINGTON, March 22 (Reuters) - Marathon Pipe Line, unit of Marathon Petroleum Corp, has agreed to pay $335,000 in federal, state and civil penalties to resolve Clean Water Act violations stemming from a 2016 spill in the Wabash River, the U.S. Environmental Protection Agency said on Thursday.

Marathon released more than 35,800 gallons of ultra-low sulfur diesel fuel to the Wabash River near Crawleyville, Indiana, when one of its pipelines failed, EPA said in a statement.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130336951&item=408&prod=deln&cat=AGENCY
EPA Delays of Farmworker Pesticide Training Rule Deemed Illegal
By Tiffany Stecker, 3/23/18

The EPA wrongly delayed an Obama administration rule to tighten training requirements for farmworkers working with toxic pesticides according to a federal court.

The U.S. District Court for the Northern District of California ruled March 21 the agency violated the Administrative Procedure Act when it repeatedly moved back the effective date of a regulation to update the Certification of Pesticide Applicators rule. The rule was finalized two weeks before President Barack Obama left office and the Trump administration has delayed it three times.

The rule is set to go into effect May 22, more than one year after the original implementation date of March 6, 2017. It updates licensing requirements for people who apply “restricted use” pesticides, the most toxic fumigants, insecticides, and weedkillers. It's one of two regulations intended to shield farmworkers from pesticide exposure that the current administration would like to revise.

The ruling is the latest instance of a court rebuking the Trump administration's efforts to delay Obama-era regulations. Courts previously ruled that EPA actions to delay formaldehyde emissions limits and methane standards for oil and gas wells were illegal.

Earthjustice attorney Stacey Geis, who represented the Oregon farmworkers’ union Pineros Y Campesinos Unidos Del Noroeste (Northwest Treeplanters and Farmworkers United), said that the EPA's main argument against the plaintiffs was that they did not have standing to bring the case to court—an argument that was shot down by the judge. The Justice Department did not dispute the APA allegations, a sign that the federal government knew it could not legally defend its actions.

“It's not often you see DOJ not even challenge the merits,” Geis told Bloomberg Environment. “They're so blatantly breaking the law that not even their attorneys are trying to defend them in court.”

The EPA did not immediately respond to a Bloomberg Environment request for comment on how the ruling would affect the May 22 implementation date.

In changing the effective date three times, the Environmental Protection Agency engaged in “substantial rulemaking” and was required to follow the Administrative Procedure Act. The law requires federal agencies to give outside parties notice and an opportunity to comment before finalizing a rule.

“It is undisputed that when EPA delayed the Pesticide Rule in January, March, and June 2017, it did so without providing any notice or opportunity to comment,” District Judge Jeffrey White wrote in his opinion. The EPA justified this with the

"good cause" exception. This allows major rules to be implemented more swiftly than usual. EPA argued that a 30-day comment period would be impracticable and contrary to the public interest.

The court struck down this justification.

"The good cause exception, however, is extraordinarily narrow and is reserved for situations where delay would do real harm," the opinion stated. "A new administration's simple desire to have time to review, and possibly revise or repeal, its predecessor's regulations falls short of this exacting standard."

Politico
https://www.politicopro.com/agriculture/whiteboard/2018/03/ethanol-group-seeks-to-block-epa-waiver-for-bankrupt-refiner-889674
Ethanol group seeks to block EPA waiver for bankrupt refiner
By Eric Wolff, 3/23/18, 1:00 PM

Ethanol producers group Growth Energy filed objections today with the DOJ over a waiver granted by EPA that exempts a Philadelphia refiner from complying with the Renewable Fuel Standard.

Growth's filing opposes an agreement between EPA and Philadelphia Energy Solutions Refining and Marketing that allows the company that filed for bankruptcy protection to avoid turning in as many as 500 million Renewable Identification Numbers to meet its RFS obligations dating back to 2016. The EPA waiver also allows the company to hold onto some of the RINs it banked to allow it to comply with its 2018 obligation.

"Thus, notwithstanding uncorrected noncompliance for 2016 and 2017, the Proposed Settlement gives PESRM a head start advantage for this year, ahead of competitors who have been complying with the law," Growth said in its filing.

Growth also says that the deal lets off the hook the refiner's joint venture partners, which include the Carlyle Group and Sunoco, even though EPA regulations explicitly hold parent companies and joint venture partners liable for RFS compliance if the subsidiary can't meet its requirements. These companies have plenty of assets to cover the cost, Growth said.

"The Proposed Settlement would inexplicably release these non-debtor entities without requiring them to make good on this guarantee," Growth wrote.

PES filed for bankruptcy in January, and it laid blame for its insolvency at the feet of the RFS, saying the high cost of the RINs drove it under.

WHAT'S NEXT: Entities have until March 26 to comment on EPA's proposed settlement.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060077219/search?keyword=EPA
EPA rebuffs challenge of Exxon plant permit
By Sean Reilly, 3/22/18

U.S. EPA has rejected a challenge to the Texas operating permit for one part of Exxon Mobil Corp.'s giant Baytown refinery and petrochemical complex near Houston.

In a 2016 administrative petition, the Environmental Integrity Project and two other groups had questioned Texas' decision to classify a new ethylene production unit at the complex as a "minor modification" that did not trigger New Source Review permitting requirements that could have resulted in added pollution controls.

In making that decision, the groups alleged, state regulators had improperly relied on another permit that set "plantwide applicability" emissions limits at odds with the Clean Air Act.

But EPA, in a response signed by Administrator Scott Pruitt earlier this month and set to be formally published in tomorrow's Federal Register, hoisted procedural barriers in denying the groups' challenge to the "Title V" operating permit.

If the groups doubted the validity of the plantwide applicability emissions permit, Pruitt said, they should have raised those concerns when that permit was issued more than a decade ago. Similarly, any objections to Texas' decision to classify the ethylene expansion project as a minor source should have been brought through an enforcement action or under a different provision of the act.

Although EPA is legally required to make a decision on Title V permit challenges within 60 days, the agency regularly misses that deadline. In this case, Pruitt signed the ruling more than a year and a half after the Environmental Integrity Project, along with the Sierra Club and Air Alliance Houston, brought the petition.

Last July, the groups filed five lawsuits in the U.S. District Court for the District of Columbia to force action on that petition and four others, with the common goal of getting EPA to clamp down on allegedly lax permitting practices by Texas regulators (Greenwire, July 20, 2017). Those suits have since been consolidated.

In an order late last week, Judge Amy Berman Jackson required EPA to rule on the remaining four petitions at the rate of one a month from April through July. Those petitions target another Title V permit for the Baytown complex, as well as aspects of the permits for the Welsh Power Plant, located in northeast Texas and owned by Southwestern Electric Power Co., a subsidiary of American Electric Power Co. Inc.; Motiva Enterprises LLC's Port Arthur refinery; and Petroleo Brasileiro SA's Pasadena refinery, which is also near Houston.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130336961&item=408&prod=deln&cat=AGENCY
Kinross to Fight EPA's Gold King Groundwater Pollution Order
By Tripp Baltz, 3/23/18

Sunnyside Gold Corp., a subsidiary of Kinross Gold Corp., will fight an EPA order to conduct a groundwater investigation in Colorado at the Superfund site where the Gold King Mine is located.

The company, which owns several mining facilities near Gold King in southwest Colorado, is not the cause of water quality issues in the Bonita Peak Mining District Superfund site and therefore “there is no rational reason for the administrative order,” the company said in a statement emailed to Bloomberg Environment March 22.

Environmental Protection Agency workers and contractors triggered the release of 3 millions gallons of mining wastewater and toxic sediment fro the Gold King Mine into the Animas River watershed in August 2015. The plume of waste flowed through three states and American Indian lands before pouring into the Colorado River at Lake Powell.

The EPA March 15 ordered Sunnyside to investigate how various underground mine workings between Gold King Mine and Sunnyside Mine are connected hydrologically and measure surface water impacts from the groundwater system. The investigation's findings could reveal who is responsible for creating the wastewater the EPA released.

Assessing groundwater in the area is a "fundamental step in identifying effective cleanup options for the site and improving water quality in the upper Animas River watershed," Doug Benevento, administrator of EPA's Region 8 office in Denver, said in a statement. The agency gave Sunnyside five days to request a conference with EPA to contest the order.

'Not Liable'

Sunnyside Gold Corp. closed the Sunnyside mine "in full accordance with the law" and denied any liability for the water quality issues in the area, Larry Perino, reclamation manager for the company, told Bloomberg Environment in a March 22 email.

The company has spent $30 million on reclamation in the district over the past 30 years, resulting in less metals in the Animas basin than would have otherwise been the case, Perino said. The company also recently undertook voluntary studies at the site in cooperation with EPA.

Other mining companies in the district say underground linkages exist between the mine workings of the Sunnyside Mine, the Mogul Mine, and the American Tunnel—all owned by Sunnyside—and the abandoned Red & Bonita Mine and Gold King, which is owned by San Juan Corp. of Golden, Colo., All of those facilities are leaking mine waste into the river.

After Sunnyside put bulkheads in the American Tunnel to reduce leakage, the water levels in the other mines rose, Todd Hennis, CEO of San Juan Corp., told Bloomberg Environment. The EPA order means Sunnyside needs to stop ducking its responsibility to clean up mine contaminated wastewater in the Bonita Peak mining district, Hennis said.

"They've denied it and they will continue to deny it," he said. "I see nothing to change them other than the lawsuits against them in federal court."

Washington Post

https://www.washingtonpost.com/66fa1dd8-1e32-11e8-ae5a-16e60e4605f3_story.html?utm_term=.1ddec666ee31

We already tried letting states clean up the Chesapeake Bay. It didn't work. (*Op-Ed)

By Tom Pelton, 3/23/18, 10:41 AM

Tom Pelton, director of communications for the Environmental Integrity Project, is author of "The Chesapeake in Focus: Transforming the Natural World."

The Chesapeake Bay's biggest problem is not poultry manure, or even human waste. It's hogwash. By that I mean decades of dishonesty about what really works — and what does not work — to restore the health of the nation's largest estuary.

A cold and cleansing tide of straight talk about the bay is needed. The Trump administration and some House Republicans have been on the warpath to slash the regulatory authority of the Environmental Protection Agency and its ability to enforce pollution limits on the Chesapeake region states and protect streams and wetlands.

Thankfully, Democrats in Congress have so far blocked the EPA's dismantling — which is encouraging. But this isn't the first time that conservatives have argued that local cleanup projects such as this are best handled at the state and local levels, not by federal bureaucrats. That's wrong, and the Chesapeake Bay proves it.

State officials in Maryland and Virginia have boasted about how much progress their states have made in reducing pollution in the bay. But we've repeatedly tried the state-led approach in cleaning up the Chesapeake Bay, and it repeatedly failed. So let's not go there again.

Three state-led bay cleanup agreements, signed by governors in 1983, 1987 and 2000, produced some ups and downs for the bay, but no overall improvement in the estuary's health between 1986 and 2010, according to water-quality monitoring analyzed by the University of Maryland Center for Environmental Health. The bay's health rating was an anemic 48 out of 100 in 1986 and 47 in 2010.

With billions spent and the best scientific minds at work, why was there no real progress? Because the state cleanup agreements were built on lofty language, but contained none of the regulations — the teeth — that would have been needed to achieve bay restoration goals. For example, even though all the states pledged to reduce farm runoff pollution, not one took the basic step of requiring farmers to fence their cattle out of streams because this would have been unpopular with the farm lobby, which holds a political hammerlock on state government.

Although Maryland imposed a "flush tax" on its residents, modernized its sewage plants to state-of-the-art levels and required its farmers to obtain fertilizer management plans, Pennsylvania did not — even though Pennsylvania is responsible for nearly twice as much nitrogen pollution in the bay as Maryland. Pennsylvania just kept dumping on its downstream neighbor, overwhelming Maryland's efforts. And because the state-led system emphasized the autonomy of states, Maryland could do nothing about it.

After these state-led cleanup agreements failed, the Obama administration switched gears in 2010. President Barack Obama's EPA imposed a new federally led system of numeric pollution limits for each of the bay region states, and for the first time threatened financial penalties for states that did not meet their goals. The new system worked. With federal oversight over the bay, indicators of bay health surged upward between 2011 and 2017, with improved water clarity, fewer algal blooms, and a flourishing of bay grasses to the greatest extent since monitoring began in the 1980s.

But the success of the EPA's bay pollution "diet" is at risk, thanks to conservative efforts to undermine the cleanup. We need a well-funded EPA because history shows that an old-school, top-down approach works.

For example, the EPA's 1972 ban on the pesticide DDT sparked a spectacular resurgence of the Chesapeake's iconic fishing birds, including osprey, great blue herons and bald eagles. The single largest pollution reduction in Chesapeake history came in the 1980s and 1990s, when the EPA compelled the Washington region's Blue Plains Wastewater Treatment Plant to upgrade and install modern nitrogen pollution control systems. The federal Clean Air Act Amendments of 1990 — as well as the Obama administration's regulations on air pollution from vehicles and power plants — were also remarkably successful in reducing nitrogen pollution that feeds "dead zones" in the bay.

The states have enjoyed a few successes, including the upgrading of sewage plants in Maryland and Virginia. But many state efforts have been meaningless, feel-good projects, such as planting millions of baby oysters in the bay, only to allow watermen to scoop them right out. A Maryland program sells "Treasure the Chesapeake" license plates that pay for school field trips, but do little or nothing to reduce pollution.

We can't go back to pretending that states will clean up the Chesapeake Bay — or any interstate waterway — on their own. These problems are far bigger than any state. We need a muscular EPA to save the bay.

The Hill
http://thehill.com/policy/energy-environment/379927-pruitt-dumbfounded-by-media-narrative-on-travel-costs
Pruitt says he's 'dumbfounded' by 'media narratives' on travel costs
By Timothy Cama, 3/23/18, 11:16 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt slammed the media on Thursday for recent reporting on the costs of his foreign travel, accusing journalists of a "double standard."

Pruitt defended the June 2017 trip to Italy that has been at the center of recent controversy, arguing that his predecessors under the Obama administration spent more on foreign travel.

Records made public earlier this week showed that the cost of the Italy trip was more than $84,000 — or $120,000 including a military flight he took to catch the plane to Rome.

“These are very important meetings that take place. It’s an obligation that I have to participate,” Pruitt told conservative talk show host Mark Reardon on KMOX.

"And so I’m a little bit dumbfounded by the kind of media narratives that these things are somehow not the focus," he said.

While in Italy, Pruitt attended a multi-day Group of 7 environmental ministers’ meeting and also met with Vatican City officials. The meeting came days after President Trump announced he would exit the Paris climate change agreement.

“I don’t know if folks really realize this before or not, but the Vatican is like a country. It has a secretary of State. It has a head of environment,” Pruitt said.

“This was a four-day exercise on focused efforts on the decisions that the United States had made on an international agreement that had significant impacts on this country,” he said.

Pruitt has also been under fire for almost exclusively flying first class. Federal workers are usually restricted to coach class, but Pruitt said EPA security officials have preferred that he fly first class for security reasons.

In the Thursday interview, Pruitt claimed that he only spent $100,000 on foreign trips in his first year, and his predecessors under former President Obama, Gina McCarthy and Lisa Jackson, spent more.

“$100,000 on the trips that we’re talking about, and the previous administration spent 10 times that much and there’ll be any discussion about it,” he told Reardon after the host accused the media of a “double standard.”

“I think your reference to a double-standard is pretty well said,” the EPA administrator said.

“The Obama EPA heads, before I arrived, spent nearly $1 million on foreign trips. I think our cost last year was a little over $100,000,” Pruitt repeated later in the day to syndicated conservative talk host Lars Larson.

The EPA said Pruitt’s December trip to Morocco cost around $40,000. That amounts to about $124,000 for Pruitt’s first year, excluding the $36,000 military flight for the June trip to Italy.

The main focus of the Morocco trip was to promote United States liquefied natural gas exports, a responsibility that Democratic lawmakers say is not within the EPA’s purview.

Pruitt’s staff released data earlier in the week alleging that McCarthy and Jackson took multiple, five-figure trips to foreign countries.

McCarthy took 10 foreign trips at an average cost of about $63,000 each, while Jackon’s four trips from 2011 to 2013 averaged about $83,000, both less than the $120,000 Italy trip. Jackson was in office from 2009 to 2013, but the EPA only has records stretching back to 2011.

Jackson’s costliest trip was a $155,764 jaunt to China, which included visits to three major cities there.

Liz Purchia, who was an EPA spokeswoman during McCarthy’s tenure, questioned the accounting by Pruitt’s staff of McCarthy’s and Jackson’s trips, saying it is impossible to validate and security detail costs were only included sometimes.

“And it's important to point out why he's traveling versus the purpose of the trips that Jackson and McCarthy took. He and his detail have been flying first class to promote an agenda that isn't part of EPA's mission, like his Morocco trip,” she said.

Pruitt is also under scrutiny for the $43,000 in agency money he allegedly spent on a "privacy booth" in his office suite.

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060077217/search?keyword=EPA
Pruitt touts states' rights. What about Calif.?
By Zack Colman, 3/23/18

It might seem like a slam-dunk for conservatives suspicious of an overextended federal government: A state wants to use a right enshrined in law to go its own way on an environmental rule.

But the state is liberal bastion California.

The Golden State's posture on vehicle fuel efficiency presents a quandary for some conservatives. It has even brought two principles often espoused by U.S. EPA Administrator Scott Pruitt — the rule of law and federalism — into direct conflict. Pruitt has the power to decide California's fate in the controversy, which is getting more heated ahead of the Trump administration's April 1 deadline to decide whether to relax Obama administration fuel efficiency standards.

The ideological conundrum extends beyond Pruitt. Libertarians, establishment Republicans and tea party-styled conservatives don't align on whether EPA should grant California a waiver to set more stringent standards, should the Trump administration deviate from scheduled fuel economy improvements through 2025, a move that's expected.

"It's a pretty complicated thing," said Tom Pyle, president of the Institute for Energy Research. "There's not a lot of simplicity here."

Part of the complexity: Two different laws affecting two different agencies with two different missions create the patchwork overseeing fuel economy and car emissions.

On top of that, there's the California complication.

California can call for a tighter emissions standard through the Clean Air Act administered by EPA. Congress gave it that right because its unique topography and population density contribute to smoggy skies.

But fuel economy, administered by the Transportation Department's National Highway Traffic Safety Administration, is a technology standard, not an air quality one. The law giving NHTSA that authority prevented states from setting fuel economy standards. Some argue California would in essence do that in a roundabout way through its Clean Air Act waiver.

In the grand scheme of environmental regulations, the fuel economy standard still has a lot of unresolved points. The evolving vehicle market, combined with structural changes implemented under the Obama administration, has added to the confusion. That, combined with the tricky regulatory custody battle between NHTSA and EPA, evokes tricky mental gymnastics.

"I struggle with this idea about whether it's about one state's ability to enact tougher air pollution standards or the national economy to have confidence in one of our major [industries]," said Catrina Rorke, a senior fellow for policy for DEPLOY/US, a nonpartisan group working on climate solutions. "Where is the line?"

The debate is getting more attention as the April 1 deadline nears for the Trump administration to decide whether to review the Obama-era fuel efficiency standards for model years 2022 through 2025.

If NHTSA and EPA call for slowing growth in those targets, as anticipated, California has suggested it might set its own standard. But Pruitt has intimated in the past that he isn't sold on granting California its waiver.

"California is not the arbiter of these issues," Pruitt said in a recent interview with Bloomberg.

Some libertarians like the waiver
EPA has issued California its waiver numerous times in the past.

While conservatives often criticize federal overreach, it's an example where Congress actually passed a law delineating where executive authority began and ended.

"[The waiver] is one of the few federal environmental statutory provisions that allows a state meaningful relief from federal regulatory controls, and it still may not be enough to grant California the flexibility it wants," Jonathan Adler, a libertarian environmental law professor at Case Western Reserve University School of Law, wrote in 2008.

Some on the right question whether California's waiver is an example of cooperative federalism, in which EPA sets a minimum standard but allows states to implement and enforce it in their own way.

"I really don't think this is a legitimate federalism issue," said Jeff Holmstead, a former EPA air chief under President George W. Bush who is now at Bracewell LLP. "Really what California wants is a right that is explicitly denied anyone else."

California's size contributes to the difference of opinions among the political right. The state — and the 13 others plus the District of Columbia that follow its standards — contains 40 percent of the U.S. population.

Some conservatives who reflexively balk at California's propensity for regulations, especially on the environment, contend that this forces its standards on consumers across the country, making them pay more in the process.

"From a free-market perspective, it's absurd that basically California gets to set the standards," said Paul Blair, strategic initiatives director with Americans for Tax Reform. "Consumers should be able to buy the cars they want without costs being raised artificially by fuel economy standards."

Others, though, say this is a business decision by carmakers. Nothing compels manufacturers to build all their models to the stricter limits — it simply makes sense from an economic perspective to maximize scale and not have to keep pace with ever-tighter rules.

If it makes sense to produce cars to satisfy different tastes and desires, companies will do so, said Nick Loris, an economist with the Heritage Foundation. He likened the potential outcome to appliance makers that manufacture products like air conditioners and furnaces to satisfy differing, federally set standards by region.

"Honestly, I don't think there's a big deal," Loris said. "I'm skeptical that we will see some de facto national standard from what California implements."

Originally an opponent of the policy that lets California set its own standard, Cato Institute Senior Fellow Peter Van Doren has "flip-flopped," he said. Once he began thinking about the regulation as a tax, Van Doren said, it was perfectly within California's right (though he doesn't think it's wise). Fellow libertarians would find their rejection of California's standards "overwrought" if they thought of it that way, he said.

Van Doren, like Loris, would rather scrap any federal standard and let states set their own. He acknowledged that this means some might reduce targets below the current federal level. But this isn't a world of ideals. So Van Doren is left accepting California's waiver, which he said is better than outlawing it.

"Yes, more than the stereotype that we should be traditional right-of-center, that we need to put California back in its place," he said. "That's a conservative position, but certainly not a libertarian position."

Courts might decide

Layered on top of all this is a newer wrinkle: the role of greenhouse gas emissions. Such emissions aren't like smog-forming ones and therefore aren't limited to California's immediate geographic area.

The EPA endangerment finding on greenhouse gas emissions considers them harmful to human health. As such, EPA must regulate them. Proponents of California's waiver argue that it therefore extends to those heat-trapping gases.

Still, the law states that EPA can deny California's waiver if it "does not need such State standards to meet compelling and extraordinary conditions." It's much harder to categorize greenhouse gas emissions as pollutants contributing specifically to a local or regional problem, Adler said.

The courts have yet to weigh in on the issue. Former President George W. Bush denied California's waiver, but former President Obama reversed course and granted the waiver after taking office. The deal the Obama administration struck with automakers and California to set standards through 2025 sidelined court challenges.

The deal came with a chance to review whether meeting the program's goals was feasible, which is where things stand now.

"[Greenhouse gas emissions] did not meet the qualifications set forth in the waiver, according to the Bush administration. To the Obama administration, they did," Pyle said. "That's the open question, and that's what should be decided in the courts."

Surely, if its waiver goes to the courts, California would relish a fight with the Trump administration. The same goes for the reverse.

After all, it's a battle California has won before and, ultimately, is why it possesses its waiver today, Van Doren said. He noted that California's program for combating tailpipe emissions pre-dates EPA's, and that the state won its carve-out in the 1970 Clean Air Act by arguing that its strategy worked for its specific situation with respect to smog.

That was then, however. Politics are more polarized. So even when the right flank of the political spectrum is at odds on an issue, it's apparent that there are no easy answers.

"I'm a states' rights person. I wouldn't say California has gone out of line. California has long led the nation in regulations and leadership on what they want to do as their own state," Rorke said. "The legacy of federal environmental regulation has enshrined and protected that. ... The huge asterisk is, at its heart, this is not an environmental regulation. It's a fuel economy standard."

E&E Greenwire

https://www.eenews.net/greenwire/stories/1060077349/search?keyword=EPA

Chemical panel expands from 18 to 29 members

By Corbin Hiar, 3/23/18

U.S. EPA has expanded its chemicals oversight board from 18 to 29 members.

The agency said yesterday the additions to the Science Advisory Committee on Chemicals are "consistent with the statutory requirements" for the panel that is tasked with providing independent advice on science and technical issues related to implementing the Toxic Substances Control Act reform law.

EPA said it used public comments to decide on the new members, who would "increase the balance of scientific perspectives and add experts with experience in labor, public interest, animal protection, and chemical manufacturing and processing to the committee."

The panel members serve staggered terms, generally of two to three years.

The new members:

- Charles Barton, Valspar Corp.
- Steven Bennett, Household & Commercial Products Association
- Sheri Blystone, SNF Holding Co.
- Susan Dempsey, Nebraska Department of Health and Human Services
- Thomas Hartung, Johns Hopkins University's Bloomberg School of Public Health
- Michael Holsapple, Michigan State University
- Sidney Marlborough, Noble Energy Inc.
- Mark Johnson, Army Public Health Center
- Jennifer McPartland, Environmental Defense Fund
- Ruthann Rudel, Silent Spring Institute
- Michael Wilson, BlueGreen Alliance

The SACC chairman is Dr. Kenneth Portier, a retired managing director of the American Cancer Society. The other 17 members who have been on the board since January 2017 are:

- Henry Anderson, University of Wisconsin, Madison
- James Bruckner, University of Georgia
- Deborah Cory-Slechta, University of Rochester
- Holly Davies, former scientist at the Washington State Department of Ecology
- William Doucette, Utah State University
- Panos Georgopoulos, Rutgers University
- Kathleen Gilbert, University of Arkansas for Medical Sciences
- Concepción Jiménez-González, GlaxoSmithKline
- Alan Kaufman, Toy Industry Association
- John Kissel, retired University of Washington professor
- Melanie Marty, retired California EPA official
- Craig Rowlands, Underwriters Laboratories LLC
- Sheela Sathyanarayana, University of Washington
- Valentine Schaeffer, Occupational Safety and Health Administration
- Daniel Schlenk, University of California, Riverside
- Christopher Waller, Merck Research Laboratories
- Catherine Willett, Humane Society of the United States

The Hill
http://thehill.com/policy/energy-environment/379818-hurricane-harveys-toxic-onslaught-worse-than-first-reported

Toxic spills caused by Hurricane Harvey worse than first reported
By Miranda Green, 3/22/18, 4:44 PM

Hurricane Harvey's impact on Houston's petrochemical plants was far greater than revealed, according to a new report from The Associated Press and The Houston Chronicle released Thursday.

Looking at county, state and federal records, the report found more than 100 releases of toxic substances on land, in the water or in the air due to the storm.

In one documented case, nearly half a billion gallons of industrial wastewater from just one chemical plant mixed with storm water.

Harvey devastated Houston, leaving tens of thousands of people temporarily homeless as it flooding huge swatches of the city. The new report is calling attention to the potentially long-lasting effects the storm had on the environment.

Houston is considered the energy capital of the country, home to 500 chemical plants, 10 refineries and more than 6,500 miles of oil and gas pipelines.

Harvey's destruction contributed to the release of various hazardous and carcinogenic chemicals including benzene, vinyl chloride and butadiene.

Looking into Harvey's impact six months after the storm, the AP and Chronicle found that only a handful of the industrial spills have been investigated by federal regulators, and that no enforcement actions have been announced.

The man who headed the Environmental Protection Agency's (EPA) regional office during the storm, Samuel Coleman, said the agency's initial goal was "addressing any environmental harms as quickly as possible, as opposed to making announcements about what the problem was."

He told the two publications that in hindsight the agency should have alerted the public to "dozens of spills."

The impact on a handful of older chemical plants were documented in real time during the storm, including the flooding of the Arkema Inc., plant, which resulted in two explosions.

But the report found that the number of spills from all chemical plants was impossible to tally during the storm.

In September, the AP also reported that there was evidence toxic waste had leaked from a number of Superfund sites located in Houston.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130336949&item=408&prod=deln&cat=AGENCY
Oil Giants Back Switch to Natural Gas as Study Tallies Pollution Deaths
By Boggy Magill, 3/23/18

International oil and gas industry groups told Bloomberg Environment they would encourage greater use of natural gas and less reliance on coal after a report linked the dirtiest fossil fuels with millions of premature deaths.

Their comments followed publication this week of a study that found air pollution created by the most greenhouse gas-intensive fossil fuels could kill 153 million people prematurely by 2100.

Cutting carbon dioxide, the main driver of climate change, has a side benefit, the study found: Poor air quality caused by burning fossil fuels of all kinds will improve and fewer people will die.

"When you burn fossil fuels, in addition to carbon dioxide, you get a bunch of other pollutants that form ozone—very small particles that can penetrate deep into people's lungs and cause a variety of illnesses," including heart disease, respiratory failure, and others, study lead author Drew Shindell, a climate scientist at Duke University and former NASA scientist, told Bloomberg Environment.

"The status quo is not only leading us down the road to [climate] disaster, it's leaving our air pollution levels really astonishingly high in many parts of the world so that millions of people are dying every year," Shindell said.

The study, published March 19 in the scientific journal Nature Climate Change, was conducted by scientists at Duke University and NASA's Goddard Institute for Space Studies.

The analysis is similar to some of the science underlying the Environmental Protection Agency's Clean Power Plan showing public health benefits to cutting fossil fuel use, Shindell said.

The EPA, which regulates the air pollution described in the study in the U.S., has proposed under President Donald Trump to repeal the Obama-era Clean Power Plan, which would have cut carbon emissions from coal-fired power plants as a way to address climate change.

EPA spokesman Robert Daguillard told Bloomberg Environment March 19 that the EPA is referring questions to NASA, which does not regulate air pollution.

120,000 Fewer New York City Deaths

The study estimates that 153 million premature deaths will be avoided over an 80 year period if emissions are cut so that the goal of the Paris Agreement on climate change, to prevent global warming from exceeding 2 degrees Celsius (3.6 degrees Fahrenheit), is met.

That includes 4.4 million premature deaths in Kolkata and 2 million in Mumbai, cities in India that are heavily reliant on coal for electricity.

A switch to cleaner fuels would save 360,000 premature deaths in Tokyo and 120,000 in New York City, where coal power is less common than in developing countries.

"This paper highlights the enormous health benefits of quicker action," A. R. Ravishankara, an atmospheric science professor at Colorado State University who was not involved in the study, told Bloomberg Environment. "There is much to be gained by not putting off fossil fuel reduction for both climate and health."

Industry Sees Benefits in Pollution Cuts

Responding to the study, global fossil fuel producers and trade groups said countries should use more natural gas, renewables and carbon capture, utilization and storage technologies as ways to uphold their Paris commitments and reduce fossil fuels' impact on air quality and public health.

"Gas has a significant role to play in delivering the energy needed to ensure development for all countries, complementing renewables, and delivering a clear climate and clean air benefit, especially when compared to coal," the Oil and Gas Climate Initiative, which represents 10 of the world's largest non-U.S.-based oil companies, told Bloomberg Environment in a statement.

Already, there is a shift toward natural gas for electric power generation in the U.S. because low natural gas prices have hastened the retirement of coal-fired power plants.

China has improved air quality in Beijing because it has switched from coal to gas, but gas shortages there this winter caused many homes to go without heat.

'Calling on a Coal-to-Gas Switch'

"In those regions that are relying so heavily on coal, we're calling on a coal-to-gas switch," Nareg Terzian, spokesman for the International Association of Oil and Gas Producers (IOGP) in Brussels, told Bloomberg Environment. "China is turning to natural gas more and more because it wants to solve its urban air pollution issue."

But Terzian dismissed the study's conclusions, calling them "confusing" because IOGP believes reducing air pollution and cutting carbon emissions are unrelated.

The study "can lead someone to read it and think, 'I can reduce greenhouse gases and it's going to reduce deaths linked to air pollution.' That's not the case," Terzian said.

The IOGP represents many of the world's largest oil and gas companies, including Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell Plc and others.

Emissions Cuts 'Top Priority' for Industry

Chevron is committed to addressing the risks of climate change, company spokesman Sean Comey told Bloomberg Environment.

"Chevron is taking prudent, practical and cost-effective actions to address potential climate change risks, including managing emissions, testing new technologies and increasing efficiency," he said.

Shell did not respond to emails requesting comment March 20. Exxon spokesman Scott Silvestri declined to comment on the study March 19.

The American Petroleum Institute said reducing emissions is a "top priority" for the oil and gas industry.

"The combination of natural gas use, cleaner motor fuels and technological innovations are significantly improving air quality in a host of ways previously considered impossible—all while the U.S. leads the world in producing and refining natural gas and oil," API spokesman Eric Wohlschlegel told Bloomberg Environment.

Negative Emissions Difficult to Achieve

The study focuses on the public health benefits of rapidly cutting fossil fuel use because of what its authors see as a flaw in the models underpinning the Paris Agreement.

The models call for fossil fuel use to be curtailed too slowly to prevent warming from exceeding 2 degrees Celsius, allowing people to breathe polluted air for longer periods of time, the study says.

The models do that because they assume that by the second half of this century, humanity will be actively sucking carbon dioxide out of the atmosphere on a planetary scale and then storing it somewhere safely forever. Scientists call that a "negative emissions" scenario.

But assumptions about negative emissions rely on thus-far unproven technology and land-use techniques that many scientists believe are unlikely to be deployed widely and quickly enough to have an effect on climate change.

'A Race Against Time'

The European Academies Sciences Advisory Council concluded in February that the Paris Agreement's negative emissions scenarios are "overly optimistic" because they rely on "hypothetical" technology. The council said relying on carbon removal technology constitutes a "moral hazard" because it suggests to countries that cutting carbon emissions is less urgent than it really is.

"It is no exaggeration to see responding to the real threats of climate change as a race against time: the longer action is delayed, the more acute and intractable the problem becomes," the council said in its report.

Shindell said the only reliable way for the globe to meet Paris targets is to cut fossil fuel consumption rapidly, which will save millions of lives.

"Policymakers—I hope that they will start seeing climate policy more consistently as part of larger polices to benefit the well-being of their citizens," he said.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130336966&item=408&prod=deln&cat=AGENCY
Firms' Stockpiled Asbestos Should Prompt Probe: Health Advocates
By Pat Rizzuto, 3/23/18

U.S. manufacturers that import asbestos to make certain chemicals may have accumulated twice as much of the carcinogenic mineral in 2016 as federal officials previously thought.

The new information is prompting health advocates to call for federal inspections.

Occidental Chemical Corp., the Olin Corp., and Westlake Chemical Corp., have chlor-alkali plants that use asbestos to prevent explosions as they make chlorine, caustic soda, and hydrogen, which are "building block" chemicals used to make hundreds of other chemicals and products.

"A significant quantity of asbestos may have been added to company stockpiles in 2016," the U.S. Geological Survey said in its most recent mineral commodity summary.

The chlor-alkali industry, which imports nearly all of the raw chrysotile asbestos brought into this country, imported 702 tons in 2016 rather than the 340 tons the Geological Survey previously estimated.

The Environmental Protection Agency, which is evaluating the risks of asbestos to determine whether controls are needed, should investigate U.S. chlor-alkali manufacturers' facilities to understand how much is stockpiled, Linda Reinstein, co-founder of the Asbestos Disease Awareness Organization, told Bloomberg Environment.

Issues EPA should examine include how it's transported, stored, maintained, whether workers are exposed, and how it's disposed of, she said. The EPA is evaluating asbestos' risks to comply with the Toxic Substances Control Act amendments of 2016.

The TSCA amendments call for the EPA to work with the Occupational Safety and Health Administration when workers could be exposed, J. Brent Kynoch, managing director for the Environmental Information Association, told Bloomberg Environment.

EPA and/or OSHA inspections could reveal violations or identify asbestos-handling standards, worker exposure protections, or other "risk management" controls that either agency could pursue. For example, EPA could recommend such controls if its risk evaluation determines asbestos poses an unreasonable risk.

Moral Obligation
Asbestos is a known human carcinogen that can also harm respiratory function by causing scar-like tissue to build up in the lungs, making it hard to breathe and potentially causing disability and death, according to information from the Centers for Disease Prevention and Control.

The EPA may not have a legal responsibility to ensure the safety of asbestos from the mines in other countries through its transportation and use until it is disposed of, Kynoch said.

"But we all have a moral obligation to the people who are sending this to us," said Kynoch, whose organization provides information about asbestos and other building hazards to property owners and operators, interested professionals, and the public.

The EPA did not reply to multiple Bloomberg Environment requests about whether it would evaluate specific exposure concerns regarding the alleged stockpile.

The EPA, in an email to Bloomberg Environment, said it is developing a more detailed plan than it previously released describing how it will evaluate asbestos exposures. It declined to say when it will release that more detailed, "problem formulation," plan.

The EPA will use the Geological Survey's updated 2016 import data "unless further reliable information becomes available," the agency said. The EPA's initial risk analysis plan, or "scope" document, released in 2017 before the USGS updated its import figures, said 340 tons were imported in 2016.

Chlorine, Caustic Soda Uses

Neither Occidental nor Westlake replied to Bloomberg Environment's phone calls or emails requesting comment on their possible stockpiling. Olin referred Bloomberg Environment to the American Chemistry Council, which replied with an emailed statement.

"While we can't speak to the amount of asbestos being used by individual companies, we do know that companies follow strict federal requirements to ensure the safety of employees and the environment in the manufacture of chlorine and caustic soda, which are critical to providing safe-drinking water, life-saving pharmaceuticals, electronics, solar panels, energy-saving construction materials, and much more," the chemistry council's Chlorine Chemistry Division said.

When asbestos' entire life cycle is considered, Reinstein said, "there is no such thing as safe and controlled use."

A full risk evaluation would include activities such as loading ships with the mined material, off-loading, transport, and the disposal of asbestos-based diaphragms chlor-alkali plants use, through multiple shipments, to storage, use, and disposal, she said.

Chlor-alkali plants may fully protect their workers as they've said they do, Kynoch said. Yet other companies involved in the asbestos delivery and disposal chain may not, he said.

Concerns would arise whenever the asbestos is disturbed, for example, when bags of raw asbestos are opened or if the wet "membranes" used to make chlorine, caustic soda, and hydrogen dry, he said.

Business Rationale?

The three chlor-alkali companies may have had business reasons for stockpiling asbestos in 2016.

First, the companies may have wanted to ensure they had sufficient asbestos to meet the growing demand for caustic soda. Brazil, which has been the primary supplier of asbestos to the U.S. in recent years, closed its sole mine after the country's Supreme Court banned use of the mineral in 2017.

As a result of that ban and actions taken by other governments, the only remaining commercial producers of asbestos will be China, Kazakhstan, Russia, and potentially Zimbabwe, where two former asbestos mines may re-open by year end, USGS said.

Second, domestic prices for caustic soda, for example, have increased from $3.17 a metric ton in September 2016 to $19.91 a metric ton this February, according to price data that Bloomberg's terminal obtained from Tecnon Orbichem Ltd., which analyzes market information for the bulk chemical, petrochemical, and plastics industries.

During a Feb. 7 earnings call, John Fischer, Olin's president and CEO, discussed ways the company's chlor-alkali business is benefiting from market trends.

“In addition to higher caustic soda prices, we experienced higher chlorine and chlorine-derivatives pricing, both in the fourth quarter and for the full year,” he said, referring to 2017 earnings.

The company's 2018 domestic forecast reflects higher domestic and export causing soda pricing, higher chlorine pricing, and other opportunities, Fischer said.

Message

From: Vizian, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB2401BF8D4F441DBF27F21E122BE2C5-VIZIAN, DONNA]
Sent: 4/10/2018 6:32:12 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]
Subject: Re: APPROVAL: security threat - comment request

Ex. 5 - Deliberative Process

On Apr 10, 2018, at 2:31 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you.

Ex. 5 - Deliberative Process

From: Vizian, Donna
Sent: Tuesday, April 10, 2018 2:14 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: APPROVAL: security threat - comment request

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Tuesday, April 10, 2018 2:07 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: APPROVAL: security threat - comment request

Here is the trail.

Ex. 5 - Deliberative Process

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 10:44 AM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: APPROVAL: security threat - comment request

UPDATED STATEMENT (With RJ's suggestion):

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Tuesday, April 10, 2018 10:39 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: APPROVAL: security threat - comment request

Ex. 5 - Deliberative Process

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 10:36 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: APPROVAL: security threat - comment request

Ex. 5 - Deliberative Process

BACKGROUND ...

Patrick Sullivan, EPA's Assistant Inspector General For Investigations said there are a number of threats against EPA Administrator Scott Pruitt. "'We have at least four times -- four to five times the number of threats against Mr. Pruitt than we had against Ms. [Gina] McCarthy,' said Patrick Sullivan, EPA's assistant inspector general for investigations, referring to Pruitt's predecessor during the Obama administration. He declined to provide the specific numbers of threats against Pruitt. 'They run the variety of direct death threats -- 'I'm going to put a bullet in your brain' -- to implied threats -- 'if you don't classify this particular chemical in this particular way, I'm going to hurt you,'' Sullivan told CNN in an interview. 'Then there's implied threats -- like they say in New York, with the mafia: 'If you come after me and my family, I'll come after you and your family.'' (CNN, 11/28/17)

According to Patrick Sullivan, threats have nearly doubled against Pruitt. "In an interview with

E&E News, Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." (E&E News, 01/11/18)

Threats have been made against Pruitt and his family. "The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family. 'The quantity and the volume -- as well as the type -- of threats are different," Pruitt said in an interview with Bloomberg News. "What's really disappointing to me as it's not just me -- it's family.'" (Bloomberg, 10/26/17)

Pruitt said threats the level of protection is decided by the threat. "The level of protection is dictated by the level of threat," Pruitt said, noting security arrangements are decided by others assessing the situation." (Bloomberg, 10/26/17)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said there have been incidents of aggressive behavior against Pruitt. "There were 'incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation -- a memo -- to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/18)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said it's their job to ensure they can pull Pruitt away from threats. "The agents have to make sure he's in a position where they can protect him," the director of EPA's Office of Criminal Enforcement, Henry Barnet, said in an interview. "If he's surrounded by other members of the public or it's a threat, their job is to push him and pull him away from those threats. That's why it is imperative to keep him away from the individuals so they can keep him safe." (Bloomberg, 02/15/18)

EPA's Protective Service Detail says there is a high level of interest against Pruitt. "Perrotta described a "high level of unusual interest in the administrator," calling it the most he's ever seen while safeguarding EPA chiefs." (Bloomberg, 02/15/18)

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Tuesday, April 10, 2018 10:32 AM
To: Press <Press@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: security threat - comment request

Sen. Whitehouse has sent a letter to Barrass - he said he has an EPA Homeland Security intelligence assessment that he says undercuts the October memo of Mr. Pruitt's security detail justifying the need for first-class travel, etc. as security measures. We're doing a story quickly - if you have any immediate comment I will put it in as quickly as possible; we are also writing through the story today.

Best,
Lisa

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
Ex. 6 - Personal Privacy cell

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

1. At the hearing, I asked you about your travel to Oklahoma during the period from May 4, 2017 to May 8, 2017. You agreed to provide me with additional information about your activities in Oklahoma during this time period as the only non-redacted item appearing on your calendar is a one hour lunch meeting with the CEO of the National Rural Water Association.
    a) What other official business did you conduct in Oklahoma during this time period?
    b) Why does your calendar only show a one-hour lunch on May 5?
    c) Did you meet with or attend any events organized by the Oklahoma Republican Party, political fundraisers, political strategists, and/or candidates for office during this or any other trip to Oklahoma since you were confirmed as EPA Administrator? If so, please provide details about each of those meetings.
    d) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.

Ex. 5 - Deliberative Process

2. According to your Outlook calendar, on Wednesday, June 7, you flew to Rome. You were scheduled to attend the G7 environment ministers summit meeting in Bologna on June 11 and 12. Your Outlook calendar for Thursday, June 8 shows one meeting which is entirely redacted. Your Outlook calendar for Friday, June 9 also shows one meeting which is entirely redacted. Your Outlook calendar shows no events for Saturday, June 10. Your Outlook calendar for Sunday, June 11 indicates that you were at the summit meeting in Bologna, but it also shows that you flew back to JFK on an Emirates flight from Malpensa Airport in Milan. This flight is normally scheduled to depart at 3:40 PM. Normal drive time between Bologna and Malpensa is two and a half hours, meaning that you could have at best attended half a day of the two day summit.

a) With whom did you meet on June 8?
b) With whom did you meet on June 9?
c) With whom did you meet on June 10?
d) If there were any additional meetings beyond the one indicated on June 8 and the one indicated on June 9, why do they not appear in your Outlook calendar?
e) For how long did you attend the G7 environment ministers summit meeting on June 11? What events were you physically present for?
f) Did you attend any of the G7 environment ministers summit on June 12?
g) With whom did you meet on June 12?
h) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.
i) If in fact you were meeting with Catholic Church officials in Rome as has been reported, did you discuss the Pope's recent *Laudato Si* encyclical, which urges immediate action to tackle climate change, or any other Church positions on environmental issues?

Ex. 5 - Deliberative Process

3. According to your Outlook calendar, you flew to Rabat on Saturday, December 9. Your Outlook calendar has no entry for Sunday, December 10. On Monday, December 11, it shows one meeting with the Moroccan Agency for Sustainable Energy and then one redacted entry.
    a) With whom did you meet while in Morocco on December 10 and December 11?
    b) It has been reported that you promoted exports of American liquefied natural gas (LNG) while in Morocco. The mission of EPA (as stated on the EPA website) is "to protect human health and the environment." How does promoting LNG exports fulfill EPA's mission?
    c) With whom did you discuss LNG exports while in Morocco?
    d) Prior to travelling to Morocco, did you speak with any industry representatives that could profit from the sale of natural gas abroad about promoting their products abroad? If so, with whom?
    e) Since travelling to Morocco, have you spoken with any industry representatives that could profit from the sale of natural gas abroad about promoting their products abroad? If so, with whom?
    f) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.

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Ex. 5 - Deliberative Process

4. On Monday, January 1, your Outlook calendar shows you had two events, both of which have been redacted.
    a) With whom did you meet on Monday, January 1?
    b) Did you attend the Rose Bowl on January 1?
    c) If so, who paid for your tickets?
    d) If so, who paid for your plane fare and accommodations while in Southern California?
    e) If so, did your private security detail accompany you for this trip? If your private security detail accompanied you, what was the total cost to taxpayers associated with their presence during this trip?
    f) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.

Ex. 5 - Deliberative Process

5. You have been quoted as saying that you fly first class based on an assessment made by your private security detail and your chief of staff.
    a) Is this assessment a blanket assessment that applies to all travel or is it made on a cases by case basis?
    b) Please provide any written guidance you have received from agency officials that justifies this expense. If you are relying on guidance from a previous administration, please provide that guidance too.
    c) When you fly first class, does your security detail also fly first class with you?

Ex. 5 - Deliberative Process

6. What was the total cost of your security detail for calendar year 2017? Total cost should include salaries, benefits, overtime, vehicles, equipment, travel, lodging, per diems, as well as any accommodations that must be made for them while they are on nightshift outside your residence.
    a) Does your security detail provide the same protection to you on trips outside Washington DC that do not involve official business?

Ex. 5 - Deliberative Process

    b) What was the total cost of security provided to the EPA Administrator in FY 2016?

Ex. 5 - Deliberative Process

    c) President Trump's FY 2019 budget would cut EPA's funding by more than a third and reduce EPA's staff by more than 20 percent. Will these cuts be reflected in the funding and personnel allocated to your private security detail?

Ex. 5 - Deliberative Process

7. It has been reported that you spent $25,000 to install a sound-proof booth in your office.
    a) Have you ever used that booth to make a call outside the federal government? If so, please list each call and the reason for the call.
    b) Are you maintaining a log of all calls made from that secure line?

Ex. 5 - Deliberative Process

8. In October, you issued a new directive barring academic scientists who accept EPA grant money from serving on EPA's Science Advisory Boards. At your hearing, I introduced for the record a new report by the Union of Concerned Scientists that reveals that under your tenure, representation of academic scientists on EPA Science Advisory Boards has declined by 40 percent while industry representation has tripled. Yet many of the people you nominated to the SABs are closely tied to industry and appear to have conflicts of interest. Consider the following nominees:

- Dr. Kimberly White: Currently the senior director of chemical products and technology at the American Chemistry Council, a trade association that lobbies on issues that the SAB has covered and will likely cover in the future, including formaldehyde, flame retardants, hexavalent chromium, phthalates, bisphenol-A, ozone, NAAQS, and water infrastructure.
- Robert W. Merritt: Spent his career in the oil industry, including stints at ExxonMobil, Total, and Elf Aquitaine.
- Larry Monroe: Recently retired as an executive of Southern Company. He has also held a leadership role in industry groups including the Utility Air Regulatory Group, the Electric Power Research Institute, and the Coal Utilization Research Council.
- Merlin Lindstrom: Currently the VP of technology at Phillips 66 Company.
- Dr. Tony Cox: Private consultant who has received funding from the American Chemistry Council related to silica research, the American Petroleum Institute on particulate matter analysis, and the National Stone, Sand, and Gravel Association for silica analysis.

a) Have you put in place any rules to prevent an industry representative from sitting on a SAB from opining on matters that will affect her employer?
b) If so, how do the above nominees not run afoul of such conflict of interest rules?
c) Why does receiving an EPA grant present a conflict of interest that automatically bars a scientist from being able to serve on an EPA advisory board, committee or panel under the Federal Advisory Committee Act (FACA) or any other recognized standard?
d) Is the risk of academic scientists not acting independently and objectively because of the source of their funding qualitatively different from industry-funded scientists?
e) Before issuing your October directive on SAB membership, did EPA conduct any assessment of how excluding all scientists currently receiving EPA funding would affect the ability of EPA to attract qualified scientists to serve on its FACs?
f) Your October directive put a priority on "fresh perspectives." What definition is EPA using to decide whether a scientist offers "fresh perspectives"? How is that definition consistent with FACA and its implementing regulations?

Ex. 5 - Deliberative Process

9. At your hearing, I introduced two internal EPA documents relating to the deliberations surrounding the nomination process for one of the SABs, the Clean Air Scientific Advisory Committee (CASAC). These documents show that EPA's career staff recommended 11 scientists to serve on CASAC. Instead of accepting those recommendations, Dr. Richard Yamada instead sent back three names, two of whom were not recommended by career staff because one lacked "direct experience in health effects of air pollution" and one had potential conflicts of interests. Ultimately, EPA nominated the two people, Dr. Tony Cox and Dr. Larry Wolk, who were selected by Dr. Yamada and not recommended by career staff.
    a) Will you commit to follow the recommendations of EPA's career staff and ensure that no one appointed to EPA's SABs are either unqualified or have conflicts of interests?
    b) If you are unwilling to make that commitment, under what circumstances do you believe it is justified to deviate from the recommendations of career staff?

Ex. 5 - Deliberative Process

10. Your recently released FY 2017 enforcement report contains more than three and half months of enforcement actions overseen by the Obama administration and is therefore not an accurate overview of your enforcement efforts. In that report you highlighted the following "enforcement accomplishments":
    - An increase in the value of commitments by private parties to clean up sites to more than $1.2 billion.
    - An increase in the environmental benefits of EPA Superfund and RCRA Corrective Action enforcement, with commitments to address an estimated 20.5 million cubic yards of contaminated soil and 412 million cubic yards of contaminated water.
    - An increase in the total of criminal fines, restitution, and mitigation to $2.98 billion.
    - An increase in the years of incarceration resulting from EPA's criminal enforcement actions to 150 years.
    - An increase in the value of actions taken to improve compliance with the law and reduce pollution, to nearly $20 billion.
    - $1.6 billion in administrative and civil judicial penalties, higher than any of the previous 10 years other than FY 2016, which included the $5.7 billion BP action."[1]

    For each claim you make above, please specify the enforcement matters you are counting in the total, the date on which the enforcement matter was initiated, and the date on which the enforcement accomplishment was achieved.

[1] https://www.epa.gov/newsreleases/epa-announces-2017-annual-environmental-enforcement-results

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

[2] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)

Ex. 5 - Deliberative Process

11. At your hearing, you restated your commitment to lead a "war on lead." Under EPA's FY 2019 "Budget in Brief," funding for EPA's lead risk reduction prevention program is entirely eliminated. I also note that funding for grants related to lead is eliminated. Please explain how cutting funding for EPA's work on lead is consistent with your claims to be leading a war on lead.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

12. You met with Senator Sullivan and me on January 9, 2018 to discuss our concerns relating to marine debris. You informed us that reducing marine debris would be a priority of yours, something you again affirmed to Senator Sullivan at your hearing. Under EPA's FY 2019 "Budget in Brief," funding for EPA's marine pollution program is eliminated. Please explain how cutting funding for EPA's marine pollution work is consistent with your statements to members of the Committee that you are committed to reducing marine debris.

Ex. 5 - Deliberative Process

13. On October 31, 2017, I wrote to you about EPA's decision to prohibit three EPA-affiliated scientists from presenting their research at a workshop put on by the Narragansett Bay Estuary Program (NBEP). On December 4, 2017, you wrote back to me that you had "assured Office of Research and Development ("ORD") political and career senior leadership that they have the authority to make decisions about event participation going forward." While I appreciate that commitment and your answers to several of the questions I raised, you ignored others. I renewed this line of questioning again at your hearing, and you agreed to respond. I therefore repeat those questions here:
    a) Who made that decision? At what level was it approved? Please provide all communications related to that decision, and any documents that reference the NBEP October 23 workshop.

b) Please provide all communications between Autumn Oczkowski, Rose Martin, Emily Shumchenia, and/or any other representative of the Atlantic Ecology Division and (1) Region 1 EPA Headquarters and/or (2) EPA's main headquarters in Washington, D.C. related to the participation of any EPA employee(s) or contractor(s) in NBEP's October 23, 2017 press conference and workshop or the EPA research to be presented at that conference.

c) The *Washington Post* has previously reported that John Konkus, who is deputy associate administrator in EPA's Office of Public Affairs, "reviews every award the agency gives out" and "has told staff that he is on the lookout for 'the double C-word' — climate change." What role will Mr. Konkus have reviewing annual work plan submissions and long-term comprehensive conservation and management plans for National Estuaries Program sites? Please provide any guidance used by Mr. Konkus or any other EPA staff used to review these submissions.

Ex. 5 - Deliberative Process

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

1. At the hearing, I asked you about your travel to Oklahoma during the period from May 4, 2017 to May 8, 2017. You agreed to provide me with additional information about your activities in Oklahoma during this time period as the only non-redacted item appearing on your calendar is a one hour lunch meeting with the CEO of the National Rural Water Association.
    a) What other official business did you conduct in Oklahoma during this time period?
    b) Why does your calendar only show a one-hour lunch on May 5?
    c) Did you meet with or attend any events organized by the Oklahoma Republican Party, political fundraisers, political strategists, and/or candidates for office during this or any other trip to Oklahoma since you were confirmed as EPA Administrator? If so, please provide details about each of those meetings.
    d) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.

    The Administrator's calendar is publicly available at https://www.epa.gov/senior-leaders-calendars. The agency has also released a more-detailed version of the Administrator's private calendar in response to FOIA requests and Congressional oversight requests. The portion of this calendar responsive to your request is attached.

2. According to your Outlook calendar, on Wednesday, June 7, you flew to Rome. You were scheduled to attend the G7 environment ministers summit meeting in Bologna on June 11 and 12. Your Outlook calendar for Thursday, June 8 shows one meeting which is entirely redacted. Your Outlook calendar for Friday, June 9 also shows one meeting which is entirely redacted. Your Outlook calendar shows no events for Saturday, June 10. Your Outlook calendar for Sunday, June 11 indicates that you were at the summit meeting in Bologna, but it also shows that you flew back to JFK on an Emirates flight from Malpensa Airport in Milan. This flight is normally scheduled to depart at 3:40 PM. Normal drive time between Bologna and Malpensa is two and a half hours, meaning that you could have at best attended half a day of the two day summit.

a) With whom did you meet on June 8?
b) With whom did you meet on June 9?
c) With whom did you meet on June 10?
d) If there were any additional meetings beyond the one indicated on June 8 and the one indicated on June 9, why do they not appear in your Outlook calendar?
e) For how long did you attend the G7 environment ministers summit meeting on June 11? What events were you physically present for?
f) Did you attend any of the G7 environment ministers summit on June 12?
g) With whom did you meet on June 12?
h) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.
i) If in fact you were meeting with Catholic Church officials in Rome as has been reported, did you discuss the Pope's recent *Laudato Si* encyclical, which urges immediate action to tackle climate change, or any other Church positions on environmental issues?

Please see the response to Question 1 regarding the Administrator's calendar generally. The portion of the Administrator's calendar responsive to your request is attached. As you note, the purpose of the trip was to attend the G7 summit, and specifically to discuss the Paris decision. This trip is a subject of an ongoing congressional oversight inquiry to which the agency is in the process of responding. We will also send responsive documents to you as they become available for delivery.

3. According to your Outlook calendar, you flew to Rabat on Saturday, December 9. Your Outlook calendar has no entry for Sunday, December 10. On Monday, December 11, it shows one meeting with the Moroccan Agency for Sustainable Energy and then one redacted entry.
   a) With whom did you meet while in Morocco on December 10 and December 11?
   b) It has been reported that you promoted exports of American liquefied natural gas (LNG) while in Morocco. The mission of EPA (as stated on the EPA website) is "to protect human health and the environment." How does promoting LNG exports fulfill EPA's mission?
   c) With whom did you discuss LNG exports while in Morocco?
   d) Prior to travelling to Morocco, did you speak with any industry representatives that could profit from the sale of natural gas abroad about promoting their products abroad? If so, with whom?
   e) Since travelling to Morocco, have you spoken with any industry representatives that could profit from the sale of natural gas abroad about promoting their products abroad? If so, with whom?
   f) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.

Please see the response to Question 1 regarding the Administrator's calendar generally. The portion of the Administrator's calendar responsive to your request is attached. The focus of our trip to Morocco was to negotiate the environmental chapter of our free trade agreement and further our partnership by discussing innovations in environmental technologies with State officials. Moroccan government officials briefed the Administrator on aspects of Morocco's green economy. Likewise, the Administrator shared opportunities for the United States' involvement in Morocco's sustainable development. As with the Italy trip, this trip is a subject of an ongoing congressional oversight inquiry to which the agency is in the process of responding. We will also send responsive documents to you as they become available for delivery.

4. On Monday, January 1, your Outlook calendar shows you had two events, both of which have been redacted.
    a) With whom did you meet on Monday, January 1?
    b) Did you attend the Rose Bowl on January 1?
    c) If so, who paid for your tickets?
    d) If so, who paid for your plane fare and accommodations while in Southern California?
    e) If so, did your private security detail accompany you for this trip? If your private security detail accompanied you, what was the total cost to taxpayers associated with their presence during this trip?
    f) Please provide all authorizations or guidance from EPA's designated ethics official for any aspect of this trip.

The review of this specific trip has been referred to the EPA's Office of Inspector General, which has investigatory authority. More information may be available at the conclusion of this investigation.

5. You have been quoted as saying that you fly first class based on an assessment made by your private security detail and your chief of staff.
    a) Is this assessment a blanket assessment that applies to all travel or is it made on a cases by case basis?
    b) Please provide any written guidance you have received from agency officials that justifies this expense. If you are relying on guidance from a previous administration, please provide that guidance too.
    c) When you fly first class, does your security detail also fly first class with you?

Please see attached travel vouchers and receipts for my travel up to February 2018, along with an explanatory letter from the EPA Controller, Jeanne Conklin.

6. What was the total cost of your security detail for calendar year 2017? Total cost should include salaries, benefits, overtime, vehicles, equipment, travel, lodging, per diems, as well as any accommodations that must be made for them while they are on nightshift outside your residence.
    a) Does your security detail provide the same protection to you on trips outside Washington DC that do not involve official business?

       For safety and security reasons, the EPA does not discuss the operational security measures associated with the Protective Service Detail.

    b) What was the total cost of security provided to the EPA Administrator in FY 2016?

       For safety and security reasons, the EPA does not discuss the operational security measures associated with the Protective Service Detail.

    c) President Trump's FY 2019 budget would cut EPA's funding by more than a third and reduce EPA's staff by more than 20 percent. Will these cuts be reflected in the funding and personnel allocated to your private security detail?

       The overall FY 2019 budget reduces or eliminates discretionary programs and focuses the agency's efforts on statutory obligations. Security for staff and enhanced security for the Administrator remain required functions and are supported at the levels recommended by agency security professionals.

7. It has been reported that you spent $25,000 to install a sound-proof booth in your office.
    a) Have you ever used that booth to make a call outside the federal government? If so, please list each call and the reason for the call.
    b) Are you maintaining a log of all calls made from that secure line?

   For security reasons, the EPA does not discuss the operational measures associated with sensitive and secure communications.

8. In October, you issued a new directive barring academic scientists who accept EPA grant money from serving on EPA's Science Advisory Boards. At your hearing, I introduced for the record a new report by the Union of Concerned Scientists that reveals that under your tenure, representation of academic scientists on EPA Science Advisory Boards has declined by 40 percent while industry representation has tripled. Yet many of the people you nominated to the SABs are closely tied to industry and appear to have conflicts of interest. Consider the following nominees:

- Dr. Kimberly White: Currently the senior director of chemical products and technology at the American Chemistry Council, a trade association that lobbies on issues that the SAB has covered and will likely cover in the future, including formaldehyde, flame retardants, hexavalent chromium, phthalates, bisphenol-A, ozone, NAAQS, and water infrastructure.
- Robert W. Merritt: Spent his career in the oil industry, including stints at ExxonMobil, Total, and Elf Aquitaine.
- Larry Monroe: Recently retired as an executive of Southern Company. He has also held a leadership role in industry groups including the Utility Air Regulatory Group, the Electric Power Research Institute, and the Coal Utilization Research Council.
- Merlin Lindstrom: Currently the VP of technology at Phillips 66 Company.
- Dr. Tony Cox: Private consultant who has received funding from the American Chemistry Council related to silica research, the American Petroleum Institute on particulate matter analysis, and the National Stone, Sand, and Gravel Association for silica analysis.

a) Have you put in place any rules to prevent an industry representative from sitting on a SAB from opining on matters that will affect her employer?
b) If so, how do the above nominees not run afoul of such conflict of interest rules?
c) Why does receiving an EPA grant present a conflict of interest that automatically bars a scientist from being able to serve on an EPA advisory board, committee or panel under the Federal Advisory Committee Act (FACA) or any other recognized standard?
d) Is the risk of academic scientists not acting independently and objectively because of the source of their funding qualitatively different from industry-funded scientists?
e) Before issuing your October directive on SAB membership, did EPA conduct any assessment of how excluding all scientists currently receiving EPA funding would affect the ability of EPA to attract qualified scientists to serve on its FACs?
f) Your October directive put a priority on "fresh perspectives." What definition is EPA using to decide whether a scientist offers "fresh perspectives"? How is that definition consistent with FACA and its implementing regulations?

EPA follows (and is committed to following) all Federal ethics rules and regulations, including conflict of interest matters, for all FACA appointees who serve as special government employees.

9. At your hearing, I introduced two internal EPA documents relating to the deliberations surrounding the nomination process for one of the SABs, the Clean Air Scientific Advisory Committee (CASAC). These documents show that EPA's career staff recommended 11 scientists to serve on CASAC. Instead of accepting those recommendations, Dr. Richard Yamada instead sent back three names, two of whom were not recommended by career staff because one lacked "direct experience in health effects of air pollution" and one had potential conflicts of interests. Ultimately, EPA nominated the two people, Dr. Tony Cox and Dr. Larry Wolk, who were selected by Dr. Yamada and not recommended by career staff.
    a) Will you commit to follow the recommendations of EPA's career staff and ensure that no one appointed to EPA's SABs are either unqualified or have conflicts of interests?
    b) If you are unwilling to make that commitment, under what circumstances do you believe it is justified to deviate from the recommendations of career staff?

    EPA follows (and is committed to following) all Federal ethics rules and regulations, including conflict of interest matters, for all FACA appointees who serve as special government employees.

10. Your recently released FY 2017 enforcement report contains more than three and half months of enforcement actions overseen by the Obama administration and is therefore not an accurate overview of your enforcement efforts. In that report you highlighted the following "enforcement accomplishments":
    - An increase in the value of commitments by private parties to clean up sites to more than $1.2 billion.
    - An increase in the environmental benefits of EPA Superfund and RCRA Corrective Action enforcement, with commitments to address an estimated 20.5 million cubic yards of contaminated soil and 412 million cubic yards of contaminated water.
    - An increase in the total of criminal fines, restitution, and mitigation to $2.98 billion.
    - An increase in the years of incarceration resulting from EPA's criminal enforcement actions to 150 years.
    - An increase in the value of actions taken to improve compliance with the law and reduce pollution, to nearly $20 billion.
    - $1.6 billion in administrative and civil judicial penalties, higher than any of the previous 10 years other than FY 2016, which included the $5.7 billion BP action."[1]

    For each claim you make above, please specify the enforcement matters you are counting in the total, the date on which the enforcement matter was initiated, and the date on which the enforcement accomplishment was achieved.

[1] https://www.epa.gov/newsreleases/epa-announces-2017-annual-environmental-enforcement-results

This Administration is proud to highlight accomplishments and to honor EPA employees for all of the great work they did last fiscal year. The enforcement and compliance work accomplished in fiscal year 2017 demonstrates the agency's commitment to hold polluters accountable and to continue working with federal, state and tribal partners to increase environmental compliance and enforce the rule of law. Because many enforcement cases can take months or years to develop and come to fruition, the EPA continues to focus its enforcement efforts on the most significant cases that maximize compliance results, not the number of individual actions. In addition, EPA works cooperatively with states as partners, even if our efforts are not directly reflected in the number of individual actions taken. EPA regularly works with individual states as they conduct a vast portion of the inspections and subsequent enforcement actions to ensure that companies comply with environmental laws.

The following tables include information regarding criminal fines, restitution, and mitigation as well as administrative and judicial actions that are included in the FY 2017 results. The tables also show the proportion of activity included in the fiscal year 2017 results completed before and after January 20, 2017.

Chart 1: Percentage of FY17 fines, penalties, and other relief secured before and after January 20, 2017.

Measure	Percentage for October 1, 2016-January 19, 2017	Percentage for January 20, 2017 – September 30, 2017
Fines (Criminal)	0.3%	99.7%
Restitution (Criminal)	57.5%	42.5%
Years of Incarceration	44.1%	55.9%
Court Ordered Environmental Projects (Criminal)	37.1%	62.9%
Amount Committed by Liable parties to Clean Up for Superfund sites	5.6%	94.4%
Amount Committed by Liable Parties to Reimburse the Government for Past Costs at Superfund Sites	15.7%	84.3%

Judicial Penalties	**3.2%**	**96.8%**
Administrative Penalties	**27.5%**	**72.5%**
Injunctive Relief (Judicial and Administrative)	**82.5%**	**17.5%**
Supplemental Environmental Projects (Judicial and Administrative)	**23.2%**	**76.8%**

Chart 2: Percentage of cases included in the FY17 reporting that were initiated, opened, or filed after January 20, 2017.

Measure	Percentage for October 1, 2016- January 19, 2017	Percentage for January 20, 2017 – September 30, 2017
Civil Judicial Referrals	**28.9%**	**71.1%**
Criminal Cases Opened	**39.1%**	**60.9%**
Inspections/Evaluations[2]	**20.1%**	**79.9%**
Administrative Penalty Order Complaints (APOCs)	**22.9%**	**77.1%**
Administrative Compliance Orders (ACOs)	**21.5%**	**78.5%**
Final Administrative Penalty Orders (FAPOs)	**22.5%**	**77.5%**
Complaints Filed With Court	**48.2%**	**51.8%**

In addition, the three enclosures listed below provide additional detail regarding the FY 17 results. Since any set of data is a snapshot in time, the attached data contains several slight modifications from the data that was pulled in October 2017 and used to populate the FY 2017 Annual Results. The attachments are based on a recent data pull and reflect corrections that have been made to the FY 2017 enforcement actions since they were released. The following changes are reflected in the two

[2] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)

attachments as a result of data being corrected after the Annual Results were published:

- **The years of incarceration increased from 150 years to 158 years.**
- **The total value of administrative penalties assessed decreased from $48,078,393 to $48,049,183.**
- **The total value of judicial penalties assessed increased from $1,583,645,506 to $1,584,635,506**
- **The total value of complying actions (administrative) increased from $659,508,331 to $660,406,193.**
- **The total value of complying actions (judicial) increased from $19,312,276,708 to $19,314,331,142**

Enclosures:

Enclosure 1 includes the FY 2017 criminal enforcement actions we are counting in the total; the date on which the action was initiated; and the date on which the enforcement accomplishment was achieved.

Enclosure 2 includes the FY 2017 administrative and judicial actions we are counting in the total; the date on which the action was initiated; and the date on which the enforcement accomplishment was achieved.

Enclosure 3 includes the FY 2017 commitments by private parties to clean up sites and benefits of EPA Superfund and RCRA corrective actions we are counting in the total; the date on which the action was initiated; and the date on which the enforcement accomplishment was achieved.

11. At your hearing, you restated your commitment to lead a "war on lead." Under EPA's FY 2019 "Budget in Brief," funding for EPA's lead risk reduction prevention program is entirely eliminated. I also note that funding for grants related to lead is eliminated. Please explain how cutting funding for EPA's work on lead is consistent with your claims to be leading a war on lead.

The work of the Lead Risk Reduction Program in its entirety will not be eliminated; critical aspects of the program will continue. EPA will continue to provide firm and individual certifications for safe work practices for lead-based paint abatement and renovation and repair efforts. EPA will also continue to provide for operation and maintenance of the online database that supports the processing of applications for training providers, firms, and individuals. Other forms of lead exposure (in water and air) continue to be addressed through a host of federal and state programs.

These efforts play an integral role in addressing the critical issue of childhood lead poisoning, the core focus of EPA Administrator Pruitt's "War on Lead", through a combination of outreach and regulations. Although EPA's grant funding to states is proposed for elimination, states could choose to fund programs targeted at reducing lead-based paint poisoning and continue activities that have been supported by EPA.

Broader agency efforts to combat lead exposure include planned updates to the Lead and Copper Rule to reduce lead in drinking water, use of a range of tools such as SRF and WIFIA funding and the Brownfields Program, and critical research efforts including grants. For example, EPA recently awarded $1.9 million to Virginia Tech (principal investigator Dr. Marc Edwards) to research strategies to detect and control lead exposure in drinking water and $1.9 million to the Water Research Center in Denver, CO, to create a risk-based model to identify opportunities to mitigate lead exposure from drinking water including at home and community levels, especially among children and pregnant women.

12. You met with Senator Sullivan and me on January 9, 2018 to discuss our concerns relating to marine debris. You informed us that reducing marine debris would be a priority of yours, something you again affirmed to Senator Sullivan at your hearing. Under EPA's FY 2019 "Budget in Brief," funding for EPA's marine pollution program is eliminated. Please explain how cutting funding for EPA's marine pollution work is consistent with your statements to members of the Committee that you are committed to reducing marine debris.

    I support the President's Budget but will implement whatever laws the Congress passes and the President signs.

13. On October 31, 2017, I wrote to you about EPA's decision to prohibit three EPA-affiliated scientists from presenting their research at a workshop put on by the Narragansett Bay Estuary Program (NBEP). On December 4, 2017, you wrote back to me that you had "assured Office of Research and Development ("ORD") political and career senior leadership that they have the authority to make decisions about event participation going forward." While I appreciate that commitment and your answers to several of the questions I raised, you ignored others. I renewed this line of questioning again at your hearing, and you agreed to respond. I therefore repeat those questions here:
    a) Who made that decision? At what level was it approved? Please provide all communications related to that decision, and any documents that reference the NBEP October 23 workshop.

b) Please provide all communications between Autumn Oczkowski, Rose Martin, Emily Shumchenia, and/or any other representative of the Atlantic Ecology Division and (1) Region 1 EPA Headquarters and/or (2) EPA's main headquarters in Washington, D.C. related to the participation of any EPA employee(s) or contractor(s) in NBEP's October 23, 2017 press conference and workshop or the EPA research to be presented at that conference.

c) The *Washington Post* has previously reported that John Konkus, who is deputy associate administrator in EPA's Office of Public Affairs, "reviews every award the agency gives out" and "has told staff that he is on the lookout for 'the double C-word' — climate change." What role will Mr. Konkus have reviewing annual work plan submissions and long-term comprehensive conservation and management plans for National Estuaries Program sites? Please provide any guidance used by Mr. Konkus or any other EPA staff used to review these submissions.

EPA has awarded millions to the Narragansett Bay Estuary Program over the years including recently awarding a $600,000 grant to the Narragansett Bay Estuary Program. The event in question was not an EPA event; but we were pleased to attend the event nevertheless. EPA scientists included their findings in the report and that report is public and we encourage people to review it. We believe estuaries across America play a vitally important role in regional environments and local economies. We have a centralized search underway that may yield documents responsive to this request. We will deliver responsive documents as they become available.

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

APR 27 2018

OFFICE OF
CHIEF FINANCIAL OFFICER

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This supplements the U.S. Environmental Protection Agency's response to your letter, dated February 20, 2018, regarding past air travel of Administrator Pruitt. As the Controller in the Office of the Chief Financial Officer, I am responsible for developing, managing, and supporting the agency's federal financial management programs. As part of these functions, I also oversee EPA's travel program to ensure compliance with federal travel regulations.

As you know, travel for executive branch agencies is regulated by the Federal Travel Regulation, which the General Services Administration issues. The FTR states that "[w]hen exceptional security circumstances require other than coach-class airline accommodations," an agency "may authorize/approve first class accommodations" 41 C.F.R. § 301-10.123(a)(3). "Exceptional security circumstances are determined by [an] agency and should only be authorized up to the minimum other than coach-class accommodation necessary." *Id.* These circumstances include, but are not limited to, situations when the "[u]se of coach-class accommodations would endanger [one's] life or Government property" or an agent on protective detail is "accompanying an individual authorized to use other than coach-class accommodations." *Id.* § 301-10.123(a)(3)(i), (ii). The regulations for an agency to approve/authorize business-class accommodations mirror those for first-class accommodations. *See* 41 C.F.R. § 301-10.123(b)(2).

Pursuant to FTR § 301-50.3, all reservations must be made in the agency's Electronic Travel System, Concur, or by calling the EPA's Travel Management Center, BCD Travel. Travelers must call BCD Travel directly for all other than coach-class travel accommodations. BCD Travel also has a VIP hotline that typically assists with political senior leadership travel reservations, which includes the EPA Administrator. When official federal government travel is necessary, an itinerary for the trip is given to a travel preparer. The travel preparer will then log into Concur and book reservations for the trip, as well as start the Travel Authorization to fund the trip. For the EPA Administrator, the travel preparer will call the VIP hotline directly to make travel accommodations. Travel authorizations requesting other than coach-class accommodations will then obtain prior approval by the EPA Senior Resource Official for the class of service being used by citing the relevant exceptions within the FTR and submitting a request to the proper agency authority. Proof of the exception approval would be noted in the system, attained by a memorandum, and attached to the Concur TA. In addition to airline travel exceptions, additional

authorization would be needed in Concur for exceptions, including but not limited to, using a non-contract carrier, actual lodging exceeding per diem rate by 150 percent or more, and rental car reservations.

Each time a traveler, including the EPA Administrator, requests other than coach-class accommodations and cites the security circumstances exception, the travel preparer will confer with EPA's Office of Criminal Enforcement and Forensic Training, Protective Service Detail. OCEFT, along with other partners in the Agency that have a role in law enforcement, reviews collected information related to an actual or potential threat and develops a security threat assessment in advance of travel, to confirm the security needs. OCEFT reviews all known individuals who have previously threatened or expressed an inappropriate/unusual interest in the EPA Administrator. After receiving confirmation, the travel preparer would note the exception in Concur and attach a memorandum to notify the authorizer that the security concerns still existed.

Once all reservations are booked, they are included in the TA, where all the non-reservation expenses (*e.g.*, meals, taxis, etc.) are also added. Upon completion of this process, the preparer can sign the TA on the traveler's behalf and send it to the authorizer, who would look to see that the trip is justified and all expenses are reasonable. After the trip is reviewed and approved by the authorizer, it is sent to the funder to allocate funding and to ensure that the appropriate justifications are included. For the EPA Administrator, once his trip is approved by the authorizer, his reservations will be ticketed and he can conduct his official business travel.

Once the traveler returns from the official business trip, the traveler hands all the expense receipts from the trip to the travel preparer. The preparer then creates a voucher based on the receipts, adjusting the estimates from the TA to match the actual incurred cost. When the voucher is complete, it must be reviewed and signed by the traveler before moving to the next step in the process. The traveler's signature attests that all expenses are accurate to their knowledge and justified for official travel. After the traveler signs the voucher, it would go to the authorizer for review and approval. The authorizer would ensure all costs are reasonable, match the receipts provided, and all expenses are justified. Once it is signed by the authorizer, the voucher is sent to EPA's payment office. The payment office verifies that expenses match receipts; approvals are attached for any exceptional expenses, and pays the voucher.

Enclosed please find supplemental information and documentation responsive to your request for official air travel of the Administrator, including airfare and other travel information.

Sincerely,

Jeanne Conklin

Jeanne Conklin
Controller

Enclosures

cc: Eric Baptist
Holly Greaves
David Bloom
Kevin Minoli
Henry Barnet
Elise Packard
RobinH Richardson
Susan Bodine
Meshell Jones-Peeler
Marcella Burke
Jessica Taylor

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 3/8/2018 3:25:04 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: IG LEAKS - 3

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Wednesday, December 13, 2017 11:32 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Jahan,

I see you guys issued a press release about Pruitt's trip to Morocco, after refusing to comment about it to AP. We plan to write about the taxpayer-incurred costs of the trip.

They include Pruitt's airline ticket cost $17,597.49 and a total cost of at least $39,067 for five people (including Pruitt, Ryan Jackson, Samantha Dravis and security staff).

Please provide on the record comment on EPA's perspective on why these costs were justified. How did the purpose of the trip, which was to promote "the potential benefit of liquefied natural gas imports on Morocco's economy" fulfil EPA's mission to protect the environment and enforce U.S. environmental laws?

Also, please comment on why the cost of Pruitt's ticket was several times that of the others in the EPA contingent and would appear to indicate he flew First Class. Why was that level of luxury necessary for a public servant traveling at taxpayer expense?

I have a 1:30 deadline for this story, so your quick response is appreciated.

Thanks,

Michael

From: Biesecker, Michael
Sent: Tuesday, December 12, 2017 1:30 PM
To: 'Wilcox, Jahan' <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Can you affirm on the record that all of Administrator Pruitt's meeting with Bob Murray are listed on his calendar?

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, December 12, 2017 12:34 PM

To: Biesecker, Michael <MBiesecker@ap.org>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

"Due to security concerns we do not comment on Administrator Pruitt's upcoming schedule, but every meeting that he attends is posted on www.epa.gov."

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Tuesday, December 12, 2017 12:09 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Still hoping to get a response to this. Administrator Pruitt is a public official. His travel shouldn't be a secret.

Michael

From: Biesecker, Michael
Sent: Monday, December 11, 2017 2:41 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Pruitt in Paris/Morocco

Liz, Jahan,

Can you confirm whether Adminstrator Pruitt will be attending the climate summit in Paris this week. We also heard he's headed to Morocco. Could you provide any detail about what he'll be doing there?

Thanks,

Michael

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From: Wooden-Aguilar, Helena [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=991AB84F64BE4B6B9DD10A68C81887B0-HAWODD]
Sent: 2/20/2018 10:24:14 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: FYI.

Helena Wooden-Aguilar
Acting Deputy Chief of Staff
Office of the Administrator
U.S. Environmental Protection Agency
202-564-0792 (office)
202-302-6846 (mobile)
wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: February 20, 2018 at 3:29:12 PM EST
To: "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: FW: House Dems letter on travel

Another letter

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

https://democrats-energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/EPA.2018.02.20.%20Pruitt%20Letter%20First%20Class%20Waiver.pdf

Secure: timothy.cama@protonmail.com

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 3/8/2018 3:24:44 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: IG LEAKS - 2

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Wednesday, January 17, 2018 11:51 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Administrator Pruitt's trip to Japan

Liz, Jahan,

AP is planning to report about Administrator Pruitt's trip to Japan next week, citing officials both inside EPA and within the Japanese Foreign Ministry. Can you provide any comment or details about the planned agenda for the trip and who he plans to meet with?

Japan is a major importer of Liquefied Natural Gas, on which it has become more dependent since the Fukushima disaster. Boosting LNG experts was one of the reasons EPA cited for the Morocco trip last month.

Also, Pruitt's calendar shows meetings with LNG pipeline and export owner Kinder Morgan two days before leaving for last month's trip. Can you comment on whether LNG exports to Morocco, Japan or other countries was discussed?

Pruitt's calendar also shows a Dec. 8 meeting with Inspector General Arthur Elkins, whose office announced earlier this month it was expanding an already ongoing probe to include Pruitt's travel expenses through the end of 2017. Please provide comment on whether the two men discussed the administrator's travel during that meeting?

Our information is that the Japan trip will include a contingent of a half dozen aides and cost more than $43,000, not including security. That is more than twice the size and cost of a similar trip taken by EPA Administrator Gina McCarthy in 2015.

Our understanding is that Pruitt's airline ticket cost more than $10,300, which corresponds to the cost of a Business Class seat and is more than three times what McCarthy's 2015 ticket cost. Can you comment on why Administrator Pruitt utilizes premium class airfare when he travels.

A prompt response is appreciated.

Thanks,

Michael

Michael Biesecker
Reporter
mbiesecker@ap.org
Twitter: @mbieseck
Public Key

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From: Anna Palmer Jake Sherman Daniel Lippman [politicoplaybook@politico.com]
Sent: 4/20/2018 10:26:41 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: POLITICO Playbook, presented by BP: SIREN: NAFTA concerns rock Capitol Hill

View online version | Add politicoplaybook@politico.com to your address book.

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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DRIVING THE DAY

SIREN -- NAFTA CONCERNS EXPLODE ON THE HILL ... Senior Republican aides on Capitol Hill are growing increasingly concerned about their ability to ratify a NAFTA deal that the White House cuts. They worry that if the president's negotiators come to an agreement in the coming months, they will not have the support to pass it. It's the middle of an election year, and trade politics are particularly thorny on Capitol Hill.

IT IS GETTING ALMOST NO ATTENTION but Congress would have to ratify a new NAFTA deal -- Trump can't do this alone. The Trump administration has done absolutely nothing to prepare the Hill for a bruising trade vote in the middle of an election year, according to key aides involved. GOP leadership is well aware of the void. When the Trans-Pacific Partnership cleared the Capitol, it benefited from a multi-year, multi-million dollar lobbying campaign.

THE BEST CASE SCENARIO FROM THE HILL: if the Trump administration comes to a deal, Congress could try to tackle it in a lame-duck session of Congress. But that could mean months and months of uncertainty.

BUT, BUT, BUT -- ADAM BEHSUDI and **ANDREW RESTUCCIA** are reporting that Trump's Trade Representative Robert Lighthizer has another idea. "One strategy that has seemed to gain favor is to force a congressional approval on the new NAFTA by withdrawing from the existing pact even before the new one is ready. The thinking is that Congress will have to approve whatever terms are in the new deal quickly, lest the U.S. is left hanging without an agreement with two of its largest trading partners." https://politi.co/2Hh7Hfy

IT'S WORTH NOTING: Congress doesn't usually take kindly to the administration, or anyone for that matter, trying to force it to act.

PLAYBOOK SCOOP -- RYAN'S MONEY TRAIN ROLLS ON ... SPEAKER PAUL RYAN raised $3 million for **THE CONGRESSIONAL LEADERSHIP FUND** Thursday in Boston. They had several

meetings, and a dinner at Jonathan and Patti Kraft's house. **SPOTTED AT THE DINNER:** Chris Collins, Spencer Zwick, Corry Bliss and Paul Edgerley.

Happy Friday. SPOTTED: Hope Hicks at Glover Park Group's Washington office. Her father Paul Hicks is a GPG managing director.

****** **A message from BP: We've just launched a low carbon accreditation program that encourages every part of our business to pursue lower carbon opportunities, from emissions reductions to carbon neutral products to low carbon technologies.** *Watch this short video to find out more.* ******

THE COMEY MEMOS -- "Comey memos offer more details about fired FBI director's dealings with Trump," by Kyle Cheney: "Former FBI Director James Comey documented a conversation with President Donald Trump last year in which he said the president recalled Vladimir Putin telling him that Russia has 'some of the most beautiful hookers in the world.'

"Per Comey's memo, dated Feb. 8, 2017 but revealed publicly for the first time Thursday, Trump made the comment in the context of denying salacious allegations leveled against him in a dossier compiled by a former British spy, which had become public just weeks earlier.

"The memos, about 15 pages in all, track closely with Comey's testimony to Congress last year about his interactions with Trump. The Justice Department delivered Comey's memos to Congress on Thursday, one day after Republican lawmakers threatened to subpoena them. ...

"The memos, obtained by POLITICO, appeared to be an instant political Rorschach test, with Trump allies declaring that the memos absolved the president of any whiff of improper conduct and Democrats suggesting they revealed the president's contempt for institutions of justice." https://politi.co/2vvdj4p ... ***The memos*** https://politi.co/2vzZxha

-- NYT'S MICHAEL SCHMIDT: "6 Takeaways From the Comey Memos": "Trump's Preoccupation With the Dossier ... The Dossier's Allegations Were Corroborated ... Trump's Focus on McCabe, Then a Relative Unknown ... What Priebus Knew ... The Flynn Investigation ... Hunting Leakers." https://nyti.ms/2HDUQHY

THE PRESIDENT'S REACTION -- @realDonaldTrump at 11:37 p.m.: "James Comey Memos just out and show clearly that there was NO COLLUSION and NO OBSTRUCTION. Also, he leaked classified information. WOW! Will the Witch Hunt continue?"

THE INVESTIGATIONS ...

-- CLIP AND SAVE -- "Rudy Giuliani joins Trump legal team, hopes to end Russia probe in 'a week or two,'" by N.Y. Post's Bob Frederick: "'I'm going to join the legal team to try to bring this to a resolution,' Giuliani told The Post. 'The country deserves it. I've got great admiration for President Trump. "I've had a long relationship with Bob Mueller. I have great respect for him. He's done a good job.' Giuliani, a former US Attorney, served as New York City's mayor when Mueller was the FBI director. 'I don't know yet what's outstanding. But I don't think it's going to take more than a week or two to get a resolution. They're almost there. "I'm going to ask Mueller, 'What do you need to wrap it up?'" he said." https://nyp.st/2HAAoHJ

-- "Inspector general referred findings on McCabe to U.S. attorney for consideration of criminal charges," by WaPo's Karoun Demirjian and Matt Zapotosky: "The Justice Department inspector general referred his finding that former FBI deputy director Andrew McCabe repeatedly misled investigators to Washington's top federal prosecutor, who will determine whether McCabe should be charged with a crime, according to people familiar with the matter.

"The referral to the U.S. Attorney's Office for the District of Columbia occurred some time ago, after the inspector general concluded McCabe had lied to investigators or his boss, then-FBI Director James B. Comey, on four occasions, three of them under oath. The U.S. attorney's office met with McCabe's legal team in recent weeks, though it was not immediately clear whether prosecutors there were conducting their own investigation or believed criminal charges are appropriate." https://wapo.st/2qKWkGL

-- "Judge raises doubts about scope of Mueller's authority," by Josh Gerstein: "A federal judge raised doubts Thursday about the scope of the order used to appoint special counsel Robert Mueller to probe alleged collusion between the Trump campaign and Russia. During a two-and-a-half hour hearing in one of Mueller's criminal cases against former Trump campaign chairman Paul Manafort, U.S. District Judge Amy Berman Jackson questioned whether Deputy Attorney General Rod Rosenstein's directive appointing Mueller granted him more authority than Justice Department regulations appear to permit." https://politi.co/2vsEk8C

-- "Manafort Suspected of Serving as 'Back Channel' to Russia, DOJ Says," by Bloomberg's David Voreacos: "Special Counsel Robert Mueller's interest in former Trump campaign chairman Paul Manafort stemmed in part from his suspected role as a 'back channel' between the campaign and Russians intent on meddling in the election, a Justice Department lawyer told a judge.

"Justice Department attorney Michael Dreeben said prosecutors were justified in investigating Manafort because he had served as Trump's campaign chairman. 'He had long-standing ties to Russia-backed politicians,' Dreeben told [Judge Amy Berman] Jackson. 'Did they provide back channels to Russia? Investigators will naturally look at those things.'" https://bloom.bg/2HMOogM

****** **A message from BP: Our new Advancing Low Carbon program has already accredited 33 BP and BP-partner activities.** *Learn more about them and the independently assured assessment criteria.* ******

FLYNN 2.0? -- "Michael Flynn tests 'comeback tour'," by Darren Samuelsohn and Laura Nahmias: "Michael Flynn may be headed to prison for lying to the FBI, but for now he's enjoying his freedom. Donald Trump's former national security adviser appeared onstage to endorse a Republican congressional candidate last month and on Thursday hopped an Amtrak train to Manhattan for what conservative organizers billed as an invitation-only 'no holds barred' foreign policy speech.

"The private appearance at an event hosted by the London Center for Policy Research was the latest evidence that Flynn, disgraced in the eyes of many former admirers, has become something of a celebrity among Trump supporters who see him not as a villain but as a victim of special counsel Robert Mueller's Russia probe.

"'I'm doing great,' Flynn told a POLITICO reporter Thursday as he was exiting midtown's Union League Club before rejecting questions, including about what he discussed inside. 'I don't want to talk to you,' he said. 'You should work for TMZ instead of POLITICO. You're like paparazzi.'" https://politi.co/2J75l3m

KNOWING KIMBA WOOD: "The Judge in the Michael Cohen-Stormy Daniels Case Is Perfect: A porn star in the courtroom? The president's secrets at stake? Why Kimba Wood isn't even blinking," by David Freedlander in POLITICO Magazine: "The blog-now defunct-was called Underneath Their Robes, the poll was on 'Superhotties of the Federal Judiciary,' and the winner in the female category was a New York judge named Kimba M. Wood. After that, things could have gone totally off the rails. The blogger behind the poll, a Yale Law graduate named David Lat, found himself on a panel a few years later with Judge Wood and braced himself for a lecture.

"She was a very senior jurist; he was an upstart who had named her a 'bodacious babe of the bench.' Instead, when Wood found out who he was, she tossed her head back and started cackling. 'That's your website? What a hoot!' Wood told him. As of this week, Wood sits at the center of the nation's most important legal drama, deciding just how much attorney-client privilege President Donald Trump will be granted as prosecutors rifle through the files of his personal lawyer, Michael Cohen." https://politi.co/2HLMdsf

THE DONORS ...

-- "Seeking Foreign Money, G.O.P. Donor Pushed for Trump to Golf With Malaysian Premier," by NYT's David D. Kirkpatrick and Mark Mazzetti: "White House aides were worried enough about a visit last year by Prime Minister Najib Razak of Malaysia, under investigation by American

prosecutors who say he embezzled $3.5 billion from a state investment fund, that he was denied the customary photo in the Oval Office with President Trump.

"But that did not stop a top Republican fund-raiser, Elliott Broidy, from seeking to use his White House ties to press for Mr. Trump to play a golf game with Mr. Najib, who had the authority over negotiations for a lucrative Malaysian contract with Mr. Broidy's private defense company." https://nyti.ms/2qItFkG

PRUITT'S PROBLEMS ... "EPA chief's aides, security agents made $45,000 trip to Australia," by Reuters' Jeff Mason: "U.S. [EPA] chief Scott Pruitt, under fire from lawmakers for travel and security expenses, spent about $45,000 in government money to fly five people to Australia to prepare for a planned trip that was later canceled. Two of his aides and three security agents flew to Australia last August on business-class tickets costing roughly $9,000 each to set up meetings for the EPA administrator. The purchase of business-class tickets was not a violation of U.S. government policy, which allows federal employees to travel business class on trips lasting 14 hours or more.

"But the spending on a five-person 'advance' team for the Australia trip, revealed by U.S. officials who spoke to Reuters, comes as Pruitt faces scrutiny over his own frequent first-class travel and spending on such items as a 24-hour security detail." https://reut.rs/2HBYZff

CONGRESS WATCH -- "McConnell aims to reshape courts in case Senate flips," by Burgess Everett: "Mitch McConnell is making a last dash to stock the judiciary with conservatives this year as a hedge against the chance that Republicans lose the Senate in November.

"The GOP may have only a few more months of unified control of Washington to repeal Obamacare or enact President Donald Trump's infrastructure plan. But the Senate majority leader is taking a longer view - and confirming as many conservative judges as possible to lifetime appointments." https://politi.co/2K2NuvW

BATTLE ROYALE IN THE HOOSIER STATE ... "Luke Messer didn't disclose DUIs when he replaced lawmaker killed by drunken driver," by IndyStar's Kaitlin Lange and Tony Cook: "In U.S. Senate candidate Luke Messer's first successful run for public office, he had to persuade a caucus of local party insiders that he was the right man to replace state Rep. Roland Stine, a beloved schoolteacher who was killed by a drunken driver less than a month earlier. That position would launch his political career and eventually land him a spot as a top Republican in Congress.

"But Messer had a secret: He himself had two drunken driving convictions. As he sought the state legislative seat in 2003, Messer decided against sharing that history with local Republican precinct leaders charged with selecting Stine's replacement.

"Nor did he disclose it to county or district party leaders. In fact, many of those officials didn't know about Messer's DUIs until contacted this week by IndyStar. 'Wow, I had no idea whatsoever,' said Roger Laird, the party's Sixth Congressional District vice chairman at the time. 'That's something you need to tell somebody.'" https://indy.st/2HLIQ4C

THE JUICE ...

-- 45Committee, the pro-Trump issue advocacy group, launched an effort to help Mike Pompeo's Secretary of State nomination on Thursday. The effort, a "high six-figure plan" according to the group, includes TV, digital and grassroots in several states. 45Committee's effort started in North Dakota, with phone calls and an ad called "Qualified." (https://youtu.be/IluAcvsa_Gs).

After Sen. Heidi Heitkamp (D-N.D.) announced her "yes" vote for Pompeo, 45Committee cancelled the TV buy in her state. The ads in Indiana and West Virginia begin airing today - ***the ad targeting Sen. Joe Donnelly (D-Ind.), "Bipartisan":*** https://youtu.be/rQxGGoaBoOU ... ***and Joe Manchin (D-W.Va.), "Right Man":*** https://youtu.be/BrJJsJLevJE

SUNDAY SO FAR ... "Fox News Sunday": French President Emmanuel Macron (live from Paris). Panel: Newt Gingrich, Jane Harman, Michael Anton and Juan Williams

- CNN's "State of the Union" (guest-hosted by Dana Bash): Sen. Bob Corker (R-Tenn.). Panel: Rick Santorum, Bakari Sellers, Linda Chavez, Nina Turner

-- CBS' "Face the Nation": Sen. Tom Cotton (R-Ark.) ... Sen. Dianne Feinstein (D-Calif.) ... Iranian Foreign Minister Mohammad Javad Zarif ... Michael Bloomberg ... John Dickerson. Panel: Rachael Bade, Mark Landler and Mike Allen

-- NBC's "Meet the Press": Cornell Belcher, David Brody, Andrea Mitchell and Amy Walter

-- ABC's "This Week": Sen. Bob Corker. Panel: Jonathan Karl, Alex Castellanos, Amy Chozick, Stephanie Cutter

TRUMP'S FRIDAY -- The president will host a late afternoon roundtable with RNC supporters in Palm Beach.

PLAYBOOK READS

PHOTO DU JOUR: Sen. Tammy Duckworth (D-Ill.) and her newborn daughter Maile Pearl Bowlsbey arrive at the Senate on April 19 to cast Duckworth's first vote since giving birth. | John Shinkle/POLITICO

CLICKER -- "Trump lied to me about his wealth to get onto the Forbes 400: Here are the tapes. Posing as 'John Barron,' he claimed he owned most of his father's real estate empire. By Jonathan Greenberg in WaPo: "When I recently rediscovered and listened, for first time since that year, to the tapes I made of this and other phone calls, I was amazed that I didn't see through the ruse: Although Trump altered some cadences and affected a slightly stronger New York accent, it was clearly him." ***With 2-min. audio of "John Barron"*** https://wapo.st/2F1I3cU

2020 WATCH -- "Kamala Harris' rapid rise confounds California: First-term senator is popular but remains something of a mystery to state voters," by California Playbooker David Siders in L.A: "Kamala Harris has been called 'the female Barack Obama.' ... But the California senator's rapid rise - she's just 15 months into her first term - has created an awkward issue: Even as progressives tout her as one of the top 2020 contenders, Harris remains something of a mystery back home.

"Her approval ratings are solid, but not stratospheric. And 28 percent of California voters say they don't know or have no opinion about Harris, according to a recent Morning Consult poll - placing her in the bottom 10 of name recognition among U.S. senators in their home states. A Berkeley IGS Poll in September found California voters - by a more than 2-to-1 margin, 49 percent to 22 percent - would rather Harris stay in the Senate than run for president in 2020." https://politi.co/2HfmpE5

BUSINESS BURST -- "Wells Fargo Said to Be Target of $1 Billion U.S. Fine," by NYT's Emily Flitter and Glenn Thrush: "Federal regulators are poised to impose a $1 billion fine on Wells Fargo for years of selling unnecessary products to customers, the toughest action by the Trump administration against a major bank.

"The penalty, part of an expected settlement on Friday between the bank and two regulators, the Consumer Financial Protection Bureau and the Office of the Comptroller of the Currency, will punish Wells Fargo for forcing customers to buy auto insurance policies they did not need and other misdeeds, according to four people briefed on the regulatory action." https://cnb.cx/2qLsDFx

TRUMP'S WASHINGTON -- "How Corey Lewandowski 'F*cked Over' a David Petraeus-Linked Socialite to Become the Polish Arms Industry's Man in D.C.," by the Daily Beast's Lachlan Markay and Asawin Suebsaeng: "Corey Lewandowski, President Donald Trump's informal adviser and fired campaign chief, quietly facilitated a highly lucrative deal between Poland's top military contractors and one of the most elite lobbying shops in Washington, D.C., The Daily Beast has learned. In the process, Lewandowski managed to spurn socialite Jill Kelley, a one-time associate of

the U.S.' top military official and a central figure in the 2012 sex scandal that brought down retired general David Petraeus.

"The story ... [is] a cartoonishly Washington tale, involving backstabbing in the city's notorious influence industry, a glamorous socialite who was at the center of a historic sex scandal, and political operatives who arrived in D.C. pledging to drain the swamp, only to end up pocketing large sums in exchange for brokering multibillion-dollar weapons deals." https://thebea.st/2vzW2aC

KUSHNER FILES -- "Kushner Cos. subpoenaed by feds after AP report," by AP's Bernard Condon: "The Kushner Cos. confirmed Thursday it was subpoenaed by federal prosecutors for information related to an Associated Press report that the company filed dozens of false documents about its buildings in New York City. The real estate company issued a statement saying it has 'nothing to hide and is cooperating fully with all legitimate requests for information, including this subpoena.'" https://bit.ly/2qMCaes

VALLEY TALK -- "Leaked video shows Theranos employees playing the video game they created where you shoot at the reporter who exposed the startup's problems," by Business Insider's Kif Leswing: "Theranos, the once high-flying startup that promised to revolutionize blood tests, is on its deathbed and will cease to exist this summer unless it can raise more money, according to a letter to investors. But some within the company don't blame the technology or its management for the startup's fall - instead, they blame John Carreyrou, the Wall Street Journal reporter who revealed that it was misleading people about its blood-testing technology.

"Theranos employees even made a 'Space Invaders'-style video game where you shoot at him. After Business Insider wrote about the existence of the game, someone sent us a video of employees playing it. 'Wow, I got big screen treatment!' Carreyrou said in an email." https://read.bi/2K1wl5G

MEDIAWATCH -- NYT PROFILE: "CNN's Jake Tapper Has Emerged as a Staunch Defender of Facts in the Trump Era. So Why Is He Writing Fiction?: Tapper's debut novel, 'The Hellfire Club,' a historical thriller set in 1950s Washington, has some unsettling parallels to today's political climate." https://nyti.ms/2HgOmPJ

-- @maxwelltani: "Comey says his wife asked him why he told @jaketapper he didn't dislike Trump. Comey says he actually feels sorry for Trump because 'he has an emptiness inside of him and a need for affirmation I've never seen in an adult.'" ***The New Yorker's writeup of David Remnick's live podcast taping with Comey last night*** http://bit.ly/2qKfkF5

PLAYBOOKERS

SPOTTED at Cafe Milano: Wilbur and Hilary Ross having a private dinner last night with Larry Kudlow. Lynn de Rothschild, former U.S. Amb. To Morocco Dwight Bush and Wolf Blitzer were also separately spotted at Milano last night ... Michael Morrell and Tammy Haddad (separately) having lunch at Ritz-Carlton.

OUT AND ABOUT -- Pool report: "The CIA Officers Memorial Foundation held its annual fundraising dinner Thursday night at local hotel, always a hush-hush affair. The foundation provides educational support for the children and spouses of CIA officers who die in the line of duty. ... [T]he affair was attended by more than 750 people. Former Judge William Webster, [the] only person to have led both the CIA and FBI, was honored.

"Among those attending were DNI Dan Coats, Rep. Dutch Ruppersberger, and former CIA Directors John Brennan, George Tenet, and Porter Goss. The senior active CIA Officer present, Deputy Director Gina Haspel, received a standing ovation when introduced to the crowd. Haspel, who has been nominated to become CIA Director following the departure of current director Mike Pompeo, would be the first career operations officer to serve in the post in decades."

-- Pool report : "Last night Steve Clemons hosted in his home a book party for Eurasia Group President Ian Bremmer who has just released 'Us vs. Them: The Failure of Globalism.' Co-hosts of the night were Andrew Oros, David Lane, Kathleen Biden, and Kristin Mannion." ***$18.36 on Amazon*** https://amzn.to/2qLK6gV

SPOTTED: U.K. Ambassador Kim Darroch, Margaret Carlson, Sally Quinn, Sam Feist, Linda Douglass, James Goldgeier, Christina Sevilla, Ben Chang, James Bamford, Shannon Vavra, Nicholas Johnston, Justin Smith, Kim Dozier, Neil Irwin, Craig Gordon, Josh Eastright, Tara McKelvey, Steve Wozencraft, Vali and Darya Nasr, Susannah Cunningham, Jay Newton-Small, Robert Shapiro ...

... Ory Rinat, Dan Holler, Ishaan Tharoor, Lyndsay Polloway, former Rep. Bart Gordon (D-Tenn.), Maureen White, Byron Tau, Tim Mak, Derek Chollet, Robin Sproul, Scott Cooper, Sheila Bair, Juleanna Glover, Jeffrey Ballou, Garance Franke-Rute, Natasha Bertrand, Mieke Eoyang, Rob Hendin, Megan Devlin, Nahal Toosi, Joshua Walker, Lyndsay Polloway.

WELCOME TO THE WORLD -- Frederick Hill, communications director for the Senate Commerce Committee under Chairman John Thune and a Darrell Issa alum, and **Julia Hill** on Thursday welcomed their third child, a boy named Darien Ashby Hill. ***Pic*** http://bit.ly/2vDefnJ

TRANSITIONS - Jeremy Gaines is the new SVP of corporate comms at PBS. He most recently was managing director at Burson-Marsteller and spent 14 years at MSNBC.

BIRTHWEEK (was yesterday): Linden Zakula, former deputy chief of staff to Gov. Mark Dayton and current NYC PR "superstar" (hat tip: Avi Small) ... **(was Tuesday):** Jonathan Brodo.

BIRTHDAY OF THE DAY: Molly Ball, national political correspondent at TIME and CNN political analyst. **How she got her start in journalism:** "I started a newspaper in my neighborhood in suburban Denver in the 5th grade, then worked on school papers and did internships through college. My first real job was as a reporter for the Cambodia Daily in Phnom Penh. But of course I owe my D.C. career to Politico, where I worked from 2010 to 2011." **Read her Playbook Plus Q&A:** https://politi.co/2qRgBKT

BIRTHDAYS: NBC News' Carol E. Lee (h/t Anne Schroeder Mullins) ... Cassidy Dumbauld, project manager in the WH Office of American Innovation ... Seth Unger, deputy assistant secretary of Treasury for public affairs ... Texas Tribune CEO Evan Smith is 52 ... Sen. Pat Roberts (R-Kan.) is 82 ... retired Supreme Court Justice John Paul Stevens is 98 ... Marc Rotenberg, president and ED of the Electronic Privacy Information Center, is 58 ... Colin Reed, SVP of Definers Public Affairs, alum of America Rising and former Scott Brown campaign manager (h/ts Lizzy Guyton and Sarah Dolan) ... Ben Proler (h/t Natalie Boyse) ... former Rep. Lee Hamilton (D-Ind.) is 87 ... Jennifer Griffin, national security correspondent for Fox News ... Lee Moak, founder and CEO of The Moak Group ... Joanna Coles, chief content officer of Hearst Magazines (h/t Tammy) ... Politico's Emily Holden, Sarah Ferris, Mel Leonor and David Siders ... Daniela Kate Plattner ... Trevor K. Railey ... Washington Examiner's Kyle Feldscher ... Jon Daugherty ... Chukwudi Motanya ... Emily Rodriguez, senior gov't relations and comms. manager for the National Democratic Institute ...

... Brett McGurk, special presidential envoy for the global coalition to defeat ISIS, is 45 (h/t Heather Nauert) ... Stu Trevelyan, CEO of Democratic tech company NGP VAN (h/t Kyle Tharp) ... Ashley Woolheater (h/t Grace McKellip) ... Howard Pulchin, global creative director at APCO Worldwide (h/t Anthony DeAngelo) ... Ethan Susseles is 27 ... former Rep. Trey Radel (R-Fla.) is 42 ... former Rep. Dan Benishek (R-Mich.) is 66 ... Eric Bovim, managing director of SIGNAL Group, is 42 ... the National Press Club's Suzanne Struglinski is 4-0 (h/ts Kelley McCormick) ... Melissa Manson, director at Hamilton Place Strategies ... Patrick Collins, SVP for finance and administration at LCV ... Heather Foster, VP at Widmeyer Communications ... Edelman's Chris Chopek ... Yaniv Rivlin ... Alex Berman ... Karen McAfee ... Jamie Benson ... Lindsey Mask ... Molly Born is 3-0 ... Mary Springer ... Manny Ericta ... Denise Gitsham, head of federal affairs for Borrego Health, who recently got engaged to DOJ's Josh Jones -- ***pic*** http://bit.ly/2qRlvrh ... Shane Wolfe ... Zachary Baum ... Jim Heath ... Jacqueline Harris ... Melanie Roe ... Michael Layman ... Rebecca Kasper ... Michael Layman ... Rebecca Kasper ... Leon Harris ... Jessica Kamen ... Michael Frohlich ... Dennis Smith ... Steve Brandes ... Parker Waddell ... Karen White ... Alexa Bradley ... Nicholl Caruso.

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Subject: News Clips - 22 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Editorial Piece

Washington Times - Infrastructure projects to advance swiftly —and safely — under new EPA permitting rules

Administrator Pruitt's Travel

CNN - EPA may not have turned over Pruitt first class travel waivers to House committee

Washington Examiner - Scott Pruitt spent more than $105,000 on first-class travel in his first year

The Hill - Pruitt spent $105,000 on first-class flights in first year: report

Politico - Pruitt spent over $105,000 on first-class flights

ABCNews - EPA spent almost $118,000 on Scott Pruitt's flights, many of them first class

Washington Examiner - Scott Pruitt's trip to Italy cost $80,000

Fox News - Obama's EPA appointees spent as much, or more, on travel than Trump's Pruitt, data show

Daily Caller - Obama EPA Heads Spent Nearly $1 Million On Foreign Trips

Politico - EPA says Pruitt predecessors took expensive international trips too

Washington Post - New documents show nearly $68,000 in recent premium flights, hotel stays for EPA's Pruitt

Bloomberg - Security Detail Added $30,554 More to EPA Chief's Italy Trip

CNN - EPA spent $30,000-plus on security detail for Administrator Scott Pruitt's Italy trip

E&E News PM - Security cost $30K for Pruitt's Italy trip

Reuters - EPA chief's security detail joined him on first-class flights, agency tells lawmakers

The Hill - EPA: Pruitt's security detail flies first class

E&E Greenwire - Security detail for Pruitt's personal trips draws scrutiny

EPA Budget

Politico - Omnibus keeps EPA operations funding steady, pours money into grant programs

Washington Examiner - Congress' spending deal rejects Trump's proposed EPA, energy cuts

The Hill - Spending bill rejects Trump's proposed EPA cut

Superfund

Tulsa World - EPA Administrator Scott Pruitt says lack of clean up of Tar Creek Superfund site is 'unacceptable'

AP - Mining company challenges EPA order for Superfund site study

EPA Staff

Washington Examiner - House GOP urges Scott Pruitt for meeting on staff cuts

E&E News PM - House Republicans want to see reorganization plans

E&E News PM - Wanted: Nominees for air advisory panel

Litigation

Politico - Court seems ready to compromise on EPA exceptional events rule

New York Times - Borrowing G.O.P. Playbook, Democratic States Sue the Government and Rack Up Wins

General

Detroit News - EPA chief wants to eradicate lead from drinking water

Politico - Pruitt to join Pence at event for pro-Trump group

AP - EPA head to visit Wyoming coal country

Daily Caller - EXCLUSIVE: Is EPA's Scott Pruitt Planning A Final Blow To Obama's Climate Agenda?

BNA - EPA Fluorochemicals Summit With States Planned for May

Bloomberg - Trump EPA Plans New Restrictions on Science Used in Rule Making

BNA - Oil, Gas Firms Could Avoid EPA Penalties by Admitting Violations

Washington Examiner - Trump looks to Congress to make call on overhaul of ethanol mandate

The Hill - EPA proposes tweaks to oil refinery pollution rules

E&E News PM - EPA approves 'technical corrections' to refinery regs

BNA - Environmentalists Sustain Push to Shield Species from Pesticides

AP - Residents near Harvey-damaged chemical plant wary of water

Madison.com - EPA objects to Aquila mine on Michigan border

AP - The Latest: EPA plans to break up, smother burning tires

AP - Diesel fuel spills from pipeline in southwestern Indiana

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Washington Times
https://www.washingtontimes.com/news/2018/mar/21/infrastructure-projects-to-advance-swiftly-and-saf/
Infrastructure projects to advance swiftly —and safely — under new EPA permitting rules
By EPA Administrator Scott Pruitt, 3/21/18

President Trump recently unveiled his plan to rebuild and revitalize our nation's crumbling infrastructure. Much attention has been paid to rebuilding roads and bridges, understandably so. Our roads and bridges form the essence of interstate commerce in this country and have for some time. Yet, as the president indicated, our infrastructure is more than just roads and bridges — it is also our water infrastructure.

The president's ambitious proposal calls for the U.S. Environmental Protection Agency (EPA) to play a leading role in the administration's efforts. Through important permitting reforms and localized investments and incentives, EPA would be an integral part of initiating new projects and accelerating current endeavors to completion.

Our nation's water systems are in dire need of repair. Roughly 700 water main breaks occur across the United States every day — over 200,000 annually. Not surprisingly, in 2017 the American Society of Civil Engineers gave our nation's drinking water, wastewater and hazardous waste infrastructure "D" or "D+" grades.

Then there's the problem of lead in our drinking water. Lead poisoning is an insidious menace that robs our citizens of their fullest potential. The contamination in Flint, Michigan, awakened much of the nation to the harms of lead in drinking water.

Yet, the problem is far more widespread than Flint. There are an estimated 6.5 million to 10 million homes served by lead service lines in thousands of communities nationwide. EPA's most recent data shows that within the past three years more than 2,400 water systems have had a lead action level exceedance — a screening threshold that indicates when water systems must take actions to prevent harmful levels of contamination.

We must act quickly and aggressively to address these problems. The president's plan will enable us to do just that — without raising federal taxes.

President Trump's proposal calls for $200 billion in federal investment to stimulate at least $1.5 trillion over 10 years in new infrastructure investment. Unlike the previous administration, which spent roughly $800 billion on its stimulus package with little to show for it, this plan will use federal dollars wisely to encourage states and local communities to raise sustainable revenue for infrastructure improvements.

A portion of this funding will be designated for competitive grants under EPA's drinking water, wastewater and stormwater programs, as well as Brownfields and Superfund — two programs dedicated to cleaning up and redeveloping contaminated lands. This funding will allow EPA to begin work right away to repair our nation's most deteriorating water infrastructure and to restore hazardous waste sites that may pose a threat to drinking water supplies.

The president's initiative would also make several reforms to promote private investment in an improved management of water infrastructure. First, it would expand project eligibility under the Clean Water State Revolving Fund — a federal and state partnership that provides communities with low-cost financing for water quality infrastructure projects — to include more treatment facilities. Second, it would increase funding for the Water Infrastructure Finance and Innovation Act (WIFIA), a program that accelerates investment in our nation's water infrastructure through long-term, low-cost supplemental loans. Finally, the president's plan would expand WIFIA to allow for federal loan investment in Brownfields and Superfund cleanup projects that address water quality contamination.

EPA's role is even broader than water infrastructure and cleaning up contaminated land — the agency also has a key role in allowing projects to move forward by reviewing environmental impact statements during the permitting process. From subdivision development to skyscraper construction, many state and federal agencies are involved in the permitting process. Currently, duplicative and cumbersome regulations require multiple agencies to all sign off on one project, which can leave projects in bureaucratic limbo for years.

In August, I met with officials with the North Texas Municipal Water District. At the time, they had been stuck in the various state and federal approval processes for a new $1.2 billion reservoir since 2003! That is unacceptable and we are committed to improving and expediting these processes. On Jan. 26, EPA concluded its permit review and the U.S. Army Corps of Engineers issued the final permit on Feb. 2. The reservoir, which is anticipated to be operational in 2022, will yield an estimated 70 million gallons of water a day and provide a massive economic boost to the region due to new housing, hotels, restaurants and stores. It will be the first new reservoir constructed in Texas in nearly 30 years.

This story isn't an outlier. Hundreds of billions of dollars in infrastructure projects are currently stalled at various stages, preventing Americans from reaping the benefits of improved infrastructure. That is also changing under President Trump's leadership.

The president's proposal would make key permitting reforms that would allow American industry and EPA to work efficiently and cooperatively to get new projects approved and underway as quickly and as safely as possible. Under the president's "one agency, one decision" goal, EPA would be responsible for issuing a single record of decision for a major project under its jurisdiction within two years. Streamlining permitting processes will allow vital infrastructure projects to move forward.

This combination of permitting and financing reforms will incentivize the free market to apply its genius to fixing America's aging infrastructure — from new roadways to updating crumbling water systems. The federal government should — and will — remain a partner in infrastructure investments. But states, local governments and industry know best how to meet the unique needs of their communities.

America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans.

• *Scott Pruitt is the 14th administrator of the U.S. Environmental Protection Agency. Prior to leading EPA, he enforced the rule of law as Attorney General for Oklahoma and served eight years in the Oklahoma State Senate.*

CNN
https://www.cnn.com/2018/03/21/politics/epa-first-class-travel-waivers/index.html
EPA may not have turned over Pruitt first class travel waivers to House committee
By Sara Ganim, 6:30 PM, 3/21/18

The Environmental Protection Agency released documents to a House committee this week that show Scott Pruitt took more than $105,000 worth of first class flights during his first nine months as administrator, but the agency did not appear to turn over the waivers that are federally required to allow him to take flights in an upgraded cabin.

House Oversight Chairman Trey Gowdy, R-South Carolina, specifically requested the federally required waivers after EPA spokesman Jahan Wilcox told Politico in February that Pruitt was granted a "blanket waiver" to travel in first class for security reasons.

The next day, Wilcox changed his statement, saying a waiver was submitted "for every trip."

Federal rules say "blanket authorization of other than coach-class transportation accommodations is prohibited and shall be authorized on an individual trip-by-trip basis, unless the traveler has an up-to-date documented disability or special need."

Gowdy, in his February 20 letter, criticized the EPA, saying "clearly federal regulations prohibit a blanket waiver" for security purposes, and requested that the EPA turn over all the individual waivers Pruitt would need to be able to fly in first class.

But it does not appear that those waivers were turned over to the committee when the EPA gave it nine months' worth of travel records on Tuesday. According to Politico, Pruitt has spent more than $105,000 on first class travel.

In the records it gave to the committee, the EPA included vouchers within the documents that include an "approval" and "authorized" line, but did not provide an explanation for why the travel was approved nor explicitly say that first class travel was approved. It is not clear if those vouchers serve as a waiver for first-class travel under the federal rules.

The EPA acknowledged it handed over documents to the committee but declined to answer CNN's specific questions about the waivers.

"We have responded to Chairman Gowdy," Wilcox said Wednesday. "The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane."

EPA also sent a link to a CBS News interview from February where Pruitt said he would fly coach in the future. "There's a change coming" in the way he travels, Pruitt said, "including flying coach," and in the way his staff will accommodate security threats.

The letter to Gowdy says the EPA approved the first class travel "on an individualized basis," but the documents do not provide the waivers that would back up that claim.

In the documents provided to the committee, EPA said sitting in first class was a necessary security precaution so that Pruitt-who the agency says has faced more threats than previous administrators-would be able to leave quickly if necessary.

EPA did not respond to CNN's question about how the protocol has now changed and if so, what other measures have been taken to allow him to safely sit in coach.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/scott-pruitt-first-class-travel-spending
Scott Pruitt spent more than $105,000 on first-class travel in his first year
By Josh Siegel, 3/21/18, 10:24 AM

Environmental Protection Agency Administrator Scott Pruitt spent more than $105,000 on first-class flights in his first year, according to documents the EPA provided Tuesday night to the House Oversight and Government Reform Committee.

Committee Chairman Trey Gowdy, R-S.C., asked the EPA in January for details on Pruitt's frequent use of first-class travel, including how Pruitt has been able to obtain waivers to travel first class instead of coach.

The most expensive travel detailed to Congress is a $17,631 four-day trip in December to Morocco, where Pruitt promoted natural gas. That trip included a $500 overnight stay in Paris on the way to Morocco, which the EPA says was required by weather delays.

The Daily Beast, Politico and the Washington Post received the documents and reported on their details.

The EPA inspector general is investigating Pruitt's Morocco trip, which critics have said was inappropriate because the EPA plays no formal role in overseeing natural gas exports. Those matters fall under the jurisdiction of the Energy Department or Federal Energy Regulatory Commission.

The inspector general is also investigating Pruitt for his use of private and military flights and his frequent travel as administrator to his home state of Oklahoma, where he served as attorney general.

The documents released to the Oversight Committee do not include expenses for Pruitt's aides and personal security detail. Those costs can be significant.

A watchdog group earlier Tuesday released documents showing the EPA spent nearly $31,000 on Pruitt's security detail during a June trip to Italy, bringing the total to more than $80,000.

Pruitt has deflected criticism of his travel habits by saying he faces "unprecedented" security threats from taunting travelers, which has prompted EPA career security staff to grant him waivers to sit in first class.

An EPA official previously told the Washington Examiner the agency submits the same security-related waiver for Pruitt to fly first class before each trip.

The waiver has to be approved by multiple EPA officials before every trip, and Pruitt is not involved with the decision.

Jahan Wilcox, an EPA spokesman, says Pruitt's travel expenses are similar to former EPA administrators. He noted that former EPA Administrator Gina McCarthy, Pruitt's predecessor during the Obama administration, also incurred "numerous" security-related travel expenses abroad. He said McCarthy and her security detail spent $68,382 traveling to Ghana in 2016 and $45,139 to Peru the same year.

"The double standard couldn't be more clear: under Barack Obama's EPA the media chose not to report on expenditures to protect the EPA administrator for international travel or the costs of their trips, but under the Trump administration the costs to protect our government officials is somehow scandalous," Wilcox told the Washington Examiner.

Pruitt this month vowed to curtail his frequent first-class travel, saying he will fly coach if threats to his security can be managed.

Pruitt is the first EPA administrator to have a 24-hour security detail.

The Hill
http://thehill.com/policy/energy-environment/379465-pruitt-took-105000-of-first-class-flights-in-first-year
Pruitt spent $105,000 on first-class flights in first year: report
By Timothy Cama, 3/21/18, 8:47 AM

Environmental Protection Agency (EPA) head Scott Pruitt spent more than $105,000 on first-class airline travel in his first year on the job, Politico reported.

The total came from documents the EPA sent to House Oversight and Government Reform Committee Chairman Trey Gowdy (R-S.C.) as part of an investigation into Pruitt's high-profile premium travel.

Pruitt has flown mostly first class since shortly after taking office in February 2017. The agency has said that Pruitt's security detail made the decision to put him in first class to better protect him, due to confrontations in airports and on airplanes.

Among the expenses revealed in the documents were a $16,217 short trip in December to Morocco, where Pruitt was promoting American liquefied natural gas exports to the nation's leaders, Politico said.

Pruitt missed a connecting flight and stayed a night in Paris, the records show.

He also canceled a planned trip in August and September to Australia to "discuss best practices regarding the environmental operations," the records said.

Based on the same records, The Washington Post found that Pruitt has spent $68,000 on travel just in the last seven months.

The totals don't include Pruitt's staff or security detail accompanying him.

EPA spokesman Jahan Wilcox defended the first-class flying.

"We have responded to Chairman Gowdy. The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane," he said in a statement.

Documents released Tuesday by an environmental group showed that on one trip to Italy last year, the EPA spent more than $30,000 to bring Pruitt's security detail. The total cost of that trip was more than $84,000.

The records sent to Gowdy do not include charter or military flights. Pruitt has taken a handful of those, including one from Cincinnati to New York City to catch the flight for the Italy trip, which cost more than $36,000.

Gowdy had asked for the most recent documents by March 6, but the committee just received them.

Oversight Committee staff and the EPA declined to provide the records to The Hill.

Pruitt has committed to trying to fly economy class more often, as long as his security team can accommodate the request.

“What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away,” he told CBS News's Major Garrett last month.

Pruitt traveled this past weekend to Oklahoma for an agricultural event and to Dallas to meet with regional EPA staff based there, according to his Twitter account.

The EPA declined to say whether he flew in coach class on any of those flights, instead referring to the CBS interview.

Politico
https://www.politicopro.com/energy/article/2018/03/pruitt-spent-over-105-000-on-first-class-flights-430700
Pruitt spent over $105,000 on first-class flights
By Emily Holden, Anthony Adragna, and Alex Guillen, 3/20/18, 9:18 PM

EPA Administrator Scott Pruitt spent more than $105,000 on first-class flights in his first year on the job, according to records EPA provided to the House Oversight Committee and obtained by POLITICO today.

Pruitt has drawn criticism for regularly booking first-class flights rather than the coach tickets recommended by EPA protocol. The agency has said the expensive flights were necessary because of the high number of security threats Pruitt has received.

That $105,000 figure doesn't include an additional $58,000 Pruitt rang up on charter flights and a military jet to carry him and his staff from an event with President Donald Trump in Cincinnati to catch a connecting flight to Europe out of New York, according to previously released records.

The most expensive airfare listed in the new documents was a $16,217 trip in December to Morocco where Pruitt touted American natural gas exports. Pruitt missed a connecting flight and stayed overnight in Paris, and appears to have missed other two flights to Morocco before flying to Rabat on Monday, Dec. 11. He left the country two days later.

The travel information also shows Pruitt originally intended to travel to Australia from Aug. 31 through Sept. 8 to “discuss best practices regarding the environmental operations” within the country. But that trip to Sydney and Melbourne was eventually scrapped.

In a letter to Rep. Trey Gowdy (R-S.C.), the chairman of the committee that requested the documents a month ago, EPA noted Pruitt and his family have been the targets of direct and implied threats.

The agency has approved the first-class flights “on an individualized basis,” the letter said.

“[As] the letter explains, EPA’s Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt’s travel and shifted his class based on certain security protocols that require him to be near the front of the plane,” EPA spokesman Jahan Wilcox said.

The committee said it is “in the process of reviewing and evaluating the documents and information,” which will determine its next steps.

ABCNews

http://abcnews.go.com/Politics/epa-spent-118000-scott-pruitts-flights-class/story?id=53903356

EPA spent almost $118,000 on Scott Pruitt's flights, many of them first class

By Stephanie Ebbs, 3/21/18, 2:10 PM

Environmental Protection Agency Administrator Scott Pruitt spent almost $118,000 in flights — many of them first class — during his first year in the role, according to documents the agency provided to the House Oversight Committee.

In the letter to Chairman Trey Gowdy, a Republican who requested the documents last month, the agency says that the EPA approved the administrator's first or business class flights based on a recommendation from his security detail.

There have been multiple questions about the cost of Pruitt's travel, especially after the agency confirmed that he often flies first and business class citing security reasons. The EPA's inspector general is currently investigating the cost of his travel from last year and whether the agency followed all proper procedure in making travel decisions.

"This location allows the Administrator's security agents to expeditiously exit with him upon the occurrence of a threat," Associate Administrator Troy Lyons wrote in the letter.

The documents were first reported by The Daily Beast and provided to the committee on Tuesday.

Neither the EPA or the House Oversight Committee has responded to ABC News' request to review the documents.

The agency sent a similar letter to Democrats on the House Energy and Commerce Committee on Wednesday confirming that Pruitt travels first class for security reasons and that his security detail also travels first class.

The EPA has said that Pruitt receives "an unprecedented number of threats" directed at the administrator and his family, which has led them to increase his security detail. Pruitt has also said that the decision to place him in an upgraded class was made after at least one problematic interaction with another passenger during one of his trips in his first few months as administrator.

Pruitt recently said in an interview with CBS News that he has asked his security team to find a solution that would include more flights in coach.

Federal regulations say that federal officials should take the cheapest travel possible but that first class travel can be approved in "exceptional security circumstances," according to the letter.

The letter also says that Pruitt's security detail also traveled in first class on these trips but does not include documents on the cost of those flights.

In addition to the cost of Pruitt's first class flights the agency has also confirmed that Pruitt took at least one chartered flight and multiple flights on government planes totaling more than $58,000.

Among questions being raised is one trip that included a flight on his way to Italy for the G-7 environmental summit in June. That trip included multiple flights including a flight on a military plane and a first-class flight. He stayed in Italy for at least three days. Pruitt's publicly released schedule shows that he attended the G7 welcome reception and stayed for one day of meetings and flew back to Washington the same day.

ABC News has exclusively obtained a June 2017 photo of Pruitt deplaning a military-owned plane at New York's John F Kennedy International Airport.

Democrats on the House committee with oversight of EPA commented on the photo on Twitter.

In that instance, Pruitt was approved to take a military plane from Cincinnati to New York before his trip to Italy for the G-7 environmental summit. That flight cost $36,000 and was approved so Pruitt could join President Trump at an event in Cincinnati and still make his flight to Rome, which was another first class flight leaving JFK airport.

More documents released this week showed that that trip to Italy cost the agency about $120,000 - about $90,000 on travel for Pruitt and his staff and an additional $30,000 more than previously made public for the cost of his security detail's travel the week of the trip.

Those documents were obtained by the Environmental Integrity Project through a Freedom of Information Act request and subsequent lawsuit. ABC News reviewed the documents.

The EPA disputed the cost of that trip Wednesday and said the total cost for travel and security was $84,000, not including the military flight from Cincinnati to New York.

E&E News, an energy and environment news outlet, has reported that Pruitt's security detail is more expensive than previous administrators, according to information obtained through a FOIA request. For example, documents released by EPA show that Pruitt's security detail cost upwards of $830,000 during the first quarter of the year.

The news outlet reported that former Administrator Gina McCarthy's security detail cost about $465,000 and Lisa Jackson's detail cost about $423,000 for the first quarter in their respective administrations.

Other lawmakers have also raised concerns about the costs of Pruitt's travel and security detail.

Sen. Sheldon Whitehouse, a Democrat on the Environment and Public Works Committee, sent a letter to the EPA inspector general on Tuesday asking them to provide more information on the cost of Pruitt's security and specifically how the agency handles his security on personal trips.

Whitehouse writes in the letter, which was reviewed by ABC News, that he has seen documents that Pruitt's security detail traveled with him on a trip in December where he had no official business scheduled. Pruitt allegedly flew to Lexington, Kentucky and attended a University of Kentucky basketball game on Dec. 29, flew to Los Angeles with his family on Dec 31 where they attended the Rose Bowl and then went to Disneyland on Jan. 2nd and 3rd, according to the letter.

"Information I have reviewed suggests that significant agency resources are being devoted to Administrator Pruitt's round-the-clock security, even when he is traveling on non-official business," Whitehouse wrote in the letter.

Whitehouse asks the EPA to provide more information about the cost of the security detail, including whether the agency issues tickets for agents to attend events like the Rose Bowl with the administrator.

He also asks the EPA to answer questions about whether the cost of Pruitt's security detail "detracts from the agency's agility to investigate environmental crimes."

In another part of the letter, Whitehouse says he has been told that Pruitt has requested lodging on his trips that is higher than the federal government's daily rate.

"While I consider matters of personal security to be extremely serious, personal security should never be used as a pretext to obtain special treatment," the senator wrote in the letter.

The EPA defended the costs.

"Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity," EPA spokesman Jahan Wilcox said in a statement.

Democrats on the House Energy and Commerce Committee are also conducting a review of Pruitt's travel.

Ranking Member Frank Pallone, D-New Jersey, and Reps. Diana DeGette, D- Colorado, and Paul Tonko, D-New York, said in a statement today that they want Pruitt to answer questions about his travel spending in a hearing scheduled for next month.

"In recent days we've learned Administrator Pruitt has reportedly spent more than $105,000 on first class travel since last May, including some domestic flights, but it's unclear whether that figure includes the cost of his aides or security detail's travel. What is clear is that while he makes extreme cuts to critical public health and environmental protection programs, the Administrator has taken a holiday from all fiscal responsibility when it comes to his own travel and personal convenience," the Democrats said in a statement. "When Mr. Pruitt appears before the Energy and Commerce Committee next month, he must be prepared to explain why U.S. taxpayers should foot the bill for his lavish travel habits."

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/scott-pruitts-trip-to-italy-cost-80-000
Scott Pruitt's trip to Italy cost $80,000
By Josh Siegel, 3/20/18, 3:03 PM

Environmental Protection Agency Administrator Scott Pruitt's trip to Italy in June totaled more than $80,000, according to new documents, as his security detail cost taxpayers nearly $31,000.

Documents previously released by the Environmental Integrity Project showed the trip, for a summit of foreign energy ministers, cost $43,000 without security costs included.

Now, new documents show the trip cost more than $84,000, for expenses such as airfare, lodging and accommodations for Pruitt's security team.

Lawmakers have criticized Pruitt's travel spending and travel habits. He is the first EPA administrator to have a 24-hour security detail.

The EPA leader's judgment has been heavily scrutinized in recent weeks after the Washington Post reported Pruitt and his top aides spent more than $90,000 on travel in just the first few weeks of June.

Pruitt has deflected the criticism by saying he faces "unprecedented" security threats from taunting travelers, which has prompted EPA career security staff to grant him waivers to sit in first class. The EPA says Pruitt does not make decisions on his security detail.

"Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy," said EPA spokesman Jahan Wilcox. "EPA's security procedures have not deviated over the past 14 years."

Democrats last month asked the EPA's inspector general to expand an existing probe of Pruitt's travel to include his first-class flights.

The investigation currently covers Pruitt's frequent travel to and from his home state of Oklahoma and his use of private and government planes.

Fox News
http://www.foxnews.com/politics/2018/03/22/obamas-epa-appointees-spent-as-much-or-more-on-travel-than-trumps-pruitt-data-show.html

Obama's EPA appointees spent as much, or more, on travel than Trump's Pruitt, data show

By Lukas Mikelionis, 3/22/18

Former Obama administration EPA directors spent as much or even more on international travel than the agency's current chief, Scott Pruitt, who is facing widespread criticism for wasteful spending.

The Trump appointee to the Environmental Protection Agency has gotten in hot water after revelations that taxpayers had to foot the bill for Pruitt's $120,000 trip to Italy last summer to attend a meeting of G-7 ministers and a private tour of the Vatican.

Nearly $90,000 was spent on food, hotels, commercial airfare and a military jet used by the EPA director and nine other members of the agency's staff. More than $30,000 was spent on providing a security detail during the trip.

Around $40,000 in total was also spent for a four-day trip to Morocco in December, where Pruitt promoted American natural gas exports.

But as the media continue to criticize Pruitt and his "luxury" international travel, his expenses are nothing out of the ordinary – or even lower – compared to previous EPA directors under the Obama administration, who avoided the criticism.

"The double standard couldn't be more clear: Under Barack Obama's EPA the media chose not to report on expenditures to protect the EPA administrator for international travel or the costs of their trips," Jahan Wilcox, an EPA spokesman, told the Washington Free Beacon.

"But under the Trump administration the costs to protect our government officials is somehow scandalous."

Lisa Jackson, who was Obama's EPA director between 2009 and 2013, spent more than $332,000 on airfare and security for four international trips, on average $83,000 per trip, according to documents obtained by the Washington Free Beacon.

She spent $64,963 for trips to Tel Aviv; $59,950 to Rio de Janeiro; $51,436 to Montreal; and $155,764 to Beijing, Guangzhou, and Shanghai.

Gina McCarthy, the agency's director between 2013 and 2017, embarked on 10 international trips, spending nearly $630,000 on airfare and security, on average $63,000 per trip.

The documents revealed costs for McCarthy's journeys to Ghana ($68,382), Peru ($45,140), Tokyo ($74,738), Paris ($41,321), Dubai ($90,368), Tokyo ($67,703), Florence ($56,193), Vancouver ($62,247), Vietnam ($68,268), and Beijing ($55,385).

The figures for previous EPA officials also don't reflect the full picture – the cost of providing security for Pruitt is significantly higher as he was subjected to a number of credible threats of violence, including death threats, after he took office.

Authorities determined that the threats were real and the EPA inspector general's office recommended 24/7 security for the director, costing taxpayers roughly $2 million a year, the Wall Street Journal reported.

Daily Caller
http://dailycaller.com/2018/03/21/obama-epa-heads-foreign-travel-expense/
Obama EPA Heads Spent Nearly $1 Million On Foreign Trips
By Michael Bastasch, 3/21/18, 2:52 PM

Two Obama administration Environmental Protection Agency (EPA) chiefs racked up nearly $1 million tab for overseas trips, The Daily Caller News Foundation has learned.

Former EPA Administrators Gina McCarthy and Lisa Jackson spent at least $961,847 on foreign travel over six years, according to figures obtained by TheDCNF. McCarthy's overseas trips cost taxpayers $629,736 and Jackson's cost $332,111.

Recent media coverage has focused on current EPA Administrator Scott Pruitt's travel, including a new Washington Post report that Pruitt's July trip to Italy for the G7 summit cost upwards of $120,000. The Post's story claims Pruitt's trip cost nearly $90,000, "including $36,000 for use of a military jet to catch a flight in New York and a $7,000 premium-class ticket for Pruitt on the transatlantic flight." Adding the $30,000 security detail bumped the cost to around $120,000.

On the other hand, the Washington Examiner reported Pruitt's Italy trip only cost $84,000, including the costs of his security detail. It's not really clear why the two estimates differ.

Virtually no attention has been paid to travel of past EPA administrators. Pruitt's security costs may be higher, which EPA attributes to increased threats against their chief. However, former President Barack Obama's administration also racked up costly foreign travel tabs.

For example, Jackson's 2011 trip to China cost taxpayers $155,763, which includes the cost of her security detail. Jackson left EPA in 2013 amid questions over her use of a secret email account to conduct federal business. Records obtained by TheDCNF show she made at least four foreign trips during her tenure.

McCarthy, who served from 2013 to early 2017, took at least 10 foreign trips while heading EPA. The most expensive for which TheDCNF obtained figures was a 2015 trip to Dubai. McCarthy's trip to Dubai cost taxpayers $90,367, including the cost of her security detail, according to the figures.

For months, reports have focused on Trump administration officials' travel. Former Health and Human Services Secretary Tom Price resigned after it came to light he spent $400,000 on non-commercial flights in just a couple of months in 2017.

Reporters and environmental activists have since gone after travel by Interior Secretary Ryan Zinke and Pruitt, seeking to tie them to Price's scandal. Media oversight can shed light on lavish spending, yet reporters have largely ignored Obama administration travel.

TheDCNF previously found that former Obama administration Interior secretaries spent nearly $1 million on non-commercial flights, including chartered jets. It turns out, Zinke had actually spent less than his immediate predecessors on non-commercial flights.

However, Pruitt came under scrutiny for his frequent flying on first class. Pruitt has since said he would fly coach, and EPA officials noted Pruitt flew first class because of security concerns. Pruitt's first-class travel was approved by career officials.

Documents given to the House Committee on Oversight and Government Reform by EPA officials show Pruitt spent $105,000 on first class, The Daily Beast reported. Chairman Trey Gowdy requested Pruitt's travel information from EPA in February.

EPA told Gowdy that Pruitt's travel was approved "on an individualized basis," and that his security team "identified specific, ongoing threats associated with the administration administrator's air travel and, therefore, shifted his class based on security protocols that require him to be near the front of the plane."

So far, Pruitt has only taken two foreign trips, the costs of which are in line with past administrators, an EPA spokesman said.

"The double-standard couldn't be more clear: under Barack Obama's EPA the media chose not to report on expenditures to protect the EPA Administrator for international travel or the costs of their trips, but under the Trump Administration the costs to protect our government officials is somehow scandalous," EPA spokesman Jahan Wilcox told TheDCNF.

Listed below are all the foreign trips McCarthy and Jackson took while heading EPA.

McCarthy 2016 trips (includes security costs):

- Ghana — $68,382
- Peru — $45,139
- Tokyo — $74,737

McCarthy 2015 trips:

- Paris — $41,320
- Dubai — $90,367
- Tokyo — $67,702
- Italy — $56,192

McCarthy 2014 trips:

- Vancouver — $62,246
- Vietnam — $68,267

McCarthy 2013 trips:

- China — $55,384

Jackson 2012 trips:

- Israel — $64,963

Jackson 2011 trips:

- Rio De Janeiro — $59,950
- Montreal — $51,435
- China — $155,763

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/epa-says-pruitt-predecessors-took-expensive-international-trips-too-867130
EPA says Pruitt predecessors took expensive international trips too
By Emily Holden, 3/21/18, 2:27 PM

EPA pushed back on criticism over Administrator Scott Pruitt's expensive travel today, highlighting data showing his predecessors in the Obama administration spent hundreds of thousands of dollars on international trips, too.

But while the calculations by EPA show former Administrator Gina McCarthy frequently visited other countries, she always flew coach, even on long flights where agency rules may have allowed her to upgrade. EPA says Pruitt traveled first class because of the high number of threats to his safety.

McCarthy made 14 trips to other countries in her three-and-a-half-year tenure, totaling $731,000 for her, staff and security to fly and stay abroad, EPA said. Pruitt and his team spent at least $120,000 on a single trip to a G-7 environment meeting in Italy in June, including $36,000 on a military jet to New York to catch a flight to Rome. Pruitt also has spent at least $105,000 on first class flights since May, according to agency records released yesterday to the House Oversight Committee.

Spokesman Jahan Wilcox called it a "double-standard" that the media did not report on EPA travel costs under President Barack Obama but "under the Trump Administration the costs to protect our government officials is somehow scandalous."

McCarthy's travel costs ranged from $55,385 for a 2013 trip to China to $90,368 for a visit to Dubai in 2015, according to calculations by EPA.

The first Obama administration EPA administrator, Lisa Jackson, spent $155,764 on a 2011 trip to China, EPA said. Jackson flew business class on at least two international trips, to Kenya and China, according to agency notes.

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/03/20/new-documents-show-nearly-68000-in-recent-premium-flights-hotel-stays-for-epas-pruitt/?utm_term=.15178d18913b
New documents show nearly $68,000 in recent premium flights, hotel stays for EPA's Pruitt
By Brady Dennis and Juliet Eilperin, 3/20/18

The Environmental Protection Agency turned over documents to Congress late Tuesday detailing nearly $68,000 in newly disclosed travel costs for Administrator Scott Pruitt during the past seven months.

The records, which came at the request of House Oversight and Government Reform Committee Chairman Trey Gowdy (R-S.C.) and were obtained by The Washington Post, show dozens of first-class domestic and overseas flights for Pruitt and other trip expenses between August and last month. That figure, which includes stays at high-priced hotels in New York City and Paris, does not include the travel expenditures of the personal security detail and aides who typically accompany him.

EPA officials attribute the elevated costs of Pruitt's travels to the security precautions they have undertaken because of the number of threats he has received — especially compared to his immediate predecessors — since joining President Trump's Cabinet in February 2017.

The administrator has received round-the-clock security protection since shortly after he took office, and after a protester made vulgar and threatening remarks to Pruitt last spring, the head of his security detail recommended that he fly in first or business class to provide a buffer between him and the public.

"We have responded to Chairman Gowdy," EPA spokesman Jahan Wilcox said in an email. "The letter explains EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane."

Pruitt has been under fire for months because of his expenses, not just for travel in this country and abroad but for changes he has made at EPA headquarters, including the installation of a soundproof phone booth in his office for private communications.

Gowdy requested the latest information after The Post reported in February on Pruitt's regular first-class travel. EPA officials initially indicated they had obtained blanket approval for him to buy premium-class tickets due to security concerns. A two-week stretch of travel in June by the administrator and his aides cost more than $120,000, according to records obtained by The Post and the Environmental Integrity Project under the Freedom of Information Act.

Pruitt's aides later clarified that they clear each first-class ticket purchase with appropriate federal officials.

The latest documents reveal how that all adds up.

A journey to Morocco in December, where Pruitt and his aides promoted U.S. natural gas exports, ranked as the most costly trip detailed in the agency travel vouchers. They show that just Pruitt's travel for the four-day trip — expenses for his roughly 10-person staff and security entourage were not disclosed — amounted to $17,631. The charges appear to include a $500 overnight stay in Paris on the way to Morocco. An EPA official said the trip was affected by weather delays, which prompted the group to stay in Paris on Dec. 10 before arriving in Rabat the next day.

Closer to home, Pruitt rang up hefty travel bills last summer and fall.

After Hurricane Harvey, Pruitt spent more than $3,900 on a one-day trip in late August to Corpus Christi, Tex., to visit with the city's mayor and view damage at its port. Two weeks later, he returned to the state to visit a Superfund site in Houston that had been damaged by the storm and to participate in a roundtable at a technology company. After a weekend at home in Tulsa, he flew to New York to participate in the annual Concordia Summit. Those first-class flights cost $3,330, and records show he also spent $669 on a hotel room in Manhattan.

Pruitt never stayed off the road for long.

A five-day trip in October to Colorado Springs, Phoenix, Tulsa and Lexington, Ky., where he announced the rollback of President Barack Obama's Clean Power Plan, cost taxpayers nearly $5,000 in airline tickets. A one-day trip that month to Jackson, Miss., to meet with the governor and tour farms cost nearly $3,200. Soon after, a one-day stop in Nashville to meet with the state's governor and speak to a farm group entailed a $2,774.40 flight.

The records also underscore how often and to what lengths Pruitt traveled to speak to industry groups. He addressed the Texas Oil & Gas Association in October before heading to Nebraska for media stops. First-class flights: $3,610. He headed to New Orleans to speak to the Louisiana Chemical Association. First-class flight: $2,265. In November, he flew to Chicago to address the Society of Independent Gasoline Marketers annual conference, at a cost of $1,172. The next day, he headed to Charleston, S.C., for the American Chemistry Council. That brief trip cost $3,155.

Travel in early December to Louisville, Des Moines and Tulsa cost $3,250. Days later, he headed to Florida to meet with Disney executives about food waste. His first-class seat cost $2,162.

Pruitt picked up 2018 where he left off. In January, he headed to Dallas for a day to meet with EPA regional administrators. His flight was $1,689.

Records show that at the end of January, he returned to New York for a day of interviews with Fox News, Fox Business, the Wall Street Journal, CBS News and the New York Times. Then it was back to Florida to visit a nursery near Tallahassee. That two-night trip cost $3,767.

A separate trip to Reno and Las Vegas in February to visit Superfund sites and do media interviews cost another $3,635. Later in the month, Pruitt took a brief trip to New England to visit another Superfund site and visit with New Hampshire's governor, among other stops. His first-class flight to Boston: $1,428.

On one occasion, according to the new batch of travel vouchers, even a trip the administrator did not take ended up costing the government. The records show he had been scheduled to visit Australia for almost 10 days late last summer,

meeting environmental officials and making site visits in Sydney and Melbourne. The journey ultimately was canceled, but records show that it cost the agency $1,927 to undo various flights and hotel reservations for Pruitt.

In Gowdy's Feb. 20 letter, the lawmaker asked EPA to provide an array of documents by March 6 that would outline the circumstances under which Pruitt obtained permission from agency officials to eschew coach class.

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs," Gowdy wrote. "Instead, a waiver is required for each flight in order to fly first or business class when traveling on official government business."

In an email Tuesday night, the communications director for the House Committee on Oversight and Government Reform said members "are in the process of reviewing and evaluating the documents and information, which will determine the committee's next steps."

Pruitt appears poised to cut back on his first-class travel. Earlier this month, he told CBS News in a podcast interview that he would be flying coach more often. EPA officials have looked into the prospect of seating Pruitt in the bulkhead row, which has more legroom than a traditional coach seat and also would allow him to be among the first passengers to leave the plane.

"There's a change coming," Pruitt told CBS, referring to his travel practices.

Bloomberg
https://www.bloomberg.com/news/articles/2018-03-20/security-detail-added-30-554-more-to-epa-chief-s-italy-trip
Security Detail Added $30,554 More to EPA Chief's Italy Trip
By Eric Roston, 3/20/18, 3:30 PM

Travel costs for security personnel accompanying Environmental Protection Agency Administrator Scott Pruitt to Italy tallied $30,554, bringing the grand total for the trip to $120,249, according to documents obtained by the Environmental Integrity Project.

"That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos, and tell his European counterparts that global warming doesn't matter," said Eric Schaeffer, director of the nonprofit oversight group.

Pruitt has drawn bipartisan scrutiny for spending that is unorthodox compared with his predecessors. He told CBS News earlier this month that he would fly coach when traveling on EPA business -- a downgrade from first-class flights that ignited public criticism. Pruitt moved to the pricier section after "vulgar" encounters and threats from coach passengers, EPA officials said last month. He postponed an Israeli trip during the peak of attention to his travel spending last month. The EPA Inspector General and the U.S. General Accountability Office are investigating the construction of a private-communications booth in Pruitt's office that cost more than $43,000, according to the Washington Post.

The newly revealed expenses for personal security detail add to a trip that already cost more than $36,000 for a military flight segment and $53,633 in airfare, hotels, meals, and ground transportation for the administrator and nine staff members. Two of the travelers, accounting for about $8,600 of the total, were career EPA staff members, not political appointees. Pruitt's plane ticket for the G7 environmental ministers' meeting cost more than $7,000.

"Administrator Pruitt's security detail followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years," said EPA Spokesman Jahan Wilcox.

CNN
https://www.cnn.com/2018/03/21/politics/epa-pruitt-security-italy/index.html
EPA spent $30,000-plus on security detail for Administrator Scott Pruitt's Italy trip
By Rene Marsh and Sara Ganim, 3/21/18

New documents show the Environmental Protection Agency spent more than $30,000 on security detail for Administrator Scott Pruitt's overseas trip to Italy last year.

Much of the information about Pruitt's personal security detail has been kept under wraps by the agency, citing security concerns, even as Pruitt faces scrutiny over several pricey first-class tickets for travel.

But these few details were obtained through a lawsuit filed by Environmental Integrity Project, an advocacy group that has been critical of the administration, which shared the heavily redacted documents EPA handed over to them as part of their litigation.

EPA spokesman Jahan Wilcox responded by saying that the security detail "followed the same procedures" that were used for previous administrations over the past 14 years.

The newly obtained documents showing Pruitt's June trip to visit the Vatican and to meet energy ministers at a summit cost taxpayers now has the publicly known costs of the trip to just over $120,000.

The breakdown:

- $36,068 for a military jet from Cincinnati to New York City's JFK airport for the departure to Rome.
- $53,633 for air/lodging/meals/ground transport for Pruitt and EPA non-security staff in Italy.
- $30,558 -- the total travel cost for security staff for Italy trip.

The EPA document does not say whether any of the security guards traveled first class.

"We don't buy that taxpayers don't have the right to know what the government is up to because of these security claims, that letting us know how much it costs is going to somehow jeopardize security," said Tom Pelton, a spokesman for Environmental Integrity Project. "His requests for things like a giant security detail show that he's obsessed a little bit with secrecy and security and it's different from past EPA administrators who also faced people who were skeptical or critical of their actions, but who didn't have this much security expenditures. He's very unusual for having this much secrecy and security and the amount he's spending on it."

Pruitt told CBS News in February that "there's a change coming" in the way he travels, "including flying coach" and in the way his staff will accommodate security threats.

In October, CNN reported Pruitt's security detail was expanding by hiring a dozen more agents as the number of threats against the agency leader increase, according to a source with knowledge of the situation. Pruitt's around-the-clock security detail is unprecedented, as no past EPA administrator has ever had that level of security.

When CNN compiled figures from public documents in October, salaries alone for the full team were estimated to cost at least $2 million per year. The estimate did not include costs such as training, equipment and travel.

The spending increase comes as the Trump administration has laid out plans to cut the agency's budget.

E&E News PM

https://www.eenews.net/eenewspm/stories/1060076873/search?keyword=EPA

Security cost $30K for Pruitt's Italy trip

By Kevin Bogardus, 3/20/18

Travel costs for U.S. EPA Administrator Scott Pruitt's personal security detail on his trip to Italy last year reached more than $30,000.

A new agency document, turned over to the Environmental Integrity Project under its Freedom of Information Act lawsuit against EPA, shows the agency spent $30,553.88 for Pruitt's security agents to go with him to Italy.

The EPA chief traveled there for a variety of meetings, including at the Vatican and with foreign environment ministers. Pruitt also refused to sign on to statements endorsing action against climate change at a Group of Seven meeting on the trip (Greenwire, June 12, 2017).

EPA spokesman Jahan Wilcox said Pruitt's security detail followed the same procedures it has for past administrators at the agency.

"EPA's security procedures have not deviated over the past 14 years," Wilcox said.

Total expenses for the Italy trip — including Pruitt, his security detail and nine of his aides — reached more than $84,000 for EPA, according to figures compiled by the Environmental Integrity Project from documents the group obtained under FOIA.

"That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter," said Eric Schaeffer, EIP's executive director. "Maybe next time he should just send his regrets."

Pruitt's travel has attracted scrutiny from lawmakers and environmental groups. The EPA inspector general is also reviewing his trips as part of an ongoing audit the watchdog office launched last year.

Reuters

https://www.reuters.com/article/us-usa-epa-spending/epa-chiefs-security-detail-joined-him-on-first-class-flights-agency-tells-lawmakers-idUSKBN1GY033

EPA chief's security detail joined him on first-class flights, agency tells lawmakers

By Valerie Volcovici, 3/21/18, 8:40 PM

WASHINGTON (Reuters) - Environmental Protection Agency chief Scott Pruitt's private security detail accompanied him on first-class flights, the agency confirmed on Wednesday to U.S. House Democrats, who requested details on his travels amid growing scrutiny of Cabinet members' spending.

Democrats on the House of Representatives Energy Committee - Frank Pallone, Diana DeGette and Paul Tonko - received confirmation in a letter from EPA Associate Administrator Troy Lyons that Pruitt's security team had accompanied him in premium airplane seats because of security threats.

The EPA was responding to a Feb. 20 letter from the Democratic lawmakers asking for details about the use by Pruitt and his staff of first-class air travel.

The agency's "Protective Service Detail has identified specific, ongoing threats associated with the Administrator's air travel and, therefore, shifted his class based on certain security protocols that require him to be near the front of the plane," Lyons wrote to the lawmakers in a letter they published on Wednesday.

The letter said that the agency's assistant inspector general determined Pruitt had "significantly more threats" directed against him than previous EPA administrators.

EPA spokesman Jahan Wilcox said the travel adhered to federal protocols applied to this and previous presidential administrations.

"Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government," he said in a statement.

The lawmakers said they were concerned about the price taxpayers were forced to pay to accommodate Pruitt and his guard's first-class travel, as reports emerge surrounding his travel records from last year.

On Tuesday, newly released documents revealed Pruitt's $80,000 trip to Italy last summer for the G-20 summit entailed$30,000 in spending on personal security. [L1N1R217O]

Another batch of travel expenses requested by Republican House Oversight Committee Chairman Trey Gowdy and obtained by the Washington Post showed he spent $68,000 on hotel stays and air travel on first-class and domestic flights from August 2017 through February 2018.

"What is clear is that while he [Pruitt] makes extreme cuts to critical public health and environmental protection programs, the Administrator has taken a holiday from all fiscal responsibility when it comes to his own travel and personal convenience," the lawmakers said in a statement.

The Democrats plan to press Pruitt on his spending at an energy panel hearing next month.

Other Cabinet secretaries, including Ben Carson, secretary of the Housing and Urban Development agency, and Interior Secretary Ryan Zinke have faced scrutiny because of reports of lavish spending on office furniture, as well as the use of private jets.

The Hill
http://thehill.com/policy/energy-environment/379624-epa-pruitts-security-detail-flies-first-class
EPA: Pruitt's security detail flies first class
By Miranda Green, 3/21/18, 6:33 PM

The 24-hour security detail tasked with protecting Environmental Protection Agency Administrator Scott Pruitt also flies with him in first class, the EPA confirmed Wednesday.

In a letter sent to Democrats on the House Energy and Commerce Committee Wednesday, the EPA confirmed that Pruitt's security detail flies in luxury class when he travels.

"On past trips, his protective service detail accompanied him in first class," the letter reads.

The agency cites security threats as the reason for Pruitt's upgraded travel and says the same government waiver the administrator uses to fly noncoach applies to his security team.

"These circumstances include, but are not limited to, situations when the '[use] of coach-class accommodations would endanger [one's] life or Government property' or an agent on protective detail is 'accompanying an individual authorized to use other than coach-class accommodations,'" EPA Associate Administrator Troy Lyons wrote.

The letter cites ease of egress as the main security-related reason why Pruitt and his security team use first class.

"The U.S. Environmental Protection Agency's Protective Service Detail has identified specific, ongoing threats associated with the Administrator's air travel and, therefore, shifted his class based on certain security protocols that require him to be near the front of the plane," read the letter. "This location allows the Administrator's security agents to expeditiously exit with him upon the occurrence of a threat."

The letter was a response to a request from committee Democrats last month regarding reports of Pruitt's first-class travel at taxpayer expense.

Upon receiving EPA's letter, Energy and Commerce Committee ranking member Frank Pallone, Jr. (D-N.J.) along with Oversight and Investigations Subcommittee ranking member Diana DeGette (D-Colo.), and Environment Subcommittee ranking member Paul Tonko (D-N.Y.) warned Pruitt to be prepared for his next Capitol Hill appearance.

"When Mr. Pruitt appears before the Energy and Commerce Committee next month, he must be prepared to explain why U.S. taxpayers should foot the bill for his lavish travel habits," they said in a joint statement Wednesday.

The EPA's letter is the first time the agency has confirmed that Pruitt's team flies the same class as he does during travel. Official documents released by the agency earlier this week showed that Pruitt's security detail often adds significant costs to his travel. During a trip to Italy and the Vatican last June, Pruitt's security cost taxpayers more than $30,000, according to the travel vouchers.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076983/search?keyword=EPA
Security detail for Pruitt's personal trips draws scrutiny
By Kevin Bogardus, 3/21/18

Sen. Sheldon Whitehouse (D-R.I.) is raising questions about U.S. EPA Administrator Scott Pruitt's personal security detail accompanying him on trips to sporting events and theme parks.

In a letter sent yesterday to the EPA inspector general, Whitehouse said he has obtained six weekly schedules for the agency's protective service detail that guards Pruitt, as well as other documents. The records show that agents accompanied the EPA chief to a University of Kentucky basketball game, the Rose Bowl and Disneyland in Anaheim, Calif., all around the turn of the year, according to the senator.

"The documents and information that have been provided to me raise many troubling questions. While I consider matters of personal security to be extremely serious, personal security should never be used as a pretext to obtain special treatment," Whitehouse said in his letter to EPA IG Arthur Elkins.

"I urge you to consider the information I have provided you in this letter as well as the questions I raise as you pursue your investigations of Administrator Pruitt's travel to Oklahoma and his private security detail," he said.

The EPA IG is conducting two reviews: One is focused on Pruitt's travel, and another is centered on agency spending on his personal security detail, which has spiked compared to past administrators as EPA has moved to an around-the-clock presence to guard Pruitt.

In his letter, Whitehouse, who sits on the Senate Environment and Public Works Committee, said the two probes are related, based on the documents he obtained showing security agents accompanying Pruitt on personal trips.

"These records show that these two inquires overlap and raise important questions," Whitehouse said.

The senator asked the IG to determine the "aggregate cost" of Pruitt's personal security detail on trips outside of Washington, D.C., and how that compares to previous EPA administrators. In addition, Whitehouse asked whether EPA's enforcement function has suffered because agents have been transferred to work Pruitt's security detail instead.

"At a time when EPA enforcement actions have dramatically declined, has the agency adequately considered the effect of reassigning agents from their normal job investigating environmental crimes to work on Administrator Pruitt's private security detail?" Whitehouse said.

"It would be useful if your final report assessed the number of hours diverted from investigatory matters because of the expanded security detail, and what that has meant for EPA enforcement," he said.

Whitehouse also asked if other EPA administrators had security guards accompany them to personal events.

"Is it consistent with past practice to provide security for the Administrator at events (the Rose Bowl, Disneyland, college basketball games) that are personal in nature? Insofar as this is different from the practice in previous administrations, has the agency established a sufficient need for these security expenditures?" Whitehouse said.

EPA IG spokeswoman Jennifer Kaplan confirmed to E&E News that the watchdog office has "received and [is] currently reviewing" Whitehouse's letter and that "both EPA OIG audits are ongoing" related to Pruitt's travel and spending on his security detail.

EPA spokesman Jahan Wilcox told E&E News that the agency will respond to Whitehouse through "the proper channel."

He added, "Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity."

Pruitt's travel has attracted scrutiny from lawmakers and environmental groups. Last month, House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) has asked EPA for travel documents that would document the EPA chief's trips, including him taking first-class flights (Greenwire, Feb. 21).

Wilcox said EPA has responded to the Oversight panel's request and that security concerns led Pruitt to take the pricier flights.

"The letter explains EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane," Wilcox said.

The Washington Post reported yesterday that Pruitt spent nearly $68,000 on travel over the past seven months, including dozens of first-class flights, according to documents EPA gave to Gowdy's committee. The records detail Pruitt's more expensive travel, including one trip to Morocco in December to promote natural gas exports that cost $17,631, including a $500 overnight stay in Paris.

Pruitt has said recently that he will look to fly coach when possible.

"There's a change coming," Pruitt said in an interview with CBS News (Greenwire, March 1).

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/omnibus-keeps-epa-operations-funding-steady-pours-money-into-grant-programs-871399
Omnibus keeps EPA operations funding steady, pours money into grant programs
By Alex Guillen and Annie Snider, 3/21/18, 9:01 PM

EPA's operational budget would remain roughly unchanged under the omnibus spending bill released tonight, although the agency would get hundreds of millions of dollars in extra money to spend on grants and loans to states for environmental cleanups.

The agency's "base" funding would remain at about $8.1 billion, in line with 2017's level, according to committee summaries. That would shift $23.5 million away from regulatory programs, according to the House Appropriations Committee.

EPA's extra money under the deal reached by Congress to raise spending caps, H.R. 1625 (115), would go to grant programs. The Clean Water and Drinking Water State Revolving Funds are slated to get an additional $300 million each, for a total of $2.9 billion in funding, and $50 million is tagged for new programs created in 2017's major water resources bill that focus on basic infrastructure for small and disadvantaged communities and reducing lead in school drinking water systems. The WIFIA loan program would also see its budget boosted to $63 million, and the Superfund program would get a $66 million bump, bringing its budget to $1.15 billion.

The bill would more than triple money set aside for chemical evaluations under the revised Toxic Substances Control Act, to $10 million.

Lawmakers also kept funding steady for EPA's Office of Inspector General. The Trump administration had suggested significant cuts to the IG, which is looking into Administrator Scott Pruitt's travel spending.

A provision to protect the Trump administration's repeal of the 2015 Waters of the U.S. rule was dropped from the bill.

WHAT'S NEXT: Congress must pass the bill by midnight Friday to avoid a government shutdown.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/congress-spending-deal-rejects-trumps-proposed-epa-energy-cuts
Congress' spending deal rejects Trump's proposed EPA, energy cuts
By Josh Siegel, 3/21/18, 10:11 PM

Congress on Wednesday night released a fiscal 2018 spending bill that rejects Trump administration efforts to reduce funding for the Environmental Protection Agency and Energy Department.

After President Trump threatened to make massive cuts to the EPA budget, Congress decided to keep funding levels the same from fiscal 2017, at $8.1 billion.

Lawmakers decided to boost funding by $66 million for accelerating the cleanup of hazardous Superfund sites, a priority of EPA Administrator Scott Pruitt.

The Energy Department, meanwhile, would receive $34.5 billion in the massive spending deal, a $3.77 billion increase over fiscal 2017.

That includes $2.32 billion for the agency's energy efficiency and renewable energy division, a 15 percent increase. Trump, who has promoted expanded fossil fuel development, had sought to cut funding for that division.

The agency's fossil fuels office would get $726.8 million, up $59 million from fiscal 2017 and an increase of $447 million above Trump's budget request.

The Energy Department's clean energy research hub, which Trump wanted to eliminate, also would see a funding increase.

Funding for Advanced Research Projects Agency-Energy, or ARPA-E, is increased by $47 million for a total of $353 million. ARPA-E is a program with bipartisan support in Congress that funds innovations in energy technology, such as battery storage.

The Energy Department budget also emphasizes cyber security, which is a key focus of policymakers after Russia has tried attacking the nation's power grid.

Cybersecurity efforts would get $248 million in the spending package, an increase of $18 million.

The spending deal also continues what is becoming a tradition in Congress of ordering sales from the nation's Strategic Petroleum Reserve. It calls for a sale of another 10 million barrels of government-owned crude to be sold from the reserve in fiscal 2020 and 2021.

Congress recently has been tapping the strategic oil reserve, an emergency fund, for deficit reduction and other items.

The Republican tax reform legislation required sales from the reserve in 2026 and 2027. And the Energy Department used the petroleum reserve during last year's hurricane season.

The fund currently has 665 million barrels of crude.

The Hill
http://thehill.com/policy/energy-environment/379679-spending-bill-rejects-trumps-proposed-epa-cut
Spending bill rejects Trump's proposed EPA cut
By Timothy Cama, 3/21/18, 9:58 PM

The $1.3 trillion government-wide spending bill released late Wednesday rejects President Trump's proposal to slash the Environmental Protection Agency's (EPA) budget by 31 percent.

Senior lawmakers negotiating the omnibus appropriations bill instead chose to give the agency $8.1 billion for fiscal year 2018, keeping it at the same level as 2017.

The bill still needs to pass both chamber of Congress and get President Trump's signature before Friday at midnight in order to prevent a government shutdown.

"The American people support investments in clean air and water, public lands, parks, and the arts and humanities, which are vital to the health and well-being of our communities and our economy," Sen. Tom Udall (N.M.), the top Democrat on the Appropriations Committee panel responsible for the EPA, said in a statement.

"Together, we rejected the Trump administration's proposal to make massive and dangerous budget cuts, and instead, we restored funding for the EPA," Udall said.

The funding level represents a victory for Democrats, who had argued that Trump's cuts would be disastrous. But much of the GOP also opposed the 31 percent proposed cut.

The bill has a handful of new policy provisions for the EPA, including one to exempt farms from having to report their air pollution to the EPA and a requirement that the agency treat wood burning as a carbon-neutral and renewable electricity source.

But the legislation also avoided a number of other policy riders that had Republican support or were in previous versions of the legislation.

Lawmakers removed a provision that would have let the EPA skip the usual regulatory processes like gathering public comment as it works to repeal the Obama administration's Clean Water Rule.

In addition to the $8.1 billion for EPA in the main section of the bill, lawmakers tacked on an additional $763 million in another part of the bill for various EPA programs related to water infrastructure and to cleaning up polluted Superfund sites.

Tulsa World
http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html
EPA Administrator Scott Pruitt says lack of clean up of Tar Creek Superfund site is 'unacceptable'
By Jim Myers, 3/21/18

WASHINGTON — Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation.

"It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

"You don't list a site in the mid-1980s and you don't take the kind of steps we have taken historically and still have issues today in 2018."

The area in Ottawa County is contaminated by lead and other heavy metals from long-closed mining operations and is undermined with caverns that are prone to cave-ins. The Picher and Cardin communities were bought out by a federal program and are now ghost towns, but the mine wastes remain.

Pruitt blamed inconsistency, even within the EPA's 10 regions, as well as a lack of attention and focus, for slowing remediation outcomes.

"It is one of the things that seemed to be languishing as we arrived," Pruitt said, making it clear that the lack of urgency was something he found "palpable" at Superfund sites across the country.

"When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable."

His comments came during one of several reporter roundtables he has been holding at the EPA's headquarters to mark his first year as administrator, during which he also became a leading voice in the Trump administration's major push on regulation reform.

Those efforts have prompted applause from his supporters and alarm from his critics.

Recently Pruitt is rarely out of the headlines, with stories ranging from travel expenses to speculation over whether his political future might include bids for a U.S. Senate seat or even the White House.

When given the chance to comment on yet another story this week about his political options, he took a pass.

Pruitt also declined to comment when asked about a recent decision by an Oklahoma judge to allow a lawsuit filed by Campaign for Accountability to continue. The lawsuit seeks to force the release of a 2014 audit of the Lead-Impacted Communities Relocation Trust, which was created in an effort to help move residents out of communities affected by the Tar Creek contamination.

"That is during my time as attorney general," he said. "I think it is better that I just keep it focused on the EPA matters."

Pruitt, who was Oklahoma's attorney general before being tapped by President Donald Trump to lead the EPA, had declined to file charges based on the audit by state Auditor Gary Jones and also had taken steps to bar its release to the public.

According to reporting by The Oklahoman, legal action in the case continues and eventually could include an appeal to the Oklahoma Supreme Court.

Pruitt's emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use to keep the emphasis on the program.

"To me there are some very fundamental, significant things we can do to provide clarity to citizens there. I think it has started to take root over the last several months," he said, adding that some of those steps could come "in the near term."

Still, that appears to be a work in progress.

"We are assessing those right now," Pruitt said when asked for examples.

In 2012, the Quapaw Tribe of Oklahoma and the EPA signed an agreement to perform remedial action at Tar Creek, making the tribe the first to lead and manage cleanup of a federal Superfund site.

Currently, the EPA says, the tribe and the Oklahoma Department of Environmental Quality handle much of the oversight and cleanup.

In May 2017, the agency announced that it had awarded $4.8 million in financial assistance to the tribe to continue remediating contaminated soil from tribal lands.

Key EPA officials, including Albert "Kell" Kelley, senior adviser to Pruitt, and Sam Coleman, EPA's acting regional administrator, toured the Tar Creek site last year as part of the Tribal Lands Forum conference in Tulsa.

Kelley described the Tar Creek cleanup as an "excellent example of how the program should work," citing the local, state, tribal and federal partnership.

During the roundtable, Pruitt also spoke to reporters about his agency's effort during his first year to rescind and replace the contentious Waters of the United States rule put in place by the Obama administration and repeal of its Clean Power Plan, both of which should move toward culmination later this year, as well as his hope to address the "clear and present danger" posed by lead in drinking water.

AP
https://apnews.com/d15b0279f1b64747bac05415e6f1938b/Mining-company-challenges-EPA-order-for-Superfund-site-study
Mining company challenges EPA order for Superfund site study
3/21/18

DENVER (AP) — A mining company is formally challenging an Environmental Protection Agency order to pay for an investigation of underground water flows at a Colorado Superfund site.

Sunnyside Gold Corp. said Wednesday it asked for a conference at which the company can ask EPA to modify or revoke the order. No date has been set.

EPA wants Sunnyside to study part of the Bonita Peak Mining District, which includes the Gold King Mine. EPA-led contractors inadvertently triggered a spill of potentially toxic wastewater there in 2015, polluting rivers in Colorado, New Mexico and Utah.

Sunnyside doesn't own the Gold King but has other property in the Superfund site. EPA says previous work at a Sunnyside's mine may have redirected wastewater that found its way into rivers.

Sunnyside says it didn't cause the problems.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/house-gop-urges-scott-pruitt-for-meeting-on-staff-cuts
House GOP urges Scott Pruitt for meeting on staff cuts
By John Siciliano, 3/20/18, 4:14 PM

House Republicans are giving Environmental Protection Agency Administrator Scott Pruitt a week to schedule a briefing with senior congressional staff on the agency's non-public plans for staff cuts and agency reorganization.

The GOP leaders of the House Energy and Commerce Committee sent Pruitt a two-page letter Tuesday requesting the briefing "to assist us in understanding more about EPA's plans to reorganize the agency and how workforce analysis will factor into those plans."

The letter was signed by Energy and Commerce Committee Chairman Rep. Greg Walden of Oregon, Rep. John Shimkus, R-Ill., the panel's environment chairman, and Rep. Gregg Harper, R-Miss., the chairman of the committee's oversight and investigations panel.

The lawmakers said an EPA workforce review has not been done for 20 years and is long overdue. Even the agency's inspector general has been pressing for a workforce review since 2012, saying it is necessary to ensure workers are in the right place to fulfill the agency's mission.

The inspector general's past recommendations are being underscored given Pruitt's and President Trump's push to re-size the agency, the letter said. "While EPA's plan for reorganization has not been released publicly, some EPA offices have already been combined with other offices and over 1,000 personnel have accepted buyouts from the agency."

The congressional committee leaders praised Pruitt for analyzing the agency's workforce, which has been a "long-standing problem." The effort will ensure that the right number of qualified people are deployed across the agency to maximize their expertise, they said.

They want a thorough briefing by March 27.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060076869/search?keyword=EPA
House Republicans want to see reorganization plans
By Kevin Bogardus, 3/20/18

Top Republicans on the House Energy and Commerce Committee are pushing U.S. EPA to divulge more information on its reorganization plans under the Trump administration.

Reps. Greg Walden (R-Ore.), John Shimkus (R-Ill.) and Gregg Harper (R-Miss.) sent a letter today to Administrator Scott Pruitt asking for a briefing with key officials on how EPA proposes to reorder its staff and offices.

"To assist us in our understanding more about EPA's plans to reorganize the agency and how workforce analysis will factor into those plans, we request that Henry Darwin, EPA's Chief of Operations, and other relevant personnel involved in this project provide a briefing to Committee staff on these matters," said the lawmakers.

They asked that the briefing be scheduled no later than March 27.

Walden is chairman of the full committee, while Shimkus leads the Subcommittee on Environment and Harper heads the Subcommittee on Oversight and Investigations.

EPA spokesman Jahan Wilcox said the agency will get back to the lawmakers.

"We will respond to the congressmen through the proper channel and look forward to continue working with the Energy and Commerce Committee," Wilcox said.

In their letter, the Republicans reminded Pruitt that at his last hearing in December with the Environment Subcommittee he said the agency is undergoing a workforce analysis, which the lawmakers believe EPA sorely needs.

"The EPA has struggled for decades to determine whether the workforce at the agency has the appropriate skills and competencies to accomplish its mission," they wrote.

"In fact, EPA has not conducted a workforce analysis in over 20 years, and the EPA Office of Inspector General (OIG) has cited the need to improve workload analysis as management challenges since 2012," the senators said. "These recommendations come in light of EPA developing plans to reorganize and restructure the agency."

The lawmakers noted that while EPA's reorganization plan, required under an executive order signed by President Trump last year, has not been released to the public, the agency has made several changes to its structure. Several offices have been consolidated or merged into others, while hundreds of EPA employees have taken buyout packages or retired over the past year.

"We appreciate your commitment to conducting a workforce analysis — a longstanding problem for EPA — to ensure that the right number of appropriately skilled employees are deployed across the agency and placed in positions that maximize their expertise," the trio wrote. "This is of particular importance as EPA considers options for reorganizing the agency."

E&E News PM
https://www.eenews.net/eenewspm/stories/1060076871/search?keyword=EPA
Wanted: Nominees for air advisory panel
By Sean Reilly, 3/20/18

U.S. EPA is poised to seek candidates for a key air quality advisory committee, potentially giving agency Administrator Scott Pruitt the opportunity to fill four more slots by this fall.

In a notice set for publication in tomorrow's Federal Register, the agency will request nominations for the Clean Air Scientific Advisory Committee over the next 30 days.

The seven-member committee, usually known by its acronym CASAC, is charged with providing outside expertise to EPA during regularly required reviews of the standards for particulate matter, ground-level ozone and four other "criteria" pollutants named in the Clean Air Act.

The committee is in the early stages of a closely watched review of the adequacy of the current particulate matter limits. Pruitt, who regularly challenged EPA regulations in his previous job as Oklahoma attorney general, had already named three members to the committee last fall. The vacancies opened up when one member stepped down after her second three-year term expired and two others were forced off by a newly established policy barring current recipients of EPA grants from serving on agency advisory committees.

According to a government database, the terms of the remaining four members all expire at the end of September. While three of those four are serving their first three-year terms and would customarily be named to a second term, Pruitt appears to have ended that tradition with a call to "promote fresh perspectives," according to his directive setting out the new membership policy last October.

"To encourage and promote the inclusion of new candidates with fresh perspectives and to avoid prolonged and continuous service, membership should be rotated regularly," the directive says.

EPA press aides did not immediately respond to an email this afternoon asking whether the upcoming request for nominations is geared toward filling the four slots that open up this fall.

At the request of two Senate Democrats who questioned the handling of two of last fall's CASAC appointments, the Government Accountability Office is looking into whether it is typical for the EPA administrator and his subordinates to reject the advice of career employees in filling those seats (E&E News PM, March 6).

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/court-seems-ready-to-compromise-on-epa-exceptional-events-rule-879265
Court seems ready to compromise on EPA exceptional events rule
By Alex Guillen, 3/22/18, 12:28 PM

A panel of federal judges today appeared ready to compromise over environmentalists' challenge to an EPA rule exempting certain polluting events from counting against areas with dirty air.

The 2016 "exceptional events" rule set details on what sort of natural events that emit pollution will not count toward air quality standards, including volcanic activity and forest fires.

In arguments that frequently focused on the fluid meaning of terms like "event" and "resulting from," the NRDC and Sierra Club argued that EPA's rule could be read to allow states to ignore some pollution from regulated entities like power plants by conflating regular human-caused pollution with naturally occurring emissions.

But the judges seemed skeptical that the rule necessarily meant that power plant emissions already in the air would count under EPA's rule in the same way that it would count pollution emitted from natural sources, such as dust blown off a dirt road.

Judge Gregory Katsas, a Trump appointee, asked whether the green groups would be satisfied if the court ruled that power plant emissions are not pollution "resulting from" a natural event and thus would not count toward the exceptional event under EPA's rule, rather than requiring the agency to re-write it.

The groups' attorney, Margaret Hsieh, said they would because EPA would then be bound to that interpretation.

WHAT'S NEXT: The court will issue its ruling in the coming months.

New York Times
https://www.nytimes.com/2018/03/21/climate/attorneys-general-trump-environment-lawsuits.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection
Borrowing G.O.P. Playbook, Democratic States Sue the Government and Rack Up Wins
By Lisa Friedman and John Schwartz, 3/21/18

During the administration of President Barack Obama, attorneys general from Republican states developed a powerful tool: They teamed up dozens of times to sue the federal government to block environmental initiatives.

Now, Democrats are using the same playbook to fight the Trump administration.

Blue-state attorneys general have filed more than two dozen environmental lawsuits against the Trump administration since January 2017, and the victories are piling up. This month, a court said the Environmental Protection Agency had broken the law by delaying smog protections. In February, states forced the Department of Energy to enact efficiency standards for household appliances. And in two different decisions in the past year, courts thwarted the administration's attempts to delay regulations on emissions by the oil and gas industry.

The rise of state attorneys general as partisan warriors against presidential administrations is a relatively new phenomenon, according to some who served in more amicable days. "Up until 1999, the attorneys general were very nonpartisan," said Grant Woods, a former Arizona attorney general and a Republican. For instance, Republicans and Democrats in the 1990s teamed up to sue the tobacco industry over the health effects of its products and the burdens cigarette smoking placed on state Medicaid budgets.

Mr. Woods recalled that, when pursuing such cases with fellow state attorneys general, he was not even sure of some colleagues' party affiliations. "Today everyone has it branded on their forehead, like a scarlet letter," he said.

The attorneys general fighting the Trump administration have a backer in Michael R. Bloomberg, the billionaire former mayor of New York. Mr. Bloomberg has contributed $6 million to cover the salaries of university law fellows willing to work for states on lawsuits, investigations, public records requests and other measures to oppose the administration's environmental policies.

Republicans also got a helping hand when fighting environmental rules during the Obama administration. Republican attorneys general who challenged Mr. Obama's policies together took in about $16 million in campaign contributions from energy companies in 2014. And Robert E. Murray, the chief executive of Murray Energy, coordinated a lawsuit with 29 mostly Republican-led states against the Clean Power Plan, Mr. Obama's signature effort to curb greenhouse gas emissions from coal-fired power plants.

Gary Broadbent, lawyer for Mr. Murray, said the coal executive had incurred significant legal expenses of his own but did not pay legal fees on behalf of states.

Legal battles have long been a path to stardom for politically ambitious attorneys general from both parties. Scott Pruitt, who now leads the Environmental Protection Agency, made a name for himself in conservative circles for suing the E.P.A. when he was attorney general of Oklahoma. Eric T. Schneiderman, the attorney general of New York, has raised his profile by battling Mr. Trump over everything from immigration to birth control.

Democratic state attorneys have worked together to fight the administration's rollback of school lending laws, to defend the Affordable Care Act and to stop the construction of a border wall. But the most consistent victories have been on the environment, and the attorneys say that more actions are on the way.

"The law is our friend in all this," said David Hayes, who runs the State Energy & Environmental Impact Center, a progressive group based out of New York University School of Law that coordinates state actions and manages the funding for legal fellows. Invitations to apply for center-funded staff were sent to all 50 states, he said, although only Democrats have accepted.

The Trump administration has announced plans to turn back nearly 70 Obama-era environmental regulations. Many are the same ones that Mr. Pruitt and other Republicans earlier fought to block with their own court actions.

Mr. Pruitt and his colleagues had some success, most prominently when the Supreme Court put the brakes on the Clean Power Plan. Patrick Morrissey, the West Virginia attorney general, takes pride in the fact that he helped lead the coalition of state attorneys that blocked the plan.

"Who would have thunk that little old West Virginia" would end up leading such a coalition, he said, "on some of the most important regulatory fights of our day?" Describing it as a victory over regulatory overreach, he said: "That was President Obama's top domestic initiative, and we stopped it in its tracks."

Mr. Morrissey noted that attorneys general still do collaborate on some issues in a bipartisan way, citing in particular their work to sue opioid manufacturers. He is critical, though, of the current crop of Democrats' lawsuits.

"This seems like pure politics on the other side," he said. "The attorney general doesn't get to challenge things that he just doesn't like."

Mr. Woods disagreed with the notion that Republicans were judicious in picking their fights. "That's just not the case," he said. "Scott Pruitt, he filed suits against the E.P.A. every five minutes." Several Democrats also noted that Gov. Greg Abbott of Texas, in his tenure as the state's attorney general, often used some version of this line to joke about his daily routine: "I go into the office, I sue the federal government and I go home."

The Trump administration's approach to eliminating regulations it considers burdensome tends to be more chaotic and less orderly than in earlier administrations. Democratic attorneys have tried to use that to their advantage when filing lawsuits by focusing on procedural violations under the Administrative Procedures Act, a dry area of jurisprudence that governs agency rule-making.

So far, federal courts have found five times that the Trump administration violated the Administrative Procedures Act by skipping steps when it tried to delay environmental rules that had already taken effect. Administrative procedures "was

not my favorite class in law school," joked Karl A. Racine, the attorney general for the District of Columbia. But now it's at the core of his effort to fight the Trump administration.

Critics of the lawsuits by Democrats — like David B. Rivkin Jr., an attorney with the law firm BakerHostetler who helped Republicans fight the Clean Power Plan case — dismissed the Democrats' early victories as "sausage making" because they were based on procedural missteps as opposed to the substance of the regulations. "It doesn't tell you anything about what's going to be decided at the end of the day," he said.

But Maura Healey, the attorney general of Massachusetts, said that following the proper rule-making procedures was important because doing so prevents arbitrary or capricious regulation. "I don't care what party you're a part of," she said. Doing otherwise "flouts the law."

Officials at the E.P.A. and Energy Department did not respond to requests for comment.

An Interior Department spokeswoman referred questions about the agency's legal strategy to the Department of Justice. Wyn Hornbuckle, a Justice Department spokesman, said in a statement that lawsuits from coalitions of state attorneys general "are nothing new."

Mr. Hornbuckle pointed to Republican legal victories against the Obama administration, such as the case against the Clean Power Plan, and said, "The Justice Department will continue to defend the rightful prerogative of federal agencies to appropriately review and reconsider the costs and benefits of regulations adopted in previous administrations. This includes defending agency decisions to place implementation of existing regulations on hold while they are under review."

There are some Trump supporters (as well as a few critics) who say that what appears to be haste or carelessness on the part of the administration might actually be strategy. With each major announcement of a rule rollback, the Trump administration reinforces its message that it is cutting regulatory burdens on industry — a message that resonates with its donors and voters. Even if courts later find against the administration, that message was already sent.

As agencies bring on more political appointees with significant regulatory experience, the administration is expected to become more careful in the way it rewrites or eliminates regulations. Attorneys fighting the administration said they were not concerned by that and were eager to have an open debate about why they believe clean air and water regulations must be maintained. "We welcome their seemingly gradual embracement of the process because we'd love to fight about what the data shows," Mr. Racine said.

Could the days of widespread bipartisanship return? Mr. Woods said it was useless to ask the question, and he made his case by drawing a comparison with the intrusion of technology in our lives. "I yearn for the days when you weren't tied to your cellphone," he said. "It was a lot simpler, and a lot more pure." But, he added: "Those days are over."

Detroit News
https://www.detroitnews.com/story/news/politics/2018/03/20/epa-pruitt-lead-water-flint/33125283/
EPA chief wants to eradicate lead from drinking water
By Melissa Nann Burke, 3/20/18, 5:24 PM

Washington — The head of the Environmental Protection Agency says eradicating lead from drinking water is one of his top priorities three years after the Flint water crisis, and he's worried Americans aren't "sufficiently aware" of the threat.

"I really believe that we ought to set a goal as a country that, over the next 10 years, that we ought to work with respect to investments in our infrastructure to eradicate lead in our drinking water," EPA Administrator Scott Pruitt told reporters this week at the agency's headquarters.

"It can be achieved. Some of the mental-acuity levels of our children are being impacted adversely as a result of this."

Pruitt is concerned that parents and citizens don't understand the threat of lead in drinking water or toys, and "we're looking at ways we can contribute to that dialogue," he said, according to an audio recording provided by the New York Post.

"I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively," Pruitt said.

Pruitt said President Donald Trump's $1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure.

Pruitt didn't describe a plan for replacing the thousands of lead service lines throughout the country – a cost estimated around $40 billion to $45 billion – but stressed the need for state and local governments to invest in such upgrades, perhaps with federal grant aid.

Pruitt added he would "love" to see local governments investing more in water infrastructure.

"These water treatment facilities – they have authority to bond out, to raise fees, to invest in corrosion control, the replacement of service lines and the rest," Pruitt said. "And some of them just aren't doing it."

Gov. Rick Snyder has proposed having water customers across Michigan pay a $5 annual fee to help upgrade aging infrastructure and replace lead pipes in their local communities, but the plan hasn't gained steam in the Republican-controlled Legislature.

U.S. Rep. Dan Kildee, D-Flint Township, said what Pruitt has described isn't really a plan.

"When it comes to Mr. Pruitt, nice words don't replace pipes. It takes money. What they have proposed is really nothing when it comes to infrastructure," Kildee said of the Trump administration.

Kildee said what would help is Pruitt putting his support behind Kildee's legislation that would reduce the acceptable amount of lead in drinking water to 5 parts per billion. The current federal action limit is 15 parts per billion.

"Force federal and state governments to stare this in the face by adopting a level that is science-based that says there is no acceptable level of lead," he said.

EPA has spent a decade trying to update the rule.

Snyder called the rule "dumb and dangerous" after the Flint disaster. The state has proposed draft rules to drop the acceptable amount of lead in drinking water to 10 parts per billion by 2024.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-to-join-pence-at-event-for-pro-trump-group-879227
Pruitt to join Pence at event for pro-Trump group
By Anthony Adragna, 3/22/18, 12:39 PM

EPA Administrator Scott Pruitt will join Vice President Mike Pence for an event with the pro-Trump outside group America First Policies tomorrow in Atlanta, the vice president's office announced.

The event is entitled "Tax Cuts to Put America First." Pence will then participate in a Georgia Republican Party event afterwards.

Energy Secretary Rick Perry headlined a roundtable discussion with the same group back in November.

Perry's appearance was billed as the first in a series of visits members of the president's Cabinet planned with America First Policies. While the Energy secretary did not solicit donations in his official capacity, which would violate federal law, America First officials planned to ask for contributions after he left, POLITICO reported at the time.

America First Policies and its affiliated super PAC, America First Action, plan to raise and spend $100 million supporting Trump's agenda this year.

Additional details on the Atlanta event with Pence and Pruitt were not immediately available. America First Policies did not immediately respond to requests for comment. An EPA spokesman said agency ethics officials signed off on Pruitt's appearance because 501(c)(4) organizations like America First Policies are not considered partisan political groups for the purposes of the Hatch Act.

WHAT'S NEXT: The Atlanta event featuring Pence and Pruitt is scheduled to begin at 3:30 p.m. Friday.

AP
https://apnews.com/c268c047ec0047ba8dd7cf4ba54c8d35/EPA-head-to-visit-Wyoming-coal-country
EPA head to visit Wyoming coal country
3/21/18

CHEYENNE, Wyo. (AP) — U.S. Environmental Protection Agency Administrator Scott Pruitt will visit Wyoming's main coal producing region later this month.

Wyoming Republican U.S. Sen. John Barrasso says Pruitt's visit on March 29 will be an opportunity to showcase the state's world-class coal operations and cutting-edge energy research.

Pruitt's visit will highlight Wyoming's coal-mining operations, as well as the state's commitment to reclamation and environmental stewardship.

Wyoming is the nation's leading producer of coal, accounting for about 40 percent of America's total coal production.

Daily Caller
http://dailycaller.com/2018/03/20/exclusive-epa-scott-pruitt-climate/
EXCLUSIVE: Is EPA's Scott Pruitt Planning A Final Blow To Obama's Climate Agenda?
By Michael Bastasch, 3/20/18, 10:29 PM

It was "absolutely false" the White House shot down plans for a public debate on global warming science, Environmental Protection Agency Administrator Scott Pruitt said Monday.

The concept of a "red team, blue team exercise" had "evolved" since he first proposed it last year, Pruitt said. "Don't believe everything you read," Pruitt told The Daily Caller News Foundation.

White House chief of staff John Kelly "killed" the effort before any public announcements could be made, The New York Times reported March 9th. Kelly "considered the idea 'dead' and not to be discussed further," White House officials said at a mid-December 2017 meeting, NYT reported.

White House officials derailed a public red-blue team exercise, while they suggested alternate routes, an E&E News follow up report claimed. The exercise has indeed "evolved," Pruitt told TheDCNF.

Reports of White House opposition to his red-blue team debates were "absolutely false," Pruitt added, echoing comments he made before Congress in January.

"The red team, blue team exercise has evolved a little bit," Pruitt explained to TheDCNF. "We've been working diligently over the last several months to determine the best way forward to encourage this open, honest, transparent debate about these very important issues. The American people deserve that, frankly, they deserve it."

"If some believe that CO2 poses an existential threat to mankind, they think it's more important than North Korea — they do, don't they?" Pruitt asked, adding, "if that's the case, I want to know it."

"Let us make sure that there's an honest discussion about that," Pruitt continued. "Let's go into this and actually have an open mind about what we know and what we don't know. That's something we're working on, we'll continue to work on, and preferably have some answers on that soon as well."

Pruitt suggested a red-blue team-style exercise to debate climate science last year, echoing former Obama Energy Department official Steven Koonin, who advocated for such an exercise in The Wall Street Journal.

The military uses red-blue team exercises to expose vulnerabilities in strategic plans. President Donald Trump embraced Pruitt's call for such debates, according to reports, as well as scientists skeptical of catastrophic global warming.

Scientists claiming to be part of the "consensus" and environmentalists oppose red-blue team debates, arguing they will be used to discredit climate science.

Pruitt did not go into detail on how exactly the red-blue team exercise had "evolved," but E&E's report suggested EPA could take comments on the endangerment finding.

White House officials told EPA staffers they could review the 2009 endangerment finding, taking public comments on the state of climate science, E&E reported. The endangerment finding was issued under the Obama administration and gives EPA legal cover to regulate greenhouse gas emissions.

In fact, Pruitt had concerns over how the Obama administration finalized the 2009 endangerment finding so quickly, utilizing United Nations assessments instead of EPA-generated studies, he said.

"I think the process most definitely was a process that was abused," Pruitt told TheDCNF.

"Anytime that this agency, or any agency, that would go to a third party, like the UN — in that case the Intergovernmental Panel on Climate Change — and took the work product of the IPCC and then transferred it to this agency and used that as the basis by which the decision was made, that's a breach of process, in my view," Pruitt added.

The George W. Bush administration began the endangerment finding in 2008 but dragged its feet, allowing the Obama administration to take it up in 2009 and quickly turn around a finding carbon dioxide and other greenhouse gases threatened public health.

Conservative groups have petitioned Pruitt to reconsider the endangerment finding, citing reports from independent researchers arguing global warming is overblown and relies on flawed climate models.

Pruitt did not say whether or not he would reconsider the finding but tied the matter to the larger issue of transparency in science EPA relies on to issue regulations.

"I think what's important there — and that's what drives this discussion that I've been focused on over the last four or five or six months on ensuring that there's an objective, transparent discussion on what do we know and what don't we know with respect to CO2," Pruitt said.

"How do we know what the ideal surface temperature should be in the year 2100, looking out 82 plus years, right? It's a fair question, right? Particularly if you're basing policy on it now," Pruitt noted.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130133879&item=408&prod=deln&cat=AGENCY
EPA Fluorochemicals Summit With States Planned for May
By Tiffany Stecker, 3/21/18

Governors from across the country will discuss solutions to the growing problem of certain chemicals in U.S. drinking water systems at an EPA-hosted summit in Washington in May.

EPA Administrator Scott Pruitt announced the agency will host a summit May 22-23 to allow 56 states and territories to share information and strategies to clean up per- and polyfluoroalkyl substances (PFAS) from drinking water systems.

PFAS contamination—the result of making products such as nonstick pans, fire-fighting foam, and stain-resistant sprays—has been linked to a number of health problems, from liver and thyroid dysfunction to high blood pressure.

Pruitt sent invitations to governors March 19. The meeting would allow state leaders to share information about efforts to monitor and treat PFAS-polluted areas, identify actions to deal with the contamination, and develop ways to communicate the risks to community members.

"Through this event, we are providing critical national leadership, while ensuring that our state, tribal, and local partners have the opportunity to help shape our path forward," Pruitt said in a statement.

'How Do We Help'
Peter Grevatt, director of the Environmental Protection Agency's Office of Groundwater and Drinking Water, told attendees at the Association of Metropolitan Water Agencies' March 19 policy conference that PFAS chemicals are creating problems in many small communities across the country.

He stopped short, however, of announcing any regulatory measures to enforce limits on the chemicals.

The EPA has set health advisory limits for two PFAS chemicals—perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS)—of 70 parts per trillion, but they are not legally enforceable.

"For now, we are very much focused on how do we help local communities and states deal with these challenges," he said.

Bloomberg
https://www.bloomberg.com/news/articles/2018-03-20/trump-epa-plans-new-restrictions-on-science-used-in-rule-making

Trump EPA Plans New Restrictions on Science Used in Rule Making

By Jennifer A. Dlouhy, 3/20/18, 4:02 PM

The Environmental Protection Agency is preparing to restrict the scientific studies it uses to develop and justify regulations, making it harder to rely on research when its underlying data are shielded from view.

The planned policy shift, urged by conservatives and advisers who guided Donald Trump's presidential transition, could affect EPA regulations governing climate change, air pollution and clean water for years to come. The move was described by a person familiar with the plan, who asked not to be named discussing the change before it is formally announced.

Although the EPA hasn't formally announced the policy change, expected in the coming weeks, Administrator Scott Pruitt outlined the broad strokes of the plan for conservatives in a recent meeting and told The Daily Caller he would insist on the details of studies underpinning environmental regulations.

The EPA should rely on science that is "very objective, very transparent and very open," Pruitt said in a March 13 interview with Bloomberg News, casting his concern as focused on third-party research in which findings are published but the underlying data and methodology aren't open for scrutiny.

"That's not right," Pruitt said. Whenever the EPA gets scientific evaluations from third parties, "the methodology and data need to be a part of the official record -- the rule making -- so that you and others can look at it and say, 'was it wisely done?'"

Advocates of the change say that by revisiting the science that underpins a swath of environmental rules, including those governing ozone and mercury pollution, the EPA can begin to undo them.

"The EPA has gotten away from honestly comparing the costs and benefits of regulation, by using black box science that where they are essentially saying 'trust us,'" said Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute that advocates limited government. "It's a way to justify regulations, far beyond any environmental or health benefits."

Critics said the move is a way to undermine environmental laws too popular to be undone by Congress.

"It's just another way to prevent the EPA from using independent science to enforce some of our bedrock environmental laws, like the Clean Air Act," said Yogin Kothari, a Washington representative with the Union of Concerned Scientists' Center for Science and Democracy. "You know you're not going to be able to undo the Clean Air Act, so instead of attacking the law itself, you attack the process by which the law is implemented."

Conservatives have pointed to a landmark 1993 air pollution study conducted by Harvard University's School of Public Health that paved the way for more stringent regulations on air pollution by linking fine particulate matter to mortality risk. The underlying data from that federally funded research, known as the Six Cities Study, was never publicly released because its participants were promised confidentiality, according to the university.

"This canard about 'secret science' began as an attempt by industry to undermine the landmark research -- from more than two decades ago -- that determined air pollution is bad for your health," said John Walke, director of the clean air project at the Natural Resources Defense Council. "As a result of those findings, EPA forced polluters to clean up their act, saving or improving tens of thousands of lives."

Depending on the details, the policy could affect both epidemiological studies that rely on confidential medical records, as well as industry-backed research by companies reluctant to share data recorded at oil wells and power plants.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130133836&item=408&prod=deln&cat=AGENCY
Oil, Gas Firms Could Avoid EPA Penalties by Admitting Violations
By Amena H. Saiyid, 3/22/18

Oil and gas producers that choose to report past environmental violations at drilling sites, and related assets that they acquire, may dodge penalties under an audit program that the EPA plans to expand.

The Environmental Protection Agency would build upon a self-audit program that has been in place since 2008 to foster compliance and reward companies that do make an effort to meet environmental laws, Patrick Traylor, deputy assistant EPA administrator for enforcement and compliance assurance, told the Environmental Council of the States during a March 20 panel discussion on encouraging oil and gas compliance in St. Paul, Minn.

The EPA initiative is a positive step, questions linger the details, Roy Hartstein, vice president for strategic solutions at Southwestern Energy Co., the third largest producer of natural gas in the continental U.S., told Bloomberg Environment. He said he wanted to see "the mechanics of how this program will work."

The nuts and bolts of how the program would work for the oil and gas sector is an issue that the EPA has just begun to work out, Traylor said, acknowledging that it takes time to write out audit agreements. He assured state officials that the credible threat of enforcement would remain in the background.

Self-auditing is a positive step in an era of shrinking budgets, Dave Glatt, co-chairman of the ECOS shale oil and gas caucus and environmental health chief for the North Dakota Department of Health, said.

"The challenge for the EPA is to apply the audit policy that currently applies to single manufacturing facilities to multiple oil and gas facilities," Traylor said, adding that the EPA will be looking to states that have self-auditing programs in place.

The agency doesn't want to measure compliance by how many notices of violations are filed with the Justice Department, Traylor said.

"These are good tracking tools, but not a measure of compliance," he said.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/trump-looks-to-congress-to-make-call-on-overhaul-of-ethanol-mandate
Trump looks to Congress to make call on overhaul of ethanol mandate
By John Siciliano, 3/20/18, 5:59 PM

President Trump may wash his hands of the ethanol mandate and let Congress figure out how to overhaul it with legislation, Agriculture Secretary Sonny Perdue said Tuesday.

"The White House is trying to determine whether they need to make a call on the decision or let Congress go back and fix it," Perdue said at the National Press Club in Washington.

Perdue even said that some members of Congress have been pushing the administration to back off. "We've had some members of Congress call and say, 'We're working on this, let us handle it,'" he told reporters after an event marking Agriculture Day. "So, we'll see how that works."

Senate Majority Whip John Cornyn, R-Texas, is drafting legislation that would overhaul the Environmental Protection Agency's Renewable Fuel Standard, or RFS, which requires refiners to blend corn ethanol and other biofuels into the nation's gasoline and diesel supplies.

Sources tracking the ethanol discussions have said it is creating confusion for Trump and Congress to be looking at taking action simultaneously.

Trump is expected to be presented with a list of options to end a feud between independent oil refiners and ethanol producers over the price of renewable identification number credits, or RINs. A top consideration is for Trump to direct the EPA to place a price cap on RINs, which is an idea that Sen. Ted Cruz, R-Texas, has proposed in meetings with Trump.

Merchant refiners cannot blend ethanol into the gasoline supply as their larger competitors, such as Shell and Exxon, do. That forces them to buy the credits, which have experienced large jumps in price in the last year. Philadelphia Energy Solutions, the largest refinery on the East Coast, filed for bankruptcy in January, citing the hundreds of millions of dollars it had to spend on RINs as a factor.

The ethanol industry opposes the idea, with five GOP senators sending Trump a letter last week pressing him to reject the proposal, citing studies that refute the price cap that Cruz floated.

Perdue said there have been "fairly intense discussions" about what the solution should be, but the president's "commitment to the corn producers, to the biodiesel/biofuel industry is still solid."

Trump "does obviously have to consider the allegations of job loss in the merchant refining business and what are their solutions," Perdue said. "There's a middle ground; they can help you reduce the Renewable Identification Numbers, the RINs layer, without hurting the renewable fuel volumes," he added.

"It's a complex issue that I think needs a reasonable solution that doesn't include a RIN cap," Perdue said.

He added that the price cap was a solution offered early on in the White House discussions, but "I don't know the president will make that choice."

Meanwhile, EPA on Tuesday announced changes to refinery emission rules that would save the industry $11.5 million per year. The EPA's tweaks cut back requirements within 2015 Obama-era regulations on refinery emissions and include reductions in record keeping and compliance reporting.

The Hill
http://thehill.com/policy/energy-environment/379387-epa-proposes-tweaks-to-oil-refinery-pollution-rules
EPA proposes tweaks to oil refinery pollution rules
By Timothy Cama, 3/20/18, 4:38 PM

The Environmental Protection Agency (EPA) is proposing a series of changes to pollution rules for oil refineries that it says would save the industry $11.5 million a year.

The EPA characterized the changes, sought by the oil industry, as technical corrections and clarifications to the Obama administration's 2015 rule setting new standards to prevent air pollution at refineries.

The changes proposed Tuesday concern provisions in the 2015 rule related to issues like work practices, recordkeeping and compliance reporting.

"These common-sense actions provide regulatory clarity and certainty for refineries across the country," EPA Administrator Scott Pruitt said in a statement. "The proposed amendments simplify compliance with national standards, generate significant cost savings, and ultimately enhance protection of human health and the environment."

The oil industry welcomed the changes as an endorsement of its safety and environmental record.

"EPA's practical clarification to the language of the refinery rule's regulatory requirements is a positive step that can help reduce uncertainty, while meeting our shared goal to protect public health," Howard Feldman, senior director of regulatory affairs at the American Petroleum Institute, said in a statement.

"Balanced, effective refinery regulations allow our industry to invest in production of cleaner fuels and in our facilities in order to improve environmental performance."

The American Fuel and Petrochemicals Manufacturers (AFPM) was also pleased.

"AFPM appreciates EPA's decision to establish clarity and make the necessary improvements to the refinery sector rule, which has been the subject of ongoing uncertainty in recent years," the group said in a statement.

"Today's action is another important step towards bringing needed balance to regulations, while maintaining protections for human health and the environment."

E&E News PM
https://www.eenews.net/eenewspm/stories/1060076875/search?keyword=EPA
EPA approves 'technical corrections' to refinery regs
By Sean Reilly, 3/20/18

U.S. EPA Administrator Scott Pruitt signed off today on proposed changes to 2015 refinery emissions regulations that are projected to save the industry almost $90 million.

The draft changes, described in a news release as "technical corrections," relate to fence-line monitor placement, maintenance venting requirements and other provisions in the updated standards for hazardous air pollutants, according to an EPA summary.

The proposal, which will carry a 45-day public comment period when published in the Federal Register, will "simplify compliance with national standards, generate significant costs savings and ultimately enhance protection of human health and the environment," Pruitt said in a news release today.

If finalized, the changes would save the industry an estimated $77 million in capital investment and almost $12 million in yearly compliance costs, according to the agency.

EPA had already made a lengthy number of technical corrections and clarifications to the updated standards in 2016. The new proposal comes in response to industry requests for administrative reconsideration.

The changes were welcomed by the American Petroleum Institute, which is among the industry organizations that is also challenging the standards in litigation that has been on hold since early 2016.

"EPA's practical clarification to the language of the refinery rule's regulatory requirements is a positive step that can help reduce uncertainty, while meeting our shared goal to protect public health," Howard Feldman, senior director of regulatory and scientific affairs at the influential trade group, said in a statement.

Earlier today, Pruitt's office tweeted out a photo of him flanked by a half-dozen people in business attire after he had signed the proposed rule.

While EPA press aides didn't reply to an email asking to identify the six, an API spokeswoman confirmed that they include Feldman and three other senior institute employees. The other two could not be definitively identified by publication time.

The updated New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants affect almost 150 refineries nationwide. At the time of their publications, EPA predicted they would ultimately cut emissions of toxic air pollutants by 5,200 tons each year, accompanied by a reduction in about 50,000 tons of emissions of volatile organic compounds.

They stem from a 2014 consent decree reached after Air Alliance Houston and other environmental groups sued over EPA's failure to meet a statutory timetable for review and revision of the new source standards. Many of those same groups are also challenging the final version in court.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130260551&item=408&prod=deln&cat=AGENCY
Environmentalists Sustain Push to Shield Species from Pesticides
By Tiffany Stecker, 3/22/18

Environmentalists are planning to sue the Trump administration for failing to protect land and freshwater creatures from a common insecticide.

The Center for Biological Diversity, Center for Environmental Health, and Californians for Pesticide Reform sent the Environmental Protection Agency and the U.S. Fish and Wildlife Service a notice of intent to sue March 20 for not sticking to a commitment to protect endangered and threatened species from malathion, a widely used insecticide.

Malathion is part of the organophosphate class of pesticides, which have been linked to neurodevelopmental disorders in exposed fetuses and children and have been shown to potentially harm thousands of rare species. The chemical is made by more than 20 companies, including Cheminova, FMC Corp., and Scotts Miracle-Gro Co.

The move is the latest attempt to force the administration to reassess old pesticides that were not properly vetted for potential harm to species, as required under the Endangered Species Act, the groups said.

The three organizations allege that the federal agencies are violating their duty under the act to ensure that malathion is not likely to jeopardize the continued existence of species listed as threatened or endangered, or result in the destruction of those creatures' habitats.

Issuing Wildlife Opinion

Under the agreement, the Fish and Wildlife Service must complete a biological opinion that sets restrictions the EPA should impose in order to protect the species.

"Let's not have these pesticides getting in places where we have [listed] species or their critical habitat," Stephanie Parent, a Portland, Ore.-based attorney with the Center for Biological Diversity, told Bloomberg Environment.

The EPA, the Fish and Wildlife Service, and the Justice Department declined to comment on pending litigation to Bloomberg Environment.

Malathion is one of the five pesticides at issue in a 2014 settlement in Center for Biological Diversity v. U.S. Fish and Wildlife Service. The other pesticides at issue in the settlement are being addressed in a separate lawsuit challenging the EPA for its failure to apply the endangered species law to the pesticide registration process, Parent said.

The Fish and Wildlife Service is one of two federal agencies tasked with setting guidelines to mitigate any threat that an activity—building a road, or approving the use of a pesticide, for example—may pose to a threatened or endangered species. The other agency, the National Marine Fisheries Service, handles marine and anadromous species while the Fish and Wildlife Service assesses harms to land and freshwater species.

The National Marine Fisheries Service completed a biological opinion for marine species in December, finding that malathion is likely to jeopardize the existence of 38 of 77 listed species and adversely modify 37 out of 50 critical habitats. The report narrowly met a court-ordered deadline in Northwest Center for Alternatives to Pesticides v. NMFS.

Environmental groups have been largely successful in suing the federal government over the violations.

But EPA officials and the pesticide industry say these lawsuits impose unreasonable deadlines and do little to actually protect the species.

CropLife America, the agricultural pesticide trade association, is working to ease the process of assessing pesticides for their harm to listed species through administrative changes and legislation.

AP
https://www.apnews.com/c4240117fc904864a2a4bc7d419fee35/Residents-near-Harvey-damaged-chemical-plant-wary-of-water
Residents near Harvey-damaged chemical plant wary of water
By Alex Stuckey, 3/22/18

CROSBY, Texas (AP) — The skeleton crew at Arkema's chemical plant knew it was time to go by the morning of Aug. 29.

Flooding from Hurricane Harvey had knocked out power. Thousands of gallons of chemical-laden water had spilled into the floodwaters. Soon, the company's stores of volatile organic peroxides would overheat and produce fires noxious enough to make first responders vomit. The last workers evacuated by floating over a 6-foot chain-link fence in a small boat.

A half-mile away, Diane and Nolan Glover knew none of this, until the National Guard ordered them to evacuate.

The retired couple in their 60s were busy trying to protect their belongings from three feet of floodwater and didn't think to turn on the radio.

Many of their neighbors also were unaware of the danger. Interviews with about 10 residents show they didn't receive the emergency robocalls from Arkema ordered by a Harris County judge after a sulfuric acid release more than 20 years ago.

Today, they are still angry about all they did not know until the National Guard came knocking on doors that day. They say they still know very little about any potential health effects from the flood and fires. They don't know what chemicals they've been exposed to — or about any threat from air they breathe or water they drink.

They say the company failed them before the accident, and the state and federal government afterward.

"I have a bitter taste in my mouth about Arkema," Diane Glover said. "I feel like they should have reached out to everyone."

The activity of the company and government regulators surrounding the Arkema disaster falls into the pattern that has emerged more than a half-year after the storm, a Houston Chronicle/Associated Press review of public records shows. The extent of the environmental assault is starting to emerge, and Gov. Greg Abbott's emergency declaration suspending state environmental rules remains in effect, making it more difficult for local authorities to press their case against companies that lost control of their petroleum and chemical products.

Environmental Protection Agency officials, along with Arkema, repeatedly assured residents that their air and water were not dangerous.

Company contractors and federal regulators conducted some sampling of air and water as well as solid ash produced by the fires, but critics say it was done in a haphazard, patchwork way that was inadequate to establish whether there is a threat to public health.

Arkema, for example, tested the wells of 37 homes; there are roughly 350 homes within 1.5 miles of the plant, though it's unclear how many get their water from private wells.

"I don't think they did enough analyses," said Hussain Abdulla, an assistant professor of chemistry at Texas A&M University-Corpus Christi, who examined the test results at the request of the news organizations.

EPA test results show peroxide in the air near Arkema. And testing of some private wells at the homes nearby found acetone, a chemical used by Arkema that can cause headaches, nausea, dizziness and confusion.

Federal officials have declined to answer reporters' questions, directing them to the EPA website.

State environmental authorities did not test sediment, groundwater or air around the plant during or after the storm, records show. The Texas Commission on Environmental Quality declined to be interviewed, citing its pending investigation.

The EPA and the District Attorney's office for Harris County, home to Houston, are also investigating. Harris and neighboring Liberty County are suing the company.

Arkema spokeswoman Janet Smith said company officials have taken steps to help those who live near the plant.

"We're extremely sorry that our incident caused an evacuation at a time when our neighbors were already reeling from a historic storm," Smith said.

The company is the North American branch of the Colombes, France-based chemicals manufacturer. It has two dozen U.S. facilities; the one in Crosby has a history of regulatory problems related to the improper handling and storage of hazardous materials.

"What we found so far was just a lack of preparation for this kind of event," said Rock Owens, Harris County's environmental attorney.

NO WARNING

Two years after a 5-year-old girl was severely burned during a 1994 sulfuric acid release at the plant, a county judge ordered the company to alert residents within a mile of its property whenever potential dangers arise.

Residents estimate those emergency calls came more than 10 times during the past 10 years.

But the Glovers, along with their neighbors Margaret and Tom Lewis, say that call never came when Harvey bore down.

Owens said the company appears to have failed to activate the call system.

Smith, the company's spokeswoman, said Arkema communicated with local residents through media statements and social media posts, put updates on its website, created a 24/7 phone hotline and placed messages on an industry-run cell phone application for informing the public about potentially hazardous incidents.

Before its first update on Aug. 29, the plant had lost all electrical power, forcing the skeleton crew to move highly volatile organic peroxides into refrigeration trailers so they would not explode.

"Arkema does not believe the situation presents a risk to the community or the ride-out crew, due to the distance between the refrigerated cars and any people," the update said.

Six hours later, the company warned the situation had become "serious," but did not inform residents of a wastewater spill earlier that day.

State records show that Arkema reported the accidental release of up to 18,000 gallons of stormwater laced with mineral oil and residual organics. That spill, which mingled with floodwaters in the plant and ran downstream toward Cedar Bayou, also caused a release of chemicals into the air including ethylbenzene, which is linked to cancer but can also cause inner ear and kidney damage, as well as vertigo; trimethylbenzene, which can cause chemical pneumonia and chronic bronchitis; and tert-butyl alcohol, which can affect the kidneys and thyroid.

"We reported this inundation of our wastewater system to TCEQ, which is a public agency," Smith said. "We broadly notified the community about issues that we believed presented a potential threat."

The Glovers did not see any of the company's updates. The couple does not use social media. Neither do the Lewises.

On Aug. 30, Arkema's website said the organic peroxide in the refrigerated containers likely would catch fire.

The first trailer caught fire Thursday, Aug. 31, and Arkema later reported it had released chemicals including acetone, nitrogen dioxide and carbon monoxide, according to the county lawsuit. After two more trailers burned, the remaining ones were destroyed in a controlled burn on Sept. 3.

Volatile organic compounds were detected in the air 2.5 to 3 miles northwest of the plant, accompanied by a laundry detergent-like odor, smoke and falling ash, according to the suit.

NO STATE TESTING

Bret Simmons cried in pain as he pushed his motorcycle through floodwaters near Arkema on Aug. 29, he recounted in a lawsuit.

Once he and his wife, Phyllis, made it safely to higher ground, they found his legs covered in blisters, lesions and burns. He sought medical treatment.

Arkema had told state officials the same day that chemicals were spilled into the floodwaters around the plant

On Sept. 1, the EPA collected six surface water runoff samples from four locations outside the evacuation zone near residential homes. Levels were lower than what would warrant an investigation, a news release said,

The next day, emails show agency officials discussing a yellow "discharge" oozing from some of Arkema's trailers full of chemicals. Multiple aerial photos taken by federal officials show the substance spreading.

Contractors hired by Arkema did not test stormwater until Sept. 6, taking samples from 41 drainage and containment ditches in and around the facility, according to a state environmental report. They did not test stormwater near homes surrounding the plant.

The results of 13 samples showed elevated levels of acetone and methane. Benzene, a known carcinogen, also was detected in one area tested, according to results published on the state environmental agency's website.

A&M Corpus Christi's Hussain Abdulla said he was concerned about the "approaches and analysis" of the testing.

For example, he noted the apparent lack of testing for dioxins, which could have been released when the refrigerated trailers full of organic peroxides burned.

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DRINKING THE WATER

The Glovers treated their water well with bleach to cleanse their drinking water, but they lacked the funds to have it tested. Lab-certified well water testing can cost $25 to $400.

The Glovers did not know they could ask Arkema to test their water, as the company did for some residents.

Arkema's contractor tested 37 drinking water wells around the plant, Smith said, and "none of the wells we tested showed levels of our chemicals that exceeded residential limits established by the State of Texas."

Kevin Thompson, a West Virginia-based attorney representing Bret and Phyllis Simmons and about 660 other Crosby residents, said initial results of tests conducted on behalf of his firm show that water in and around the plant is toxic.

Smith said Arkema does not plan on testing any more wells, adding, "we don't believe additional well-water testing is warranted because none of our testing has shown levels of our chemicals that exceed residential limits."

Madison.com
http://host.madison.com/news/local/govt-and-politics/epa-objects-to-aquila-mine-on-michigan-border/article_d8ed0780-af9f-5111-a55b-1155ecc932f9.html
EPA objects to Aquila mine on Michigan border
By Steven Verburg, 3/21/18

The U.S. Environmental Protection Agency has formally objected to a Canadian company's plans for a controversial mine along the Wisconsin-Michigan border, saying the company hasn't demonstrated that public waters would be protected from pollution.

Toronto-based Aquila Resources has 90 days to address the EPA's concerns about its proposal to extract gold, zinc and other metals from a 580-acre open pit mine on the Upper Peninsula side of the Menominee River.

Aquila's application to fill federally protected wetlands and dig for ore 150 feet from the river's edge failed to adequately explain how pollutants would be kept from flowing into the river during heavy rains and how the company's plan for preserving wetlands elsewhere met legal requirements for replacing filled wetlands, the EPA said.

The ore is buried in tons of sulfide rock, which reacts with air and water to create acid that opponents say could drain into the river. Ten Wisconsin communities have passed resolutions against the mine, and the Menominee Indian Tribe of Wisconsin in January sued two federal agencies over their handling of the proposal.

An Aquila spokeswoman said Tuesday that company officials were disappointed in the EPA's objection, but they view the federal concerns as "manageable" matters that won't derail the project.

"It is part of the process and not unexpected given the public interest in the matter," said Chantae Lessard, Aquila director of social performance and engagement. "We will respond within the provided timeframe. In the meantime, it is business as usual. Our team is actively preparing the project for the next phase of development."

In a letter dated Monday, Michigan's Department of Environmental Quality notified Aquila of the EPA objection along with comments from the EPA, U.S. Fish & Wildlife Service and the Army Corps of Engineers.

The formal objection means that Aquila's permit application, as it stands now, wouldn't meet federal standards, said Kristi Wilson, of the Michigan DEQ water resources division.

But it doesn't mean the company won't be able to make changes that would satisfy the federal agency.

"It is not uncommon to receive a federal objection with a project of this size," Wilson said Tuesday.

The EPA objected to a previous Aquila wetlands permit application in 2016, and the company withdrew the application. A revised application submitted in 2017 is under consideration now.

"Although some issues identified in EPA's August 15, 2016, comment letter have been addressed in the current application, many have not been fully addressed, and the new application contains additional deficiencies," the federal agencies said in written comments submitted to DEQ this month.

In most states, the Army Corps of Engineers issues permits for filling of federally protected wetlands, but the EPA has granted Michigan the authority to handle the task on the condition that it complies with federal regulations.

If the EPA objection isn't resolved, Michigan must deny the permit application, said EPA spokeswoman Rachel Bassler. If the state didn't deny the application under those circumstances, the Army Corps of Engineers would assume jurisdiction, she said.

Aquila said in a statement that the proposed mine, which it calls its Back Forty Project, is designed to be "a safe, disciplined operation" that will boost the local economy and protect the environment.

AP
https://apnews.com/6355e70f6bf34f1cb7d7b3e2ecae78c0/The-Latest:-EPA-plans-to-break-up,-smother-burning-tires
The Latest: EPA plans to break up, smother burning tires

3/21/18

FOUNTAIN, Colo. (AP) — The Latest on a tire fire that ignited when a wildfire spread from Fort Carson onto private land (all times local):

4:20 p.m.

The U.S. Environmental Protection Agency says it will use heavy equipment to break up and smother burning tires that ignited when a wildfire spread from Fort Carson onto private land.

EPA on-scene coordinator Duane Newell said Tuesday the tires were in bales compressed with metal straps to make a fence about 6 feet (2 meters) in height and width.

Newell says a section about 900 feet (275 meters) long is burning.

He says extinguishing the fire could take from two days to two weeks. Work was expected to start Tuesday or Wednesday.

Newell says EPA checked air quality, air filters and desktops in a nearby school and found no sign of residue.

The wildfire broke out on Fort Carson Friday in dry, windy weather. It destroyed three homes and scorched 5 square miles (13 square kilometers).

—

2:20 p.m.

Authorities say burning tires that ignited when a wildfire spread from Fort Carson are producing toxic smoke that could force evacuations.

The Colorado Springs Gazette reported Tuesday the Environmental Protection Agency has taken charge of managing the tire fire.

The smoke prompted an elementary school about a mile from the fire to cancel classes.

The wildfire broke out on Fort Carson Friday in dry, windy weather. It spread to private land, destroyed three homes and scorched 5 square miles (13 square kilometers).

At least 250 homes were evacuated.

The wildfire is contained and most residents have been allowed to return, but the tires are still burning.

An Army training exercise was underway when the fire broke out. Fort Carson hasn't said whether it involved live ammunition or whether it caused the fire.

AP
https://apnews.com/093b5f4c3d40427a97cae7680a404432/Diesel-fuel-spills-from-pipeline-in-southwestern-Indiana
Diesel fuel spills from pipeline in southwestern Indiana
3/21/18

SOLITUDE, Ind. (AP) — Authorities have contained a diesel spill in a southwestern Indiana creek and will try to recover the fuel.

On-scene coordinator Kevin Turner of the U.S. Environmental Protection Agency said he believes about 42,000 gallons of fuel spilled into Big Creek in Posey County before the leak from a Marathon Petroleum Corp. pipeline was detected Tuesday evening. The pipeline was immediately shut off.

The Indianapolis Star reports Marathon workers deployed two booms that contained the spill before it reached the Wabash River.

Turner says efforts are focused on recovering as much of the fuel as possible. He says about 60 percent of the diesel will be skimmed while the remainder evaporates or is absorbed in the booms.

Turner said he believes the spill will have little impact on wildlife.

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 3/8/2018 10:47:37 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Morning Energy: Trump steels the show — API to meet with the White House — Pruitt's travel rears its head again

By Kelsey Tamborrino | 03/08/2018 05:45 AM EDT

With help from Eric Wolff, Ben Lefebvre and Anthony Adragna

TRUMP STEELS THE SHOW: President Donald Trump may make his steel and aluminum import tariffs official either today or Friday, despite the broad backlash from both political allies and the business community — including the energy industry. A signing event had been planned for today, though that could slip to Friday if the necessary documents aren't through the legal review, POLITICO's Andrew Restuccia reports . The White House has said the 25 percent tariff on steel and 10 percent charge on aluminum imports could include a carve out for countries such as Canada and Mexico, but further details are sparse. Press secretary Sarah Huckabee Sanders told reporters Wednesday national security exemptions would also be considered on a "case-by-case, country-by-country basis."

What's next? Trump's pen stroke to implement the tariffs will be the easy part. What comes after will be an uphill climb, POLITICO's Adam Behsudi reports. Trump's order will likely direct the U.S. International Trade Commission to publish the updated tariff schedules. Read more here.

Ahead of the news, trade groups reiterated their opposition Wednesday. Solar Energy Industries Association CEO and President Abigail Ross Hopper said the group wanted to remind Trump "that the net loss of jobs and the cancellation of projects as a result of his solar tariffs are real and causing damage to America's energy economy." And a coalition of oil and natural gas pipeline organizations sent a letter to the president, calling on him to walk back the announcement since the broad tariffs are "threatening America's energy dominance and risking higher prices for families at the gas pump, natural gas ratepayers, and energy-consuming employers nationwide."

WELCOME TO THURSDAY! I'm your host Kelsey Tamborrino, and API's Kaury Cauthen was first to identify Nauru as the smallest island country. For today: How many current members of Congress are also ordained ministers? Bonus points if you can name them. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

API TO HEAD TO 1600 PENN: The American Petroleum Institute's executive committee will visit the White House where they may meet with Trump directly to discuss energy policy next week, sources tell Pro's Ben Lefebvre. The meeting comes amid an increasing sense of anxiety among energy executives, who worry that the sector's economic interests are not being considered in the White House's policies. Count the steel tariff, Gary Cohn's resignation and the exit of international energy adviser David Banks among the troubling factors. An API executive committee meeting with the White House is relatively rare, one of the sources said.

PRUITT'S TRAVEL REARS ITS HEAD AGAIN: During a House debate on H.R. 1917 (115) — which would delay EPA air emissions rules for brick manufacturing facilities and a separate emission standard for residential wood heaters — Rep. Kathy Castor sought a referendum on Administrator Scott Pruitt's pricey travel, Pro's Anthony Adragna reports. In a motion to recommit the bill to committee, the Florida Democrat proposed barring Pruitt from flying first-class, which Republicans promptly rejected, calling it a political tactic that was unrelated to the underlying legislation.

GOP Rep. John Shimkus, chairman of the Energy and Commerce Environment Subcommittee, criticized Castor's amendment. "I don't think we build and use bricks to make our airplanes and I don't think we power our planes with wood heaters," Shimkus said. "It's just purely politics and it's not surprising. Why? Democrats want to distort us from the economic success of the Republican agenda." Shimkus also sympathized with Pruitt, who previously said his first-class travel arrangements were in response to threats made by fellow passengers. Shimkus told ME in an interview: "We shouldn't mock the threats that he's had to put up with."

For those keeping track: A spokeswoman for the House Oversight Committee tells ME "we anticipate a productive response shortly" from EPA concerning Pruitt's travel records. The panel had asked for a response by Tuesday. EPA told ME earlier this week it was "working with Chairman [Trey] Gowdy to accommodate his request." Read more.

NOT GIVING UP YET: Two senior House Energy and Commerce subcommittee chairman — Fred Upton and Shimkus — aren't giving up their behind-the-scenes push to get Yucca Mountain funding onto the omnibus. "There's still some renewed hope by some people and if they can get it, hey, I'm all for it," said Mike Simpson, energy spending cardinal. But count ME skeptical anything significant has changed since the Senate sent Simpson the "no go " on Yucca funding. Asked why Congress can't ever seem to get nuclear waste legislation done despite bipartisan support, Simpson quipped: "There's a seat in Nevada up for election. It's all politics."

WAIT UNTIL NEXT YEAR? ME walked Upton to his office Wednesday and he indicated legislation reauthorizing DOE was unlikely to materialize this year. "We sat down with Secretary [Rick] Perry. We'll sit down probably again next month. We're a little frustrated that the Senate, they're not moving fast on a lot of different things. It was probably always something that was going to bleed into next year," he said.

On his Climate Solutions Caucus membership, Upton said he decided to join last year (back when he was mulling a Senate bid?). "I'm thinking about energy efficiencies, a whole number of things where I think we can make a difference and we can move something. I care about the environment, particularly the Great Lakes," he said.

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GROUP HUG ON NAFTA : Perry wants his counterparts in Canada and Mexico to know that he feels their pain when it comes to NAFTA renegotiation. The three met on stage at the CERAWeek Energy conference in Houston and the issue of Trump's threats to tear up the free trade agreement came up. The former Texas governor started out on a note that may run counter to the tariff message Trump has been sounding, saying "It's in our best interest to remove as many barriers as we can for trade." He went on to say the negotiations would test the nations' ties. "Relationships are uncomfortable from time to time," Perry said. "Incredibly close relationships are uncomfortable from time to time. As we renegotiate NAFTA, there'll be some uncomfortable times."

"Crap happens" : Add POTUS to the list of things energy projects needs to keep contingency money for, Freeport LNG Michael Smith said during the CERAWeek conference in Houston. "Contingency for all the things that could happen in the Gulf of Mexico, from hurricanes, or you wake up one day and the president of United States says steel is going to be 25 percent higher," Smith said. His company owns seven Eiffel Towers worth of steel, and nearly 200 miles of steel and aluminum pipes at its Texas facilities — all of which would have been far more expensive to purchase if tariffs had been in place. "This thing would cost a few hundred million dollars more if we had to pay 25 percent more than what we did. But when you're in development," he said. "All of a sudden it's one more externality you can't control. And banks want to know if you have plenty of coverage with plenty of contingency money. Crap happens."

IF AT FERC YOU DON'T SUCCEED: The administration is looking to develop small-scale coal-fired power plants — a previously unheard of prospect, but one that falls in line with the president's goal to bring back coal jobs. Steve Winberg, assistant secretary for fossil energy at DOE, told Axios on Wednesday that smaller coal plants would better complement an electricity grid with growing intermittent wind and solar power, and would be able to include other technology that captures carbon emissions.

And in DOE's budget request, there's mention of funding to support competitive awards with industry, national laboratories and academia. "By the end of FY 2022, complete at least two designs of advanced high efficiency (greater than or equal to 42 percent on a higher heating value basis), low emission (HELE) coal fired, small-scale and/or modular units that have flexible operating capacity to meet baseload and load following requirements needed for the evolving grid," the request says.

FOREST CHIEF STEPS DOWN: U.S. Forest Service Chief Tony Tooke stepped down Wednesday, in the wake of an agency investigation into reports against him of sexual harassment and retaliation. Tooke announced his resignation, effective immediately, in an email to employees. More here.

ICAHN'T BELIEVE IT: Billionaire investor and owner of oil refiner CVR Energy, Carl Icahn denied that he had any prior knowledge about the administration's tariff announcement last week that might have prompted him to sell shares in a company affected by the news. Icahn, a longtime Trump friend and former adviser, released a statement saying "any suggestion that we had prior knowledge of the Trump administration's announcement of new tariffs on steel imports is categorically untrue." In February, Icahn's funds sold millions of dollars of shares in The Manitowoc Co., one of the world's largest manufacturers of cranes. On March 1, the day Trump announced steel and aluminum tariffs, the Wisconsin-based company's shares dropped about 6 percent. Read more.

INTERIOR BUDGET HEARING SET: The Senate Energy Committee announced it will hold a hearing March 13 on the president's fiscal 2019 budget request for Interior. It will hold a separate hearing on March 15 on the president's budget request for the U.S. Forest Service.

NO RFS MEETING TODAY: Rumors swirled Wednesday that Trump would host another meeting with biofuel backers and critics on the Renewable Fuel Standard today. An oil industry source told ME Wednesday morning that a meeting had been planned but was called off. And so far Sen. Chuck Grassley had not been invited to anything, and a source in Sen. Joni Ernst's office said the same.

Talks are enough? Clever biofuel credits traders working for one of the refiners who need Renewable Identification Numbers to comply with the RFS could have saved a bunch of money if he or she bought every time there was an RFS meeting. ClearView Energy Partners released a report Wednesday noting that across nine RFS policy events of 2017 and 2018, prices for ethanol credits fell an average of 6 percent. "We tend to avoid technical analyses out of concern they might produce spurious conclusions, but we are always happy to remark upon strong coincidences," they wrote.

BLENDERS START YOUR ENGINES: The IRS on Wednesday issued guidance to help companies that blended biodiesel into diesel last year collect on their one-time $1 per gallon tax credit, and for paying a 9 cent-a-barrel tax into the oil spill trust fund taxes. Both the credit and the tax were inserted into a continuing resolution passed in February. Biodiesel blenders are hoping to get a credit for 2018 in the upcoming omnibus.

UPTON SKEPTICAL IT CAN BE DONE: Upton, former chairman of the Energy and Commerce Committee, said he's skeptical Congress can ink an agreement this year to update the RFS, Anthony reports. "My sense — having gone through this for a couple years — is that they're probably having the same [luck]," said Upton. "It's just really tough. Even if we could get something [in the House], and maybe we could, [they'll] find one person in the Senate, put up the stop sign. There were threats before that that was going to happen." Read more.

THREE-WEEK NOTICE: The D.C. Circuit Court of Appeals said Wednesday FERC had three weeks to issue its update to environmental reviews of three gas pipelines in the Southeast, avoiding a temporary shutdown of those pipelines. The court's order did not explain its reasoning, but a note from ClearView Energy Partners said they read the decision to be the court "keeping the Commission's feet to the proverbial fire," Pro's Alex Guillén reports.

SENATE ENR TO TAKE UP SLATE OF ENERGY BILLS: Senate Energy will hold a markup today on several energy-focused bills, including S. 79 (115), on the establishment of a pilot program to identify energy-sector security vulnerabilities. **If you go**: The markup begins at 10 a.m. in 366 Dirksen.

ISOs HEAD TO THE HILL: With Friday's deadline for regional grid operators to submit their resilience proposals to FERC quickly approaching, it appears operators have taken to the Hill. ISO New England President and CEO Gordon van Welie met with House members and staff of the New England delegation Wednesday. Van Welie was invited by Reps. Richard Neal and Joe Kennedy , where Van Welie explained the ISO's "view on the trends affecting New England's energy landscape and the challenge of ensuring fuel security in the region," a spokesperson told ME.

SENSE ACT ON TAP: The House will meet today at 9 a.m. to consider H.R. 1119 (115), the "Satisfying Energy Needs and Saving the Environment Act," sponsored by Energy and Commerce's Keith Rothfus. The bill aims to help waste coal-to-energy power plants cope with the Cross-State Air Pollution Rule and the mercury rule. First and last votes are expected from 10:15 a.m. to 11:15 a.m.

DIVESTMENT WOES: Remember New York Mayor Bill de Blasio's announcement in January that he'd strip $5 billion in New York City pension fund investments from Big Oil? It's shaping up to be a tough sell among investors, even in blue cities and states, Pro's Danielle Muoio reports. "Ambitious Democratic politicians across the country seeking to burnish their green credentials, like de Blasio, are increasingly taking up the flag of divestment. But they're frequently finding themselves in an unusual battle with their traditional allies in organized labor." Read the story.

KICK NOx: Clean diesel upgrades for large tug and switcher locomotive engines would cost $4,379 to $15,201 per ton of nitrogen oxides, compared to more than $30,000 per ton of NOx for other diesel emission reduction projects, a new report from the Environmental Defense Fund and the Diesel Technology Forum found. See it here.

QUICK HITS

— Trump official said scientists went 'outside their wheelhouse' by writing climate change 'dramatically' shrunk Montana glaciers, The Washington Post.

— OSHA fines FirstEnergy, Enerfab over fatal gas leak, Pittsburgh Post-Gazette.

— Carbon capture credits could create tax equity market that spurs new projects, S&P Global.

— Exxon CEO struggles to reverse Tillerson's legacy of failed bets, Reuters.

— A farming town divided: Do we want a nuclear site that brings jobs? The New York Times.

HAPPENING TODAY

9:00 a.m. — Nmble Inc. holds 2018 Nuclear Power Full Life-Cycle Global Summit, 1919 Connecticut Avenue NW

10:00 a.m. — Senate Energy and Natural Resources Committee markup of various bills, 366 Dirksen

10:00 a.m. — Senate Environment and Public Works Superfund Subcommittee hearing on S. 2421 (115), 406 Dirksen

12:00 p.m. — The R Street Institute, the Texas Clean Energy Coalition, and the American Conservative briefing on "Red State = Clean Energy: How Market-Driven Clean Energy is Transforming the Texas Electric Grid," 2045 Rayburn

12:15 p.m. — Telepresser with Sen. Tom Udall, Rep. Peter Welch and former Rep. Henry Waxman on Democrats' RFS reform bill.

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Timing of Trump tariff announcement still up in the air Back

By Andrew Restuccia | 03/07/2018 10:42 PM EDT

The timing of President Donald Trump's announcement of steep tariffs on steel and aluminum imports remained up in the air on Wednesday as administration officials worked to complete a legal analysis of the proposal, according to administration officials.

The White House had been tentatively planning for a 3:30 p.m. Thursday announcement and even invited steel and aluminum industry workers to attend. But an administration official told POLITICO late Wednesday that it was unlikely that the announcement would occur on Thursday because lawyers were still finalizing crucial paperwork required to put the tariffs into effect.

A person familiar with the internal debate on the tariffs said the specifics of the final announcement were still being ironed out late Wednesday.

Trump surprised even some senior aides last week when he announced that he would soon impose a 25 percent tariff on steel imports and a 10 percent tariff on aluminum imports. While many in the administration knew Trump was strongly in favor of hefty tariffs, lawyers and policy staff were not prepared to move forward so quickly.

White House press secretary Sarah Huckabee Sanders told reporters earlier Wednesday that the tariffs were on track to be issued this week.

The White House declined to comment on the exact timing of the announcement.

Amid mounting pressure from members of his own party, including congressional leadership, Trump has also signaled his openness to exemptions that would — at least temporarily — protect key allies from the effects of the tariffs.

White House trade adviser Peter Navarro told Fox Business Network on Wednesday night that Trump would temporarily exempt Canada and Mexico from the tariffs as the United States continues negotiations over the North American Free Trade Agreement.

"The proclamation will have a clause that does not impose these tariffs immediately on Canada and Mexico," Navarro said, adding that it'll give administration officials a chance to continue NAFTA negotiations with those countries.

He said Canada and Mexico "won't receive the tariffs" if they and the United States can reach an agreement on renegotiating NAFTA.

Tying the tariffs to NAFTA could complicate the legal underpinning the administration is using to levy the sanctions. The administration argues that the tariffs are necessary for national security reasons — an issue that is largely unrelated to the NAFTA talks.

Navarro added the tariffs will go into effect 15 to 30 days after Trump signs documents green-lighting them.

Trump's announcement last week that he would impose the tariffs set off a fierce lobbying campaign among Washington Republicans, who hoped to change the president's mind. Opponents of the tariffs fear they could harm the economy and damage U.S. relations with key allies.

Many administration officials were under the impression that Trump would first announce separate tariffs on Chinese products as part of an investigation into allegations that the country is forcing American companies to transfer valuable technology to compete in the market. Senior officials had worked for months to lay the legal and economic groundwork for those tariffs.

But Trump instead decided to move forward on the steel and aluminum tariffs, setting off a scramble across the administration.

Trump has signaled in recent days that he also wants to move forward on the tariffs related to alleged Chinese intellectual property theft. Administration officials said those tariffs — and related investment restrictions — could be unveiled in the coming weeks.

Nancy Cook contributed to this report.

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What happens after Trump signs tariffs order Back

By Adam Behsudi | 03/07/2018 07:57 PM EDT

Putting tariffs in place can be as easy as the stroke of the pen. It's setting the policy — and any exceptions to it — that's the hard part.

As President Donald Trump gets ready to sign a document Thursday proclaiming new tariffs on steel and aluminum, the country has a well-trained system in place to carry out his wishes.

The trickier question is which countries will be exempt, as well as how his administration will allow U.S. companies and importers to request exclusions for necessary products.

As of early Wednesday evening, the details of the final announcement were still being worked out, according to a person briefed on the internal debate.

Trump's order will likely direct the U.S. International Trade Commission, an independent federal agency, to publish the updated tariff schedules, which are expected to be 25 percent on steel and 10 percent on aluminum. Customs and Border Protection is responsible for collecting them.

It's all the other questions that businesses are wondering about: How will the tariffs — which are expected to be done in the name of national security — apply to some of the U.S.' closest allies? Will the tariffs apply to goods already in transit? And how will the U.S. monitor finished products that may include steel from problematic sources like China?

White House spokeswoman Sarah Huckabee Sanders indicated Wednesday there could be exemptions for Canada and Mexico "based on national security, and possibly other countries as well." That could blunt some of the sting on U.S. companies that use steel and aluminum.

Other countries that have free trade agreements with the U.S. could still get stuck with the tariffs even if their deals call for an elimination of duties on steel and aluminum. An industry source said every U.S. trade agreement includes a national security exception that would allow the Trump administration to apply the new tariffs to any country it wants.

Countries could challenge the tariffs at the World Trade Organization, saying that they violate trade laws. That process could authorize retaliatory tariffs, penalties or other remedies. But the dispute process on the international level takes many months and even years. A case in which the U.S. will invoke its national security exception is also tricky because the WTO may not want to question a member-nation's sovereignty.

The administration is also expected to put in place ways U.S. companies and importers can request exemptions for specific products, but supporters of the tariffs warn against expecting that to be simple.

"To the extent that there is an exclusion process, it should be transparent, it should be tight, and it shouldn't be carried out in a way that creates and refills the Washington swamp rather than drains it," Scott Paul, president of the Alliance for American Manufacturing, said during a call with reporters Wednesday defending Trump's proposed tariffs.

If past actions to raise tariffs are any guide, there are a few ways that could shake out.

The Commerce Department, which authored the reports establishing that imports of steel and aluminum represented a national security threat, will likely take charge of a process for considering that certain products should be excluded from the tariffs.

A similar process was put in place after Trump signed a pair of actions in January that imposed tariffs and other trade restrictions on imports of washing machines and solar panels. (Those tariffs and quotas were through a different law, which left the Office of the U.S. Trade Representative, in the case of solar imports, in charge of an exclusion process that would include input from the Commerce and Energy departments.)

But regardless of the agency overseeing the requests, any exclusion would be subject to a dozen criteria — such as whether there were a U.S. producer for the product or an equivalent substitute.

"There will be a process whereby people can apply for an exclusion by product, but they are going to have to make a very strong case that says this is not available here and can't be made available here in a relatively short period of time," Dan DiMicco, a former steel executive and trade campaign adviser to Trump, said during the same call with reporters Wednesday.

Even with exceptions, tariff opponents say small- and medium-size businesses will bear the brunt of the increased costs because they are unable to muster the resources to go through the process.

"The whole idea of being able to get a waiver or apply for a waiver, to me this is an additional government regulation," said Dan Eberhart, CEO of Canary, one of the largest private oilfield services companies in the United States. "We're a medium-sized business. More regulations are not what I'm looking for."

Eberhart's company imports steel to manufacture pressure control equipment for oil drilling. He said a 25 percent tariff could force him to move up to 50 jobs to China to keep costs low and stay competitive in the energy boom currently happening in the U.S.

"Our costs are going to go up," he said.

Andrew Restuccia contributed to this report.

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API executive committee to meet with White House Back

By Ben Lefebvre | 03/07/2018 07:56 PM EDT

The American Petroleum Institute's executive committee will visit the White House next week and may meet with President Donald Trump directly to discuss energy policy, sources familiar with the meeting told POLITICO.

The meeting comes as the White House rolls out a 25 percent tariff on steel imports and Trump's top economic advisor, Gary Cohn, resigned, leaving energy executives worried about whether the sector's economic interests are being considered in administration policies.

David Banks, Trump's special assistant for international energy and environment, also departed in February after being told he wouldn't receive a full security clearance.

"It's interesting that [the API] is coming together to talk to the administration, help it understand what the industry wants," one source said.

An API executive committee meeting with the White House is relatively rare, one of the sources said. Neither the API nor the White House immediately responded to requests for comment. One source familiar with the meeting said it had been planned "before the tariff issue broke."

Oil and gas industry heads have been meeting in Houston this week at the annual CERAWeek conference. Trump's steel tariffs proposal has been a constant topic of discussion, as has his repeated threats to exit NAFTA, a free-trade agreement that has heavily benefited energy companies.

WHAT'S NEXT: Trump may make the tariffs formal by the end of this week.

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Gary Cohn resigning as top White House economic adviser Back

By Ben White and Cristiano Lima | 03/06/2018 05:39 PM EDT

Gary Cohn is resigning as National Economic Council director amid a battle over tariffs within the Trump administration, the White House said Tuesday.

"It has been an honor to serve my country and enact pro-growth economic policies to benefit the American people, in particular the passage of historic tax reform," Cohn said in a statement provided by the White House. "I am grateful to the President for giving me this opportunity and wish him and the Administration great success in the future."

Cohn, who left his post as president and chief operating officer at Goldman Sachs to join the White House in 2017, had urged Trump not to impose steep tariffs. He was widely seen as likely to exit after Trump announced plans to impose a 25 percent tariff on steel imports and a 10 percent tariff on aluminum imports.

His next steps are unclear. A person familiar with Cohn's thinking said he had not ruled out a return to Wall Street.

Cohn's decision caps an uneven tenure in the White House. He almost quit his job last year over the president's comments about a white-supremacist march in Charlottesville, Virginia, even drafting resignation letters. But he stayed, and he landed a policy victory with the passage late last year of the Republican tax plan.

Cohn told staff that he was resigning during a meeting late Tuesday afternoon, according to a White House official who was there.

"We weren't necessarily bowled over by the news because we knew it was going to happen at some point," the official said. "But it happened a little more quickly than we thought."

Cohn's resignation came after Trump repeatedly sought to downplay reports of discord in his administration, tweeting earlier Tuesday that claims of "chaos in the White House" were "fake news." But Trump also alluded to looming changes to West Wing personnel, saying, "I still have some people that I want to change (always seeking perfection)."

On Tuesday night, he tweeted specifically about Cohn's position: "Will be making a decision soon on the appointment of new Chief Economic Advisor. Many people wanting the job — will choose wisely!"

Several high-profile White House staffers have left or announced plans to leave, including communications director Hope Hicks and Dina Powell, a fellow Goldman Sachs alum who became deputy national security adviser.

Pressed on the matter during a press conference with the Swedish prime minister, Trump said there was "tremendous energy" in the White House and that "many, many people want every single job."

"Believe me, everybody wants to work in the White House. They all want a piece of that Oval Office; they want a piece of the West Wing," Trump told reporters. "And not only in terms of it looks great on their résumé; it's just a great place to work."

During the summit Tuesday, Trump again voiced his intention to impose new tariffs, even though the idea has been widely criticized by Republicans and by free-trade supporters in the administration.

Cohn and his backers launched a last-ditch effort to change Trump's mind, planning a White House meeting for Thursday with executives from industries likely to be hurt by big tariffs on imported steel and aluminum.

The administration appears to still be working through the details of the tariffs. Treasury Secretary Steven Mnuchin said Tuesday that Canada and Mexico could be carved out, depending on how trade talks go with those countries. One White House official said Cohn's exit did not mean the details of tariff proposal were "set in stone."

Trump told reporters Tuesday that the administration had "no choice" but to move forward, even after European leaders vowed to respond with their own punitive economic measures against the U.S. "I am convinced that increased tariffs will hurt us all in the long run," Swedish Prime Minister Stefan Löfven said at the press conference.

Cohn had been discussing leaving for several weeks, the White House said, adding that he would leave in the next few weeks. The person familiar with Cohn's thinking said he will remain in the administration for at least another week to continue to work on Trump's tariffs proposal.

Though Cohn has not yet determined what his next steps will be, the person said, several Fortune 500 companies have reached out to him.

Goldman Sachs CEO Lloyd Blankfein, who Cohn worked under during his time at the company, reacted to news of the resignation by praising his work in the administration.

"Gary Cohn deserves credit for serving his country in a first-class way," Blankfein tweeted. "I'm sure I join many others who are disappointed to see him leave."

Matthew Nussbaum and Andrew Restuccia contributed to this report.

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Republicans block Democratic bid to halt Pruitt's first-class flights Back

By Anthony Adragna | 03/07/2018 04:44 PM EDT

A congressional debate over brick kiln and wood heater emissions rules turned into a referendum on EPA Administrator Scott Pruitt's penchant for pricey plane travel.

Ultimately, House Republicans rejected a proposal today from Kathy Castor (D-Fla.) to bar Pruitt from flying first-class, calling it a purely political tactic that was unrelated to the underlying legislation.

Castor's surprise effort came amid what was an otherwise routine debate over a bill, H.R. 1917 (115), that would delay EPA air emissions rules for brick manufacturing facilities until legal challenges have played out. Her motion to recommit and send the bill back to the committee with the Pruitt travel language failed by a 186-227 vote.

"There's no adequate justification for this wasteful spending and abuse of power by Scott Pruitt, and if he enjoys flying first-class and staying in luxury hotels, then he should pay for it himself and not ask taxpayers to foot the bill," Castor said on the floor.

John Shimkus (R-Ill.), chairman of the Energy and Commerce Environment Subcommittee, criticized Castor's amendment in response.

"I don't think we build and use bricks to make our airplanes, and I don't think we power our planes with wood heaters," Shimkus said. "It's just purely politics, and it's not surprising. Why? Democrats want to distort us from the economic success of the Republican agenda."

Pruitt has faced scrutiny from members of both parties over his first-class air travel, which the agency said was deemed necessary because of security threats. House Oversight Chairman Trey Gowdy (R-S.C.) asked for information about his habits in late February, while others in his own party have urged him to fly coach.

Bowing to public pressure, Pruitt said last week he'd start flying coach at least part of the time.

White House press secretary Sarah Huckabee Sanders said earlier this week that Pruitt's travel, as well as that of VA Secretary David Shulkin and the spending habits of HUD Secretary Ben Carson, was "under review" without providing further details.

The underlying bill from Bill Johnson (R-Ohio), the Blocking Regulatory Interference from Closing Kilns Act, ultimately passed 234-180. Similar legislation cleared the House back in March 2016, H.R. 4557 (114), but it never moved in the Senate. The U.S. Court of Appeals for the District of Columbia Circuit heard oral arguments on challenges to the EPA regulation November.

Congressional Republicans and industry groups argue implementing the 2015 standards before litigation ends would force them to potentially spend millions in compliance costs that might put smaller manufacturers out of business. Environmental groups said the measure would delay public health protections indefinitely, exposing citizens to additional harmful air pollution.

Lawmakers also included language in the bill delaying the compliance date for phase two of new emissions standards for residential wood heaters by three years.

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Simpson: 'No go' from Senate on Yucca funding in omnibus Back

By Anthony Adragna | 03/06/2018 06:51 PM EDT

Rep. Mike Simpson (R-Idaho), chairman of the Energy and Water Development Appropriations Subcommittee, told reporters today the Senate has signaled it won't go along with including funding for Yucca Mountain in the government funding package later this month.

"We kind of got the 'no go' from the Senate side on Yucca Mountain," he said. "So if Yucca Mountain's not going to go neither is interim storage."

Unlike its House counterpart, the Senate Appropriations Committee advanced its version of the fiscal 2018 spending bill last July without any funding for the Yucca Mountain nuclear waste project.

A spokesman for the Senate Appropriations Committee declined to respond to Simpson's comment specifically, saying "until negotiations are completed and legislation filed, we aren't in a position to confirm or deny any specific funding or provisions."

Overall, Simpson said negotiations on his portion of the spending package were going well, with nearly all the policy rider considerations worked out. He said three provisions had been elevated to congressional leadership to decide whether they'd make it into the final package, including a rider exempting the repeal of the Obama-era Waters of the U.S. regulation from certain legal requirements.

WHAT'S NEXT: Negotiators face a March 23 deadline to fund the government.

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Forest Service chief resigns in wake of sexual misconduct allegations Back

By Catherine Boudreau | 03/07/2018 08:22 PM EDT

Tony Tooke, chief of the U.S. Forest Service, stepped down from his post on Wednesday following reports of sexual harassment and retaliation at the agency that revealed the Agriculture Department was investigating misconduct allegations against Tooke himself.

Tooke, who was appointed by Agriculture Secretary Sonny Perdue in August, announced his resignation in an email to employees. Tooke said he admired the courage of the women who related their accounts of sexual harassment, and that Forest Service leadership was committed to investing the resources needed to change the work environment.

"I have been forthright during the review, but I cannot combat every inaccuracy that is reported in the news media," Tooke said of the USDA investigation. "What I can control, however, are decisions I make today and the choice of a path for the future that is best for our employees, the Forest Service and the U.S. Department of Agriculture. I must also think about what is best for my family."

Tooke said his retirement was effective immediately.

During a congressional hearing in December 2016, USDA whistleblowers and employee advocates said a culture of racial and gender discrimination, sexual harassment and reprisals against those who file formal complaints had endured for decades, despite efforts by the Obama administration to change course.

PBS interviewed more than 34 women working for the Forest Service in 13 states, who described a culture of sexual harassment and assault and discrimination by crew members and supervisors. Three women said they were raped. Many who formally reported these episodes said that they were retaliated against, and that investigations were mishandled or significantly delayed.

"Though we still have much to do, we have taken steps to improve policies, accountability, reporting systems and training," Tooke said in his email to employees on Wednesday. "A Senior Advisor has been designated to focus on work environment and an employee advisory group is being formed to help."

Perdue accepted Tooke's resignation and thanked him for his service on Wednesday.

"In my experience, in order to effectively lead any organization, you must have the moral authority to inspire its members to work toward the goal of continuous improvement," Perdue said in a statement. "Chief Tooke has determined that it is best for the Forest Service, its future and its employees that he step aside. I thank him for his decades of service to this nation and to the conservation of its natural resources."

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Icahn denies inappropriate stock sale before Trump tariff announcement Back

By Patrick Temple-West | 03/07/2018 07:04 PM EDT

Billionaire investor Carl Icahn, a friend of President Donald Trump, denied Wednesday having any prior information about the administration's tariff announcement last week that might have prompted him to sell shares in a company affected by the news.

In a brief statement on his website, Icahn said, "Any suggestion that we had prior knowledge of the Trump administration's announcement of new tariffs on steel imports is categorically untrue."

In February, Icahn's funds sold millions of dollars of shares in The Manitowoc Co., one of the world's largest manufacturers of cranes. On March 1, the day Trump announced steel and aluminum tariffs, the Wisconsin-based company's shares dropped about 6 percent.

"We reduced our position in Manitowoc for legitimate investment reasons having nothing to do with that announcement," Icahn said in his statement, without elaborating. Icahn Associates Corp. was the second-largest shareholder of Manitowoc at the end of 2017. Its shares closed today at $28.16, down 5.25 percent from its March 1 opening price.

Shortly after Trump's election, he picked Icahn — a supporter throughout the presidential campaign — to be an unpaid adviser on deregulation issues. Though Icahn gave up his role in August 2017, his recent trading in Manitowoc drew suspicion about whether he might have known about Trump's tariff announcement.

On March 5, the Project on Government Oversight, a watchdog group, sent a letter to the SEC to investigate Icahn's Manitowoc share sales.

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Upton skeptical RFS reform can happen this year Back

By Anthony Adragna | 03/07/2018 04:50 PM EDT

Former House Energy and Commerce Chairman Fred Upton (R-Mich.) said today he's skeptical an agreement can be inked this year to update the Renewable Fuel Standard.

"My sense — having gone through this for a couple years — is that they're probably having the same [luck]," said Upton, who is now chairman of the Energy and Commerce Energy Subcommittee. "It's just really tough. Even if we could get something [in the House], and maybe we could, [they'll] find one person in the Senate, put up the stop sign. There were threats before that that was going to happen."

Upton lamented the failure of his previous efforts, saying that "we got people in the same room, we ordered pizza and beer, and it wasn't enough."

Upton said he's not part of the current discussions, which are being led by Environment Subcommittee Chairman John Shimkus (R-Ill.) and which he said has "interest from both sides."

President Donald Trump has also been pulled into biofuel conflicts, and has held meetings that have so far failed to yield a breakthrough in a standoff between ethanol makers and independent refiners who have complained about the cost of biofuel credits.

Upton also said he was not ready to throw in the towel on moving a broad infrastructure package, despite the skeptical rhetoric from senior Senate Republicans. Upton said he hopes to include an energy title in the legislation, including measures related to the cybersecurity of energy infrastructure.

But, Upton conceded, "the clock's ticking. We all know that."

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Court gives FERC three weeks to re-issue pipeline permits Back

By Alex Guillén | 03/07/2018 04:43 PM EDT

The D.C. Circuit Court of Appeals today gave FERC until March 26 to finish an update to its environmental reviews of three gas pipelines in the Southeast, avoiding a temporary shutdown of the pipelines.

The court in August ruled that FERC has to consider the related greenhouse gas emissions of pipelines it approves, including the Sabal Trail pipeline in Florida. The court sent three pipeline permits back to FERC for further analysis.

But FERC in February asked the court to delay the formal issuance of its ruling, known in legal lingo as "issuing the mandate," until later this month. Doing so before FERC was prepared would have vacated the

certificates already issued to the pipeline operators, effectively forcing them to shut down and "potentially endangering the supply of electricity to Florida residents," the agency told the court last month.

FERC said it only needed until March 26 to finish the supplemental environmental impact statement and issue new certificates.

The D.C. Circuit's order today did not explain its reasoning, but a note from the analysis firm ClearView Energy Partners said they read the decision to be the court "keeping the Commission's feet to the proverbial fire."

WHAT'S NEXT: FERC has until March 26 to finish the additional environmental review and re-issue the certificates.

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POLITICO Pro New York: Divesting from Big Oil a tough sell — even in the bluest cities and states Back

By Danielle Muoio | 03/07/2018 07:00 PM EDT

NEW YORK — National environmental advocates flanked Bill de Blasio in January as the mayor announced the first steps toward stripping $5 billion in New York City pension fund investments from Big Oil. Fossil fuel corporations have profited from "horrible, disgusting" practices, de Blasio said, and New York has to be a "beacon to the world. ... We have to show it can be done."

But de Blasio's proposal — which was not actually to divest, but to simply study its effects — immediately drew skepticism from New York City's five pension boards, which worried that dropping oil and gas stocks would hurt their retirees' financial futures. The police pension board quickly rejected the idea. The firefighters' board tabled the notion. Trustees on the other three boards approved the study, but still expressed wariness.

It turns out that even in some of the country's bluest states and cities, the notion of threatening pensions in pursuit of a healthier environment is proving a tough sell.

Ambitious Democratic politicians across the country seeking to burnish their green credentials, like de Blasio, are increasingly taking up the flag of divestment. But they're frequently finding themselves in an unusual battle with their traditional allies in organized labor. Unions contend that divestiture may be a politically expedient rallying cry for liberals, but they say it's coming at the expense of real fiscal concerns about the health of public employee pension systems, which experts describe as increasingly underfunded.

"This should not be funded on the backs of our members and the city members that belong to NYCERS," said Michael Carrube, president of the Subway Surface Supervisors Association union, whose pensions are funded through the New York City Employees' Retirement System.

And the state's comptroller, Tom DiNapoli, has his own concerns. "We all know that public pension funds are often under attack ... so you really need to look carefully at these kinds of questions," said DiNapoli, a divestment opponent, in an interview. "We have to really be concerned about the bottom line."

Pecuniary concerns seem to be winning out over environmental ones from coast to coast.

In Seattle, former Mayor Ed Murray called on the city's board last April to divest from coal companies and start re-evaluating its position on fossil fuel investments. But the board ultimately voted against coal divestment in July, citing its fiduciary duty to pension holders, The Seattle Times reported.

California, arguably one of the most progressive states on environmental issues, has stalled in its push to divest in a significant way from fossil fuels, despite vocal support from powerful state leaders.

So far, despite rosy predictions by de Blasio — whose national political ambitions are no secret— New York City's efforts also have long way to go to match the mayor's lofty rhetoric.

The mayor and New York City Comptroller Scott Stringer, who joined him for the January announcement, presented the $5 billion divestment as a fait accompli, to the cheers of environmental advocates.

"The further we go into this, the more it becomes clear there is no financial reason not to take an important moral stance," said Bill McKibben, co-founder of pro-divestment 350.org, who sat at the dais during the divestment press conference. "Washington, D.C., did it already. ... This is the smart money getting out."

But Stringer and de Blasio don't actually control how the pension funds invest — or divest — their money.

The city's roughly $191 billion pension system is made up of five separate funds, each governed by its own board of trustees. Stringer and a mayoral representative sit on each board but control a majority on none. They share board leadership with representatives from various city unions, such as the Uniformed Firefighters Association, the International Brotherhood of Teamsters and de Blasio's oft-antagonists at the Patrolmen's Benevolent Association.

There is no consensus among the city's pension fund boards that the city should pursue divestment.

A few weeks after his announcement with de Blasio, Stringer introduced a resolution merely to study the fiscal implications of the proposed $5 billion divestment. Three of the five boards — the New York City Employees' Retirements System, Teachers' Retirement System, and the Board of Education Retirement System — voted to pass the resolution.

"What they're really doing is studying it," DiNapoli said. "Maybe they're studying it with a lot of fanfare at the front end, but at this point they've divested as much as we've had, meaning nothing."

Divesting $5 billion in holdings is no drop in the bucket, and some say it's too risky since the city's pension funds are already underfunded, forcing city taxpayers to increase their contributions.

The city's underfunded liabilities range from $65 billion to $142 billion, according to a report by the American Council for Capital Formation. Taxpayer contributions to the funds have also increased within that timeframe, from $1.4 billion in fiscal year 2002 to $9.3 billion in fiscal year 2017.

The report focuses on how Stringer has increased investments in underperforming yet politically palatable assets, like the Developed Environmental Activist asset class, even as the pensions continue to stagnate.

"If the plan is to divest from the carbon-rich or carbon-high producing companies and focus on [Environmental, Social And Governance Criteria], the ramifications could be pretty bad for retirees," said Tim Doyle, vice president of policy and general counsel at the ACCF. "When they talk about it, they don't talk about it in the terms of studying it, they talk about it in terms of it being done, and obviously that is concerning."

Union leaders have also expressed concern that divestment could lead to higher employee contributions and, ultimately, a loss in savings. While the New York City Employees' Retirement System, by far the largest pension fund, voted to approve Stringer's study, actually pulling the trigger on divestment will likely face more significant opposition.

"I got from it that there are a lot of really positive things, but it's really expensive to implement," said Roy Richter, president of the Captains Endowment Association, at a recent hearing on the topic. Richter sits on the board overseeing the Police Pension Fund.

The obstacles that organized labor presents to the fossil fuel divestment movement are not unique to New York City.

While the pressure to take action on climate change has grown with each freakish weather event, demands for action gained more traction last year, when the Trump administration withdrew from the landmark Paris accord and began rolling back Obama-era policies aimed at slashing greenhouse gas emissions.

And yet so far, divestment advocates can point to few substantial successes in the world of public pensions.

In 2016, Washington, D.C.'s largest pension fund — the District of Columbia Retirement Board — dropped $6.5 million in oil, natural gas and coal direct investments, a pittance for the $6.4 billion fund.

Stringer backed an effort to divest coal from the city's pension system in 2015. Since then, the city has dropped its holdings in thermal coal, but that too represents a small investment overall.

Fiduciary leaders are not convinced that going further makes sense. DiNapoli is a proponent of maintaining large stakes in the fossil fuel industry in order to have a greater say in its behavior. Until recently, Stringer, a likely mayoral candidate in 2021, subscribed to the same theory.

Moreover, DiNapoli said divesting from fossil fuels would have a more consequential impact than any other divestment strategy that the state has pursued.

"When we've divested in the past ... it was a multiyear process, and in the end we divested about $78 million of holdings in that process," he said. "The impact on the fund is a much more consequential one for fossil fuels."

In 2015, Kevin de León, president pro tempore of the California state Senate, sponsored a bill requiring the state's two pension funds to divest from thermal coal and start looking into pulling out of fossil fuel holdings.

Since de Leon's bill was signed into law, the California Public Employees' Retirement System and California State Teachers' Retirement System have started the process of divesting their coal funds. Both pension funds were given until July 1, 2017, to liquidate their thermal coal assets.

CalPERS has yet to disclose how much it's divested from coal but will do so for the first time in a November report, a spokesman for the pension fund told POLITICO. CalSTRS informed the legislature on Dec. 31 that it has divested all of its holdings in thermal coal companies.

In both cases, coal divestment was a relatively easy sell compared with the states' more substantial investments in natural gas and oil.

In New York, coal investments accounted for only $33 million of the city's five pension funds. In 2015, CalPERS had only $83 million invested in thermal coal companies, and CalSTRS had $40 million worth of holdings.

Arguments against California's investments in fossil fuels like oil and natural gas presaged the divestment discussion at the state and city level in New York: that pensions are underfunded, and taxpayer dollars are offsetting the problem at the expense of other public sector investments.

CalPERS had $11.9 billion invested in fossil fuel companies as of 2015.

The California proposal to divest from other fossil fuels drew such an outcry from union leaders that a source familiar with de Leon's efforts told POLITICO he isn't planning to take the issue up again.

"The fact is when you look at the green energy companies, they are not as profitable as the fossil fuel companies," said Steve Crouch, the director of public employees for Local 39, a California labor union. "Now is not the time to be compounding your underfunded problem. Now is definitely not the time to do it."

Last year, California Assemblyman Ash Kalra, a San Jose Democrat, mounted a more targeted — and theoretically more practicable — effort, proposing a bill that would have compelled CalPERS to divest from companies that do business with the Dakota Access pipeline, the natural gas line that gained media attention thanks to protests from the Standing Rock Sioux Tribe. That bill didn't go far either. Ultimately, the state Legislature approved a bill that merely required the disclosure of pipeline-related investments, but it did not force divestment itself.

Efforts in Albany to force New York divestment on a statewide level have hit similar hurdles.

In December, Gov. Andrew Cuomo pushed for DiNapoli to drop fossil fuel holdings from the state's $200 billion pension fund.

Like in New York City and California, the state's public union leaders recoiled. In Albany, they argued that DiNapoli would be breaching his fiduciary duties if he were to move forward with the plan.

"The net effect of this either means a loss of health and safety or wages in the future or a hit to the public perception to their effectiveness," said Dan Levler, president of the Suffolk County Association of Municipal Employees.

At a February New York State Public Employee Conference in Albany, some union leaders urged caution in light of what happened to the CalPERS when it divested from tobacco, which reportedly cost the state $2 billion to $3 billion.

Not to be deterred, New York state Sen. Liz Krueger has introduced a bill, NY S4596 (17R), that would require DiNapoli to divest from the 200 largest publicly traded fossil fuel companies by 2022, unless he showed "clear and convincing" evidence that doing so would pose a significant risk to the funds.

"[DiNapoli] believes a model where one politician decides universally the pension plans for the state of New York is the right model," Krueger said in an interview. "I won't be leading the charge against that model, but I actually do think there is room [for debate] on critically important issues, and I argue the future of the planet falls under the critically important issues category."

In a statement, Stringer spokesman Tyrone Stevens described the vote to study divestment by boards "comprising more than two-thirds of our assets" as representing a big step forward.

"We're absolutely committed to this effort," he said, "because we know that climate change is real — and for the good of our planet and our pension fund beneficiaries, New York City is taking action."

City Hall spokesman Seth Stein said in a statement that divestment is moving forward.

"With the unanimous BERS vote, in addition to the earlier unanimous NYCERS and TRS votes, divestment is moving forward for the majority of the City's approximately $190 billion pension funds," he said. "NYC is moving full speed ahead to getting our dollars out of Big Oil."

This report first appeared on POLITICO Pro New York on March 7, 2018.

To view online click here.

Back

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Message

From: Allen, Reginald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=799C3B0558E14130B17C66B2533548BA-ALLEN, REGI]
Sent: 6/29/2017 1:28:28 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Reeder, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa56f6b0d507483fba530f3abbf6c94f-JREEDER]; Chmielewski, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a8c269da515e475d9705f091dd2713f6-Chmielewski]
Subject: HAC QFRs related to Travel

Ryan

You are probably aware but wanted to ensure you knew that we have received from OCFO Questions for the Record QFRs related to travel from the HAC.

To answer these questions by noon Friday (to OCFO) we will need Kevin's assistance and any guidance you may have.

Best
Reggie

Reginald E. Allen, SES
Assistant Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct 202-564-1029
Cell 202-306-2879

Administrator's Schedule and Travel Budget

With OA and OECA for specifics on costs

McCollum Q34: Does the EPA plan to regularly release the Administrator's schedule to the public?

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

Message

From: Justin Wingerter [JWingerter@oklahoman.com]
Sent: 3/6/2018 8:35:03 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Travel story

Jahan and Ryan,

Good afternoon. *The Oklahoman* will have a story in tomorrow's newspaper about Administrator Pruitt's use of first-class and coach travel while attorney general. By my count, Pruitt traveled first class just four times out of the 80 trips he took. Our story will reflect this in a way I consider to be fair.

Regardless, I did want to let you know in case the EPA or the administrator would like to comment. If so, my deadline is in three hours, 5:30 p.m. central time/6:30 p.m. eastern time.

Justin Wingerter
Federal government reporter
The Oklahoman
[405] 475-3304
jwingerter@oklahoman.com

Message

From: InsideEPA/climate [epa-alerts@iwpnews.com]
Sent: 2/16/2018 10:44:44 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Today on Climate Beat

February 16, 2018

In today's coverage . . .

. . . we noted that EPA Administrator Scott Pruitt's expensive travel bills tied to first-class flights appear to stem from encounters with passengers who used blue language, including one incident in which a fellow traveler used a vulgar phrase to charge Pruitt with damaging the environment.

Speaking of Pruitt's travel, the liberal watchdog group American Oversight is urging ethics officials to launch an investigation into the issue, charging that Pruitt's travel habits are the "height of arrogance."

In personnel news, free-market and other conservative advocates are pressing the Trump administration to nominate Donald van der Vaart, the controversial former head of the North Carolina Department of

Environmental Quality, to be the next nominee to run the White House Council on Environmental Quality following the withdrawal of its first pick.
And we spotlighted several must-read stories from this past week, including news about President Trump's fiscal year 2019 budget request and infrastructure plan, as well as updates on EPA's biomass policy, its "glider" truck proposal and methane rules.

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Message

From: E&E News [ealerts@eenews.net]
Sent: 2/16/2018 6:23:39 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e187
Subject: February 16 -- Greenwire is ready

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Fri., February 16, 2018

READ FULL EDITION

1. EPA:
Ex-chief Johnson also flew first class — reports

Scott Pruitt is not the only U.S. EPA administrator who's flown first class on the taxpayers' dime.

TOP STORIES

2. AIR POLLUTION:
In win for greens, court nixes parts of Obama-era ozone rule

3. ENERGY EFFICIENCY:
Court orders DOE to publish stalled rules

4. OFF TOPIC:
'I only do one thing ... but it's a very big thing'

CONGRESS

5. CAMPAIGN 2018:
Romney launches Senate bid

POLITICS

6. OFFSHORE DRILLING:
Wash. official vows to block Zinke plan

7. INFRASTRUCTURE:
Left-leaning group says Trump permitting plan ignores the law

8. TRADE:
White House proposes steep steel, aluminum tariffs

NATURAL RESOURCES

9. NATIONAL PARKS:
Yosemite's long trademark fight grows longer

10. ENDANGERED SPECIES:
No Yellowstone grizzly hunt for Mont. this year

11. ENDANGERED SPECIES:
Borneo lost half its orangutans — almost 150K — in 16 years

12. BEACHES:
As storms sweep away sand, Fla. communities fight for funds

LAW

13. PUERTO RICO:
Judge rejects $550M loan for struggling utility

14. CALIFORNIA:
Woman sues to get Sasquatch recognized as a species

AIR AND WATER

15. COAL ASH:
EPA delays comment deadline on proposed Okla. plan

TRANSPORTATION

16. RAIL:
Amtrak may stop running on tracks without safety tech

CHEMICALS

17. PESTICIDES:
Amazon to pay $1.2M over illegal sales in EPA settlement

18. SCIENCE:
Chemicals in nonstick pans linked to weight gain — study

STATES

19. UTAH:
Lawmakers acknowledge climate impacts after students' pleas

20. WEST VIRGINIA:
Bill to allow drilling on unwilling owners' land advances

21. PENNSYLVANIA:
'We're heading toward chaos' as court redraws district maps

INTERNATIONAL

22. ENGLAND:

Keep your desserts and give up plastic for Lent, church says

23. NETHERLANDS:

Too much cow poop causes environmental problems

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Message

From: Greaves, Holly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABCB6428B3DF40A9A78B059A8BA59707-GREAVES, HO]
Sent: 2/14/2018 9:24:31 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Hanson, Paige (Catherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95adc1b2ac3b40ab9dc591801d594df8-Hanson, Cat]
Subject: FW: Briefing on Administrator's Travelj

Ryan/Troy,

One of our appropriators is asking for a briefing on the comment in a press article today that referenced Jahan's quote about a blanket waiver to use first class travel for the Administrator. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Thanks,
Holly

From: Walsh, Ed
Sent: Wednesday, February 14, 2018 4:16 PM
To: Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>
Subject: Fwd: Briefing on Administrator's Travelj

Hi Holly, Paige. Can I ask your help ...with the right person to call on this request.

Thanks

Ed

Begin forwarded message:

> **From:** "Zimmerman, Melissa (Appropriations)" <Melissa_Zimmerman@appro.senate.gov>
> **Date:** February 14, 2018 at 3:45:08 PM EST
> **To:** Ed Walsh Ex. 6 - Personal Privacy "Walsh, Ed" <Walsh.Ed@epa.gov>
> **Subject: FW: Briefing on Administrator's Travel**
>
> One from earlier...
>
> ---
>
> **From:** Zimmerman, Melissa (Appropriations)
> **Sent:** Wednesday, February 14, 2018 12:04 PM
> **To:** Walsh, Ed <Walsh.Ed@epa.gov>
> **Subject:** Briefing on Administrator's Travel
>
> Hi Ed,
> I would like a briefing on the "blanket waiver" that Administrator Pruitt has been given for first class/business class/etc. travel. This would include both the security justification and the legal background on such a "waiver". I have a clearance if needed. Could we set that up please?
>
> Thank you!

Melissa

Melissa Zimmerman
Clerk, Subcommittee on the Legislative Branch
Professional Staff, Subcommittee on Interior & Environment
Committee on Appropriations
United States Senate
(202) 224-9722

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 2/13/2018 7:10:15 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: E&C Oversight - Admin Travel - URGENT

Thanks. Good for me to pass that along?

Sent from my iPhone

On Feb 13, 2018, at 2:09 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Pruitt's travel is directed by his security detail based on regularly assessed security assessments. He has not always flown in first class. Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
>
> Ex. 6 - Personal Privacy
>
> On Feb 13, 2018, at 1:59 PM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:
>
>> Ryan/Troy, Lamar Echols with E&C Majority oversight just reached out about the travel issue, post story, and today's mention of the admin's trip to NH. Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> Thanks,
>
> _____
> **Aaron E. Ringel**
> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Relations*
> *U.S. Environmental Protection Agency*
>
> W: 202.564.4373
> Ringel.Aaron@epa.gov

Message

From: Anna Palmer Jake Sherman Daniel Lippman [politicoplaybook@politico.com]
Sent: 2/13/2018 5:49:27 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Playbook Power Briefing, presented by Morgan Stanley: WRAY gives timeline on PORTER that contradicts W.H. -- COATS and POMPEO: RUSSIA will try to interfere in future elections -- MCCONNELL says Senate has ONE WEEK on DACA

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POLITICOPLAYBOOK
Power Briefing

Today's Playbook Power Briefing presented by Morgan Stanley

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Tuesday afternoon. YA CAN'T MAKE IT UP ... SPOTTED: EPA Administrator **SCOTT PRUITT** flying first class on the American Airlines DCA to Boston shuttle early this morning.

-- Sunday's story from WaPo's Juliet Eilperin and Brady Dennis on Pruitt's extensive first class travel http://wapo.st/2BXRCgo

TRUMP ADMINISTRATION: RUSSIA WON'T STOP, via Josh Gerstein and Kyle Cheney: "The Trump administration's top intelligence officials said during a Capitol Hill hearing Tuesday that Russia is intent on disrupting elections in the United States and elsewhere. President Donald Trump is facing sharp criticism for failing to act decisively to head off potential attempts by Russia to interfere in the upcoming U.S. midterm elections.

"At a minimum, we expect Russia to continue using propaganda, social media, false-flag personas, sympathetic spokespeople, and other means of influence to try to exacerbate social and political fissures in the United States," Director of National Intelligence Dan Coats said in his opening statement at the hearing. ... 'We have seen Russian activity and intentions to have an impact on the next election cycle,' Pompeo said. Coats backed up the statement." ***More highlights*** http://politi.co/2BVo4zz

NOT THE TIMELINE THE WHITE HOUSE GAVE -- @GeoffRBennett: "FBI Director Chris Wray says the FBI submitted a partial report on the Rob Porter investigation in March and a completed background investigation in late July. 'Soon thereafter we received a request for a follow-up. We did that.' Provided it in November & closed file in January". ***Bloomberg's report that the FBI s report in July included the domestic violence allegations*** https://bloom.bg/2BseLpJ

JOHN KELLY, via Mike Bender of the WSJ: Asked on Monday if the White House should have handled Mr. Porter's situation any differently, Chief of Staff John Kelly said, 'No.' 'It was all done right,' Mr. Kelly said in a brief interview." http://on.wsj.com/2F4gzVT

SIREN -- "McConnell: One week only to solve DACA," by Burgess Everett: "Mitch McConnell is not going to let the immigration debate get out of hand. The Senate majority leader on Tuesday announced that the Senate's work on a solution to the expiring Deferred Action for Childhood Arrivals program will be limited to this week. McConnell said Democrats should have been ready for this week's crucial test of whether the Senate can produce 60 votes for an immigration bill.

"'Senators have had plenty of time to prepare. There's no reason why we should not reach a bipartisan solution this week. But to do this, we need to get the debate started, look past making political points and focus on actually making law,' McConnell said." http://politi.co/2srJCjh

-- UPDATE, from Burgess, on Twitter: "McConnell tries to call up Toomey amendment on sanctuary cities. Schumer rejects because it doesn't address DACA ... This isn't a great sign of success this week, by the way"

JERUSALEM POST: "POLICE TO SUBMIT RECOMMENDATIONS ON CHARGING NETANYAHU FOR CORRUPTION TONIGHT": "After a 14-month-long investigation, the police are expected to announce if they found enough evidence to recommend the state's prosecution to indict Netanyahu in Case 1000 or in Case 2000.

"In Case 1000, the 'gifts affair,' it is alleged that Netanyahu improperly accepted expensive gifts from different businessmen. In Case 2000, the 'Yediot Aharonot affair,' Netanyahu allegedly negotiated with publisher Arnon 'Noni' Mozes for favorable coverage of himself in Yediot Aharonot in exchange for support of a bill to weaken Israel Hayom, the largest circulation Hebrew-language paper and Yediot's biggest competitor." http://bit.ly/2ChzSYA

WAR REPORT -- "U.S. Strikes Killed Scores of Russia Fighters in Syria, Sources Say," by Bloomberg's Stepan Kravchenko, Henry Meyer and Margaret Talev: "U.S. forces killed scores of Russian mercenaries in Syria last week in what may be the deadliest clash between citizens of the former foes since the Cold War, according to one U.S. official and three Russians familiar with the matter. More than 200 contract soldiers, mostly Russians fighting on behalf of Syrian leader Bashar al-Assad, died in a failed attack on a base held by U.S. and mainly Kurdish forces in the oil-rich Deir Ezzor region, two of the Russians said. The U.S. official put the death toll at about 100, with 200 to 300 injured.

"The Russian assault may have been a rogue operation, underscoring the complexity of a conflict that started as a domestic crackdown only to morph into a proxy war involving Islamic extremists, stateless Kurds and regional powers Iran, Turkey and now Israel. Russia's military said it had nothing to do with the attack and the U.S. accepted the claim. Defense Secretary Jim Mattis called the whole thing 'perplexing,' but provided no further details." https://bloom.bg/2swrlSa

****** **A message from Morgan Stanley:** Across the globe, disparities in income, wellbeing and living standards are growing. Opportunities to invest in technologies that provide access to critical tools that can create opportunities to close those economic gaps-such as education-exist in a wide range of geographies. Read more. ******

TAKE THREE? -- "Alan Grayson says he's running for Congress, but won't say where," by Florida Playbookers Matt Dixon and Marc Caputo: "Firebrand Democrat Alan Grayson says he wants to return to Congress in 2018, but is not yet saying which seat he's running for. 'Yes, this cycle is what I'm looking at,' Grayson told POLITICO Florida in a telephone interview Monday. 'But Florida law says I can run anywhere.' ...

"The Orlando Democrat has never stopped accepting online contributions since leaving Congress in 2016 to run for the U.S. Senate. He has $556,000 cash-on-hand, and has continued receiving small-dollar contributions since his loss in the Democratic primary to Patrick Murphy. Republican Sen. Marco Rubio defeated Murphy in the general election. ...

"Central Florida Democrats for more than a month have been buzzing with talk that Grayson might run against his Democratic successor, U.S. Rep. Darren Michael Soto, who beat Grayson's wife and his former aide in the 2016 Democratic primary when the former congressman decided to run for U.S. Senate." http://politi.co/2BYFknm

MORE BOOKS! -- "Trump's Lawyer Michael Cohen Is Shopping a Book About the First Family, Stormy Daniels, and Russia," by The Daily Beast's Maxwell Tani: "According to a proposal shopped to multiple publishers and obtained by The Daily Beast,

Michael Cohen's book will likely be titled 'Trump Revolution: From The Tower to The White House, Understanding Donald J. Trump,' and will focus on the attorney's role in the president's campaign and businesses.

"'No issue was too big, too sticky or too oddball for me to tackle,' Cohen teases in the proposal. 'I saw it all, handled it all. And still do.' Positioned partially as a rebuttal to Michael Wolff's massively popular White House exposé 'Fire and Fury,' Cohen's proposal posits that few people outside Trump's family understand the president besides him; and he casts himself as the 'family fix-it guy' and the original Trump 'special counsel.'" http://thebea.st/2svaZcp

THE NEW WASHINGTON ELITE -- CARRIE BATTAN in Elle: **"Louise Linton Is Super-Duper Sorry":** "That Instagram comment has been playing on repeat in Linton's mind for the last six months. 'I think after being kicked and slapped on social media a billion times, I had this one time. This lady said I was a deplorable human being, and that hurt,' Linton says, her voice trembling in sincere horror and self-pity. Her hands are shaking. 'So I had this knee-jerk reaction and I was like...blarghhhh. I was feeling like a regular person. And regular people, when someone says something mean to you on social media, regular people are allowed to respond.' ...

"Linton's sometimes treacherous lack of filter is only matched by [her husband, Treasury Secretary Steven] Mnuchin's extreme caution -- he keeps one of the lowest profiles of any top-ranking Trump official, and generally finds himself in the spotlight only because of his wife. If he is impacted by the vitriol aimed at his family and his colleagues -- he and Linton received a package of horse feces two days before Christmas, sent by 'The American People' -- he doesn't show it. Nor does he seem to express any concern that his wife's snafus will damage his own reputation. When asked about his wife's turn in the spotlight over email, just a few days after the horse poop incident, he wrote: 'I think social media has made her misunderstood and she is not at all the person that has been portrayed. She has a huge heart, is sensitive, deeply compassionate, and kind. She has humility and gentleness. She's also funny and makes people laugh.... She loves gadgets and has a bird feeder in the backyard. She reads John Stuart Mill and writes notes in the margins of her books. She's an incredibly warm and loving person.'" http://bit.ly/2BrVggW

PAGING ZUCKERBERG -- "I Approved This Facebook Message -- But You Don't Know That," by ProPublica's Jennifer Valentino-DeVries: "Hundreds of federal political ads -- including those from major players such as the [DNC] and the Donald Trump 2020 campaign -- are running on Facebook without adequate disclaimer language, likely violating Federal Election Commission rules, a review by ProPublica has found.

"An FEC opinion in December clarified that the requirement for political ads to say who paid for and approved them, which has long applied to print and broadcast outlets, extends to ads on Facebook. So we checked more than 300 ads that had run on the world's largest social network since the opinion, and that election-law experts told us met the criteria for a disclaimer. Fewer than 40 had disclosures that appeared to satisfy FEC rules." http://bit.ly/2swvUvG

WARNING SIGN FOR DEMS? -- "Internal Dem polling shows Trump's standing on the rise," by McClatchy's Alex Roarty: "A leading Democratic group -- Priorities USA -- is warning party leaders they could squander a strong political climate in 2018 if they don't start to emphasize pocketbook issues over loose and unfocused critiques of Donald Trump. According to internal polling by the super PAC, President Trump's approval rating climbed to 44 percent in the first week of February, compared to 53 percent who disapprove. That mirrors Trump's improving position in public polls." http://bit.ly/2BYA6Z3

MEDIAWATCH -- John Hudson is joining WaPo as a State Department reporter. He is currently the foreign affairs correspondent at BuzzFeed. ... **Chico Harlan** is heading to Rome to be the Washington Post's bureau chief ... **Rachel Stassen-Berger** has been named the politics editor for the Des Moines Register. She was most recently the capitol bureau chief for the St. Paul Pioneer Press in Minnesota. ...

... **Cristina Marcos** is joining MSNBC's "Meet the Press Daily" as a producer later this month. She is currently a reporter at The Hill. ... **Caroline Chen,** who recently left Bloomberg, has been hired as a reporter at ProPublica covering health care.

-- "Two journalists exposed a massacre in Burma. Now they'll be awarded for their work -- from prison," by WaPo's Jason Rezaian: "For more than two months, the Burmese government has held two Reuters reporters in prison for their investigation into a massacre by the country's military. Now, just days after their explosive and detailed account of the operation was finally published, the two men will win a renowned journalism award for their work. PEN America, a nonprofit organization that supports freedom of expression, will announce Tuesday that it is honoring Wa Lone and Kyaw Soe Oo with its PEN/Barbey Freedom to Write Award." http://wapo.st/2BsLHyv ... *The Reuters' investigation* http://reut.rs/2sfYjWM

ONE FUN THING -- LAURA BUSH talks to her daughter **JENNA BUSH HAGER** and **KATHIE LEE GIFFORD** on TODAY about her first date with former President George W. Bush http://on.today.com/2BVhucd

TRANSITIONS -- Seth Schermer has been named the VP of development for the LGBTQ Victory Fund. He was most recently the VP of philanthropy for the U.S. Soccer Foundation. ... **Amanda Munger** has recently joined Rep. Rick Larsen's (D-Wash.) office as communications director. She was deputy press secretary for Interior during the Obama administration. ... Crossroads Strategies has hired **Jason Gleason** as an EVP; he is the former chief of staff for Rep. John Sarbanes (D-Md.). The firm also hired **Sally Adams,** previously with Sixkiller Consulting, as a VP. **Shay Hancock** has been named COO while Katie Dapper has been promoted to SVP.

****** **A message from Morgan Stanley:** Education Technology is taking off in China and India, where there are large disparities in basic and advanced education levels between rich and poor, rural and urban. Both countries are attracting large amounts of investment related to digital learning and performance measurement. In India, where the number of internet users is increasing quickly and is expected to reach 550 million - or 40% penetration - by 2020, digital education's potential is enormous. Technopak, a consultancy, estimates that the Indian digital learning market will almost triple between 2016 and 2020. In advanced countries, a multi-year tertiary degree does not provide life-long skills that keep up with the pace of technological change. Retraining has become necessary to keep employees up to speed, and Massive Online Open Courses (MOOCs) like Coursera and Udacity are helping close the gap. Read more from Morgan Stanley. ******

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Subject: Morning Energy, presented by Anheuser-Busch: Conservative talker has pull with Pruitt — It's primary day in coal country — Trump meets with ethanol

By Kelsey Tamborrino | 05/08/2018 05:40 AM EDT

With help from Eric Wolff and Anthony Adragna

PRUITT GETS TO IT FOR HEWITT: New emails emerged Monday that provide previously unknown details in the ongoing raft of controversies that have plagued EPA Administrator Scott Pruitt — and provide more ammo for onlookers who worry Pruitt spends too much time currying favor with his political allies.

Conservative commentator Hugh Hewitt brokered a meeting that ultimately ended with a polluted California area on Pruitt's personal priority list of Superfund sites, POLITICO's Emily Holden and Anthony Adragna report. Hewitt lives in Orange County, where the Superfund site sits, and has a son who works in EPA's press office. The TV and radio host emailed Pruitt back in September to set up a meeting between Pruitt and the law firm Larson O'Brien, which employs Hewitt and represents the Orange County Water District. "I'll join if the Administrator would like me too or can catch up later at a dinner," Hewitt wrote in the email, which was obtained under a FOIA lawsuit by the Sierra Club. He added that the issues surrounding the Superfund site were "Greek to me but a big deal in my home county."

Weeks later, the Orange County North Basin site in question appeared on Pruitt's list of 21 contaminated areas to address. Pruitt then proposed listing the site on the agency's National Priorities List, making it potentially eligible for long-term federal cleanup funding. Since the meet-up, Hewitt has been a staunch defender of Pruitt, dismissing his recent controversies as "nonsense scandals" on MSNBC in early April. EPA spokesman Jahan Wilcox confirmed that Hewitt helped arrange the meeting at the request of the water district but didn't attend.

The meeting adds to environmentalists' concerns about Pruitt. "The biggest fear we have is that No. 1 the administrator's political priorities and personal ambitions, political ambitions become the primary criteria for action under this program instead of science and health," said Elgie Holstein, senior director for strategic planning at the Environmental Defense Fund who has been tracking EPA's Superfund actions. Read the story here.

FIRST CLASS MEMO: EPA on Monday also released a copy of a memo written by the former head of Pruitt's security detail justifying his first class flights. "We have observed and increased awareness and at times lashing out from passengers which occurs while the Administrator is seated in coach with [his security detail] not easily accessible to him due to uncontrolled full flights," Pasquale "Nino" Perrotta wrote in the May 1, 2017, memo. "Therefore, we believe that the continued use of coach seats for the Administrator would endanger his life and therefore respectfully ask that he be placed in either business and or first class accommodations." The Washington Post and E&E obtained copies of the memo via a FOIA request. Perrotta retired from the agency last week.

WELCOME TO TUESDAY! I'm your host Kelsey Tamborrino. Congrats to Cummins Inc.'s Patrick Wilson, who was first to identify former House Speaker Nathaniel Banks of Massachusetts as the representative who served 11 terms and ran for election on five different party tickets. He was successful in all but the Liberal

Republican ticket. For today: What president was first to watch a major league baseball game from the dugout? Bonus points if you can name the team. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

BLANKENSHIP'S BIG DAY: We should know by tonight who will face Sen. Joe Manchin in a West Virginia Senate race that Republicans see as one of their biggest pickup opportunities of the year — that is, unless coal baron Don Blankenship scores a surprise upset in the surprisingly tight GOP primary. President Donald Trump tweeted Monday that Blankenship "can't win the General Election in your State," though he didn't endorse one of his opponents. That likely didn't ease fears that the two other major candidates — Rep. Evan Jenkins and state Attorney General Patrick Morrisey — will split the anti-Blankenship vote evenly and allow the former Massey Energy CEO to come out ahead. Blankenship recently was released from a year in jail following an explosion at the Upper Big Branch Mine that killed 29 workers. Blankenship has called the Upper Big Branch disaster the "worst tragedy" of his life, and is working to have his conviction thrown out. (He has previously lost on appeal and failed to convince the Supreme Court to take the case.) For his part, Blankenship said Monday he was confident he would win, POLITICO's Alex Isenstadt reports from Mount Hope, W. Va.

That's not all: The Mountain State is not alone in kicking the 2018 midterms into gear. Statewide primary elections also are happening today in Ohio and Indiana and North Carolina, including solar energy entrepreneur and Democrat Dan McCready, who is running in North Carolina's 9th District. Vox nicely breaks down today's big races nationwide here and POLITICO has 7 things to watch here.

SCHNEIDERMAN RESIGNS: New York Attorney General Eric Schneiderman, who has sued Exxon Mobil and fought the Trump administration's deregulatory agenda, announced his resignation Monday night in the wake of a report from the New Yorker that four women had accused him of abuse in previous romantic relationships. Two of the women who went on the record "say that they eventually sought medical attention after having been slapped hard across the ear and face, and also choked," according to the magazine. In a statement, Schneiderman disputed the allegations but said they "will effectively prevent me from leading the office's work at this critical time." The resignation takes effect at the close of business today.

Before the New Yorker story broke, Schneiderman and the attorneys general from seven other states called on Pruitt to withdraw his "secret science" proposal to ban the use of studies that don't publicly disclose all their data. Read the letter here.

CHOPPING BLOCK: The White House on Monday outlined its package of proposed spending cuts, rescinding $4.3 billion from the Energy Department's Advanced Technology Vehicles Manufacturing loan program, which supports the production of fuel-efficient, advanced technology vehicles. It was part of an overall request for $15 billion worth of rescissions from previously appropriated funds from prior years. Another package going after the FY18 omnibus is expected later this year. More here.

ON THE GRID: Puerto Rico's electric grid — which failed to provide power for much of the island for several months after last year's hurricanes — will be the focus of a Senate Energy and Natural Resources hearing this morning. The CEO of the Puerto Rico Electric Power Authority Walter Higgins and Bruce Walker, assistant Energy secretary for electricity delivery and energy reliability, are among the names set to testify. "The end goal is a modern and intelligent energy system that can serve as the resilient engine for Puerto Rico's economic revitalization," Walker is expected to say. Officials say close to 95 percent of power has now been restored on the island. **If you go:** The hearing kicks off at 10 a.m. in 366 Dirksen.

— **Forty-seven U.S. and international scientific groups** sent a letter to Puerto Rico Gov. Ricardo Rosselló on Monday, urging him to keep the island's statistical agency, the Puerto Rico Institute of Statistics, and its board of directors fully independent. "To address the challenges posed by its decade-long economic recession and the devastation of back-to-back hurricanes, Puerto Rico must chart its path toward sustainable recovery using reputable and reliable data and statistical methods," the letter says.

** **A message from Anheuser-Busch:** Anheuser-Busch announced that America's leading brewer has placed an order for up to 800 hydrogen-electric powered semi-trucks. The zero-emission trucks will be able to travel between 500 and 1,200 miles. Anheuser-Busch aims to convert its entire long-haul dedicated fleet to renewable powered trucks by 2025. Learn more. **

ENERGY-WATER BILL ADVANCES: The House Appropriations Energy-Water subpanel swiftly approved its $44.7 billion energy and water spending bill on a voice vote Monday, sending the measure to the full committee for consideration. The appropriations bill largely ignores the president's budget request, earning the approval of Democrats, who applauded the boost in funding for the Army Corps of Engineers and DOE thanks to the bipartisan agreement to lift spending caps. Read more.

TRUMP MEETS WITH SENATORS ON RFS: In what could perhaps be the final time, Trump plans to meet today with at least Sens. Chuck Grassley, Joni Ernst, Ted Cruz and Pat Toomey to discuss their dueling priorities around federal ethanol policy. Who else will be in the room remains unclear, as sources told ME conflicting stories: An ethanol source said neither Pruitt, nor the Ag secretary, would be present, while a Republican Senate aide said both would be there.

A source said Team Ethanol's main goal is to get Trump to affirm his commitment to year-round sales of 15 percent ethanol, but the rest of the agenda seems to be unclear. A biofuels source said they expect Trump to kick the biofuels battle to Congress, where Sen. John Cornyn and Rep. John Shimkus have been trying to write a bill to overhaul the RFS. Cruz said at a Capitol Hill rally last week that he would view that decision as doing nothing. Cruz and Toomey are still seeking Renewable Fuel Standard changes to dramatically lower the program's compliance costs for refineries. Trump is scheduled to meet with Republican senators at 11:15 this morning, according to his public schedule.

— **Continuing their push for year-round sales of E15,** fuel retailers from 11 states sent a letter to Trump on Monday, calling on him to instruct EPA to immediately follow up on a pledge to allow the year-round sale of E15 before summer restrictions kick in on June 1. Read the letter here. Eighteen other groups, including the Sierra Club and Earthjustice, signed onto their own letter expressing concern with the administration's openness to the year-round sale of E15. And the American Energy Alliance launched a digital ad campaign Monday urging for the repeal of the RFS. Watch that ad here.

EXPECTING BIG THINGS: Shimkus is expecting broad support from the House when his comprehensive nuclear waste package H.R. 3053 (115) gets a vote Thursday. "I think people are ready to do something rather than nothing," he told reporters Monday. Shimkus said it's been a months-long process to educate members about the importance of the legislation and added he sent texts to Speaker Paul Ryan and Majority Leader Kevin McCarthy thanking them for finally bringing the package to the floor.

But he's not crazy: Shimkus said he hadn't had any recent talks with Senate counterparts about potentially moving the bill across the Capitol and he didn't expect they would this year with one of their most vulnerable incumbents (and ardent Yucca opponent), Sen. Dean Heller, locked in a competitive reelection.

WHERE'S PERRY? Perry is slated to speak today during the Washington Conference on the Americas, where Commerce Secretary Wilbur Ross and Deputy Secretary of State John Sullivan, among others, are set to also appear. Perry will deliver remarks on "energy integration in the Americas" at 3:15 p.m. See the full agenda here.

E&C TACKLES EVs: The House Energy and Commerce Environment Subcommittee will listen to discussion today on how fuel vehicles and electric vehicles will coexist as electric vehicles become more popular. The hearing begins at 10:15 a.m. in 2322 Rayburn, or stream it here.

MAIL CALL: A diverse coalition of energy groups — including Advanced Energy Economy, the American Petroleum Institute and the American Wind Energy Association — on Monday urged Perry not to bail out coal and nuclear plants. Read their letter.

INHOFE BACKS JACKSON: An Axios report that Pruitt chief of staff Ryan Jackson has been frozen out of the EPA chief's inner circle didn't sound right to his former boss, Sen. Jim Inhofe. "I've known him well since he was 18 years old and I don't think they'd be capable of sidelining him," he told ME. Inhofe admitted that if the report is true — "that's an if I'm not willing to accept," he cautioned — it would be deeply concerning.

PRUITT MEETS MOTHERS ON CHEMICAL BAN: Two mothers will meet today with Pruitt, where they will press the administrator to ban paint strippers containing methylene chloride after their sons died using products with the chemical, according to the Environmental Defense Fund. On former President Barack Obama's last day in office, his administration proposed using the updated Toxic Substances Control Act to ban the use of the chemical in most commercial paint removers. Pruitt told lawmakers recently that he thinks EPA can make a decision on its proposed ban by the end of the year.

QUICK HITS

— Pruitt's Rome trip: More time on tourism than official business, The Daily Beast.

— Steel town that voted for Trump banks on renewables, E&E News.

— Interior sending officers to assist patrolling the U.S., Mexico border, The Hill.

— EPA proposal pushed by ex-coal lobbyist could transform agency's use of science, S&P Global.

— Booming tourism emits 8 percent of greenhouse gases, study shows, Reuters.

— Old-boys' club that ran power world cracking with its model, Bloomberg.

HAPPENING TODAY

8:30 a.m. — CHP Association holds CHP policy forum begins, 555 13th St NW

9:00 a.m. — The Atlantic Council's Global Energy Center discussion on "Transformations in Energy Technology: Innovations for a Secure Energy Future," 1030 15th Street NW

9:00 a.m. — The Bipartisan Policy Center discussion on "Investing for the Nation's Future: A Renewed Commitment to Federal Science Funding," 1225 I Street NW

10:00 a.m. — The International Energy Agency Bioenergy Technology Collaboration Program international webinar on "Biofuels for the Marine Sector: New Opportunities and New Challenges."

10:00 a.m. — The United States Energy Association briefing on "Economic Benefits of U.S. Liquid Natural Gas Exports," 1300 Pennsylvania Avenue NW

10:00 a.m. — Senate Energy and Natural Resources Committee hearing on the current status of Puerto Rico's electric grid and proposals for the future, 366 Dirksen

10:00 a.m. — The Woodrow Wilson Center's China Environment Forum discussion on "How Low (on Energy and Carbon) Can Buildings in China and the U.S. Go?" 1300 Pennsylvania Avenue NW

10:00 a.m. — House Transportation and Infrastructure Coast Guard and Maritime Transportation Subcommittee hearing on "blue technologies," 2167 Rayburn

10:15 a.m. — House Energy and Commerce Environment Subcommittee hearing on "Sharing the Road: Policy Implications of Electric and Conventional Vehicles in the Years Ahead," 2322 Rayburn

10:15 a.m. — House Natural Resources Committee markup on various bills, 1324 Longworth

12:00 p.m. — The Americas Society/Council of the Americas annual Washington Conference on the Americas with the theme "Investing in the Americas: The New Agenda for Growth," 2201 C Street NW

3:00 p.m. — House Rules Committee meets to formulate a rule on H.R. 3053 (115), the "Nuclear Waste Policy Amendments Act of 2018," H-313

THAT'S ALL FOR ME!

** **A message from Anheuser-Busch:** Anheuser-Busch announced that America's leading brewer has placed an order for up to 800 hydrogen-electric powered semi-trucks from the pioneer in hydrogen-electric renewable technology, Nikola Motor Company. The zero-emission trucks — which will be able to travel between 500 and 1,200 miles and be refilled within 20 minutes, reducing idle time — are expected to be integrated into Anheuser-Busch's dedicated fleet beginning in 2020.

Through this agreement Anheuser-Busch aims to convert its entire long-haul dedicated fleet to renewable powered trucks by 2025.

"At Anheuser-Busch we're continuously searching for ways to improve sustainability across our entire value chain and drive our industry forward," said Michel Doukeris, CEO of Anheuser-Busch. "The transport industry is one that is ripe for innovative solutions and Nikola is leading the way with hydrogen-electric, zero-emission capabilities. We are very excited by the possibilities our partnership with them can offer."

Learn more. **

To view online:
https://subscriber.politicopro.com/newsletters/morning-energy/2018/05/conservative-talker-has-pull-with-pruitt-206682

Stories from POLITICO Pro

Pruitt fast-tracked California cleanup after Hugh Hewitt brokered meeting Back

By Emily Holden and Anthony Adragna | 05/07/2018 10:12 PM EDT

EPA Administrator Scott Pruitt placed a polluted California area on his personal priority list of Superfund sites targeted for "immediate and intense" action after conservative radio and television host Hugh Hewitt brokered a meeting between him and lawyers for the water district that was seeking federal help to clean up the polluted Orange County site.

The previously unreported meeting, which was documented in emails released by EPA under a Freedom of Information Act lawsuit by the Sierra Club, showed Pruitt's staff reacting quickly to the request last September by Hewitt, who has been one of Pruitt's staunchest defenders amid a raft of ethics controversies around his expensive travel, security team spending and a cheap Washington condo rental from a lobbyist.

Pruitt has drawn criticism from environmentalists and other critics for letting prominent GOP backers and industry groups influence the agency's agenda — even as he has kicked scientists off of EPA's advisory panels and moved to limit the kinds of peer-reviewed research it will consider when making decisions.

In many cases, the people whose advice Pruitt is heeding could be useful supporters for him in a future race for U.S. senator or president. They include GOP megadonor Sheldon Adelson, who — as POLITICO reported in March — persuaded Pruitt last year to take a meeting with an Israeli water purification company called Water-Gen that later won a research deal with the EPA.

Hewitt, a resident of Orange County whose son James works in EPA's press office, emailed Pruitt in September to set up a meeting between the administrator and the law firm Larson O'Brien, which employs Hewitt and represents the Orange County Water District. Pruitt had been planning to meet with the lawyers in California a month earlier, but cancelled the trip to undergo knee surgery.

"I'll join if the Administrator would like me too or can catch up later at a dinner," Hewitt wrote in his Sept. 18 message. Hewitt added that the issues surrounding the Superfund site were "Greek to me but a big deal in my home county."

Pruitt's aides responded within minutes and quickly confirmed an Oct. 18 meeting for the lawyers and a project director.

Six weeks after that meeting, on Dec. 8, the Orange County North Basin site appeared on Pruitt's list of 21 contaminated areas to address. A month later, Pruitt proposed listing the site on EPA's National Priorities List, a move that could make it eligible for long-term federal cleanup funding from the federal government if the responsible polluters cannot be identified and forced to pay for its remediation.

Since then, Hewitt has been a robust defender of Pruitt, dismissing his recent controversies as "nonsense scandals" on MSNBC in early April and saying his detractors were "just trying to stop the deregulation effort."

Pruitt has touted the agency's Superfund work as one of his key priorities, setting up a task force to seek to speed up the clean-up of the nation's worst contaminated sites. That task force had been headed by Albert "Kell" Kelly, a former banker and longtime friend, who departed the agency last week after news about loans he provided to Pruitt in Oklahoma, including the mortgage provided to Pruitt for a house he bought from a lobbyist when he was a state senator.

Environmental advocates have worried Pruitt's efforts to identify Superfund priority sites would bypass the process set up by Congress to ensure cleanup resources are divided fairly, and that he could focus on sites seen as important to his political supporters. And environmentalists have said Pruitt's rush to claim that contaminated properties have been remediated could risk turning them over to local governments and businesses that might pursue cheaper, inadequate solutions.

Elgie Holstein, senior director for strategic planning at the Environmental Defense Fund who has been tracking EPA's Superfund actions, said the connection to Hewitt is "not a surprise."

"The biggest fear we have is that No. 1, the administrator's political priorities and personal ambitions, political ambitions become the primary criteria for action under this program instead of science and health," Holstein said.

EPA never disclosed the meeting with Hewitt's contacts. It was listed on Pruitt's public calendar as a staff briefing. But on his private Outlook schedule, which the agency has released in response to lawsuits, it appeared as an "Orange County Superfund Site" meeting with Kelly and two other staffers. The records did not list the Californians in attendance at the meeting at EPA headquarters in Washington.

But EPA spokesman Jahan Wilcox confirmed that two lawyers representing the water district, Robert O'Brien and Scott Sommer, and the water district director of special projects, Bill Hunt, were there. A third lawyer, former federal Judge Stephen G. Larson, was forced to cancel his trip due to wildfires in California, according to emails.

"Hugh Hewitt helped arrange the meeting at the request of the water district but did not attend," Wilcox said.

Wilcox said the meeting was for the water district to "brief EPA on the Superfund site's cleanup efforts and request expedited cleanup," following a 2016 agreement with the agency to conduct a remedial investigation and feasibility study, at a cost of $4 million over two years. Hunt did not immediately respond to a request for comment.

Hewitt in an email to POLITICO called Pruitt a friend and said he does not have a working relationship with him. He said that his firm has represented the water district and worked on the site with EPA's regional office for years but that he had not participated in that work.

Hewitt said he requested a meeting because the water district wanted to brief the new EPA team, he said, adding that he was an Orange County resident until 2016 as well as an Orange County Children and Families Commission member. He said that he "very much" wanted the Superfund site remediated as soon as possible.

According to an EPA fact sheet, the Orange County site has more than five square miles of polluted groundwater containing chlorinated solvents and other contaminants across the cities of Anaheim, Fullerton, and Placentia. It includes the Orange County Groundwater Basin, which provides drinking water to more than 2.4 million residents across 22 cities, according to the agency. Those pollutants can damage humans' nervous systems, kidneys and livers, and some are considered carcinogenic.

EPA has just begun its process of studying the contamination and it has not determined which companies caused the pollution in the area. But an administrative settlement with the EPA in 2016 says the area was home to "electronics manufacturing, metals processing, aerospace manufacturing, musical instrument manufacturing, rubber and plastics manufacturing, and dry cleaning."

Hewitt also thanked EPA schedulers for working to arrange a meeting between Pruitt and the California Lincoln Clubs, which describe themselves as in favor of "limited government, fiscal discipline and personal responsibility." After some rescheduling Pruitt eventually met with representatives of the group on a trip to California in March of this year, according to his public calendar. Prominent Orange County businessman John Warner also helped to connect that group with staffers.

Pruitt and his scheduling staff have frequently sought to set up meetings with or for influential Republican figures, according to the internal EPA emails.

His team accepted an invitation for him to address The Philanthropy Roundtable at an invitation-only event at the White House for "conservative and free-market foundation CEOs and individual wealth creators to discuss the greatest opportunities for foundations to protect and strengthen free society" and "what [Pruitt] views as unique opportunities for philanthropic action.

As POLITICO reported in March, Pruitt also met with an Indiana coal executive and Trump fundraiser who was seeking to soften a pollution rule.

Pruitt also crafted his travel schedule — including a tour of states in August — to meet with big business much like a member of Congress would during the annual recess.

In July, EPA's associate administrator of public engagement Tate Bennett was working with Pruitt to "essentially create an August recess for the EPA to be out in the states talking with individual companies & doing listening sessions within sectors," said Leah Curtsinger, the federal policy director for the Colorado Association of Commerce & Industry, in an email introducing Bennett to her husband, public affairs director at coal company Cloud Peak Energy and a fellow alum of Senate Majority Leader Mitch McConnell's office.

Annie Snider contributed to this report.

To view online click here.

Back

Blankenship, predicting victory, thumbs his nose at GOP Back

By Alex Isenstadt | 05/07/2018 08:27 PM EDT

MOUNT HOPE, W. Va. — A defiant Don Blankenship on Monday shrugged off President Donald Trump's last-minute plea for Republican primary voters to reject his insurgent Senate candidacy — and flatly predicted it would fail to halt his momentum.

On the final day of the dramatic West Virginia campaign, the coal baron and ex-prisoner seemed unbothered by the president's foray into the contest, arguing that voters would see through it as the latest ploy in an establishment-led effort aimed at keeping him from winning the nomination.

"I think it's still over," he declared to reporters here during a frenzied final day of the race. "It probably tightens it a point or two, but I don't think it matters much."

At another point in the day, after a reporter asked if he was feeling confident, Blankenship had a deadpan response: "Yeah, we're gonna win."

Senior Republicans are fretting that Blankenship, who spent a year behind bars after the 2010 explosion at his Upper Big Branch Mine that killed 29 workers, has vaulted into the lead heading into Tuesday's primary. GOP officials reviewed a range of surveys over the weekend, with some showing Blankenship holding a narrow single-digit advantage over his mainstream opponents, Rep. Evan Jenkins and state Attorney General Patrick Morrisey. Others had Blankenship ahead by more.

The national GOP has waged an all-out campaign to stop him from winning the nomination. They're convinced would destroy the party's prospects of ousting Democratic Sen. Joe Manchin in November. And many Republicans say a Blankenship win would be yet another black eye for the party, which is still reeling from last year's loss in the Alabama special election.

Over the past month, a super PAC aligned with Senate Majority Leader Mitch McConnell has spent over $1.3 million on a barrage of anti-Blankenship TV ads.

With the former prisoner gaining momentum, the effort to stop him has gone into overdrive. As the race entered its final day, Blankenship's rivals — who had spent almost the entire campaign attacking one another — turned their fire on him.

In a not-so-veiled jab at Blankenship, Jenkins held a morning campaign event at a memorial for coal workers. At one point, he noted that one of his great grandfathers died in a mine explosion.

"The president could not have made it any clearer this morning that Don Blankenship is not the guy to beat Joe Manchin," Jenkins said.

Morrisey, who spent the day hopscotching across central West Virginia, announced that he'd sent a letter to Blankenship's parole officer highlighting what he argued was a violation. At one point, he took to Twitter to suggest questions for reporters to ask Blankenship. And he released a digital advertisement unloading on the coal baron, and highlighting his role in the 2010 explosion.

"Families devastated, children left fatherless, wives widowed," a narrator intoned. Many in the party are skeptical that the 11th-hour offensive will succeed — and, behind the scenes, finger-pointing is underway. Some are pinning the blame on the White House, saying it should have rebuked Blankenship earlier. Others say the fault lies with Jenkins and Morrisey, whose near constant attacks left one another badly damaged and created an opening for Blankenship.

Still others are pinning the blame on McConnell, saying that he should have long ago used his political muscle to clear the primary field and thereby avoid the three-way dynamic that has played to Blankenship's benefit.

McConnell has privately expressed concern to associates about Blankenship, whom he has long viewed as a serious threat in the contest. A loss for the Senate GOP leader, who hails from a neighboring Appalachian state and has faced withering attacks from Blankenship, would be embarrassing.

Over the weekend, McConnell spoke by phone with the president about the contest. According to a Republican official briefed on the call, Trump informed McConnell that he planned to criticize Blankenship publicly, a step he hadn't taken previously. Among the issues that arose on the call were Blankenship's TV ads, some of which have gone after McConnell's family in deeply personal, racial terms.

White House aides spent part of Friday drafting a tweet targeting Blankenship. Then, on Monday, the president hit send.

"To the great people of West Virginia we have, together, a really great chance to keep making a big difference," he wrote. "Problem is, Don Blankenship, currently running for Senate, can't win the General Election in your State...No way! Remember Alabama. Vote Rep. Jenkins or A.G. Morrisey!"

For Blankenship, who has tied himself closely to the president and on Monday declared himself "Trumpier than Trump," the attack could have stung. Yet as the race came to a close, Blankenship seemed unbothered.

Speaking to reporters after touring a freight shipping office here, Blankenship said he placed no stock in the president's tweet. It was McConnell, Blankenship said, who convinced Trump to weigh in. After Tuesday, Blankenship added, the president would be embarrassed he followed McConnell's lead.

"It's obvious that the president is suffering from the same thing that many in the public do, which is misinformation and untruths," Blankenship said. "The lesson that will be learned here when I win is that you shouldn't blindly endorse or cast doubts or favoritism unless you actually look at their record and not depend on the people in that swamp that you're trying to drain."

At times, Blankenship seemed to take pleasure in his recalcitrance. He refused to commit to endorsing his primary rivals should they win, which he said wouldn't happen, anyway. He wouldn't apologize for running TV ads lambasting McConnell's "China family." And he reiterated that he wouldn't vote for McConnell to serve as Senate GOP leader.

At one point, Blankenship noted that he'd been disrespected at other times in his career. The Marshall University-educated businessman noted that he'd grown up poor before becoming a multimillionaire, and recalled one episode in which he easily passed a CPA exam that Ivy Leaguers he knew had struggled with.

Now, he said, he was confronting another kind of establishment.

"I've been underestimated," he said, "all my life."

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Back

What's in Trump's $15B spending cuts package Back

By Kaitlyn Burton | 05/07/2018 08:29 PM EDT

The White House is set to release a $15 billion spending cuts package Tuesday. Here are some of the plan's targets, a senior administration official told reporters today:

— $7 billion from the Children's Health Insurance Program, which covers about 9 million low-income children.

— $4.3 billion from the Energy Department's Advanced Technology Vehicles Manufacturing loan program, which supports the production of fuel-efficient, advanced technology vehicles.

— $800 million from the Center for Medicare and Medicaid Innovation, which was created under Obamacare.

— $252 million from the 2015 Ebola outbreak response.

— $148 million from the Animal and Plant Health Inspection Service for responding to disease outbreaks "that have already been resolved," the official said.

— $107 million for technical assistance after Hurricane Sandy for emergency watershed programs.

— $15 million from USDA's Rural Cooperative Development Grant program, which seeks to boost the economies of rural areas.

To view online click here.

Back

Trump tries to woo conservatives with bid to cut spending Back

By Sarah Ferris and Kaitlyn Burton | 05/07/2018 09:05 AM EDT

The White House on Tuesday will send $15 billion in proposed spending cuts to Congress in an attempt to demonstrate fiscal austerity to skeptical conservatives, senior administration officials confirmed Monday night.

The administration had last week planned to send Congress a package of $11 billion in spending reductions. But since then, some conservatives have quietly pushed for an even bolder proposal, particularly after the GOP's spending binge in recent months, said Republicans familiar with the discussions.

The White House initially floated as much as $60 billion in cuts, including an unprecedented attempt to cancel money from this year's omnibus spending bill. The proposal was later downsized to $11 billion, and then back up to $15 billion, targeting only unused funding from past years, which POLITICO first reported.

One senior administration official told reporters that the proposal coming Tuesday is "the largest single rescissions package at one time."

The White House also plans to make a second attempt at clawing back funding from the omnibus, but the senior administration official said that could come weeks later.

The official said said President Donald Trump will be personally involved in the details of the next package, which will include "substantial" cuts in current spending based on the president's own budget request.

Unlike regular spending bills, a presidential rescissions package is given fast-track authority in both chambers. That means the proposal is one of the rare spending-related bills that is able to bypass the 60-vote threshold in the Senate.

Nearly half of the package, a whopping $7 billion, pulls from the Children's Health Insurance Program, which covers about 9 million low-income children.

Of this, $5 billion is fiscal 2017 funding that has already expired, and $2 billion is money from a so-called contingency fund that states can tap into if they're short on cash.

These CHIP rollbacks "will not impact the program," the senior administration official said.

It would also cut $800 million from the Center for Medicare & Medicaid Innovation, which was created under Obamacare.

In addition, the proposal will target 38 programs with large amounts of leftover cash, including $148 million from the Animal and Plant Health Inspection Service, $107 million for Hurricane Sandy in 2013 and $252 million for the Ebola outbreak in 2015.

The senior administration official said the White House is starting with "uncontroversial" cutbacks as a sweetener to bring Democrats on board.

"I don't think we believe there's a reason we wouldn't get bipartisan support for a package like this," the official said.

The process also includes a special bonus for fiscal hawks: Whenever the president submits a rescissions request, that spending is frozen automatically for 45 legislative days, or until Congress formally rejects it.

OMB Director Mick Mulvaney said in April that he hopes for a vote in the House before the July Fourth recess, and officials told reporters Monday that the House is "very interested in this package."

The GOP-dominated House is expected to easily clear the rescissions package, but even White House officials are less confident about its fate in the Senate, White House legislative affairs director Marc Short told POLITICO on Monday. Trump is pleased with the $15 billion proposal, Short said.

In a call with Capitol Hill staff on Monday, White House officials skirted a question about whether Majority Leader Mitch McConnell had signed off on the proposal.

"We are in discussions with the majority leader," the administration official said on the call, which POLITICO was permitted to listen to by a staffer. "We're hopeful the Senate's going to come our way but I would say it's an ongoing conversation right now."

Trump's unusually large request would come after a nearly two-decade drought of any formal rescissions proposal.

Former President Bill Clinton was the last president to propose rescissions. His three requests totaled just $128 million, a fraction of Trump's request.

Even with Trump's record-setting sum, conservative groups are demanding the Trump administration go further by proposing to cancel funds from the omnibus, which Trump threatened to veto.

Americans for Prosperity, the right-leaning group founded by the Koch brothers, is asking the White House to reel back $45 billion from the $1.3 trillion omnibus.

The group on Monday released an exhaustive list of programs it believes should go on the chopping block, including homeless assistance grants, a Coast Guard security center, FBI salaries and the National Cancer Institute.

Behind the scenes, top budget officials have wrestled for weeks with Republican lawmakers on the size and scope of the rescissions package.

The debate was largely centered on whether to cut money across the board from the omnibus spending package, or whether to target individual programs.

Few Republicans wanted the across-the-board cuts as those would have hit the hard-won increases to military spending. But officials also worried that going after specific programs would spur infighting among Republicans, according to one former top GOP congressional aide briefed on the deliberations — an outcome everyone hoped to avoid ahead of the 2018 midterm elections.

Meanwhile, belt-tightening conservatives in the House are still hoping for more than $15 billion in cuts.

An internal survey of dozens of House Republican Study Committee members found that lawmakers overwhelmingly support the largest possible rescissions request. The survey, which was obtained by POLITICO, found that 71 percent of RSC members said they would back a proposal that cut at least $60 billion. Another 9 percent said they'd support any amount.

And 94 percent of RSC members surveyed said the rescissions package should cut at least some domestic funding from this year's $1.3 trillion omnibus. Only 6 percent said "maybe."

Republican budget wonks also wondered if the final package would accomplish the task of reducing government spending in a meaningful way, if it indeed took previously unspent money from old programs.

"This is not a deficit reduction exercise, but more of a public relations exercise to soothe the base and convince them that the White House is fiscally responsible," said G. William Hoagland, a senior vice president at the Bipartisan Policy Center and former director of budget and appropriations for former Senate Majority Leader Bill Frist as well as the former director of the Senate Budget Committee.

"If they are finding unused budget authority and putting that in a special package to Congress as appropriators are trying to put together the [fiscal] 2019 bill, it may have the effect of creating more spending for 2019 rather than less," Hoagland said.

Nancy Cook, John Bresnahan and Matthew Nussbaum contributed to this report

To view online click here.

Back

House Appropriations panel advances $44.7B energy and water bill Back

By Annie Snider | 05/07/2018 06:15 PM EDT

A House Appropriations Committee subpanel swiftly approved its $44.7 billion energy and water spending bill on a voice vote today, sending it to the full committee for consideration.

Democrats applauded the boost in funding that the measure provides for the Army Corps of Engineers and DOE thanks to the bipartisan agreement to lift spending caps.

"Our bill is certainly a message to the executive branch that the legislative branch rejects the ill-considered, draconian cuts we have come to expect to every important agency we fund in this bill," said Rep. Marcy Kaptur, the top Democrat on the subcommittee.

Overall, the bill would provide $7.28 billion to the Army Corps of Engineers, $451 million over 2018 levels. That includes $1.6 billion for harbor maintenance activities, or $160 million more than the level appropriators committed in a major 2014 bill.

DOE's energy programs would get $13.4 billion under the measure, with increases for fossil and nuclear energy research and cuts for renewable energy and energy efficiency.

Democrats objected to that disparity, as well as to a spate of policy riders in the bill such as a provision to repeal the Obama administration's Waters of the U.S. rule and another to override a court decision and operate the Columbia and Snake rivers' dams for hydropower production rather than protecting endangered salmon.

WHAT'S NEXT: The full House Appropriations Committee is expected to consider the measure soon.

To view online click here.

Back

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Yes, very Somewhat Neutral Not really Not at all

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 5/7/2018 8:38:13 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: FW: checking in on a couple of stories related to the House Oversight and Government Reform probe
Attachments: firstclassmemo.pdf

FYI – this is what I said.

"We are working diligently with Chairman Gowdy and are in full cooperation in providing the Committee with the necessary documents, travel vouchers, receipts and witnesses to his inquiries."

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Monday, May 7, 2018 4:27 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Press <Press@epa.gov>; Dennis, Brady <Brady.Dennis@washpost.com>
Subject: checking in on a couple of stories related to the House Oversight and Government Reform probe

Dear Jahan and Lincoln,
Brady and I wanted to check in on a few fronts. Here are our questions.

1. We just obtained through FOIA the May 1, 2017 memo from Mr. Perrotta to the Administrator's travel coordinator (attached), requesting that he sit in either business or first class in order to avoid "lashing out" from passengers and the fact that "continued use of coach seats for the Administrator would endanger his life." We understand this request was granted on June 2, 2017. Since the EPA did not turn over additional documents to HOGR on this issue, is this tantamount to the "blanket waiver" Jahan referred to in February?
2. We understand Mr. Pruitt is taking steps to establish a legal defense fund to defray the costs associated with the different federal inquiries he now faces. Can you provide details about the establishment of this fund, including how Mr. Pruitt intends to get donations for it? And as we understand, this is to defray his own legal costs, and not those of his staff, correct?
3. In terms of current and former EPA staffers who have been asked to appear before HOGR, we understand that Mr. Perrotta appeared in Wednesday, and was represented by EPA counsel, and both Sarah Greenwalt and Millan Hupp are scheduled to talk to investigators in the next two weeks. Our understanding is that Ms. Greenwalt will be represented by private counsel. Is that accurate? And has a date been scheduled for Ryan Jackson or Samantha Dravis, both of whom we understand are represented by private counsel?
4. Separately, we just saw the NYT account that Mr. Pruitt's meal at Al Ceppo was originally paid for by Leonard Leo. Can you clarify how much that meal cost, and when Mr. Pruitt reimbursed Leo. Also, since Mr. Leo organized multiple meals in Rome, did he initially pay for other meals for the Administrator?

Thanks so much, and we are reachable the usual ways,
Juliet

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS & TRAINING
PROTECTION SERVICES DETAIL
WASHINGTON, DC
20004

May 1, 2017

MEMORANDUM

SUBJECT: Business / First Class Travel When Protecting the EPA Administrator

FROM: Nino Perrotta, "Acting" Special Agent in Charge, Protective Services Detail

TO: Gail Davis – Travel Coordinator

We are requesting that the EPA Administrator be strategically seated in business and or first class seating when on official travel. We have observed and increased awareness and at times lashing out from passengers which occurs while the Administrator is seated in coach with PSD not easily accessible to him due to uncontrolled full flights. Therefore, we believe that the continued use of coach seats for the Administrator would endanger his life and therefore respectfully ask that he be placed in either business and or first class accommodations.

Pasquale (Nino) Perrotta
(Acting) Special Agent In Charge
Protective Services Detail
Office of Criminal Enforcement, Forensics and Training

Message

From: Hewitt, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=41B19DD598D340BB8032923D902D4BD1-HEWITT, JAM]
Sent: 5/7/2018 2:45:30 PM
To: Daniell, Kelsi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd867173479344b3bda202b3004ff830-Daniell, Ke]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Beach, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b124299bb6f46a39aa5d84519f25d5d-Beach, Chri]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Hanson, Paige (Catherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95adc1b2ac3b40ab9dc591801d594df8-Hanson, Cat]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; McMurray, Forrest [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=344246fb2cb643bfab4f92fe016566e2-McMurray, F]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Ross, David P [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=119cd8b52dd14305a84863124ad6d8a6-Ross, David]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Yamada, Richard (Yujiro) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4c34a1e0345e4d26b361b5031430639d-Yamada, Yuj]; Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]; Block, Molly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=60d0c681a16441a0b4fa16aa2dd4b9c5-Block, Moll]

Subject: EPA News Highlights 5.7.18

Attachments: EPA News Highlights 5.7.18.docx

EPA News Highlights 5.7.18

E&E News: EPA's self-reporting plan could be rolled out by summer

An EPA plan that'll waive or reduce penalties for companies that self-report air emissions violations could be in place by June. A senior official in the agency's enforcement and compliance office discussed the program with state oil and gas regulators gathered here for a meeting of the Interstate Oil and Gas Compact Commission. EPA on Friday posted a description of the program it's developing. The program is designed to address the emissions from storage tanks used to hold oil, petroleum liquids and wastewater, said Patrick Traylor, EPA deputy assistant administrator for enforcement and compliance. It's one of the biggest sources of pollution from oil and gas operations.

The Palladium-Item: EPA money will help Richmond identify contaminated properties

Just how many properties around Richmond have some kind of environmental contamination issue? A federal grant will help city officials to better answer that question. The U.S. Environmental Protection Agency has awarded Richmond $300,000 to assess various sites and update the city's brownfields inventory. Having an up-to-date listing of Richmond's troubled properties is necessary so officials can be ready to go with potential projects when the EPA makes future grants available. "We have an existing inventory that hadn't been updated in several years so to be ready for the rapid financing program that the EPA puts out, we need to have an updated inventory," City Controller Beth Fields said. "The overall vision was to identify all of the sites and then prioritize those sites for remediation."

The Washington Examiner: The EPA's new 'secret science' rule makes sense from a risk-assessment perspective

Environmental Protection Agency Administrator Scott Pruitt's recent announcement that EPA will not use "secret science" — that is science for which the underlying data is not available — is challenging. Whereas EPA is routinely in receipt of unpublished toxicity studies for chemicals designed for commerce, not all important scientific findings are publishable. Nor do scientific journals generally have sufficient space to include all data. Much has been made in recent weeks of this new EPA policy, including an op-ed opposing it by former EPA Administrator Gina McCarthy and former acting Assistant Administrator Janet McCabe. The media coverage has focused attention on how science is considered acceptable and useful in EPA's rulemaking.

Politico: EPA clamps down on document requests linked to Pruitt

Top aides to Scott Pruitt at the Environmental Protection Agency are screening public records requests related to the embattled administrator, slowing the flow of information released under the Freedom of Information Act — at times beyond what the law allows. Internal emails obtained by POLITICO show that Pruitt's political appointees reviewed documents collected for most or all FOIA requests regarding his activities, even as he's drawn scrutiny for his use of first-class flights and undisclosed dealings with lobbyists. While past administrations have given similar heads-ups to political aides for certain records requests, FOIA experts say this high-level vetting at EPA appears to have increased compared with the Obama era.

Michigan Live: Wolverine tannery back in EPA crosshairs 5 years later

Full federal scrutiny is finally coming to bear on the polluted Wolverine World Wide tannery in downtown Rockford, five years after the Environmental Protection Agency stepped away from its initial investigation and left the site under state control. The EPA says new contamination testing will begin mid-month at the former manufacturing grounds, where, from 1908 to 2009, Wolverine churned out treated leather that helped the footwear company grow into a global business with $2.4 billion in revenue last year. The testing will be more thorough than Wolverine desired. The EPA wants Wolverine to conduct extensive soil and groundwater sampling across the entire 15-acre property, which has been open to the public as an informal community green space used sporadically for downtown events since the buildings were razed in 2010.

The Daily Caller: Scott Pruitt's Head Bodyguard Takes On The 'False Dirty Laundry' Being Spread About EPA
Many of the accusations against Environmental Protection Agency Administrator Scott Pruitt and his close aides were concocted by "disgruntled employees" looking to damage the agency, the former head of Pruitt's security detail said. "I believe at the end of the day, these are disgruntled employees — staffers — who, for whatever reason, decided to air dirty laundry — false dirty laundry to the press," Nino Perrotta told The Daily Caller News Foundation in an exclusive interview. Perrotta served as the special agent in charge of Pruitt's security detail for about a year, leading the administrator's protective detail as actuations of overspending and ethical violations. Congress and EPA's Office of Inspector General have multiple investigations into Pruitt's actions.

National News Highlights 5.7.18

The Wall Street Journal: Oil Prices Reach Highest Level Since 2014 Ahead of Iran Deadline
Oil prices rallied to a 3½ year high on Monday, with the U.S. benchmark breaking above $70 a barrel, as investors braced for the country's expected exit from the Iran nuclear deal this week. Brent crude, the global oil benchmark, was up 1% to $75.59 a barrel on London's ICE Futures exchange having hit $75.89 earlier, their highest level since 2014. On the New York Mercantile Exchange, West Texas Intermediate futures were trading up 1% at $70.42 a barrel. Oil prices have risen over 10% in the past month as U.S. President Donald Trump has indicated it is likely the country will withdraw from a 2015 international agreement with Iran which eased sanctions in return for curbs to its nuclear program. A decision is due by May. 12.

The New York Times: Giuliani Says Trump Would Not Have to Comply With Mueller Subpoena
Rudolph W. Giuliani, reeling after a chaotic first week as President Trump's lawyer, tried again on Sunday to straighten out his client's story. But Mr. Giuliani raised new questions about whether Mr. Trump had paid hush money to other women and suggested the president might invoke the Fifth Amendment to avoid testifying in the special counsel's Russia investigation. Mr. Giuliani, a former federal prosecutor and New York City mayor hired by Mr. Trump to smooth communication between the White House and the special counsel, Robert S. Mueller III, instead painted Mr. Mueller as an out-of-control prosecutor bent on trapping Mr. Trump into committing perjury. The president, he said, could defy a subpoena to testify.

Politico: Trump defends CIA pick Haspel: 'Democrats want out because she is too tough on terror'
President Donald Trump issued an online vote of confidence Monday for Gina Haspel, his pick to be the next director of the CIA, and chided Democrats who have been critical of her for her role in waterboarding terrorism suspects at a secret agency prison. "My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists," the president wrote on Twitter. "Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!" Haspel is expected to be on Capitol Hill on Monday, meeting with senators ahead of confirmation hearings later this week.

TRUMP TWEETS

E&E News

https://www.eenews.net/energywire/2018/05/07/stories/1060080957
EPA's self-reporting plan could be rolled out by summer
By Mike Lee, 5/7/18

An EPA plan that'll waive or reduce penalties for companies that self-report air emissions violations could be in place by June.

A senior official in the agency's enforcement and compliance office discussed the program with state oil and gas regulators gathered here for a meeting of the Interstate Oil and Gas Compact Commission. EPA on Friday posted a description of the program it's developing.

The program is designed to address the emissions from storage tanks used to hold oil, petroleum liquids and wastewater, said Patrick Traylor, EPA deputy assistant administrator for enforcement and compliance. It's one of the biggest sources of pollution from oil and gas operations.

The program is the latest move under the Trump administration and EPA Administrator Scott Pruitt to forge a collaborative relationship with the energy industry, although Traylor said EPA isn't completely abandoning tougher enforcement.

"We actually expect to have faster compliance through the use of this self-audit tool," he said. "This is one of our tools, not the only tool we'll be using in this sector."

Although it's not a formal rulemaking, EPA is taking comments on the proposal for 30 days, and it could go into effect soon after that, Traylor said.

If it's approved, the proposal would allow companies that acquire new oil and gas operations to self-audit their newly acquired properties and report any problems to EPA. The companies would then have a flexible timeline to fix the problems. In exchange, EPA would waive all or most of the civil and criminal penalties that would normally apply.

EPA has had a "new owner" program for traditional manufacturing plants since 2008. The agency has had difficulty applying it to the oil and gas industry because a typical oil field can include hundreds of tanks and other facilities.

Storage tanks are one of the major sources of pollution from the oil and gas industry. Volatile organic compounds such as benzene can leak from pressure-relief valves or from improperly secured hatches. In many cases, truck drivers open the tanks to the atmosphere when they measure the liquids that collect in tanks (Energywire, Aug. 22, 2017).

EPA plans to use a standard audit, based on a self-audit that the Texas-based gas producer Range Resources Corp. conducted in 2016 (E&E News PM, April 20).

It's similar to the approach that a half-dozen oil producing states have taken, sometimes through informal processes.

Texas and North Dakota have laws on the books that allow their state oil regulators to waive penalties for companies that report their own violations, state officials said during a roundtable discussion. Texas doesn't allow penalties to be waived, though, in cases that cause actual harm.

The Colorado Oil and Gas Conservation Commission adopted a similar policy in 2014, but it stipulates that the program doesn't apply to cases involving fraud, willful misconduct or gross negligence.

Environmentalists are likely to object to the program because it could encourage companies to flout the rules when they are developing new oil and gas fields, particularly if they plan to sell the field quickly.

That's unlikely to happen, Traylor said in an interview after his presentation.

"This shouldn't be interpreted as an incentive to not comply with the law," Traylor said.

Palladium-Item

https://www.pal-item.com/story/news/local/2018/05/06/epa-money-help-richmond-identify-contaminated-properties/568006002/

EPA money will help Richmond identify contaminated properties

By Jason Truitt, 5/6/18

Just how many properties around Richmond have some kind of environmental contamination issue? A federal grant will help city officials to better answer that question.

The U.S. Environmental Protection Agency has awarded Richmond $300,000 to assess various sites and update the city's brownfields inventory.

Having an up-to-date listing of Richmond's troubled properties is necessary so officials can be ready to go with potential projects when the EPA makes future grants available.

"We have an existing inventory that hadn't been updated in several years so to be ready for the rapid financing program that the EPA puts out, we need to have an updated inventory," City Controller Beth Fields said.

"The overall vision was to identify all of the sites and then prioritize those sites for remediation."

Richmond was one of five Indiana cities and one multi-town group awarded funding recently by the EPA. The others were Clarksville, Indianapolis, Jeffersonville and Michigan City and a regional planning commission in southern Indiana that represents six towns.

The city's grant can only be used for "developing inventories of brownfields, prioritizing sites, conducting community involvement activities, conducting site assessments and developing cleanup plans and reuse plans related to brownfield sites," according to the grant application.

Jack Cruse, director of Richmond's Department of Infrastructure and Development, said the city made the former Mechanics Laundry building on North E Street next to the depot the focal point of its application, but officials intend to look at sites throughout the city.

"We've got properties in the city of Richmond that have not been assessed but we know that they exist," he said.

"A lot of these are old places that either had petroleum products or were laundry areas."

This isn't the first time that the former Mechanics Laundry building has come up in city conversations.

Back in 2004, Richmond Common Council passed a resolution allowing the city to pursue a purchase of the building by getting a pair of environmental studies done on the property. Officials believed the site might be contaminated with a chemical used in dry cleaning.

The plan was to tear down the building and use the space for parking in the Historic Depot District, but the city never did buy the property.

In 2014, Roger Richert, then-owner of the former Pennsylvania Railroad Depot next door, got permission to clean up the outside of the laundry and have a mural painted on it depicting a train that looks as if it's approaching the station.

The Washington Examiner

https://www.washingtonexaminer.com/opinion/op-eds/the-epas-new-secret-science-rule-makes-sense-from-a-risk-assessment-perspective

The EPA's new 'secret science' rule makes sense from a risk-assessment perspective
By Michael L. Dourson, 5/6/18

Environmental Protection Agency Administrator Scott Pruitt's recent announcement that EPA will not use "secret science" — that is science for which the underlying data is not available — is challenging. Whereas EPA is routinely in receipt of unpublished toxicity studies for chemicals designed for commerce, not all important scientific findings are publishable. Nor do scientific journals generally have sufficient space to include all data.

Much has been made in recent weeks of this new EPA policy, including an op-ed opposing it by former EPA Administrator Gina McCarthy and former acting Assistant Administrator Janet McCabe.

The media coverage has focused attention on how science is considered acceptable and useful in EPA's rulemaking. But missing from this is the perspective of risk scientists charged with protecting public health. In the case of EPA, it is often not enough for any one positive study to be published in a peer-reviewed journal. Such work often needs replication because a positive finding occurs, on average, in one out of every 20 studies due to chance.

If a study cannot be replicated, then it at least needs to make sense within the pattern of available data. For pesticides regulated by EPA, these data are often from hundreds of studies done according to federal guidelines.

Studies that are not replicated or that do not make sense in an overall pattern are still considered, however. Risk scientists will often contact the authors to obtain additional information in order to conduct their own analysis, a common practice within EPA.

When such data are forthcoming, without the need to break confidentiality or disclose confidential business information, independent analyses can be conducted and the public health is better served. But when such information is withheld by the authors, government risk scientists are often left with a dilemma.

For example, imagine that a series of studies come out on a single human group that is exposed to a commonly used insecticide, and they show an unexpected effect at extremely low exposures. This finding has not been replicated and clashes with multiple animal and human studies that point to danger only at much higher exposures.

In this case, EPA scientists would ask the authors for the underlying data to confirm this unexpected low-dose effect. But let's say they can't get it. EPA is then left with neither confirmatory studies, nor information that makes sense in light of other studies, nor the ability to conduct its own analysis. Understandably, Pruitt has chosen a policy of not using such studies.

There is one sense in which McCarthy and McCabe are spot on. The judgment over which epidemiology and/or toxicology data to use for risk or safety assessment purposes should be left to risk scientists. But from my perspective as a risk scientist, Pruitt's decision is still correct. The public's interest is best served when science is replicable and consistent with other information. When studies cannot be replicated or are inconsistent with other information, access to their underlying data is vital to independent analysis. When the underlying data are not provided to a risk scientist, it is difficult to use this study to make a credible risk judgment, much less national rulemaking.

There is one sense in which McCarthy and McCabe are spot on. The judgment over which epidemiology and/or toxicology data to use for risk or safety assessment purposes should be left to risk scientists. But from my perspective as a risk scientist, Pruitt's decision is still correct. The public's interest is best served when science is replicable and consistent with other information. When studies cannot be replicated or are inconsistent with other information, access to their underlying data is vital to independent analysis. When the underlying data are not provided to a risk scientist, it is difficult to use this study to make a credible risk judgment, much less national rulemaking.

In short, the public is often worried about chemical exposure, as they should be when such exposure exceeds a safety level. But the public's interest is best served by trusting in experts dedicated to public health protection, not by withholding scientific data from independent analysis.

Politico

https://www.politico.com/story/2018/05/06/pruitt-epa-document-requests-570289

EPA clamps down on document requests linked to Pruitt

By Alex Guillen, 5/6/18

Top aides to Scott Pruitt at the Environmental Protection Agency are screening public records requests related to the embattled administrator, slowing the flow of information released under the Freedom of Information Act — at times beyond what the law allows.

Internal emails obtained by POLITICO show that Pruitt's political appointees reviewed documents collected for most or all FOIA requests regarding his activities, even as he's drawn scrutiny for his use of first-class flights and undisclosed dealings with lobbyists.

While past administrations have given similar heads-ups to political aides for certain records requests, FOIA experts say this high-level vetting at EPA appears to have increased compared with the Obama era.

"This does look like the most burdensome review process that I've seen documented," said Nate Jones, director of the FOIA Project at The George Washington University's National Security Archive.

The emails also show Pruitt's aides chastising career employees who released documents about the administrator without letting them screen the records first. Meanwhile, several environmental groups say the agency has told them that political staffers' document reviews have delayed releases past legal deadlines.

The new processes described in the emails involve "awareness reviews" or "senior management reviews" conducted by top political staffers before the agency releases essentially any documents involving the administrator. The emails also show Pruitt's political appointees chastising career employees who released documents in accordance with FOIA without letting them screen the records first.

EPA sometimes conducted those types of reviews under the Obama administration when career staff thought documents would generate a lot of interest, agency officials from that era told POLITICO. But under Pruitt, the vetting by EPA chief of staff Ryan Jackson and other key appointees of any documents linked to the administrator appears to be on the rise, according to FOIA experts who reviewed the emails.

The increased scrutiny comes as the agency faces a wave of accusations of excessive secrecy. EPA has declined to provide information about Pruitt's public appearances in advance — a practice at odds with those of many other Cabinet members and the White House. And the agency releases his detailed calendars only when compelled by lawsuits.

That secrecy has prompted a boom in FOIA requests filed with the agency and lawsuits challenging its resistance to releasing information to the public. As POLITICO reported in February, production of documents under FOIA requests from Pruitt's office is drastically lower than the rest of EPA.

The newly released emails, which EPA gave to the Natural Resources Defense Council following legal action, show Jackson created a pilot program to "centralize" requests that go through the various suboffices that make up EPA's Office of the Administrator. The emails show that the political aides weren't just concerned about streamlining the FOIA process — they wanted to know about any requests anywhere at EPA that involved Pruitt.

In one exchange from last August, Jackson and Liz Bowman, the head of EPA's Office of Public Affairs, expressed concern about documents related to comments Pruitt made on CNBC disputing that carbon dioxide from human activities was

the primary cause of climate change. Those documents had been released to E&E News without first going through their review.

"Why did Kevin Bogardus from E&E all of a sudden get a response to a FOIA today, without any awareness from our FOIA office?" Bowman wrote Aug. 2. She later added that the response "wasn't due until 8/30."

Officials quickly determined that the request had been filled by a career employee before Bowman had a chance to flag it "for attention." Although the request involved Pruitt, the records sought by E&E were kept at EPA's Office of Research and Development, and the request was routed there before being released by a FOIA expert from that office.

Anything related to Pruitt "will draw inquiries from press," Jackson replied, and he requested that he and the public affairs office be notified ahead of any Pruitt-related release from any EPA office.

The message was received loud and clear by EPA's career staff.

"I have instructed my staff that no [Office of the Administrator] requests are to be issued without the opportunity for an awareness review by you, [the Office of Public Affairs] and the senior leadership of any other affected offices," Becky Dolph, the head of a special team of FOIA experts in EPA's Office of General Counsel, wrote to Jackson later that day.

Emails sent later that month showed Jackson pressing staff on why documents related to a coal plant water pollution rule were already available online just one day after an awareness review began.

The documents were "inadvertently" posted, replied Kevin Minoli, then EPA's acting general counsel, who added that the process would be changed so that "nothing is uploaded at all until we have the final set of documents and their production has been authorized."

None of the emails given to the NRDC reveal exactly what actions the political staffers conducting these reviews took.

NRDC attorney Aaron Colangelo said he asked EPA for details about the reviews after an EPA attorney told him that "awareness reviews" were delaying the release of documents in other FOIA requests filed by the environmental group. Those requests were related to Pruitt's participation in ongoing legal cases that he'd previously been involved in during his time as Oklahoma's attorney general.

Colangelo and other FOIA experts said federal agencies have discretion to set up their own internal FOIA processes, and the political reviews are not illegal — unless the reviews caused EPA to miss deadlines for producing documents set out in the Freedom of Information Act.

"There's nothing necessarily wrong with political folks getting a heads-up before potentially sensitive documents are released," Colangelo said in an interview. "But we do have a legitimate objection if that political review delays compliance with deadlines in the law."

And that has happened for at least two of the NRDC's Pruitt-related FOIA requests, he said.

Another request from a coalition of environmental groups for documents about Pruitt's delay of a rule limiting water pollution from coal plants was held up over a "senior management review."

A judge mediating the lawsuit over that delay, Valerie Caproni of the U.S. District Court for the Southern District of New York, said during November proceedings that while EPA "can do whatever internal policies in particular they want on FOIA," the agency cannot use political reviews to justify missing legal deadlines.

EPA still has to "comply with the law, and that means they have to produce documents in a timely way," she said. EPA eventually handed over the documents in that case.

It's not clear exactly how many FOIA requests have been delayed by political reviews, but experts say it is clearly having an impact.

Several Obama-era EPA political officials said they too occasionally received "heads-up" awareness reviews on high-profile requests, but not necessarily to the degree that Pruitt's aides are doing them.

"It doesn't seem abnormal to me that some political would get a chance to have review for awareness of productions that are going out that involve the administrator," said one former official. But the close attention from top-ranking officials like Jackson and former policy chief Samantha Dravis seemed "a little bit odd," the former official added.

Instead, awareness reviews generally went to the head of the agency program office in question and to congressional affairs staffers so they could coordinate with any requests from lawmakers, the former official said.

One Obama-era awareness review that was included in the new documents showed that a large batch of documents related to the Flint, Michigan, lead crisis was flagged to political officials in the Office of Water and the congressional affairs office, as well as the general counsel, the regional administrator and a public affairs official.

Bowman, the EPA spokeswoman, did not comment on questions from POLITICO about the political oversight of FOIA requests, but she noted that the Trump administration was not the first to use them.

"Each EPA program and Region does their own FOIAs, so an awareness review allows the press office, Congressional Affairs Office and senior officials to be informed of documents being released in response to FOIA requests, to facilitate inter-office coordination, and to prepare responses to inquiries," she said.

Thomas Cmar, an Earthjustice attorney involved in multiple FOIA lawsuits with EPA, said the emails raise as many questions as they answer.

"Political staff appear to be keeping a very close eye on what information is being requested and released to the public," he said. "It raises concerns and it raises questions that need to be answered about whether EPA is living up to its obligations to make basic information about its activities available to the public that it's supposed to be serving."

Michigan Live

http://www.mlive.com/news/grand-rapids/index.ssf/2018/05/wolverine_tannery_epa_rockford.html **Wolverine tannery back in EPA crosshairs 5 years later**
By Garrett Ellison, 5/6/18

Full federal scrutiny is finally coming to bear on the polluted Wolverine World Wide tannery in downtown Rockford, five years after the Environmental Protection Agency stepped away from its initial investigation and left the site under state control.

The EPA says new contamination testing will begin mid-month at the former manufacturing grounds, where, from 1908 to 2009, Wolverine churned out treated leather that helped the footwear company grow into a global business with $2.4 billion in revenue last year.

The testing will be more thorough than Wolverine desired.

The EPA wants Wolverine to conduct extensive soil and groundwater sampling across the entire 15-acre property, which has been open to the public as an informal community green space used sporadically for downtown events since the buildings were razed in 2010.

Data shows the property is fouled by arsenic, chromium and lead in addition to the per- and polyfluoroalkyl substances, or PFAS chemicals, that have sparked new site scrutiny.

The now-empty land where Wolverine reneged on a promise to build a downtown Rockford shoe store is back in federal crosshairs after extremely high PFAS levels were found at the tannery, Wolverine's House Street sludge dump and other places where the company cached toxic waste around northern Kent County.

The tannery scored high enough to warrant inclusion on the federal Superfund list of toxic sites, but the EPA acquiesced in 2012 to substantial pushback from Wolverine and community leaders who lobbied hard to keep the century-old factory grounds under a state-led, voluntary environmental cleanup program.

Whether the site attains Superfund status is an open question.

Although PFAS helped bring the EPA back to Rockford, the federal government doesn't have enforceable cleanup standards for the contamination caused by Wolverine's use of 3M Scotchgard to waterproof shoe leather. But the state of Michigan does.

This has resulted in a delicate state and federal coupling.

The EPA is focusing its probe on other contaminants besides PFAS at the tannery and federal investigators are picking up where they left off, when a site assessment identified historic contamination in places like "the pit," a 50-foot former maintenance basement area where toxic waste pooled and sometimes overflowed.

The EPA issued Wolverine an investigative subpoena for records related to the tannery and the House Streep dump in Plainfield Township in early December, prior to a Jan. 10 order that formally increased the federal role in the Wolverine investigation.

Those records are now under EPA examination.

Jeffrey Kimble, an EPA Region 5 on-scene coordinator assigned to the investigation, asked Wolverine to expand testing.

"They did not meet what I wanted them to do, so (the sampling plan) has been given back to Wolverine's consultant with directions from me," Kimble said. "I want this to be a complete extent of contamination survey, so we've had them adjust their approach."

Kimble is scrutinizing the site for contamination that could pose an immediate health risk and wants "a good number and spacing of actual soil samples, sediment samples in Rum Creek and adjacent Rogue River, and few more groundwater samples."

"I'm looking at what people could actually touch if they dug in the dirt, if they had to do excavation or what may migrate off site," he said.

Through a spokesperson, Wolverine confirmed that it received Kimble's feedback and subsequently modified its testing plan.

Wolverine said it is "diligently" working with regulators and anticipates its consultant Rose & Westra GZA beginning field work this summer.

In June, the company will allow the Rockford Start of Summer Celebration to use the tannery lawn for ballgames and festival fireworks viewing, but EPA says it's requiring the company test the surface soils used for backfill and grading first.

Although the property is fenced along the west side, the public has easy access because the rest of the fence was removed at the city's request in 2015. The EPA couldn't provide a date when more fencing and warning signs would go up, although both are stipulated.

Thad Beard, Rockford city manager, thinks the topsoil cap placed after demolition is enough to keep people safe.

"If you were to go dig a 10-foot hole and start eating the dirt, that would be a cause for concern," Beard said.

"From what I understand, there's no contaminants exposed to the public unless you were to dig below grade."

That may depend on the location. According to EPA testing, contamination above acceptable human contact levels exists "at or near the surface" of the tannery footprint along the heavily-used White Pine Trail, where "elevated levels of organic and inorganic contaminants have been detected in surficial soils."

That contamination data was collected several years before 2017 testing confirmed total PFAS at 532,000 parts per trillion in the groundwater at the tannery.

In the river nearby, sediment testing found elevated levels of arsenic, total chromium, hexavalent chromium, copper, lead, mercury and zinc. Wolverine used chromium in bulk to convert raw hides into leather. The hexavalent variety is a known carcinogen.

In a January memo, Kimble characterized both the House Street and tannery sites as "imminent and substantial" threats to public health and the environment. The memo notes that children have been observed swimming in the river downtown where "sediment and water contamination has been documented."

The EPA evaluated the site six years ago at the request of the Concerned Citizens for Responsible Remediation (CCRR), a local group which petitioned for federal involvement in 2011 after independently documenting contamination at the property.

Lynn McIntosh, a Rockford activist instrumental in bringing Wolverine's pollution to light, said she's spent years warning people enjoying the river downtown to "make sure they wash their kids' hands or wipe their kayak" afterwards.

On multiple occasions, McIntosh said she's quietly approached parents with children playing at the trailside canoe launch near the southwest corner of the former tannery site to warn them about elevated levels of mercury in the nearby riverbed.

"I shouldn't have to do that," she said.

McIntosh is pleased the EPA is back on the ground in Rockford after watching former elected officials like late city manager Michael Young and ex-state Sen. Mark Jansen lobby keep the tannery under Michigan Department of Environmental Quality oversight.

Both men wrote similarly-worded letters to regulators warning of "significant negative effect" on tannery redevelopment and downtown Rockford if EPA involvement were to continue; both citing their understanding that "there are no conditions at the property that present a health threat to the public."

Wolverine "has advised me that the remaining environmental issues at the property will be properly addressed by Wolverine with the DEQ," Young wrote to the EPA on April 19, 2012.

Both Young and Jansen asked that EPA "terminate" their involvement and let DEQ manage the site under the state's Part 201 law.

Under the state voluntary cleanup program, the DEQ has essentially allowed Wolverine to mothball the site, McIntosh argued.

Although Wolverine has done sampling and soil boring, little excavation and no bioremediation, containment, groundwater control or treatment has occurred under the state's oversight.

Rockford put "money and image over addressing a real possible public health and safety issue, and worked with the company to accomplish that," McIntosh said.

The DEQ counters that retaining control over the site has sped, not slowed, tannery cleanup work because it takes several years for a site to become Superfund listed. The site was designated an "Other Cleanup Authority" under state lead in 2012.

Were it placed on the National Priorities List, "it would have taken several more years to accomplish remedial investigation and remedial actions," said DEQ spokesperson Scott Dean.

"Wolverine has better defined the extent of soil and groundwater contamination and located leather and hide scraps buried on the 100-year-old tannery site" following the 2012 agreement, Dean said.

The state's oversight "made it possible for Wolverine to quickly begin monitoring for PFAS" after it became a concern in 2016, he said.

The company began testing for PFAS in August 2017.

"Although we have been frustrated by the pace of work at the tannery site, our primary focus has been on protecting the public," Dean said.

"We remain committed to holding Wolverine accountable for the contamination on their site and seeing it returned to productive use."

The Daily Caller

http://dailycaller.com/2018/05/07/exclusive-epa-scott-pruitt-body-guard-nino-perrotta-false-dirty-laundry/

Scott Pruitt's Head Bodyguard Takes On The 'False Dirty Laundry' Being Spread About EPA

By Michael Bastasch, 5/7/18

Many of the accusations against Environmental Protection Agency Administrator Scott Pruitt and his close aides were concocted by "disgruntled employees" looking to damage the agency, the former head of Pruitt's security detail said.

"I believe at the end of the day, these are disgruntled employees — staffers — who, for whatever reason, decided to air dirty laundry — false dirty laundry to the press," Nino Perrotta told The Daily Caller News Foundation in an exclusive interview.

Perrotta served as the special agent in charge of Pruitt's security detail for about a year, leading the administrator's protective detail as actuations of overspending and ethical violations. Congress and EPA's Office of Inspector General have multiple investigations into Pruitt's actions.

Perrotta retired at the end of April, ending his 14-year career at EPA amid investigations into Pruitt's security arrangements — including his 24/7 detail, hiring of more agents, and flying first class when traveling.

Former EPA official Kevin Chmielewski detailed many accusations against Pruitt, Perrotta and other top aides to congressional Democrats. Many of the accusations were "intentionally used to mislead the American people," Perrotta told TheDCNF.

Chmielewski was one of several EPA staffers allegedly sidelined for challenging Pruitt on spending decisions. However, Perrotta believes Chmielewski decided to come out against Pruitt after a January 2018 phone call.

During that call, Chmielewski vented to Perrotta about issues he was having with his pay, the former EPA security head said. Perrotta said he tried to help Chmielewski with his pay issue, but the former EPA official "began to threaten the EPA, specifically the administrator and the chief of staff, that he was going to talk to the press and everyone he could about," using colorful language, "how f-ed up the EPA was and how f-ed up the administrator was and how f-ed up the chief of staff was."

"I found that to be very, very bizarre," Perrotta said. "If you have differences, it should be aired through your chain of command."

Chmielewski called the next day, but given his tone and threatening statements on their previous call, Perrotta said he'd have to report the former EPA official. Perrotta filed the report with the agency.

Pruitt's been increasingly mired in negative news stories — many of them likely the result of Chmielewski talking to the press and Congress. News reports have already called into question the veracity of many of Chmielewski's claim.

For example, "a $30,000 contract with private Italian security personnel entered into by" Perrotta ahead of Pruitt's attendance of a G7 summit in Italy, Chmielewski told Congress. Perrotta would never have the authority to unilaterally enter into such a contract, the former EPA security head said.

"That is a false accusation," Perrotta told TheDCNF. "A person at my level and grade in the agency would have the authority to do so."

Chmielewski also told Democratic lawmakers "at least one security-related contract was awarded to an individual who works at Mr. Perrotta's private security firm, and he believes that other contracts may also have been awarded to friends or associates of Mr. Perrotta's."

It's true EPA hired Edwin Steinmetz to conduct a security sweep of Pruitt's office in 2017, costing the agency $3,000. Steinmetz is listed on the management team of Perrotta's security firm he operates on the side, Sequoia Security Group.

Perrotta said he explained to superiors that Steinmetz, a security consultant, subcontracted through his side company, which EPA gave him approval to operate in 2013. EPA officials asked Perrotta in 2017 if he could recommend a company to conduct a security sweep of Pruitt's office.

"The only reason that the vendor was selected," Perrotta said, "is because there were issues within the agency of identifying a new vendor, which to me was bizarre."

"It was clear to me, now, that certain people compared notes, shared information, and created this false narrative. And I believe the American people are going to see this, eventually," Perrotta said.

You can watch TheDCNF's entire interview with Perrotta here. And stay tuned for more.

The Wall Street Journal

https://www.wsj.com/articles/oil-prices-continue-to-rise-fueled-by-iran-concerns-1525673680

Oil Prices Reach Highest Level Since 2014 Ahead of Iran Deadline

By Sarah McFarlane and Biman Mukherji, 5/7/18

Oil prices rallied to a 3½ year high on Monday, with the U.S. benchmark breaking above $70 a barrel, as investors braced for the country's expected exit from the Iran nuclear deal this week.

Brent crude, the global oil benchmark, was up 1% to $75.59 a barrel on London's ICE Futures exchange having hit $75.89 earlier, their highest level since 2014. On the New York Mercantile Exchange, West Texas Intermediate futures were trading up 1% at $70.42 a barrel.

Oil prices have risen over 10% in the past month as U.S. President Donald Trump has indicated it is likely the country will withdraw from a 2015 international agreement with Iran which eased sanctions in return for curbs to its nuclear program. A decision is due by May. 12.

"There is some scope for profit-taking now that prices are at 42-month highs but that is been overshadowed by the potential re-imposition of sanctions on Iran," said Dubai-based Ehsan Khoman, head of research for the Middle East and North Africa region at MUFG bank.

Previously, international sanctions have cut Iranian exports by around 1 million barrels a day, but MUFG expects the U.S. will "go it alone" if they impose sanctions, meaning the impact will be a loss of 250,000-350,000 barrels a day.

"The EU may not deem it necessary to reinstate sanctions on shipping insurance which were paramount in restricting Iranian crude exports last time around," said Mr. Khoman.
The U.S. doesn't import any Iranian crude but certain allies including Japan and South Korea which do, may switch to other suppliers to comply with the changed stance of the U.S., analysts said.

There were also signs of discord among members of the Organization of the Petroleum Exporting Countries after Iran's deputy oil minister Amir Hossein Zamaminia said a "suitable price" for oil is $60 to $65 a barrel in an interview with Bloomberg on Sunday. Iran's position differs from OPEC's top producer Saudi Arabia, which is seeking to push oil to $80 a barrel to fund economic reforms.

This creates uncertainty for the prospects of an extension to the group's deal to cut production, initially struck to target reducing a glut in global oil stocks, which had ballooned because of rising U.S. shale output. Saudi Arabia is expected to push for the cuts to continue beyond 2018 to keep oil prices closer to their target.

Oil production in the U.S. is expected to continue its march higher with the number of rigs drilling for oil rising by 9 last week to a three-year high of 834 rigs, according to oil-field services firm Baker Hughes (BHGE) data published on Friday.

Nymex reformulated gasoline blendstock—the benchmark gasoline contract—up 0.7% to $2.13 a gallon. ICE gasoil changed hands at $660.50 a metric ton, up $11.50 from the previous settlement.

The New York Times

https://www.nytimes.com/2018/05/06/us/politics/giuliani-says-trump-would-not-have-to-comply-with-mueller-subpoena.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news

Giuliani Says Trump Would Not Have to Comply With Mueller Subpoena

By Mark Landler and Noah Weiland, 5/6/18

Rudolph W. Giuliani, reeling after a chaotic first week as President Trump's lawyer, tried again on Sunday to straighten out his client's story. But Mr. Giuliani raised new questions about whether Mr. Trump had paid hush money to other women and suggested the president might invoke the Fifth Amendment to avoid testifying in the special counsel's Russia investigation.

Mr. Giuliani, a former federal prosecutor and New York City mayor hired by Mr. Trump to smooth communication between the White House and the special counsel, Robert S. Mueller III, instead painted Mr. Mueller as an out-of-control prosecutor bent on trapping Mr. Trump into committing perjury. The president, he said, could defy a subpoena to testify.

"We don't have to," Mr. Giuliani said in a rambling, 22-minute interview on ABC's "This Week" program. "He's the president of the United States. We can assert the same privileges other presidents have."

Mr. Giuliani, who met with the special counsel's office shortly after joining the legal team last month, said he and another lawyer, Jay Sekulow, agreed that the president should not speak to Mr. Mueller. But he acknowledged that he had little, if any, control over the president, who said as recently as Friday that he still wanted to speak to the special counsel.

"How can I ever be confident of that?" Mr. Giuliani said, when asked whether Mr. Trump would not invoke his right to avoid self-incrimination. "I'm facing a situation with the president and all the other lawyers are, in which every lawyer in America thinks he would be a fool to testify, I've got a client who wants to testify."

It was one of several startling admissions by Mr. Giuliani, during his first extended television appearance since Mr. Trump criticized him last week as not having his "facts straight" about payments made to a pornographic film actress, Stephanie Clifford. Mr. Giuliani said it was possible that Mr. Trump's personal attorney, Michael D. Cohen, had made additional payments to other women on the president's behalf.

"I have no knowledge of that," Mr. Giuliani said when asked about other payments, "but I would think if it was necessary, yes."

If Mr. Trump were to invoke the Fifth Amendment, he would undercut his longstanding claim that he has nothing to hide about his campaign's ties to Russia. During the presidential campaign, he ridiculed his Democratic opponent, Hillary Clinton, when some of her aides invoked the Fifth Amendment during a congressional investigation of Mrs. Clinton's use of a private email server.

"The mob takes the Fifth," Mr. Trump said at a campaign rally in Iowa in September 2016. "If you're innocent, why are you taking the Fifth Amendment?"

After his interview, Mr. Giuliani met with Mr. Trump at his golf club in Northern Virginia.

Mr. Giuliani told the ABC anchor, George Stephanopoulos, that he was still getting up to speed on Mr. Trump's legal issues — a fact that became apparent as the interview went on. As was the case during his interviews last week, Mr. Giuliani seemed to speak largely off the cuff. He speculated freely and contradicted himself, sometimes from one statement to the next.

He said, for example, that Mr. Mueller would be to blame if Mr. Trump refused to testify because his office had leaked a list of questions that the special counsel would like to ask him. But then he admitted he did not know who leaked the questions, which were reported by The New York Times.

Mr. Giuliani referred repeatedly to a federal judge's criticism of the special counsel's fraud case against Paul Manafort, the former chairman of the Trump campaign. The judge, T.S. Ellis III, said on Friday that the case seemed motivated by a desire to get Mr. Manafort to potentially incriminate Mr. Trump.

"There's no question that the amount of government misconduct is accumulating," Mr. Giuliani said. "Very embarrassing to my former Justice Department."

Mr. Giuliani created a furor on Wednesday when he contradicted the president about the payment to Ms. Clifford. Speaking on Fox News, Mr. Giuliani said Mr. Trump reimbursed Mr. Cohen for a $130,000 payment that Mr. Cohen has said he made to Ms. Clifford, to keep her from making public a story about an affair she claims she had with Mr. Trump — a claim that he denies. When asked in April by reporters traveling on Air Force One whether he knew about the payment, Mr. Trump said he did not.

On Sunday, Mr. Giuliani said he was still trying to establish when Mr. Trump learned that Mr. Cohen had paid Ms. Clifford, whose stage name is Stormy Daniels. But he added that as a legal matter, it did not matter since the payment did not violate federal campaign finance rules.

Asked about the discrepancies between his account and the president's statement, Mr. Giuliani said: "Those don't amount to anything — what is said to the press. That's political."

Mr. Giuliani did not shed much new light on the nature of the payments themselves. He said Mr. Cohen "made payments for the president, or he conducted business for president, which means he had legal fees, moneys laid out and expenditures." But he characterized the sum Ms. Clifford received as a "nuisance" payment.

"I never thought $130,000 was a real payment," Mr. Giuliani said. "People don't go away for $130,000."

Mr. Giuliani accused Ms. Clifford of trying to make as much money as possible from her notoriety, noting that she made a cameo appearance during the opening skit on "Saturday Night Live."

Mr. Giuliani's admission on Wednesday caught Mr. Trump's staff off guard and prompted Mr. Trump to try to clarify the nature of payments he made to Mr. Cohen. The morning after Mr. Giuliani's comments, Mr. Trump said on Twitter that Mr. Cohen "received a monthly retainer, not from the campaign and having nothing to do with the campaign, from which he entered into, through reimbursement, a private contract between two parties, known as a non-disclosure agreement, or NDA."

A day later, he told reporters gathered outside the White House that Mr. Giuliani did not know the particulars of the case, even after Mr. Giuliani told The Times on Wednesday night that he had spoken with the president before and after his interview on Fox News, and that Mr. Trump and other lawyers on the team were aware of what he would say.

"Virtually everything said has been said incorrectly, and it's been said wrong, or it's been covered wrong by the press," Mr. Trump said on Friday. "He'll get his facts straight."

Seeming to chastise Mr. Giuliani, Mr. Trump added: "You know what? Learn before you speak. It's a lot easier."

Some of Mr. Trump's legal and political advisers believe Mr. Giuliani's comments could put the president in legal jeopardy, since federal officials are required to report liabilities of more than $10,000 during the preceding year. Mr. Trump's last disclosure, which he signed last June, does not mention any debt to Mr. Cohen.

On Sunday, Mr. Giuliani tried to clarify what Mr. Trump called a "retainer."

"The retainer agreement was to repay expenses, which turns out to have included this one," Mr. Giuliani said.

Appearing after Mr. Giuliani on the same program, Ms. Clifford's lawyer, Michael Avenatti, called Mr. Giuliani's interview an "absolute unmitigated disaster" and "one of the worst TV appearances by any attorney on behalf of a client in modern times."

"He now expects the American people to believe that he doesn't really know the facts," Mr. Avenatti added. "I think it is obvious to the American people that this is a cover-up, that they are making it up as they go along."

Politico

https://www.politico.com/story/2018/05/07/trump-cia-gina-haspel-571566

Trump defends CIA pick Haspel: 'Democrats want out because she is too tough on terror'

By Louis Nelson, 5/7/18

President Donald Trump issued an online vote of confidence Monday for Gina Haspel, his pick to be the next director of the CIA, and chided Democrats who have been critical of her for her role in waterboarding terrorism suspects at a secret agency prison.

"My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists," the president wrote on Twitter. "Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!"

Haspel is expected to be on Capitol Hill on Monday, meeting with senators ahead of confirmation hearings later this week. Whether she will be confirmed to lead the CIA remains an open question amid concern about her role running a CIA "black site" prison in Thailand where terrorism suspects were subjected to so-called "enhanced interrogation" techniques like waterboarding.

Haspel's past involvement with practices labeled by many as torture has already cost her the support of Sen. Rand Paul (R-Ky.), meaning she will require the support of at least one Democrat in order to be confirmed.

According to a Washington Post report published over the weekend, Haspel offered late last week to withdraw herself from consideration to lead the CIA over concerns that confirmation hearings scheduled for Wednesday could prove damaging to agency's reputation and to her own. She reportedly expressed a desire to avoid being "the next Ronny Jackson," a reference to the White House's former pick to lead the Department of Veterans Affairs whose candidacy was scuttled by allegations of misconduct.

White House press secretary Sarah Huckabee Sanders, who the Post reported was among the administration officials who met with Haspel last Friday at CIA headquarters in Virginia after she offered to withdraw, praised Haspel over the weekend as eminently qualified to lead the agency. That she would be the first woman to do so, Sanders wrote, should garner her further support, especially from Democrats.

"There is no one more qualified to be the first woman to lead the CIA than 30+ year CIA veteran Gina Haspel," the press secretary wrote on Twitter on Saturday. "Any Democrat who claims to support women's empowerment and our national security but opposes her nomination is a total hypocrite."

TRUMP TWEETS

Donald J. Trump @realDonaldTrump · 2h

To the great people of West Virginia we have, together, a really great chance to keep making a big difference. Problem is, Don Blankenship, currently running for Senate, can't win the General Election in your State...No way! Remember Alabama. Vote Rep. Jenkins or A.G. Morrisey!

4.0K 6.2K 23K

Donald J. Trump @realDonaldTrump · 2h

My highly respected nominee for CIA Director, Gina Haspel, has come under fire because she was too tough on Terrorists. Think of that, in these very dangerous times, we have the most qualified person, a woman, who Democrats want OUT because she is too tough on terror. Win Gina!

6.1K 11K 39K

Donald J. Trump @realDonaldTrump · 1h

The Russia Witch Hunt is rapidly losing credibility. House Intelligence Committee found No Collusion, Coordination or anything else with Russia. So now the Probe says OK, what else is there? How about Obstruction for a made up, phony crime.There is no O, it's called Fighting Back

9.7K 7.4K 28K

Donald J. Trump @realDonaldTrump · 1h

The 13 Angry Democrats in charge of the Russian Witch Hunt are starting to find out that there is a Court System in place that actually protects people from injustice...and just wait 'till the Courts get to see your unrevealed Conflicts of Interest!

8.6K 8.7K 30K

James Hewitt
Environmental Protection Agency
Press Secretary
(202) 578-6141

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 5/5/2018 11:04:00 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]
Subject: APPROVAL: questions regarding the Administrator's travel

Ex. 5 - Deliberative Process

Begin forwarded message:

From: "Wallace, Gregory" <gregory.wallace@turner.com>
Date: May 5, 2018 at 5:06:56 PM EDT
To: Jahan Wilcox <wilcox.jahan@epa.gov>
Subject: questions regarding the Administrator's travel

Hi, Jahan,

We have a few questions about the Administrator's travel.

Has Administrator Pruitt received an individual waiver or justification for each flight he has taken in other-than-coach seats? If not, why not?

On June 2, 2017, acting Controller Jeanne Conklin wrote a memo to the Administrator's office titled "Business/First Class Exception for Security Reason." If individual waivers or justifications were not prepared, did did the Office of the Administrator interpret that memo as authorizing other-than-coach seats for more than one flight or trip?

On February 14, 2018, you told Politico, "for every trip Administrator Pruitt submits a waiver to fly in either first or business class." At the time of your comment to Politico, had Pruitt received an individual waiver for each flight he had taken in other-than-coach seats? Did you misspeak?

On May 1, the acting special agent in charge of the Protective Services Detail wrote a memorandum to an individual identified as "travel coordinator" "requesting that the EPA Administrator be strategically seated in business and or first class seating when on official travel." Has the Office of the Administrator or the Protective Services Detail had communications with the Office of the Controller regarding flight accommodations for the Administrator besides the May 1, 2017 and June 2, 2017 memos?

The May 1 memo says there is an "increased awareness and at times lashing out from passengers." Were any other justifications provided for the memo's conclusion that "continued use of coach seats for the Administrator would endanger his life?"

Were any additional documents attached to the May 1 memo?

Thank you, Greg

Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 4/19/2018 9:36:21 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Report: EPA spent $45,000 on Australia trip Pruitt canceled

By Emily Holden

04/19/2018 05:34 PM EDT

Five EPA employees spent $45,000 traveling to Australia last year to prepare for a trip by EPA Administrator Scott Pruitt that was ultimately canceled, Reuters reported today.

The two advance team aides and three security agents spent about $9,000 each on business-class tickets to fly to Australia in August, an expense that is permitted under government rules on flights lasting 14 hours or more. The two EPA staffers were advance director Millan Hupp, the Oklahoma aide who followed Pruitt to Washington and has drawn scrutiny for receiving a large raise, and Kevin Chmielewski, the former deputy chief of staff for operations who was dismissed and is now acting as a whistleblower to lawmakers about Pruitt's spending habits.

Agency officials did not dispute the figures. EPA spokesman Jahan Wilcox said Pruitt did not go to Australia because of Hurricane Harvey. Pruitt traveled from his home in Tulsa, Okla. to Corpus Christi, Texas, to assess relief efforts on Aug. 30, according to his schedule and flight records.

Pruitt spent at least $105,000 on first class flights and at least $3 million on a round-the-clock security detail. Records show about one-quarter of the $120,000 costs for a trip to Italy in June for a G-7 environment meeting was to cover Pruitt's security. EPA's inspector general and various other government officials are investigating Pruitt's travel and spending.

Flight vouchers EPA has shared with lawmakers show Pruitt originally intended to travel to Sydney and Melbourne from Aug. 31 through Sept. 8 to "discuss best practices regarding the environmental operations" within the country.

To view online:
https://www.politicopro.com/energy/whiteboard/2018/04/report-epa-spent-45-000-on-canceled-trip-to-australia-1078886

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Yes, very | Somewhat | Neutral | Not really | Not at all

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Message

From: Morning Energy [morningenergy@politico.com]
Sent: 4/16/2018 2:08:06 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: POLITICO's Morning Energy: EPA IG report on tap — Gowdy to Pruitt: Become a monk — New GOP-backed ads target Blankenship

By Kelsey Tamborrino | 04/16/2018 10:00 AM EDT

With help from Alex Guillén and Anthony Adragna

COMING TODAY - IG REPORT ON PRUITT HIRING: Amid new and ongoing investigations into EPA Administrator Scott Pruitt, the agency's inspector general will shed some new light on his unorthodox hiring practices. The internal watchdog is releasing an interim report today on Pruitt's decision to hire several political aides using special authority he has under the Safe Drinking Water Act - part of a probe that began before recent reports that the administrator had relied on that same provision to get big raises for two top aides despite objections from the White House. (Pruitt has denied those reports and said the raises have been reversed.)

More than a dozen political appointees at EPA have been hired under the SDWA authority, which allowed them to avoid being subject to typical federal hiring restrictions or the Trump administration's ethics pledge, Pro's Alex Guillén reports . Among those hires: Nancy Beck, a former expert for the American Chemistry Council who is the new deputy assistant administrator in EPA's chemical office, and Lee Forsgren, the deputy in EPA's water office, and several public affairs staffers. Beck, for one, has made a number of controversial changes relating to implementation of the Toxic Substances Control Act. The agency's senior ethics counsel told POLITICO last summer that she did not need an ethics recusal to do so, even though she had been heavily involved with the issue in her previous job.

The IG audit began in January, and while the scope of today's report remains unclear, it could include urgent information the IG thinks Pruitt needs to know about before the audit is completely finished. Whether the IG has expanded that existing probe to include Pruitt's recent controversy is also unclear.

IT'S MONDAY! I'm your host Kelsey Tamborrino, and Renewable Fuels Association's Rachel Gantz was quickest to name the Dodges as the first and only father and son to serve in the Senate at the same time. Henry Dodge of Wisconsin was in the Senate from 1848 to 1857, while his son Augustus Dodge of Iowa served from 1848 to 1855. For today: Who was the first president born west of the Mississippi River? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO Space is our new weekly briefing on the policies and personalities shaping the second space age. **Sign up today.**

GOWDY TO PRUITT: BECOME A MONK? Two days after expanding his probe into Pruitt's travel and security costs, House Oversight Committee Trey Gowdy offered the EPA administrator some advice in a "Fox News Sunday" appearance. "The notion that I've got to fly first class because I don't want people to be mean to me, you need to go into another line of work if you don't want people to be mean to you," the South Carolina Republican said. "Like maybe a monk, where you don't come in contact with anyone." Gowdy said Pruitt's fate rested with President Donald Trump - "I don't know how much trouble he's in" - but defended his expanding probe into the embattled EPA chief.

Gowdy sent Pruitt a letter Friday, demanding additional documents and interviews with several of his top aides. He asked Pruitt to provide documentation related to his round-the-clock security protection, contracts to sweep Pruitt's office for electronic surveillance, his trips to Italy and Morocco, the hiring of an Italian security firm, and travel by Pasquale "Nino" Perrotta. The oversight committee chairman also demanded interviews with five of Pruitt's aides: chief of staff Ryan Jackson; Perrotta, the head of Pruitt's security detail; Kevin Chmielewski, a former Trump campaign aide who was Pruitt's deputy chief of staff; senior legal counsel Sarah Greenwalt and scheduling director Millan Hupp, both of whom received significant raises under the SWDA. Gowdy's letter arrived one day after his staff met for several hours with Chmielewski, who is being treated as a whistle blower.

YOU DON'T GOT A FRIEND IN ME: Patrick Sullivan, the assistant IG in charge of investigations at EPA, is disputing a New York Times report that says he is friends with the head of Pruitt's protective detail, according to a spokeswoman for the internal watchdog. The Times report became the basis Friday of a request from the watchdog group Citizens for Responsibility and Ethics for an investigation from a council of federal inspectors general. But Sullivan disputed claims that he had drinks with Perrotta, "anywhere or at any time," IG spokeswoman Tia Elbaum said in an email Friday. A Times spokesperson said the paper stands by its story. Alex has more here.

NEW GOP-BACKED ADS TARGET BLANKENSHIP: "Mountain Families PAC," a newly formed super PAC, is spending $700,000 on ads accusing Republican Senate hopeful Don Blankenship's company of contaminating drinking water with "toxic coal slurry." It's a move the national Republican party isn't formally promoting its role in, but has its fingerprints all over, POLITICO's Alex Isenstadt reports. The commercials were overseen by several firms that in the past have worked closely with Senate Leadership Fund, a super PAC aligned with Majority Leader Mitch McConnell. Read more.

Fact check: Separately, Blankenship's campaign launched a "fact-checking" website in West Virginia, the Associated Press reported Friday. The website www.factcheckwv.com includes just a small box at the bottom of the page that says "Paid for by Don Blankenship for U.S. Senate." The campaign "didn't want to bias it with who paid for it," Blankenship campaign spokesman Greg Thomas told the AP. "We just want people to know the truth." Read more.

LINE 5 SHUTS DOWN TEMPORARILY: Enbridge has suspended Michigan's Line 5 pipeline operations due to ongoing severe weather in the state, the Muskegon News reports. The decision is sure to complicate an investigation into damage done to high-voltage power cables and the troubled pipeline that crosses the Straits of Mackinac, the news outlet writes. Enbridge spokesperson Ryan Duffy said Line 5 was affected by a power outage, and noted the shutdown is a precautionary measure. Over the weekend, much of the U.S. was hit with severe storms, NPR reports. The National Weather Service had said that a blizzard near the Great Lakes were "shaping up to be a historic storm," while winter storm warnings and winter weather advisories were issued for areas that cover northern Kansas, parts of Nebraska, southeastern South Dakota, southern Minnesota, Wisconsin and Michigan.

THAT NEW OFFICE SMELL: EPA staff are expecting to move back into some offices the agency uses in the neighboring Ronald Reagan building today, a couple of weeks after serious flooding from a burst water pipe closed three floors. The local union, NTEU Chapter 280, says that after new carpet, new ceiling tiles, new wall paint and a thorough cleaning of cubicle walls and desks, EPA employees are safe to return to their workspace. The union did flag some "off-gassing," a chemical smell emitted from either the new carpet or the glue holding it to the floor. The union has asked for more fresh air to be pumped in until the smell dissipates.

FEMA DOCUMENT SHOWS FLAWED PLAN FOR PUERTO RICO: The federal government significantly underestimated what damage Hurricane Maria would bring and relied too heavily on local officials and private-sector entities to handle the recovery efforts for Puerto Rico, a POLITICO review of FEMA's disaster plan found. The plan was developed by a FEMA contractor in 2014, POLITICO's Danny Vinik reports,

and prepared for a Category 4 hurricane. It projected that the island would shift from response to recovery mode after roughly 30 days. More significantly, a half-dozen disaster-recovery experts who reviewed the document told Danny that FEMA did not anticipate having to take on a lead role in the aftermath of the disaster. Instead, the document largely relied on local entities to restore the island's power and telecommunications systems. Read more.

EPA'S KELLY ADDRESSES BANKING BAN: Albert Kelly, Pruitt's senior adviser on Superfund issues - who joined the agency after agreeing to be banned from working in the banking industry - recently spoke to The Montana Standard and addressed the Federal Deposit Insurance Corp. controversy for the first time. Kelly's bank, SpiritBank of Tulsa, made several loans to Pruitt, which he addressed. "There are no questionable loans by my bank to the administrator. If you go back and look at any loans to the administrator, without going into his privacy, they were very solid," Kelly said. "They were done in a very positive way and were paid off."

His problem with the FDIC, he said, involved a particular transaction in 2010. "They didn't like it," Kelly said, dodging on the root cause of his ban. "The bank didn't lose any money. The bank made money. There was nothing untoward about it." The former banker also told the Standard Pruitt is still planning on visiting Butte, Mont. in August. More here.

SEE IT: Marchers hit D.C. and other cities around the country for a second year to protest the Trump administration and politicians who thwart efforts to address climate change, as part of the March for Science. See POLITICO's photo gallery here.

FOIA WHAT IT'S WORTH: The Center for Public Integrity says it has filed a lawsuit Friday against EPA, seeking public records after the agency failed to respond in a timely fashion to 25 Freedom of Information Act requests filed in 2017 and early 2018. The complaint says EPA's online system "does not list realistic estimated dates of completion for FOIA requests it receives and does not update estimated dates of completion after the listed dates have passed." The Center says EPA did not respond to requests for an updated schedule.

QUICK HITS

- California voters are getting to know the state's attorney general through his aggressive stance challenging Trump, Los Angeles Times.

- Inhofe's EPA legacy grows with Wheeler's confirmation, Tulsa World.

- EPA union chief studies theology and prays for happier days, E&E News.

- Democrats promote second annual March for Science: Vote climate change deniers out, The Hill.

- The shipping industry is finally going to cut its climate change emissions. That's a big deal, The Washington Post.

THAT'S ALL FOR ME!

To view online:
https://www.politico.com/newsletters/morning-energy/2018/04/16/epa-ig-report-on-tap-170016

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Message

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Sent: 4/18/2018 10:52:23 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: Setting The Record Straight About The AP's Story ...

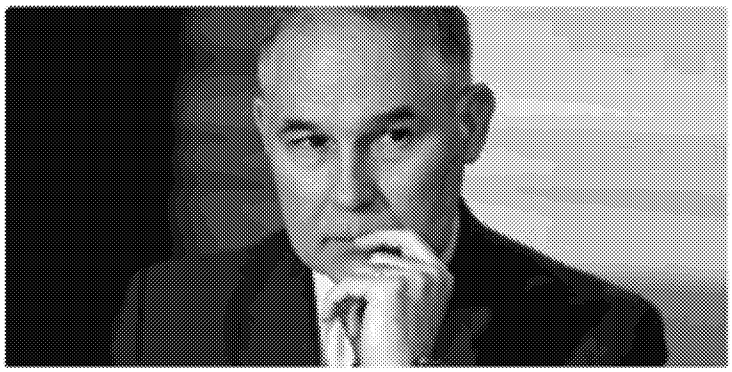
Good evening –

Ex. 5 - Deliberative Process

Michael Biesecker
@mbiesecker

Follow

@EPA confirms @AP reports that @EPAScottPruitt sat in coach when not flying on taxpayer's dime, despite claims he needed to fly in first class when traveling at government expense because of security concerns (1/2)



EPA chief sat in coach when not flying on taxpayer's dime
WASHINGTON (AP) — Environmental Protection Agency Administrator Scott Pruitt flew in coach-class seats on at least two trips home to Oklahoma when taxpayers
apnews.com

4:58 PM - 18 Apr 2018

###

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 4/18/2018 6:54:15 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: FW: Udall, Castor, 170 Members of Congress Introduce Resolution Calling for Pruitt's Resignation

NEWS FROM THE UNITED STATES SENATE
& U.S. HOUSE OF REPRESENTATIVES

Udall, Castor, 170 Members of Congress Introduce Resolution Calling for Pruitt's Resignation

Cosponsored by 131 representatives and 39 senators – the most senators ever to sign on a resolution formally calling for a cabinet official's ouster

Follows repeated abuses of power and ethics violations by EPA's Pruitt

WASHINGTON – Today, **U.S. Senator Tom Udall (D-N.M.)** and **U.S. Representative Kathy Castor (D-Fla.)** led a group of 170 members of Congress in introducing companion resolutions in the U.S. Senate and U.S. House of Representatives formally calling on Environmental Protection Agency (EPA) Administrator Scott Pruitt to resign. The resolution comes in response to Pruitt's repeated ethics violations, misuse of taxpayer dollars, and actions that fundamentally undermine the mission of the EPA – favoring big polluters at the expense of science, our environment, and the health of children and families.

A total of 39 senators and 131 representatives joined Udall and Castor in introducing the resolution seeking Pruitt's ouster. The 39 cosponsoring senators represent the highest number of senators in U.S. history to sign on to a resolution formally calling for a cabinet official's resignation. The full text of the resolution can be found HERE. The full list of Senate cosponsors can be found HERE and the full list of House cosponsors can be found HERE.

"This historic resolution sends an unequivocal message to the administration: the American public has lost faith in Scott Pruitt, and it's time for him to go," **Udall said**. "During his time in office, Pruitt has waged all-out war on the bedrock protections that keep our air and water clean, prevent toxic chemicals from contaminating our communities, and safeguard the health of our kids and families. He has done lasting damage to public health and safety – gutting the EPA's core mission – all to benefit his campaign donors and grease the wheels for his big polluter friends. And at the same time, Pruitt has completely violated the trust of the American people and the standards of his office, with a list of ethical transgressions that grows longer by the day. Pruitt is administrator of the EPA, but he's behaving like the emperor of the swamp. His imperial tenure needs to end."

"There is a slime problem at the EPA – and it is coming from the administrator's office," **Castor said**. "Scott Pruitt's wasteful spending and conflicts of interest are serious, and his assault on clean water and air pose dangerous risks to the health of children, families and communities across America. Pruitt sides with special interests and political donors over the public interest. Pruitt's numerous and costly ethical violations, and his failure to protect the public health and the environment demands action by the Congress now. We have no confidence in Administrator Pruitt and he should resign now. Administrator Pruitt, who is already subject to five investigations, has been using his publicly funded security detail on non-official businesses, including trips to Disneyland, Paris, Rome and the Rose Bowl. All the while, his lavish travel expenses and misuse of taxpayer money go unaccounted for -- the damage that has been done to our economic and environmental health has proven to be too costly. I see the damage from the Pruitt EPA in Florida where our economy is tied to healthy and clean environment: According to a recent report by Environment Florida, industrial facilities have dumped excessive pollution into Florida waterways so many times that Florida is now in the top 10 states with the most exceedances reported by major industrial facilities because far too often these polluters faced no fines or penalties."

"I voted 'no' on the nomination of Scott Pruitt to lead the Environmental Protection Agency because he shouldn't have been near the EPA in the first place," **said Senator Kirsten Gillibrand (D-N.Y.)**. "He has proved this while in office by violating the public trust and implementing a disastrous environmental policy designed to benefit polluters. The EPA should be led by a public servant who will uphold and carryout the mission of the agency to protect human health and the environment. The President should do the right thing and fire him, but since he refuses, it's time for Administrator Pruitt to resign immediately."

"Administrator Pruitt's repeated ethical lapses follow a troubling pattern of secrecy, conflicts of interest and wasting taxpayer dollars to enrich himself," **said House Energy and Commerce Committee Ranking Member Frank Pallone, Jr, (D-N.J.)**. "In any normal administration this legislation would not be necessary – Administrator Pruitt would have been long gone by now. Unfortunately, President Trump and Congressional Republicans refuse to act. It's time to finally hold Administrator Pruitt accountable for his actions."

"During his confirmation process 15 months ago, I warned my colleagues about Mr. Pruitt's 'unacceptably casual approach to meeting obligations as a public servant.' Unfortunately, that warning fell on too many deaf ears in the Senate," **said Senate Environment and Public Works Committee Ranking Member Tom Carper (D-Del.)**. "I have believed that Scott Pruitt was unfit to serve as EPA Administrator since he was nominated. Over the last year, though, he has managed to be even worse than I expected, with regard to his harmful policy, his ethical failings, his wasteful spending and his lack of accountability to the public that he is supposed to serve. While it is astonishing that an individual chosen to serve the American people would use such poor judgement so consistently, the fact that Scott Pruitt is doing so should not be at all surprising. Mr. Pruitt's ethically questionable and anti-environment record was clear from the day President Trump sent his name to the Senate. He was the wrong choice last year, and he has absolutely no business running this agency today."

"Scott Pruitt has repeatedly abused his position to indulge in office perks, first-class flights, excessive security details, plush car upgrades and huge raises for his closest friends, all wasteful and unnecessary costs forced onto the American taxpayer," **said Representative Paul Tonko (D-N.Y.).** "At the same time, his main agenda at the agency seems to be shredding protections for our air and water and undermining the role of science in policymaking. He has violated the laws and ethical standards of our government and failed as both a steward of American taxpayer dollars and our environment. Scott Pruitt has shattered the public trust. It is time for him to resign."

"Believing in climate change should be a requirement for an EPA Administrator," **said Senator Michael Bennet (D-Colo.)**. "Not only does Administrator Pruitt fail on this front, but he's also proven that he cannot be trusted with taxpayer dollars. Coloradans, and all Americans, deserve more from a leader. It's time for Administrator Pruitt to resign."

The resolution follows numerous revelations about Pruitt's ethical violations, widespread conflicts of interest, and repeated misuse of taxpayer dollars for his personal benefit, including:
- The nonpartisan Government Accountability Office determined that the EPA violated federal law by purchasing a $43,000 phone booth for Pruitt's office – and then hiding that purchase from Congress.
- Pruitt entered into a sweetheart housing deal to rent a Capitol Hill condo from the wife of a lobbyist – paying just $50 a night, and only paying for the nights he slept there.

- Pruitt has racked up hundreds of thousands of dollars in bills for luxury travel perks, including booking lavish first class and charter flights to Europe and elsewhere, staying in luxury hotels, and traveling with a huge entourage of staff and security.
- Pruitt has reportedly reassigned or demoted EPA staffers who questioned his spending habits – at the same time that the EPA Inspector General is investigating him for giving unusual pay raises to favored aides.
- Pruitt has deployed EPA enforcement officers to provide round-the-clock security with questionable justification.

As the lawmakers noted in the resolution, in addition to flouting the ethical standards of his office, Pruitt has done untold damage to the EPA and carried out a long list of actions to benefit his polluter friends – at the expense of the health, safety, and livelihood of American families, including:
- Under Pruitt, the EPA is hemorrhaging staff and experts needed to protect the health and safety of the environment and the American people.
- Pruitt has repeatedly overridden the recommendations of EPA scientists in order to provide relief to industry, like when he reversed the recommendation of his agency's scientists to ban the use of the toxic pesticide chlorpyrifos, which has been linked to brain damage in children.
- Pruitt has delayed the effective date of regulations, eased enforcement of existing regulations, and delayed the implementation of new regulations that are essential to protect public health and combat pollution.
- Pruitt has failed to exercise the enforcement authorities and duties of the EPA, which are needed to investigate and deter pollution violations.
- Pruitt has undermined the science at every turn, purging advisory committees of independent scientists and replacing them with mouthpieces for industry.

###

Contacts: Jennifer Talhelm (Udall) 202.228.6870 / Charles Martinez-Cartagena (Castor) 813-871-2817

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 4/18/2018 6:30:56 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Burke, Marcella [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5066626ec70846439b8d3f6c35d92be8-Burke, Marc]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]
Subject: FW: Walden: E&C probing EPA's Pruitt

See below. **Ex. 5 - Deliberative Process**

-Aaron

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Wednesday, April 18, 2018 2:25 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Walden: E&C probing EPA's Pruitt

By Anthony Adragna

04/18/2018 02:23 PM EDT

House Energy and Commerce Chairman Greg Walden told reporters today his committee has been seeking information on a flood of ethics questions and lavish spending by EPA Administrator Scott Pruitt.

"Let me assure you we have been in contact with the EPA at various levels and ways to acquire information about the allegations," he said. None of those requests has been made public, and a committee spokesman was not immediately available to comment.

Walden said he expects that Pruitt still intends to make his scheduled April 26 appearance before his committee.

"He'll have a perfect opportunity to answer members' questions. He serves at the pleasure of the president and he's done a lot of good work as EPA administrator," Walden said. "[But] he has to answer these questions that we all have."

Separately, House Science Chairman Lamar Smith dismissed Pruitt's $105,000 spending on first-class flights, a report the agency broke the law by failing to notify Congress about a $43,000 privacy booth, Pruitt's $50-per-night lease in a Capitol Hill condo from a Washington lobbyist couple and other allegations as "the agenda of his liberal opponents."

"He's doing a great job and I'm pleased with what he's doing in regard to policy," Smith told reporters, adding he didn't think the flood of allegations were distracting Pruitt from his agenda.

To view online:
https://www.politicopro.com/energy/whiteboard/2018/04/walden-e-c-probing-epas-pruitt-1061348

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Message

From: White, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F8AF641A6306479C9026142EF3B02BD7-WHITE, ELIZ]
Sent: 5/2/2018 5:30:09 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: FOIA Releases This Week
Attachments: 2017 EPA Trips with Premium Class Air Segments Redacted.xlsx

Importance: High

Liz and Jahan – we are going to be releasing FOIAs beginning today related to the Administrator's travel (info re first/biz class) and info related to PSD expenses (travel/payroll). Attached is one of the documents that will go out related to the premium travel. This is a report that is routinely prepared for GSA and is the Premium Class Travel Report for FY2017. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
Ex. 6 - Personal Privacy cell

Message

From: Morning Energy [morningenergy@politico.com]
Sent: 5/2/2018 2:09:25 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: POLITICO's Morning Energy: Pruitt probe heats up — When FERC met PJM — Biofuels group challenges EPA small refiner waiver

By Kelsey Tamborrino | 05/02/2018 10:00 AM EDT

With help from Alex Guillén, Tim Starks and Eric Wolff

EPA Administrator Scott Pruitt is trying to keep a low profile since last week's double dose of congressional hearings, where he blamed his staff for some of the swirling critiques he's confronting. EPA doesn't release Pruitt's public calendar ahead of time - or even where he is currently - so his wherabouts are a bit of a mystery. But Playbook reported this weekend the administrator took an early flight Saturday toward Charlotte - notably, not in first class. But that doesn't mean Washington has stopped thinking about his travels and travails.

The hits keep coming: Hours after news emerged that two close Pruitt aides were departing, the New York Times reported that Pruitt is seeking to establish a legal defense fund, which he is expected to operate privately, with no EPA affiliation. And the Times reported more on the lobbying done by J. Steven Hart, whose wife rented the infamous $50-a-night condo to Pruitt. An email provided by congressional investigators detailed how Hart asked Pruitt for help getting "three people recommended by the lobbying firm's client, Smithfield Foods, appointed to the E.P.A.'s prestigious Science Advisory Board."

The Smotkin gun: On top of that, The Washington Post reported that Pruitt's controversial LNG-promoting trip to Morocco last year was planned partly by former Comcast lobbyist and Pruitt friend, Richard Smotkin, who accompanied the administrator and his entourage at multiple stops. As he aided the EPA chief's visit, Smotkin was on the verge of securing a $40,000 monthly contract with the Moroccan government. As the Post notes in the story , federal laws "prohibit public officials from using government resources to financially benefit friends, relatives or other people with whom they have personal connections." Late Tuesday, two Democratic members of the Senate EPW Committee called on their Republican colleagues to invite Pruitt back before the panel to answer questions on the trip. "Enough is enough," Sens. Tom Carper and Sheldon Whitehouse said in a statement. "Administrator Pruitt needs to explain this trip, as well as the flood of scandal he has brought to the EPA."

Hometown glory: And it seems that Pruitt explored establishing an EPA office is his hometown of Tulsa, Okla., Democrats alleged in a new letter that surfaced Tuesday, Pro's Alex Guillén reports. House Science ranking member Eddie Bernice Johnson, Don Beyer and Suzanne Bonamici sent letters to EPA and the General Services Administration , where they laid out how Pruitt requested a conference room, secure parking space and a Secure Compartmented Information Facility for a Tulsa office. Keep in mind: Oklahoma is part of EPA's Region 6, which has headquarters in Dallas, about 240 miles from Tulsa. In a statement to ME, EPA spokesman Jahan Wilcox said that since 2012, there's been an EPA office in Tulsa for two employees for when they need to work remotely. "This location is not practical or usable for Administrator Pruitt's business and he has never used this office," Wilcox said. Read more from Pro's Alex here.

Oversight foresight: Democrats' allegation comes as House Oversight Committee staff meets with Pasquale "Nino" Perrotta, the former head of Pruitt's security team, today. Perrotta and Albert "Kell" Kelly, a former banker and longtime friend who ran the agency's Superfund task force, both made for the EPA exit on Tuesday. A notable detail about that: Perrotta's departure means that EPA's inspector general, who has been investigating

the security spending, can no longer compel him to cooperate with the probe, Alex and Anthony Adragna report . An IG spokeswoman declined to comment how that would affect the inquiry or whether the investigators had yet spoken to him.

IT'S WEDNESDAY, MAY 2! I'm your host Kelsey Tamborrino. Congrats to Entergy's Rob Hall, who was first to identify Ulysses S. Grant as the president who first brought a *professional* baseball team to the White House - the Cincinnati Red Stockings in 1869. However, as some of you pointed out, Andrew Johnson welcomed the Washington Nationals and Brooklyn Atlantics, two amateur clubs, in 1865. Today's question is for ME geography fans: Name the eight countries that 0 degrees longitude passes through. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO's Ben White is bringing Morning Money to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. **Sign up to keep up with your daily conference coverage.**

WHEN FERC MET PJM: FERC Commissioner Robert Powelson will deliver a keynote address today on energy and environmental developments in the PJM region, during a workshop hosted by the Great Plains Institute and Duke University's Nicholas Institute for Environmental Policy Solutions. PJM will follow up the workshop with its own meeting Thursday of state energy and environmental regulators focusing again on policy developments in PJM wholesale markets. The meeting is especially timely as the regional transmission organization is as much in the news lately as an opponent of DOE's plans to subsidize coal and nuclear plants in danger of retirement, and more recently for a plan to reward power plants who provide fuel security in the form of fuel on site.

- **After Powelson's keynote this morning,** Adam Keech, the executive director of PJM market operations will present on recent developments at the RTO. A panel of state leaders will follow with reactions to PJM proposals on state-level developments and an industry panel will explore trends in the electricity industry. Lastly, a third panel today will look into "timely environmental issues," like the new tax credit for carbon capture and storage projects and Virginia's move to join the Regional Greenhouse Gas Initiative. **If you go:** Today's workshop begins at 9 a.m. at 1000 H Street NW.

TODAY: NEW INDUSTRIAL THREATS: The firm Tenable is revealing today that it discovered a major vulnerability in multinational energy giant Schneider Electric's applications that are widely used in manufacturing facilities, power production plants and public utilities. "If exploited, the vulnerability could give cybercriminals complete control of the underlying system," according to the company. "In a worst case scenario, attackers could use the vulnerability to disrupt or even cripple plant operations." Tenable said Schneider Electric issued a patch earlier this month. The discovery comes after technicians earlier this year found frightening industrial malware on Schneider Electric software. The announcement follows recent warnings from Homeland Security and the FBI about Russians targeting U.S. critical infrastructure.

WARREN, SANDERS: PICK A BETTER ADVISER: A pair of senators want President Donald Trump to select a new Homeland Security adviser who believes in the science of climate change, knocking the previous adviser for his comments on the science. In a letter, Sens. Elizabeth Warren and Bernie Sanders highlighted last year's devastation caused by Hurricanes Harvey, Maria and Irma, arguing that whoever takes over the role would be responsible for overseeing the White House's response to natural disasters.

"Unfortunately, catastrophic hurricanes like Harvey, Maria, and Irma are likely to become more common as climate change causes hurricanes to become more intense, carry more rain, and cause worse flooding due to sea level rise and warmer water temperatures," they write, highlighting how the White House's previous adviser Tom Bossert, who resigned in April, hedged on the science after last year's historic hurricane season. At the time, Bossert said the administration does "continue to take seriously the climate change - not the cause of it,

but the things we observe." Warren and Sanders write that it's "critical" the president selects an adviser who takes "seriously both the causes and observable results of human-induced climate change." Read it here.

A QUOTA SYSTEM? Every country given an exemption to Trump's contentious steel and aluminum tariffs will face an import quota and other restrictions, White House trade adviser Peter Navarro said Tuesday during a meeting of steel industry executives. The tariffs have been hit with widespread backlash among the business community - including oil and natural gas pipeline organizations. Read more from POLITICO's Megan Cassella.

BIOFUELS GROUP CHALLENGES EPA SMALL REFINER WAIVERS: The Advanced Biofuels Association, which represents advanced biofuels makers, is suing EPA for allowing several small refiners to duck their obligations under the Renewable Fuel Standard, Michael McAdams, head of the association, tells ME. Ethanol producers of all stripes are furious with EPA for its expanded use of the waiver, which the producers say is reducing ethanol blending and violates Trump's promises to corn states to protect the program. Reuters first reported the lawsuit.

Refiners already playing defense: The petitioner's statement in the case appears to reflect "a fundamental misunderstanding of the hardship exemption. EPA's current actions are fully consistent with the Clean Air Act," said Scott Segal, an attorney with the firm of Bracewell who works with refiners. "The small refinery exemption provision is well established."

BLANKENSHIP DOUBLES DOWN: West Virginia GOP Senate hopeful Don Blankenship's campaign seemingly responded to outcry concerning its recent ad that called Senate Majority Leader Mitch McConnell "Cocaine Mitch." ME told you about the ad, which was taken down , Tuesday morning. But it later reappeared on Blankenship's Facebook page, with a lengthy explanation for the phrase. McConnell's father-in-law "founded and owns a large Chinese shipping company" that "was implicated recently in smuggling cocaine from Colombia to Europe, hidden aboard a company ship carrying foreign coal was $7 million dollars of cocaine and that is why we've deemed him 'Cocaine Mitch,'" the description reads. Read it here.

- Fox News hosted a nationally televised debate on Tuesday for the top three West Virginia Republican candidates: Blankenship, state Attorney General Patrick Morrisey and Rep. Evan Jenkins. During the debate, Jenkins touted his Trump endorsement and Blankenship defended his actions tied to the 2010 Upper Big Branch mine disaster that killed 29 people. The former Massey Energy CEO was also asked if he accepted responsibility for the deaths of the miners: "I am accepting the responsibility to do everything I can to keep it from happening again," he said. Read the recap from Fox here.

THE MORE YOU KNOW: CNN White House reporter Betsy Klein tweeted on Tuesday that she participated in a tour of the underground basement of the Lincoln Memorial, led by none other than Interior Secretary Ryan Zinke. "The Secretary is the only person who can give a tour here, & does so a couple times a [week]," Klein tweeted. See the pictures here.

MR. BIG SKY STATE: Amid a swirling presidential feud with vulnerable Montana Sen. Jon Tester, White House legislative affairs director Marc Short called into a local talk radio station , where he noted Trump could head to the state "very soon." Trump "is very excited," Short said on "Montana Talks" on Tuesday. "We were just having a meeting about that earlier this morning, about trying to find a time ... but I hope that your listeners will look forward to seeing him sometime very soon." Home to Zinke, ME readers will recall that close to one-third of the land in Montana is under federal government ownership. That could become a key sticking point in Tester's race for reelection, especially while he fends off escalating attacks from the president.

MAIL CALL! Carper, the top Democrat on the EPW Committee, sent a letter to Transportation Secretary Elaine Chao and Pruitt, calling on them to stop their effort to undo emissions standards - the subject of a lawsuit Tuesday by California and other entities. "I urge you to immediately disavow this proposal and instead work to

negotiate a 'win-win' solution on federal fuel economy and tailpipe emissions standards that can be supported by both the automobile industry and the State of California," Carper writes. Read it here .

PERRY'S IN ALASKA: Energy Secretary Rick Perry shared a video on Twitter of him arriving in Alaska on Tuesday. "Excited to tour Alaska's energy infrastructure with Sen. @LisaMurkowski. Can't wait to see #NewEnergyRealism at work," he wrote, referring to a term he recently discussed at CERAWeek in Houston.

MT. TRUMPMORE: The Hill reports Tuesday on "Project Trumpmore " - an effort by a Finnish climate group to raise $500,000 to carve Trump's face into an arctic iceberg. It's an attempt by the group, which is called the Melting Ice Association, to prove global warming exists by carving a 115-foot ice sculpture of Trump's face. "We want to build the monument for all of us, so we can see how long the sculpture lasts before melting. Often people only believe something when they see it with their own eyes," said Nicolas Prieto, the group's chairman, in a statement.

MOVER, SHAKER: Alaska's congressional delegation announced Tuesday that John Torgerson will become interim federal co-chair of the Denali Commission. Joel Neimeyer left the vacancy earlier in April, prompting the delegation to send a letter to Commerce Secretary Wilbur Ross requesting an interim federal co-chair as the administration vets a replacement.

SPOTTED: House Natural Resources Chairman Rob Bishop was hiking Utah's National Zion Park, when he posed for a pic with a group of third graders. See it here.

VIRGINIA STANDS FIRM ON COAL ASH: Virginia went on record Tuesday to declare it would not change its program for regulating coal ash, regardless of any changes made by the EPA to the federal rule. Democratic Gov. Ralph Northam said in a statement that Virginia's Department of Environmental Quality will instead "maintain its stringent program" for the waste after EPA announced in March that it was redoing the rules. The commonwealth also submitted comments to EPA on the proposal here.

QUICK HITS

- Dominion's long-term plan includes more solar, natural gas, Associated Press.

- Statoil about to become Equinor with growing renewable focus, Chron.

- West Virginia reaches $2.65M settlement with Volkswagen, Associated Press.

- Tesla feels the weight of solar panels, The Wall Street Journal.

- U.S. to fund batteries that store power for days, not hours, Bloomberg.

CORRECTION: The May 1 edition Morning Energy misspelled the name of the director of the Solar Energy Technologies Office. It is Charlie Gay.

THAT'S ALL FOR ME!

To view online:
https://www.politico.com/newsletters/morning-energy/2018/05/02/pruitt-probe-heats-up-199683

To change your alert settings, please go to https://secure.politico.com/settings

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Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 7/9/2018 12:10:10 PM
To: Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Beach, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b124299bb6f46a39aa5d84519f25d5d-Beach, Chri]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: FW: Changes for Acting Administrator Wheeler?

Ex. 5 - Deliberative Process

From: Kevin Bogardus [mailto:kbogardus@eenews.net]
Sent: Monday, July 9, 2018 8:06 AM
To: Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>
Subject: Re: Changes for Acting Administrator Wheeler?

Hey guys, any thoughts on the below? Please let me know. Noon EST today is my deadline. Thanks for your help.

-Kevin

Sent from my iPhone

On Jul 6, 2018, at 5:36 PM, Kevin Bogardus <kbogardus@eenews.net> wrote:

> Hey everyone,
>
> It's Kevin Bogardus with E&E News.
>
> I'm working on a story about Acting Administrator Wheeler. I had a few questions for you, which are:
>
> - Will Acting Administrator Wheeler have a 24/7 personal security detail? If it's too soon to say, is a threat assessment being conducted to see if he needs one?
> - Will Acting Administrator Wheeler fly first class when he travels as administrator due to security concerns? Or will he fly coach? If it's too soon to say, is a threat assessment being conducted to see if he needs to fly first class?

- Does Acting Administrator Wheeler plan to use the secure phone booth in the EPA administrator's office? Does he believe it is necessary for his job as EPA administrator? Why or why not?

- Does Acting Administrator Wheeler plan to release a daily schedule to the public in advance of the day's events, like past EPA administrators? Why or why not?

- Does Acting Administrator Wheeler plan to open up access to EPA employees in EPA headquarters, specifically letting EPA employees freely walk through the hallway outside of the EPA administrator's office? Why or why not?

- Does Acting Administrator Wheeler plan to open up access to the press? Hold press conferences? Give public speeches? Scrum with reporters after said public speeches? Include all reporters on the EPA press list who ask to be on it?

Please get back to me as soon as possible. My deadline is noon EST Monday, July 9, but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus
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202-446-0401 (p)
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Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 3/16/2018 9:45:17 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Morning Energy, presented by Chevron: Inside Pruitt's calendar — Russian grid meddling fallout — API meeting at the White House boasts several CEOs

By Kelsey Tamborrino | 03/16/2018 05:43 AM EDT

With help from Alex Guillén, Anthony Adragna, Tim Starks and Eric Wolff

INSIDE PRUITT'S CALENDAR: EPA Administrator Scott Pruitt met last year with an Indiana coal executive who had once boasted of raising more than a million dollars for President Donald Trump's campaign — and who was looking for help from the administration. Steven Chancellor, the CEO of White Stallion Energy, had hopes of softening a pollution rule and was able to secure an audience with Pruitt, according to documents provided to POLITICO. The records, obtained by the Sierra Club through a Freedom of Information Act lawsuit, show that Chancellor met with Pruitt on May 22 for a "courtesy call and introductory meeting."

The documents, reported by Pro's Alex Guillén and Emily Holden, also show Pruitt met with dozens of industry executives and trade group representatives during the period covered by the FOIA-released calendar, May 19 to June 19. And he had phone calls with GOP governors, attorneys general and lawmakers, they report.

But that's not all: The same day Pruitt met with Chancellor, Interior Secretary Ryan Zinke's calendar showed he had a meeting with White Stallion, although it is not clear that Chancellor personally attended that meeting. Zinke recently named Chancellor to Interior's new International Wildlife Conservation Council, which will provide advice on "the benefits that result from United States citizens traveling to foreign nations to engage in hunting." That council is scheduled to meet at the Interior Department today. Read more.

IT'S FRIDAY! I'm your host Kelsey Tamborrino, and Kelly Johnson of Holland & Hart was the first to know Sen. Steve Daines and former U.S. Ambassador Michael McFaul were debate partners in high school. For today: Who was the only president to take the oath of office from a female official? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO Space is our new, free weekly briefing on the policies and personalities shaping the second space age in Washington and beyond. **Sign-up today to start receiving the newsletter right at launch on** April 6. *Presented by Boeing.*

RUSSIA MEDDLES IN THE GRID: The Trump administration on Thursday sanctioned people tied to the Russia's alleged digital 2016 election interference and issued a public alert blaming Russian government hackers for hitting vital U.S. industries, including the energy grid. Democrats bashed the penalties as mostly cosmetic.

The government's report detailing the Russian attempt to hack the energy grid concerned energy experts on Thursday, but didn't set off any new alarm bells. "How worried am I? I continue to be worried," Jon Wellinghoff, a former FERC chairman who now runs his own energy policy consultancy, told ME. "I was worried when I was at FERC, which I left in 2013, and I'm still worried these control systems potentially can be accessed and can as a result be compromised by foreign actors."

TRUMP MEETS WITH API, CEOs: The president's White House meeting with the American Petroleum Institute revolved around "the important role natural resources play in our energy sector," White House spokeswoman Lindsay Walters said. The guest list for the confab included Exxon CEO Darren Woods, Chevron CEO Mike Wirth, Shell Oil President Bruce Culpepper, BP America President John Mingé and API President Jack Gerard, among a host of other executives, Pro's Ben Lefebvre reports . Vice President Mike Pence was also in attendance, API spokesman Eric Wohlschlegel said in a press release. Before heading to the White House, API had convened a two-day meeting at a Trump hotel.

MAN ARRESTED AFTER ZINKE HEARING: Capitol Police arrested a man after a scuffle outside the House Natural Resources Committee hearing room following testimony from Zinke, the police said Thursday. The police "arrested an adult male for simple assault against another individual outside room 1324 in the Longworth House Office Building," the department's public information officer told Pro's Ben Lefebvre. "The suspect was transported to USCP Headquarters for processing." Read more.

Laura Rigas, Interior's communications director, said she was "greatly alarmed and extremely irate that a female senior member of my DOI Communications team was physically assaulted today by a Democrat staffer from the PAC American Bridge." A spokesman for the American Bridge told ME they had not been aware of the incident and were looking into the matter.

** **A message from Chevron:** Chevron is helping to inspire future DOERS to use STEM for the good of us all. Watch the video: http://politi.co/2Flajfw **

WHO'S DISRESPECTING VETERANS? An ill-timed joke from Rep. Ruben Gallego during the Zinke hearing prompted the committee to tweet out a misleading video accusing the Arizona Democrat — and Marine veteran — of being anti-military. Gallego, after a tough series of questions about how many times Zinke met with various groups during his monument review, said: "I know you're a Navy SEAL and math might be difficult, but give me a rough number here." The committee's tweet — "Leave it to Committee Democrats to disgrace the service of a Navy SEAL for political gain ..." — edited out what came next. Gallego clarified that "we have inter-rivalry jokes all of the time as a Marine, as a grunt." And Zinke ended the exchange with, "Semper fi." Doug Heye, a Republican who spent years in communications roles on Capitol Hill, tweeted that the House tweet was "unfair to Gallego, a combat veteran."

Zinke also got into hot water over his "flippant" response to Rep. Colleen Hanabusa (D-Hawaii), a fourth-generation Japanese-American, who asked about his plans for a program to preserve World War II-era internment camps. "Oh, konnichiwa," Zinke replied, deploying a Japanese greeting typically used in midday. Sen. Mazie Hirono later chastised Zinke for his "flippant & juvenile" response. More here.

HIGH WATER MARKS: House Majority Leader Kevin McCarthy is pushing to include language in the omnibus that would advance a major dam project in his state — despite objections from the governor. Back in 2016, Congress included language as part of a bipartisan water infrastructure law to allow the Shasta Dam to be raised to store more water, but it required the Interior Department to get a state or local government to sign off before moving forward, Pro's Annie Snider reports. But now McCarthy wants the spending bill being negotiated in the House to include a rider that would remove that caveat and let Interior begin pre-construction work on the dam without a partner. Read more here. Congress needs to pass a new spending bill by March 23 to avoid a government shutdown; the omnibus is expected to be released Monday.

LIVING WITHOUT A WOTUS RIDER: California Rep. Ken Calvert, who oversees the panel responsible for EPA and Interior spending, told reporters he doesn't see the need for riders on the Waters of the U.S. rule or concerning ozone limits in the emerging spending bill. "From my perspective, Scott Pruitt's handling that and the ozone issue also," Calvert said of a possible WOTUS provision, noting the need for policy riders is

diminished "because the administration we're dealing with now is different than the one we had in the past." More from Pro's Anthony Adragna.

MARK IT DOWN: House Energy and Commerce Chairman Greg Walden said Thursday Pruitt will testify before his panel on the agency's budget request April 25. "He'll be there on April 25 — one way or the other," Walden said. More here.

WHAT'S UP WITH THOSE TRAVEL DOCS? It's been more than a week since House Oversight Chairman Trey Gowdy's deadline for EPA to submit records concerning Pruitt's travel habits. And the committee is still waiting. A spokeswoman told Anthony the committee "has been in consistent contact with the EPA regarding the status of our request," and said a "productive response" is expected soon. EPA spokesman Jahan Wilcox said in a statement: "We have been in contact with Chairman Gowdy and are accommodating his request as quickly as possible." More here.

VISUALIZE IT: As American oil and gas production increased, the U.S. energy trade balance with Mexico shifted from an energy-trade deficit of $29.8 billion eight years ago to an energy-trade surplus of $16 billion in 2017. But all of that could change if the administration weakens NAFTA. See how in a DataPoint graphic here. Want to add DataPoint to your Pro account? Learn more.

EPA CHEMICAL RULE DELAY IN COURT TODAY: The D.C. Circuit will hear oral arguments today in a challenge brought by green groups, unions and Democratic attorneys general against EPA's delay of a chemical safety rule to 2019. The rule, known as the Chemical Safety Rule or the Risk Management Plan update, was issued in the final days of the Obama administration in response to several major accidents, including the fertilizer plant disaster in West, Texas, and requires greater safety measures and public reporting of hazardous chemicals stored at industrial sites. The panel consists of Judges Judith W. Rogers, a Clinton appointee; Brett M. Kavanaugh, a George W. Bush appointee; and Robert L. Wilkins, named to the bench by Barack Obama. The hearing starts at 9:30 a.m. at the Prettyman Courthouse, and audio will also be streamed here.

Dept. of Interesting Timing: The arguments come just one day after an explosion Thursday morning at a chemical plant in Cresson, Texas, that injured two workers and left one missing. The plant mixes chemicals used to drill oil and gas disposal wells, the Associated Press reported. It's not clear that the rule would have made a difference in this case, but activists have pointed to these disasters as evidence of impending harm from EPA's delay of the rule.

CLEAR AS MUD: Trump broke his silence on rumors that he's been eyeing Energy Secretary Rick Perry for a move to Veterans Affairs, and another that he wants to make Pruitt attorney general. When asked if more staff announcements were on tap, Trump told reporters: "Well, the story was very false. I mean, they wrote a story about staff changes today that was very false."

But the president also conceded he's interested in a plethora of people. "I've gotten to know a lot of people over the last year. ... So there will always be change, but very little. It was a very false story. It was very — a very exaggerated — a very exaggerated and false story. But there will always be change, and I think you want to see change."

QUOTED: Sen. Chuck Grassley took to Twitter Thursday night to talk RINs with the president. "@realDonaldTrump I want to shake up what u might be planning abt a RINS cap for a short period. It will be CATASTROPHIC to ethanol. U will only believe me when u find ethanol in doldrums That's where ur idea leads," he tweeted.

GROUPS SUE FOR HEARTLAND DOCS: The Southern Environmental Law Center and Environmental Defense Fund filed a lawsuit Thursday against EPA for failing to release information under FOIA request. The

requests pertained to correspondence between EPA and the Heartland Institute, following statements from Heartland Institute officials who said EPA requested their assistance on the agency's possible "red team, blue team" debate. Read the lawsuit here.

PLAYING CARD: Bureau of Land Management Employees have been given new "vision cards" featuring images of an oil rig and grazing cattle, according to images released by the watchdog group Public Employees for Environmental Responsibility. One side of the card displays the bureau's vision, mission and value statements and features an image of an oil rig. The reverse side shows two men riding horses, with cattle in the background and BLM's guiding principles. Bureau spokeswoman Michelle Barret told ME the cards "were created and sent out several months ago by the Washington office to encourage employees to be aware of the BLM's core values." No one was ordered to wear them by anyone at the agency's headquarters, Barret said. PEER Executive Director Jeff Ruch in a statement compared the cards to propaganda used by totalitarian regimes. "This is supposed to be the Bureau of Land Management not Mao's Red Guard." See the card here.

MAIL CALL! GOING FORWARD: Twenty-eight members of the GOP Republican conference sent a letter this week to Speaker Paul Ryan, regarding reauthorization of the Land and Water Conservation Fund. "We respectfully ask for your help in identifying and securing a legislative path forward for LWCF," they write. The lawmakers offer up last year's energy bill, S. 1460 (115), as a possible vehicle. Read the letter here.

QUICK HITS

— The Interior Department is preparing for a massive overhaul — and Alaska is its model, Anchorage Daily News.

— FEMA strips mention of 'climate change' from its strategic plan, Bloomberg.

— GOP is trying to prop up coal, but plants keep closing, E&E News.

— A cyberattack in Saudi Arabia had a deadly goal. Experts fear another try, The New York Times.

— Perry on rumors he's becoming VA secretary: Trump knows 'I like where I am', Washington Examiner.

— Even under coal-boosting Trump, U.S. solar is doing pretty well, The Washington Post.

HAPPENING TODAY

9:00 a.m. — The George Washington University Law School's J.B. & Maurice C. Shapiro Environmental Law Symposium on the role of Public Trust Doctrine including climate, water resources and state constitutions, 2000 H Street NW

9:30 a.m. — The Fish and Wildlife Service meeting of the International Wildlife Conservation Council, 1849 C Street NW

10:00 a.m. — The Center for Strategic & International Studies Energy and National Security Program discussion on "Taming the Sun," 1616 Rhode Island Avenue Northwest

2:00 p.m. — The Novim Group and the Environmental and Energy Study Institute briefing on impacts of the administration's proposed climate and environmental research program cuts for fiscal 2018, 2360 Rayburn

THAT'S ALL FOR ME!

** **A message from Chevron:** Girls can do remarkable things with science, technology, engineering, and math. And, with support from parents, teachers, and businesses like Chevron, this generation may change the world with STEM. Watch the video: http://politi.co/2Flajfw **

To view online:
https://www.politicopro.com/newsletters/morning-energy/2018/03/inside-pruitts-calendar-135863

Stories from POLITICO Pro

Pruitt huddled with coal exec who raised over $1M for Trump Back

By Alex Guillén and Emily Holden | 03/16/2018 05:01 AM EDT

EPA Administrator Scott Pruitt met with an Indiana coal executive last year who was seeking to soften a pollution rule — and who once boasted about raising more than a million dollars for President Donald Trump's campaign, according to documents provided to POLITICO.

The records, obtained by the Sierra Club through a Freedom of Information Act lawsuit against EPA, show that Steven Chancellor, CEO of White Stallion Energy, met with Pruitt on May 22, 2017 for a "courtesy call and introductory meeting."

Pruitt has met regularly with GOP heavyweights ahead of what many expect to be a 2020 Senate run. He has also met with investors connected to Republican megadonor Sheldon Adelson as well as key conservative groups like the Family Research Council and Federalist Society.

Chancellor is also the head of the American Patriot Group, whose corporate headquarters in Evansville were designed to mimic the White House, and which owns White Stallion Energy, which mines coal from five sites in the Illinois Basin.

He hosted a $10,000-per-couple fundraiser with Donald Trump, Mike Pence and Rudy Giuliani in August 2016 that he said raised "north of a million" dollars. He later attended Trump's inauguration, where he was spotted shaking Pence's hand.

A longtime powerhouse GOP fundraiser in the Hoosier State, Chancellor in the 2000 campaign hosted an event headlined by George H.W. Bush. And he and his company, Black Beauty Coal, which was later sold to Peabody Energy, directly gave a combined $310,000 to Republicans, The Washington Post reported at the time. Chancellor then served Bush's Energy Department transition team. He also raised more than $1 million for Mitt Romney in 2012.

Chancellor petitioned the EPA in December 2016, asking the agency to soften a rule designed to curb pollution that floats across state lines. An update to the rule approved by the Obama administration could "significantly impact" Indiana utilities' reliance on coal produced from his mines, Chancellor wrote. EPA has not yet responded to Chancellor's petition or any of those regarding the update, the agency confirmed.

Also in the meeting was Rashid Hallaway, a former aide to Indiana Sen. Evan Bayh who went on to work directly for Chancellor and now represents him as an outside lobbyist. His client list also includes the American Coalition for Clean Coal Electricity.

It is unclear whether Pruitt and Chancellor discussed his petition. Calls to Chancellor's office were not returned, and EPA did not return a request for comment.

In addition to the Pruitt meeting, Interior Secretary Ryan Zinke's calendar showed a meeting with White Stallion earlier that day, although it is not clear that Chancellor personally attended that meeting.

But Zinke named Chancellor earlier this month to Interior's new International Wildlife Conservation Council, which will provide advice to Zinke on "the benefits that result from United States citizens traveling to foreign nations to engage in hunting." That council is scheduled to meet at the Interior Department on Friday.

Chancellor is a prolific big-game hunter, and his mansion includes a trophy room stuffed with taxidermied lions, elephants, polar bears, rhinos and zebras, according to photos posted on a 2012 blog. In 2001, he mustered his political connections to lobby the government of Botswana to lift a ban on lion hunting.

Interior earlier this month said hunters will be allowed to bring back elephant trophies from abroad.

The documents provided to POLITICO also showed that Pruitt met with dozens of industry executives and trade group representatives between the May 19 and June 19 period the calendar covered. And he had phone calls with GOP governors, attorneys general and lawmakers. He saw public health groups twice.

Pruitt also heard a pitch from executives of the water treatment technology company Reliable One Resources, which appears to have arranged a meeting through a former lawyer for Devon Energy Corp., the oil-and-gas company Pruitt had close ties to in his political career in Oklahoma.

EPA has fought routine requests for Pruitt's schedules, turning them over only when forced by the courts after lawsuits brought by environmental or government transparency organizations. EPA posts a far less comprehensive version of his calendar online every few weeks, omitting names and discussion topics. The new releases keep lunch and travel details confidential, a practice the Pruitt EPA has long followed.

The schedule released by EPA also did not reveal Pruitt's activities while representing the U.S. at a major international meeting in Italy, a trip that drew criticism because of its high travel costs and his policy of flying first class or business class.

Pruitt and his staff spent $36,000 on a military jet to New York to catch a plane to Rome following a last-minute invite to an infrastructure event in Cincinnati with President Donald Trump. Pruitt racked up another $7,000 in flight costs associated with the trip, including a business class ticket on the premium Emirates Airline.

The agency redacted information about meetings or events for two days of the trip and left another day's entries blank. The calendars offer no explanation for why Pruitt arrived several days early for the meeting of G-7 environment ministers. He spent the first part of his trip in Rome and departed Bologna shortly after the meeting there began to return to Washington to attend a much-publicized meeting at the White House where Cabinet secretaries praised Trump.

Pruitt's public schedule listed only a meeting with the U.S. Embassy and then a business roundtable on his first afternoon in Italy.

According to Pruitt's Twitter account, he kept a busy schedule in Italy before and during the G-7 gathering — including meeting with executives from U.S. companies; touring the Vatican and meeting with a top church official; discussing "rule of law" with Luciano Panzani, the president of the Court of Appeal in Rome; attending a " prosciutto and pasta" reception; meeting with Therese Coffey, a Conservative Party member of the U.K. parliament; speaking about air quality and baseball with Japanese Environment Minister Koichi Yamamoto; and meeting on stewardship with UPS, Sealed Air, CITI and the U.S. Chamber.

On the same Monday he met Chancellor, Pruitt spoke with the Large Public Power Council's CEO meeting about "the elimination of regulations affecting the electric power industry," with Duke Energy CEO Lynn Good about coal ash, and with the Congressional Coal Caucus.

The calendar also shows Pruitt visiting Oklahoma twice in the month disclosed.

On Saturday, May 20, in Tulsa he took an hourlong tour of Brainerd Chemical Company and then a half-hour tour of the restored office of oil baron Waite Phillips, which Brainerd's CEO leases.

To view online click here.

Back

U.S. imposes new sanctions on Russian entities over 2016 election meddling Back

By Elana Schor, Andrew Restuccia and Cory Bennett | 03/15/2018 10:30 AM EDT

The Treasury Department on Thursday slapped new sanctions on 24 Russian entities and individuals for interfering in the 2016 election and conducting a series of damaging cyberattacks, a major step toward punishing Russia for its increasingly bellicose behavior.

But the move is already prompting calls for more tough action against Russian President Vladimir Putin's government, particularly from Democrats who have lambasted President Donald Trump as overly reluctant to issue sanctions and to decry Moscow's interference in the affairs of western governments.

The Trump administration has come under fire for what critics say is a slow response to Russia's alleged interference in the 2016 election, and Trump has faced blowback for not more forcefully condemning Russia in the aftermath of this month's nerve agent attack on a former Russian spy in England. The sanctions announced Thursday appeared intended to counteract that narrative.

"The administration is confronting and countering malign Russian cyber activity, including their attempted interference in U.S. elections, destructive cyberattacks, and intrusions targeting critical infrastructure," Treasury Secretary Steven Mnuchin said in a statement. "These targeted sanctions are a part of a broader effort to address the ongoing nefarious attacks emanating from Russia."

Mnuchin added that Treasury is planning to impose additional sanctions "to hold Russian government officials and oligarchs accountable for their destabilizing activities by severing their access to the U.S. financial system."

The announcement comes amid a growing firestorm over the nerve agent attack in southern England. The British government, the U.S. and others have blamed Moscow for the attack, and Britain moved this week to expel 23 Russian diplomats. Though Thursday's sanctions are unrelated to that attack, Trump on Thursday said "it certainly looks like the Russians were behind it."

Thursday's sanctions go after the individuals that special counsel Robert Mueller indicted last month for participating in a sweeping plot to use online trolls to inflame social divides and undermine faith in U.S. institutions during the 2016 election.

The sanctions target the Internet Research Agency, the Russian organization that Mueller's team alleged was responsible for the extensive online trolling effort that court documents say was years in the making, involving millions of dollars and potentially hundreds of individuals.

According to the indictment, the IRA sent Russian operatives to the U.S., creaked fake online personas to solicit American activists' advice about targeting swing states, organized rallies on U.S. soil and wielded the United States' homegrown social media platforms to worsen the country's racial, religious and political divides.

On Thursday, the White House sanctioned the IRA and its alleged founder, Yevgeniy Viktorovich Prigozhin, for their role in "interfering with election processes or institutions." Prigozhin, sometimes described in Russian media as Putin's "chef," has became one of the country's largest state contractors, according to the Anti-Corruption Foundation, a Russia-based nonprofit that investigates corruption among high-ranking Moscow officials.

The White House also sanctioned Prigozhin's two main companies, Concord Management and Consulting and Concord Catering, accusing them of providing funding to the IRA.

Trump has repeatedly avoided acknowledging the assessment of intelligence agencies that Russia intervened in the 2016 election to benefit his campaign, most recently hailing House Intelligence Committee Republicans for a one-party report that there was "NO EVIDENCE OF COLLUSION OR COORDINATION" with Russia.

Democrats have lambasted the administration for declining to penalize entities doing business with Moscow's defense and intelligence sectors under a separate section of the bipartisan sanctions legislation that Congress sent to Trump's desk last year.

While Thursday's announcement of cyber-related sanctions won praise from both sides of the aisle, Republicans were more unequivocal in welcoming the announcement. Democrats continue to view the White House as reluctant to take a hard line against Putin's government following the 2016 election meddling campaign, which Trump has repeatedly downplayed.

Indeed, Senate Minority Leader Chuck Schumer (D-N.Y.) on Thursday described Thursday's sanctions as "not enough." Schumer called on the administration to specifically punish Russian entities linked to the U.K. bioterror attack and take further steps against Putin's regime.

"We're still waiting for action to harden our election security, and we're still waiting for the president, President Trump, to utter one word of public criticism for what Putin is doing to the U.S. and democracies around the world," Schumer said on the floor. "I say to President Trump, your silence speaks on this issue."

The Senate Intelligence Committee's top Democrat, Virginia Sen. Mark Warner, agreed with that sentiment — calling Thursday's sanctions a "first step" but adding that Trump's lack of broader condemnation of Russia "still concerns me."

"I don't understand why it's taken the administration so long to lay out these sanctions," Warner said in an interview. "They've missed deadlines. I think it's a step in the right direction — but again, most of the entities sanctioned were either already under sanction by Obama or were indicted by special prosecutor Mueller."

In a statement, outspoken Russia critic Sen. John McCain (R-Ariz.), said the Trump administration "took an overdue step forward today in holding Putin accountable for his brazen attack on our democracy."

"It is critical that the administration work urgently to fully implement sanctions under the 'Countering America's Adversaries through Sanctions Act,' including on those responsible for the attack on the 2016 election and who

were recently named in the special counsel's indictment, as well as on entities operating in the oil and gas sectors," he said, referring to the 2017 sanctions bill the Senate previously passed.

The administration has explained its decision to hold off on imposing further sanctions targeting Russia's defense and intelligence sector operations by saying that the sanctions bill itself is "serving as a deterrent" against major deals.

Thursday's White House sanctions punish Russia's two main intelligence organizations, including the country's military intelligence organization, known as the GRU, for being "directly involved in interfering in the 2016 U.S. election through cyber-enabled activities."

Researchers have accused the GRU's infamous hacking team "Fancy Bear" of infiltrating the Democratic National Committee and later stealing and leaking the party's internal documents and communications through fake online personas and the activist group WikiLeaks.

The leaks exacerbated rifts within the Democratic Party and forced Florida Rep. Debbie Wasserman Schultz to resign as chairwoman of the DNC in July 2016 after internal emails revealed potential favoritism for Hillary Clinton over her primary rival Bernie Sanders.

Thursday's move goes beyond just a broad condemnation of the GRU. It specifically sanctions six individuals the administration says have served as GRU officials. Four of those individuals were previously sanctioned in December 2016, as part of the Obama administration's retaliation for Moscow's election meddling, which also included the expulsion of 35 Russian diplomats from the U.S.

The White House also penalized Russia's other intelligence service, the FSB — the country's successor to the KGB — with penalties. The announcement accuses the organization of going after a variety of U.S. government officials, including "White House personnel." The inclusion is notable because the FSB's "Cozy Bear" hacking group has long been suspected of — but never officially blamed for — infiltrating White House networks in 2014.

The FSB penalties are the second time the Trump administration has targeted the intelligence unit over hacking. In March 2017, the Justice Department took the unprecedented step of indicting two FSB spies for their role in hacking into Yahoo and stealing data on 500 million users.

The sanctions issued Thursday were coupled with a separate, significant announcement by the administration blaming Russian government hackers for initiating an ongoing operation to penetrate vital U.S. industries, including the energy grid. They follow through on the Trump administration's promise to punish Russia for launching a game-changing cyberattack in June 2017, which cyber researchers dubbed NotPetya.

The threat came after the U.S. joined with its "Five Eyes" intelligence partners in February to blame the Kremlin for orchestrating the attack, which spread rapidly through Ukraine last year, before spilling into Europe, Asia and America. The virus, powered in part by leaked National Security Agency hacking tools, seized computer networks around the world, disrupting banks, hospitals, shipping routes, nuclear power plants and the main airport in Kiev, Ukraine's capital.

The White House on Thursday called the June assault "the most destructive and costly cyberattack in history," noting that "several hospitals in the United States were unable to create electronic records for more than a week."

Indeed, cyber experts have described the incident as a watershed moment. Not only was the virus destructive on a historic scale, researchers believe it provided an indication of Russia's cyber prowess that they expect to see deployed elsewhere in the future.

Moscow has frequently used Ukraine — and Eastern Europe more broadly — as a testing ground for its next-generation cyber weapons. In recent years, Kiev has twice blamed its neighbor for shutting down portions of its power grid using increasingly dangerous digital weapons that hackers had never successfully deployed on that scale.

Tim Starks contributed to this report.

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U.S. says Russian hackers targeted American energy grid Back

By Tim Starks | 03/15/2018 12:00 PM EDT

The Trump administration on Thursday accused Russian government hackers of carrying out a deliberate, ongoing operation to penetrate vital U.S. industries, including the energy grid — a major ratcheting up of tensions between the two countries over cybersecurity.

It says the hackers penetrated targeted companies to a surprising degree, including copying information that could be used to gain access to the computer systems that control power plants. It's the kind of access that experts say would have given Moscow the ability to turn off the power if it wanted to.

The alert came eight months after leaked documents revealed that federal authorities had found evidence of foreign hackers breaching computer networks in U.S. power companies, including the operator of the Wolf Creek nuclear plant in Kansas.

"Since at least March 2016, Russian government cyber actors ... targeted government entities and multiple U.S. critical infrastructure sectors, including the energy, nuclear, commercial facilities, water, aviation, and critical manufacturing sectors," according to Thursday's joint alert, issued by the Homeland Security Department and the FBI.

While the reveal isn't a surprise to cyber watchers — researchers have been noting such digital espionage for years — it's rare for the U.S. government to be so blunt about a foreign adversary's cyber spying. Because the U.S. conducts its own similar online espionage campaigns around the world, intelligence officials have traditionally been loath to openly point fingers at other governments for doing the same thing.

After the alert, Energy Secretary Rick Perry warned members of a House Appropriations subcommittee Thursday that he's "not confident" the federal government has an adequate strategy in place to address the "hundreds of thousands" of cybersecurity attacks directed at the U.S. every day.

Sen. Maria Cantwell of Washington state, the top Democrat on the Energy and Natural Resources Committee, said Thursday's alert followed a long series of unanswered warnings about the danger that hackers could trigger economically devastating blackouts.

"A year ago yesterday, I called for a Russian cyber threat assessment to our grid," Cantwell said in a statement. "I've repeatedly asked President [Donald] Trump to tackle this urgent task and have been met with deafening silence. I hope today's belated response is the first step in a robust and aggressive strategy to protect our critical infrastructure."

The alert comes on the same day the Trump administration issued new sanctions against Russia for a range of activities, including its actions in cyberspace. Taken together, the steps amount to perhaps the most direct confrontation of Russian hackers by the U.S. government yet.

Russia has been widely accused of launching increasingly dangerous attacks on power grids around the world. Moscow's most frequent target has been Ukraine, according to researchers. In recent years, Ukraine has twice blamed its neighbor for shutting down portions of its power grid using digital weapons that hackers had not previously successfully deployed on that scale.

The alert says Russian hackers attempted to access the American grid and other industries primarily to spy and collect information. Their weapons included malware-laden Word documents — such as engineers' resumes — that appeared in legitimate-seeming emails, but which harvested login and password information from victims' computers.

The hackers used these exploits to target vendors and other companies on the periphery of their main targets, then leapfrog their way to gain access to higher-level networks and install malware.

Once inside, the hackers would move around and conduct reconnaissance, and appeared interested in industrial control systems that manage processes for critical infrastructure, the alert reads.

"The threat actors appear to have deliberately chosen the organizations they targeted, rather than pursuing them as targets of opportunity," the alert says.

It says the hackers also used other means to find their way in. In one case, they "downloaded a small photo from a publicly accessible human resources page. The image, when expanded, was a high-resolution photo that displayed control systems equipment models and status information in the background."

They also implanted malware in the websites of trade publications and other websites related to the targeted industries, the alert says.

According to Jon Wellinghoff, a former chairman of the Federal Energy Regulatory Commission who now runs his own energy policy consultancy, the hackers seemed to be gathering intelligence "that could provide them with information in the future to do something if they wanted to."

Essentially, they were setting the stage to potentially turn off the power, cyber experts said.

The details closely dovetail with research published in October by cyber firm Symantec. The government alert even confirmed that the Symantec report — which didn't attribute the cyber activity to any government — offered "additional information" about Russia's digital efforts.

The Symantec report reveals that the cyberattacks described in Thursday's alert stretch back much further than 2016. According to Symantec, the hacking group, which it dubbed Dragonfly, started around 2011, targeting western energy-sector companies, including in the U.S., Turkey and Switzerland.

Though the group was dormant through much of 2014 and 2015, it restarted its digital probing in late 2015 with a campaign that sent fake New Year's Eve party invites to energy-sector targets, Symantec said.

By 2017, the group had ramped up these malicious efforts, according to the research.

Kevin McIntyre, chairman of the Federal Energy Regulatory Commission — which oversees the energy sector — said the information contained in the alerts showed the need to remain vigilant on cybersecurity.

"Frankly, some of it is a little bit scary," he told reporters on Thursday. "But we keep our eye on the ball and focus on it so that we try our best as an agency."

Perry, meanwhile, expressed misgivings about federal cybersecurity efforts.

"I'm not confident that the federal government has a broad strategy in place that is not duplicating, or is least duplicative as it can be," Perry said after House Energy and Water Appropriations Subcommittee Chairman Mike Simpson (R-Idaho) called cybersecurity attacks "our biggest threat."

"I'm as worried about cybersecurity as I am nuclear," Simpson said. "I think we're attacking it department-wide, but I'm not sure we're attacking it government-wide."

Eric Wolff, Cory Bennett and Anthony Adragna contributed to this report.

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White House: Trump met with top oil CEOs on energy, trade Back

By Ben Lefebvre | 03/15/2018 05:43 PM EDT

President Donald Trump discussed energy and trade with CEOs from a dozen energy companies, including Exxon Mobil and Chevron, as well as the industry lobby group American Petroleum Institute on Thursday.

The meeting comes after the API's two-day board meeting at the Trump International Hotel in Washington, D.C., and represented a major lobbying effort from an industry that has generally backed Trump, but has become increasingly worried that his policies on trade will drive up their costs for pipelines and threaten U.S. energy exports.

"The President met with members of the American Petroleum Institute to discuss the important role natural resources play in our energy sector," White House spokeswoman Lindsay Walters said.

The guest list included Exxon CEO Darren Woods, Chevron CEO Mike Wirth, Shell Oil President Bruce Culpepper, BP America President John Mingé and API President Jack Gerard, as well as the top executives from Phillips 66, Devon Energy, Marathon Petroleum, Occidental Petroleum, Enbridge, Noble Energy, Fluor and Anadarko.

Walters did not say whether Commerce Secretary Wilbur Ross or U.S. Trade Representative Robert Lighthizer joined the meeting. The two were the principal backers of Trump's 25 percent tariff on imported steel and hard-line stance on renegotiating NAFTA, two issues that have unsettled the oil and gas industry.

Also attending the meeting was Vice President Mike Pence, API spokesman Eric Wohlschlegel said in a press release.

"API executives highlighted a host of the industry's priority issues, including the importance of trade policies that recognize the integrated nature of North American and global markets," Wohlschlegel said.

The API entered a multi-year contract in 2016 "before the election" to use the Trump's hotel for gatherings, a spokesman for the association said Thursday, but did not specify when exactly the contract was signed.

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Man arrested for assault after scuffle with Interior staff Back

By Ben Lefebvre | 03/15/2018 04:18 PM EDT

Capitol Police said today they arrested a man after a scuffle outside the House Natural Resources Committee hearing room following today's testimony from Interior Secretary Ryan Zinke.

The police "arrested an adult male for simple assault against another individual outside room 1324 in the Longworth House Office Building," the department's public information officer told POLITICO. "The suspect was transported to USCP Headquarters for processing."

The altercation took place around 1 p.m. after the committee wrapped up a hearing on President Trump's proposed fiscal year 2019 budget for the Interior Department. A POLITICO reporter saw the man, whose name Capitol Police did not disclose, initially approach Zinke and apologize for an incident earlier in the week.

The man then followed Zinke outside the hearing room and started asking him questions. He then got into a scuffle with someone a House Natural Resources committee aide at the scene identified as Interior spokeswoman Heather Swift.

Swift did not immediately respond to questions about the incident.

WHAT'S NEXT: The suspect was taken in for processing, Capitol Police spokesperson said.

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Japanese-American senator hits Zinke over 'flippant' response on preserving internment sites Back

By Cristiano Lima | 03/15/2018 06:51 PM EDT

Sen. Mazie Hirono (D-Hawaii) on Thursday called it "flippant & juvenile" for Interior Secretary Ryan Zinke to respond to a question about preserving internment sites with a Japanese greeting.

"The internment of nearly 120,000 Japanese Americans is no laughing matter, @SecretaryZinke," tweeted Hirono, the first U.S. senator born in Japan and the first Asian-American woman elected to the chamber.

During a House Natural Resources Committee hearing earlier in the day, Zinke was pressed by Rep. Colleen Hanabusa (D-Hawaii), a fourth-generation Japanese-American, to commit to refunding a National Park Service

program that offers grants toward the preservation of confinement camps where Japanese-Americans were held during World War II.

"Are you committed to continue to grant programs that are identified, I believe, as the Japanese American Confinement Sites grants program which were funded in 2017? Will we see them funded again in 2018?" Hanabusa asked.

"Oh, konnichiwa," Zinke replied, deploying a Japanese greeting typically used in midday.

After a brief silence, Hanabusa corrected Zinke, using the Japanese greeting for "good morning."

"I think it's still 'ohayo gozaimasu,' but that's OK," she said.

Zinke's remark later drew scrutiny from the Hawaii senator online.

"What you thought was a clever response to @RepHanabusa was flippant & juvenile," Hirono wrote on Twitter.

After the brief exchange at the hearing, Zinke said funding for the grants "probably got caught up" by larger 2018 budgetary items, and vowed to work with Hanabusa on the matter.

"I will look at it and I will work with you on it because I think it is important," Zinke told her.

Hanabusa, who said her two grandparents were subjected to internment, framed the program as a necessity during the hearing.

"I sit before you the granddaughter of two internees, both of my grandfathers were interned during World War II," Hanabusa said. "It is essential that we as a nation recognize our darkest moments so that we don't have them repeat again."

To view online click here.

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McCarthy eyes omnibus to circumvent objections over raising California dam Back

By Annie Snider | 03/15/2018 06:22 PM EDT

House Majority Leader Kevin McCarthy is pushing to include language in an omnibus spending bill that would allow a major California dam project backed by the Trump administration to move forward over Gov. Jerry Brown's objections.

Congress included language as part of a bipartisan 2016 water infrastructure law that would allow the Shasta Dam to be raised to store more water, but it required the Interior Department to get a state or local government to sign onto the project before work could begin. Brown's administration opposes the $1.3 billion project, saying it would violate state law, leading powerful agricultural interests in the state to push their Republican allies in Congress to remove that caveat.

Federal funding runs out March 23, and lawmakers are negotiating the final details of a government-wide spending bill they hope to unveil in the coming days and pass in time to avoid a government shutdown.

McCarthy wants that bill to include a rider that would let Interior begin pre-construction work on the dam without a partner.

"If we've learned nothing else from the past years of catastrophic drought in our state, perhaps we now all agree that increasing storage capacity to capture water during wet years for use in dry years is absolutely critical," McCarthy said in a statement.

The biggest beneficiary of raising the dam would be Westlands Water District, whose farmers often see water shipments curtailed during dry years. David Bernhardt, deputy Interior secretary, was the powerful water district's top lobbyist before joining the Trump administration.

In January the administration requested $20 million to begin work on the project.

Johnny Amaral, deputy general manager for Westlands and former chief of staff to Trump ally Rep. Devin Nunes (R-Calif.), argued that raising Shasta is one of the best new water storage projects in terms of costs and benefits, and argued it could bring benefits to fisheries as well as farms.

"Westlands Water District supports efforts by the Department of the Interior and members of the California Congressional delegation to move forward on this project," Amaral said by email.

Farmers and other California water users have for years been pushing a plan to raise Shasta Dam near the Sacramento River by nearly 19 feet as a way of storing more water to irrigate Central Valley farms.

But Golden State officials say raising the dam would inundate the McCloud River and its fisheries, which are protected under the state's Wild and Scenic Rivers Act.

California's Natural Resources Secretary John Laird, a Brown appointee, wrote House and Senate leaders this week to register the state's opposition. He said the state "shares the Department of Interior's commitment to investing in new water storage" and asked that they instead focus on other water storage efforts where the state could join as a financial partner.

Northern California Democrats are also fighting the omnibus language. Rep. Jared Huffman (D-Calif.) argued that the push is a sweetheart deal for Bernhardt's former employer.

"There's a stench to this thing and it seems that when it comes to these decisions of what to fund, what not to fund, in all types of infrastructure, it's just all politics all the time," he said after pressing Interior Secretary Ryan Zinke about the Shasta plan during a House Natural Resources Committee hearing Thursday morning.

But California Sen. Dianne Feinstein has yet to weigh in. Feinstein has previously backed raising Shasta, and she was key to the 2016 drought deal that gave Shasta it's current path forward — but that included the language Republicans are now looking to waive. She is also the top Democrat on the Appropriations subcommittee that funds the Bureau of Reclamation. Feinstein's office did not respond to a request for comment Thursday.

To view online click here.

Back

Calvert doesn't see need for WOTUS, ozone riders Back

By Anthony Adragna | 03/15/2018 06:20 PM EDT

Rep. Ken Calvert (R-Calif.), who oversees the panel responsible for EPA and Interior spending, told reporters today he doesn't see the need for riders on the Waters of the U.S. rule or concerning ozone limits in the emerging spending bill.

"From my perspective, [EPA Administrator] Scott Pruitt's handling that and the ozone issue also," Calvert said of a possible WOTUS provision, noting the need for policy riders is diminished "because the administration we're dealing with now is different than the one we had in the past."

Calvert did say the fate of the riders rested with congressional leadership. Provisions included in the House-passed EPA and Interior spending bill H.R. 3354 (115) last year would have protected the EPA's move to withdraw the Waters of the U.S. regulation from legal challenges and delayed implementation of the agency's 2015 ozone standard until 2025.

More broadly, Calvert said he anticipated a vote on passage of the omnibus next week and said his portion of the package is "coming along pretty well actually" with goal of finishing work on it this weekend.

WHAT'S NEXT: Calvert said he anticipated a vote on the omnibus next week after wrapping up work on it this weekend.

To view online click here.

Back

Walden says Pruitt will testify on EPA budget April 25 Back

By Anthony Adragna | 03/15/2018 04:37 PM EDT

House Energy and Commerce Chairman Greg Walden said today EPA Administrator Scott Pruitt will testify before his panel on the agency's budget request April 25.

"He'll be there on April 25 — one way or the other," Walden said.

The timing of Pruitt's appearance would put his testimony well after that of fellow Cabinet members, most of whom are testifying this week and next on their requests. Both of Pruitt's energy counterparts — Energy Secretary Rick Perry and Interior Secretary Ryan Zinke — have appeared this week for congressional hearings.

EPA was not immediately available to comment.

To view online click here.

Back

Oversight panel hope to see Pruitt travel docs 'soon' Back

By Anthony Adragna | 03/15/2018 05:37 PM EDT

More than a week after its initial deadline, the House Oversight Committee is still awaiting records concerning EPA Administrator Scott Pruitt's travel habits.

"The committee has been in consistent contact with the EPA regarding the status of our request," a spokeswoman told POLITICO. "We expect a productive response soon."

Extensions for agencies are not uncommon when they involve voluminous records to search. EPA spokesman Jahan Wilcox said in a statement: "We have been in contact with Chairman [Trey] Gowdy and are accommodating his request as quickly as possible."

Gowdy sought copies of all the flights taken by Pruitt, waivers for first- or business-class travel and records of other staff who accompanied him on trips in a late February letter, setting a March 6 deadline for a response. Pruitt said he'd start flying coach, at least some of the time, in response to the outcry over his travel habits.

WHAT'S NEXT: The committee said it expects a response from EPA "soon."

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Back

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To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: EPA says Pruitt predecessors took expensive international trips too

By Emily Holden

03/21/2018 02:27 PM EDT

EPA pushed back on criticism over Administrator Scott Pruitt's expensive travel today, highlighting data showing his predecessors in the Obama administration spent hundreds of thousands of dollars on international trips, too.

But while the calculations by EPA show former Administrator Gina McCarthy frequently visited other countries, she always flew coach, even on long flights where agency rules may have allowed her to upgrade. EPA says Pruitt traveled first class because of the high number of threats to his safety.

McCarthy made 14 trips to other countries in her three-and-a-half-year tenure, totaling $731,000 for her, staff and security to fly and stay abroad, EPA said. Pruitt and his team spent at least $120,000 on a single trip to a G-7 environment meeting in Italy in June, including $36,000 on a military jet to New York to catch a flight to Rome. Pruitt also has spent at least $105,000 on first class flights since May, according to agency records released yesterday to the House Oversight Committee.

Spokesman Jahan Wilcox called it a "double-standard" that the media did not report on EPA travel costs under President Barack Obama but "under the Trump Administration the costs to protect our government officials is somehow scandalous."

McCarthy's travel costs ranged from $55,385 for a 2013 trip to China to $90,368 for a visit to Dubai in 2015, according to calculations by EPA.

The first Obama administration EPA administrator, Lisa Jackson, spent $155,764 on a 2011 trip to China, EPA said. Jackson flew business class on at least two international trips, to Kenya and China, according to agency notes.

To view online:
https://www.politicopro.com/energy/whiteboard/2018/03/epa-says-pruitt-predecessors-took-expensive-international-trips-too-867130

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To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Oversight panel hope to see Pruitt travel docs 'soon'

By Anthony Adragna

03/15/2018 05:37 PM EDT

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WHAT'S NEXT: The committee said it expects a response from EPA "soon."

To view online:
https://www.politicopro.com/energy/whiteboard/2018/03/oversight-panel-hope-to-see-pruitt-travel-docs-soon-821002

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Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 3/21/2018 3:16:43 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]
Subject: Re: Quick follow up, re: travel

Thanks

On Mar 21, 2018, at 11:05 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Statement we crafted with the Administrator's input:

"Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity."

From: Wilcox, Jahan
Sent: Wednesday, March 21, 2018 9:21 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Quick follow up, re: travel

I know the answer.

From: Bowman, Liz
Sent: Wednesday, March 21, 2018 9:20 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Fwd: Quick follow up, re: travel

Ex. 5 - Deliberative Process

Begin forwarded message:

From: "Dennis, Brady" <Brady.Dennis@washpost.com>
Date: March 21, 2018 at 9:16:21 AM EDT
To: "wilcox.jahan@epa.gov" <wilcox.jahan@epa.gov>, "Bowman.Liz@epa.gov" <Bowman.Liz@epa.gov>
Cc: "Eilperin, Juliet" <Juliet.Eilperin@washpost.com>
Subject: Quick follow up, re: travel

Jahan, Liz,

In reading through the travel vouchers last night (and also the earlier batch), there

are numerous occasions in which it says the administrator will pay to fly himself home to Tulsa from wherever he is.

That raised a question for us: Does he pay out of pocket to fly first class, given the security issues? If not, has the detail raised any concerns about that? If he is required to pay for first class b/c of security, does EPA supplement that cost in any way?

Thanks very much. And good luck with the snow today.

Brady Dennis
The Washington Post
202-334-7745
brady.dennis@washpost.com
@brady_dennis

Message

From: Baptist, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10FC1B085EE14C6CB61DB378356A1EB9-BAPTIST, ER]
Sent: 3/14/2018 9:08:22 PM
To: Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]
Subject: Draft Gowdy Response
Attachments: Gowdy Air Travel 3-7-18.docx

Attached please find a revised version of the Gowdy response. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsyvlania Ave., NW
Washington, DC 20460
(202) 564-1689
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Message

From: Morning Energy [morningenergy@politico.com]
Sent: 3/21/2018 2:04:28 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: POLITICO's Morning Energy, presented by Chevron: Interior's 'bellwether' lease sale today — Pruitt racks up more pricey flights — Omnibus talks still in flux

By Kelsey Tamborrino | 03/21/2018 10:00 AM EDT

With help from Ben Lefebvre and Anthony Adragna

'BELLWETHER' LEASE SALE TODAY: Interior will hold its region-wide lease sale today for all available parcels in federal waters of the Gulf of Mexico. Secretary Ryan Zinke said today's sale - which Interior has touted as "the largest in U.S. history" - would serve as "a bellwether" on where oil and gas companies want to spend their money drilling. The auction will offer up 14,776 blocks across about 77 million acres.

Priming the pump: National Oceans Industry Association President Randall Luthi reminded offshore oil and gas explorers of today's big sale. "The good news is that as commodity prices and market conditions have slowly improved, the Trump administration has worked to safely reduce regulatory burden and also incentivize industry investment by offering a 12.5 percent royalty rate for shallow water leases," Luthi said in a press release. But other observers were already downplaying expectations - particularly since it doesn't include any of the new areas Zinke is considering opening up, S&P Global reports. "Industry's views on the tracts available [today] do not necessarily say much, if anything, about industry's interest in [the eastern Gulf of Mexico] or Atlantic one to six years from now," Christopher Guith, of the U.S. Chamber of Commerce's Global Energy Institute, told S&P.

Keep in mind: Last summer's auction to oil and gas companies raised far less money than officials initially anticipated, Pro's Ben Lefebvre reported. That underperformance may illustrate how DOI's plan to cut royalty rates isn't necessarily the solution needed to stem the long-term decline in oil and gas companies buying up the Gulf of Mexico. BOEM plans to announce the results today during an 11:30 a.m. conference call.

WELCOME TO WEDNESDAY! I'm your host Kelsey Tamborrino, and Andeavor's Stephen Brown was first to identify Tonie Nathan as the first Jewish politician to win an electoral vote in a presidential election. Nathan ran on the Libertarian ticket in 1972. For today: Since the 1974 Congressional Budget Act laid out the standard appropriations process, how many times has Congress passed all its required appropriations measures on time? Bonus points if you can name the fiscal years. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO Space is our new, free weekly briefing on the policies and personalities shaping the second space age in Washington and beyond. **Sign up today to start receiving the newsletter right at launch on** April 6. *Presented by Boeing.*

PRUITT RACKS UP PRICEY FLIGHTS: In his first year on the job, EPA Administrator Scott Pruitt spent more than $105,000 on previously undisclosed first-class flights. That figure comes from records EPA turned over to House Oversight Chairman Trey Gowdy on Tuesday, but does not include an additional $58,000 on charter flights and a military plane. The most expensive trip listed in the new documents? A $16,217 trip in December to Morocco where Pruitt touted American natural gas exports, POLITICO's Emily Holden, Anthony Adragna and Alex Guillén report.

New questions on security: Sen. Sheldon Whitehouse sent a letter to EPA's inspector general asking the office to look into Pruitt's 24/7 security detail, including the administrator's use of it on non-official business such as jaunts to Disneyland, the Rose Bowl and college basketball games. "The request presents new questions concerning Administrator Pruitt's travel outside Washington, including about the aggregate cost to taxpayers, comparisons of costs incurred under previous administrators, and the cost and burden to the agency of reassigning personnel to accommodate the Administrator's travel," a spokesman said. Whitehouse's office, which declined to release the letter due to sensitive security information included in the document, said it obtained documents showing multiple agents accompanied Pruitt to those destinations unrelated to his official duties.

WE'LL KEEP THE LIGHTS ON: Batten down the hatches, folks! Between incoming snowfall and a quickly approaching funding deadline, omnibus negotiations are navigating quite the storm. Congressional leaders failed to release the $1.3 trillion fiscal 2018 omnibus text before midnight, as they'd hoped. And it's looking grim for the bill that last week negotiators said was almost complete. Talks between Capitol Hill and the White House have moved slowly, Pro's Sarah Ferris and Kaitlyn Burton report, with several issues still on the table after administration officials participated in a lengthy meeting Tuesday afternoon with appropriations leadership.

"Everything that remains is going to be pulling teeth to resolve," said a senior congressional aide with knowledge of the meeting. In all, four of the 12 subcommittees have yet to close out their bills, according to a Democratic appropriations aide, including Interior-Environment. The House is aiming to vote on the bill Thursday, though timing could be affected by the snowstorm expected to hit Washington today. Read more.

More trouble on the horizon: Count House appropriators among those decidedly not on board with using the omnibus to advance a controversial Mississippi flood control project long-sought by outgoing Senate Appropriations Chairman Thad Cochran. "The problem is adding things that would be looked at by the House as an earmark," Rep. Mike Simpson told reporters. "We can't do that." But Simpson added he wasn't directly aware of the provision nor whether leadership planned to include language related to the Waters of the U.S. regulation.

Simpson's got plans: Though he predicted Congress would need into the weekend to clear the spending bill, Simpson said he'd be home one way or the other for knee replacement surgery ... and he's got big plans. "I'm thinking I'm going to take it out to Walter Reed and put it with Sickles' leg," he said. "We're going to go out and do a toast to Sickles' leg."

** **A message from Chevron:** Chevron and local partners are helping to provide DOERS with the hands-on technical training needed for today's jobs in the manufacturing and energy industries. Watch the video: http://politi.co/2HBMVHd **

IF AT FIRST TRUMP DOESN'T SUCCEED: Agriculture Secretary Sonny Perdue suggested Tuesday it might be time Congress takes a whack at resolving the ongoing dispute over the price of biofuel credits. "I think the White House is trying to determine whether they need to make a call on a decision or allow Congress to go back and fix it," Perdue told reporters at the National Press Club. "We've had some members of Congress call and say, 'We've been working on this - let us have it.'" President Donald Trump has been a part of four meetings to remedy the dispute between the ethanol industry and some oil interests, to no concrete avail.

What would a bill look like? Sen. John Cornyn and Rep. John Shimkus have some ideas. The two have been working on a bill for well over a year to overhaul the Renewable Fuel Standard, a likely vehicle for the fixes Perdue referenced, Pro's Helena Bottemiller Evich and Eric Wolff report. But the text of the Cornyn-Shimkus bill has been kept under wraps. "Interest group representatives who have seen parts of it remain mum, though it is rumored to include a national octane standard, and possibly a new kind of RIN for sales of high ethanol

blends of gasoline," Helena and Eric write . A spokesman for Shimkus said the lawmaker has "contacted staff and officials at the White House, USDA, and EPA to say that any administrative changes to the RFS at this time would be counterproductive to legislative efforts to reform the program."

(SOON) GOOD TO GO: Energy Secretary Rick Perry's suspension of uranium transfers for the remainder of the fiscal year has left Sen. John Barrasso on the verge of lifting his hold on Anne White's selection to be assistant secretary for environmental management provided he gets some additional assurances from DOE. "I appreciate very much what he said," Barrasso told ME. "We're trying to wrap some things up with the department to make sure they follow through with that."

WON'T GO AT IT ALONE: EPW ranking member Tom Carper told reporters he's working with the administration on an agreement that might speed floor consideration of EPA deputy nominee Andrew Wheeler, but said some within his own caucus won't ever consent to letting Wheeler through by unanimous consent. "[It's] really hard to ever see that one going by UC," he conceded. Remember lower-level nominees may be stuck in confirmation limbo indefinitely amid a push on federal judge confirmations and Cabinet vacancies.

THIS IS NOTABLE: Rep. Jim Bridenstine's nomination for NASA remains stalled in the Senate where it lacks the votes needed to move forward. But 12 House Democrats joined Republicans Tuesday to take matters into their own hands and urge Senate leadership to hold a vote on Bridenstine. Read their letter here.

NOT GIVING UP: Retiring Rep. Joe Barton isn't giving up on his push to complete a DOE reauthorization bill this year and plans to develop draft legislation within the next month. The Texas Republicans tells ME he'll soon sit down with Perry, DOE officials and Energy and Commerce Democrats for a meeting on the effort. Chairman Greg Walden first tasked Barton with leading a "comprehensive review" of the agency back in February 2017.

COLD CRACKS: PHMSA will hold its hearing today into the damage at two of Cheniere's LNG storage tanks in Sabine Pass, Texas, that resulted in a leak of about 40 cubic meters of gas. PHMSA opened an investigation into how the cracks developed in the two tanks, an incident Cheniere reported in late January. Cheniere has sought an informal settlement with PHMSA, saying that the government's corrective damage order detailing the damage contained "factual errors and unsubstantiated statements and misleading statements." Meanwhile, FERC told Cheniere last month to keep the two tanks out of service until more is learned about the situation.

NO WORRIES: PJM Interconnection gave the OK Tuesday for FirstEnergy to retire a 1,278 MW coal-fired power plant in West Virginia, saying the shutdown wouldn't hurt the power network's reliability, Eric reports. The plant in question is supplied by Murray Energy, whose CEO Bob Murray had pressed DOE to avert a closure of the plant. But in an analysis report not made public, a PJM spokesman said the operator did not identify any impacts to the grid from the closure of the two generating units at Pleasants Power Station. Read more.

FERC GRANTS EXTENSION FOR COMMENTS: FERC granted a 30-day extension on Tuesday for public comments on its regional grid resilience proceedings. At the commission's meeting last week, Chairman Kevin McIntyre said interested parties shouldn't limit themselves to responding to RTO comments. They should feel free to comment on any part of the proceeding.

WHAT HAPPENED IN PUERTO RICO? Six months after Hurricane Maria struck Puerto Rico, information about the botched federal response is still trickling out. After pleas for emergency fuel by Walmart and other supermarkets went unreturned by FEMA in the aftermath of the hurricane, retailers were forced to throw out tons of food, POLITICO's Lorraine Woellert reports . Congressional investigators Tuesday released emails from the supermarkets, which were sent to members of Congress for help gathering FEMA's attention. In a letter to Gowdy, Democrats request a subpoena to force DHS to provide documents related to FEMA's disaster response.

But that's not all: Ranking members from various House committees called on FEMA Administrator Brock Long to address concerns they have with his agency's response. Separately, a group of 13 senators sent a letter to the Army Corps of Engineers about the drawdown of personnel in the territory while power has yet to be fully restored.

MAIL CALL! FILL US IN: Walden, Shimkus and Oversight and Investigations Subcommittee Chairman Gregg Harper sent a letter to EPA, requesting further details on the agency's reorganization plans. Read it here.

GREENS CHEER: A federal district court in Alaska gave the go-ahead this week for a case to move forward related to the seismic impact of offshore drilling in the Arctic and Atlantic oceans. The case, *League of Conservation Voters vs. Trump,* is the first legal challenge from the LCV, though it was joined by other greens, including the Natural Resources Defense Council and Sierra Club. Read the opinion here.

SWAMP THINGS: The editorial board of the conservative Weekly Standard offered harsh words for the overspending tendencies of Trump's Cabinet on Tuesday, including Zinke and Pruitt. "Trump is frustrated, our sources tell us, by these micro-controversies and what they say about his administration. He's thinking seriously about making examples of those who've been poor stewards of taxpayer money," the board writes. "Good for him." Read it here.

QUICK HITS

- Complaints about falsified pipeline endorsements draw no response, The Wall Street Journal.

- National Park Service warned lease sale Tuesday could harm national monument in Utah, The Washington Post.

- EPA proposes tweaks to oil refinery pollution rules, The Hill.

- EPA chief wants to eradicate lead from drinking water, The Detroit News.

- Drillers snap up federal leases near Utah's wilderness monuments, Reuters.

- Pruitt aide didn't have to sign Trump ethics pledge, E&E News.

THAT'S ALL FOR ME!

** **A message from Chevron:** See how Chevron with local partners are helping DOERS get the hands-on technical training needed for jobs in the energy and manufacturing industries. Watch the video: http://politi.co/2peUrjJ **

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Subject: The Morning Headlines from InsideEPA.com -- April 17, 2018

REDEFINING EPA: Overhauling an agency and its mission -- Complete coverage

April 17, 2018

Latest News

EPA Water Chief Revised CWA Rule Repeal To Bolster Its Legal Basis

EPA water chief David Ross ordered revisions to the proposed repeal of the Obama-era Clean Water Act (CWA) jurisdiction rule in order to bolster the proposal's legal basis in expected litigation, an agency staffer says, giving Ross the chance to "fix" legal flaws in the original proposal which EPA issued before he joined the agency.

States Urge EPA To Target Regions' Staffing Levels In Push For Consistency

Faced with bipartisan opposition in Congress, top EPA officials appear to have abandoned earlier plans to consolidate agency regions and are now being urged to target some regions' staffing levels as part of their effort to ensure greater consistency in how regional offices oversee state programs.

IG 'Alert' Highlights Unclear Pruitt Role In Controversial EPA Staff Raises

EPA's Inspector General (IG) has released an "alert" memo that appears to indicate controversial raises for several agency staff using Safe Drinking Water Act (SDWA) authority were authorized by agency Chief of Staff Ryan Jackson, though it remains unclear whether Administrator Scott Pruitt knew about or approved the pay hikes.

EPA Rejection Of Equity Petitions Spurs Shift In 'Citizen Science' Strategy

Proponents of "citizen science" research collected by non-governmental entities say EPA's rejection of two equity petitions that relied in part on such data signals the agency is refusing to accept the research, prompting them to instead focus on using data to lobby local governments to pursue projects aimed at improving the environment.

EPA's TSCA Testing Methods Plan Faces Early Challenge As Groups Split

EPA's draft strategic plan for adopting and using new, non-animal testing methods for implementing the revised Toxic Substances Control Act (TSCA) is facing an early challenge as environmentalists and animal welfare groups are split over how quickly the agency should implement the new methods.

OIRA Working With EPA To Develop 'Best Practices' On Scientific Data

White House regulatory chief Neomi Rao says her staff is working with EPA on developing a policy on the use of scientific data that underlies its rules, suggesting that the agency may take a softer approach than Administrator Scott Pruitt had signaled when he said he would require the agency to rely only on publicly available data to justify its rules.

Daily Feed

NAS advice on IRIS disappoints chemical industry

"We look forward to working with Congress and EPA to improve the IRIS program so that it will one day be able to produce high-quality, scientifically sound chemical assessments," ACC said in a statement.

House farm bill seeks to block local pesticide rules

Farm bill language seeks to prevent localities from issuing pesticide rules stricter than federal law.

GAO finds Pruitt phone booth violated spending laws

The first in a series of expected watchdog reports into Pruitt's spending and ethics practices has found his installation of a sound-proof privacy booth in his office violated several legislative requirements.

Ewire: Gowdy says Pruitt travel explanation not 'credible'

In today's Ewire: House oversight chairman Trey Gowdy (R-SC) doubts Pruitt's security explanation for flying first class. "You need to go into another line of work if you don't want people to be mean to you. Like maybe a monk."

Former EPA political aide who clashed with Pruitt faces ethics charge

The former aide to EPA Administrator Scott Pruitt provided new details on ethics scandals swirling around the agency but now faces claims that he violated a federal financial disclosure law.

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Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 4/17/2018 10:03:49 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Morning Energy: FERC gets its day — Interior IG schools Zinke on flight — Two watchdogs weigh in on Pruitt

By Kelsey Tamborrino | 04/17/2018 06:01 AM EDT

With help from Anthony Adragna and Emily Holden

ONE FERC ALL : Get ready for some grid talk. All five FERC commissioners will testify today before the House Energy and Commerce Energy Subcommittee, where they'll discuss the agency's fiscal 2019 budget. Expect the commissioners — who unanimously rejected a broad subsidy for coal and nuclear power in January — to be grilled on grid reliability and resilience of the bulk power system, in light of utility FirstEnergy Solutions' call for DOE to invoke emergency cost supports under Section 202(c) of the Federal Power Act. It's a divisive issue that came up when Energy Secretary Rick Perry appeared before the E&C committee last week, and it's likely to come up again today.

Chairman Kevin McIntyre will tout FERC's work to maintain grid resilience and promote free markets for electricity. "FERC's endorsement of markets does not conflict with its oversight of reliability, and FERC has been able to focus on both without compromising its commitment to either," he says in his opening statement. (Recall that Perry called the idea of free markets in energy "nonsense" just last week and has strongly defended the idea of government intervention to protect grid reliability.)

FERC Commissioner Neil Chatterjee is expected to bring up the Public Utility Regulatory Policies Act of 1978, as well as "fuel security," according to his written testimony, while Commissioner Cheryl LaFleur will discuss wholesale electric markets and FERC's commitment to facilitating the development of needed electric transmission facilities. Commissioner Robert Powelson will highlight cybersecurity challenges, and Commissioner Richard Glick will bring up electric storage and the aggregation of distributed energy resources.

If you go: The FERC hearing kicks off at 10 a.m. in 2123 Rayburn.

— **Ahead of the meeting,** the American Public Power Association and National Rural Electric Cooperative Association sent a joint letter to Reps. Fred Upton and Bobby Rush , leadership on the energy subcommittee, calling on them to urge FERC "to respect state and local regulatory authority when 'behind-the-meter' and other distributed energy resources are aggregated for purposes of participating in wholesale electricity markets." The two groups say they are concerned FERC might adopt rules on third-party aggregation of DERs — which would allow the commission to regulate into "areas that have traditionally been jurisdictional to states and localities under the Federal Power Act." Read the letter here.

Heads up! You'll also get another glimpse of Chatterjee tonight, when he participates in POLITICO's discussion on the future of renewable energy in the private sector. Chatterjee will appear alongside Democratic Sen. Michael Bennet, Gregory Wetstone, president and CEO of the American Council on Renewable Energy, Amy Farrell, senior vice president of government and public affairs at the American Wind Energy Association and Frank Newport, editor-in-chief of Gallup.

ENERGY BOASTS $105M FOR SOLAR: Perry this morning announced up $105.5 million to help fund up to 70 projects in new advanced solar technologies. "Investing in all of our abundant energy sources, including solar technologies, will help to drive down costs and ensure that the nation leads the world in energy production

and innovation," Perry said in a statement. The projects will help develop solar photovoltaic and concentrating solar thermal power technologies, deploying them into the grid and preparing the workforce for future technologies. More information available here.

WELCOME TO TUESDAY! I'm your host Kelsey Tamborrino, and League of Conservation Voters' Tiernan Sittenfeld was first to correctly guess that Herbert Hoover was the first president born west of the Mississippi River in Iowa. For today: Name the four states that have their capital city named after a president. Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO Space is our new weekly briefing on the policies and personalities shaping the second space age. **Sign up today.**

CRA REARS ITS HEAD AGAIN: A novel usage of the Congressional Review Act could enable Republicans to roll back decades of environmental regulations stretching as far back as the Clinton administration, Pro's Zachary Warmbrodt reports this morning. No strangers to the CRA's fast-track authority that allowed them to roll back a host of regulations at the beginning of the Trump era, Republicans are now exploring how far they can apply the law's requirement that federal agencies submit rules to Congress for their potential disapproval. Republicans have discovered a way to target a wider array of agency decisions — including so-called administrative guidance — that haven't typically been implemented as formal rules under the Administrative Procedure Act, Zachary reports. GOP Sen. Pat Toomey, the architect of the effort that senators could use as early as today, called it "potentially a big, big opening." Other lawmakers have also begun to test the waters on the law's newly discovered potential. In November, GAO in response to a request from Sen. Lisa Murkowski confirmed that a 2016 plan from the Bureau of Land Management was a rule for the purposes of review under the CRA. Read more.

FLIGHT SCHOOL: Interior's inspector general determined Secretary Ryan Zinke's use of chartered flights last year "generally followed relevant law, policy, rules, and regulations." But it said his chartered flight in June to visit the Vegas Golden Knights hockey team "could have been avoided." The IG said that Zinke failed to disclose relevant information to ethics officials for the trip — including the fact that one of his biggest campaign donors, Bill Foley, owned the team.

The report also raised questions about whether taxpayers should foot the bill for the $12,375 flight, Ben Lefebvre reports. Because Zinke's speech did not mention DOI, the IG said it's unlikely ethics officials would have OK'd it as official business. "Moreover, had ethics officials been made aware that the Golden Knights' owner had been a donor to Zinke's congressional campaign, it might have prompted further review and discussion," the report said. House Natural Resources ranking member Raúl Grijalva and Democratic Rep. Donald McEachin called on Republicans Monday to conduct more careful oversight of Trump administration officials, following the IG report. "Secretary Zinke ignores the rules when it suits him, and Republicans in Congress have shown no interest in conducting any oversight of his highly controversial tenure," Grijalva said in a statement.

— **Interior separately touted its first quarter accomplishments** of 2018 in a report also released Monday. See that list here.

MISSED CALLS: Two federal reports released Monday shed new light on EPA Administrator Scott Pruitt's security expenses and hiring practices — including previously undisclosed pay raises of more than 20 percent to his political appointees. EPA's inspector general provided further details on steep pay hikes at the agency, while also offering some support for Pruitt's claim that he had been unaware of the controversial pay increases. That came a few hours after a report from the Government Accountability Office, which said EPA violated the law by failing to notify lawmakers that it spent more than $43,000 to build a secure phone booth for Pruitt's office.

GOP Sen. John Barrasso, normally a defender of Pruitt, released a statement Monday that struck a disapproving tone on the agency. "It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending taxpayer dollars," the Wyoming Republican said. "EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law." The statement follows a letter Barrasso sent to Pruitt last week, raising questions about his use of multiple official email accounts.

House Energy and Commerce Democrats meanwhile used both EPA's IG report and the GAO report to call once again for Pruitt's resignation. POLITICO's Alex Guillén and Anthony Adragna report on how the two reports provide fresh ammo for Pruitt's critics here.

NOT READY FOR HEARINGS ... YET: Barrasso told ME that Pruitt's failure to properly notify Congress about his secure phone booth "raises important questions and we want to make sure that public money is being well-spent and that there's accountability" but stopped short of calling for the embattled EPA chief to appear for hearings. "We've asked questions and we're looking forward to getting some answers," the Wyoming Republican said.

WATCHDOG GROUP SUES ON PERROTTA: The watchdog group American Oversight is filing a new lawsuit seeking EPA records relating to Pruitt's lead security agent Nino Perrotta. The complaint covers four public records requests on: waivers allowing Pruitt to fly first class; information about whether Perrotta also flew first class; communications between Perrotta and outside groups (including his business partner who got $3,000 to sweep Pruitt's office for bugs); and records about decisions to procure a new vehicle for Pruitt. Pro's Emily Holden and Alex last week reported that current and former agency official believe Perrotta is driving overspending on security measures. "The more we learn about Nino Perrotta's role at EPA, the more questions we have," communications director Clark Pettig said.

BLANKENSHIP PICKS FIGHT WITH McCONNELL: Following an establishment GOP-backed ad campaign against West Virginia Senate hopeful Don Blankenship, the coal baron told Senate Majority Leader Mitch McConnell to "stop interfering" in his state's Senate election. "McConnell should not be in the U.S. Senate, let alone be the Republican Majority Leader. He is a Swamp captain," Blankenship said in a statement Monday. "The Russians and McConnell should both stop interfering with elections outside their jurisdictions." More here.

IT'S FINALLY HAPPENING: McConnell filed cloture on Rep. Jim Bridenstine's nomination to be NASA administrator. President Donald Trump nominated Bridenstine to the post in September, but his confirmation has been stuck in limbo as he has been unable to win Democratic support due in part to his denial of climate change.

COAST GUARD BILL COMING SOON? The Senate hopes to vote on a Coast Guard reauthorization bill that includes a controversial environmental provision, the chamber's No. 3 Republican said Monday. "That's the plan," Sen. John Thune told POLITICO. The Commercial Vessel Incidental Discharge Act, S. 168 (115) (115) would exempt ships from Clean Water Act regulations governing ballast water discharge and was attached to the authorization bill, S. 1129 (115) (115) last year by Thune's committee, before approving it on a voice vote. McConnell filed cloture on the bill Monday night. More from Pro's Annie Snider and Anthony Adragna here.

YOUTH SUE SCOTT FOR CLIMATE CHANGE EFFECTS: Eight youth plaintiffs contended Monday that the state of Florida is violating their constitutional rights by creating a fossil-fuel based energy system. In doing so, supporters of the lawsuit filed by the eight climate activists say Gov. Rick Scott and other state officials ignored the threat of climate change to Florida's coast and tourism economy, thus infringing on their rights to life, liberty and the pursuit of happiness. The governor's office said in response that Scott signed one of the largest environmental protection budgets in Florida's history last month — a response greens called

"political theater," Pro Florida's Bruce Ritchie reports. The complaint is supported by Our Children's Trust, which is involved in similar lawsuits across the country, Bruce writes.

THINK OUTSIDE: The Outdoor Industry Association will today release a report on the contribution of the outdoor recreation economy in all 435 districts at its annual Capitol Summit in Washington this morning. More than 100 outdoor industry executives are planning to hit the Hill this week to meet with members on the role of the outdoor recreation in creating jobs and what they can do to help — including support for the Land and Water Conservation Fund. Read the full report here.

MOVERS, SHAKERS: EPA on Monday announced it appointed Ben Scaggs to be executive director of the Gulf Coast Ecosystem Restoration Council, which is comprised of governors from five Gulf Coast states and six Cabinet-level officials. Scaggs previously served as director of the agency's Gulf of Mexico Program.

— **Former Interior official Shannon Estenoz is joining** the Everglades Foundation as chief operating officer and vice president for policy and programs, Bruce reports. Estenoz was previously appointed director of Everglades restoration initiatives by former Interior Secretary Ken Salazar in 2010 and was director of the South Florida Ecosystem Restoration Task Force.

— **Shawn Bennett has been named** deputy assistant secretary for oil and gas at DOE's Office of Fossil Energy. Bennett previously was executive vice president for the Ohio Oil and Gas Association.

NEW REPORT TRACKS ECONOMICS OF RGGI: The Analysis Group is out with a new report this morning on the Regional Greenhouse Gas Initiative, examining the economic impact of the program's most recent three-year compliance period. It found that RGGI led to $1.4 billion net value added in the nine states that are a part of the initiative. Every RGGI state's electricity consumers experienced net benefits from the program, the analysis found, and when spread across the region's population, those economic impacts totaled close to $34 in net positive value added per capita. Read the report here.

QUICK HITS

— "Trump has met his match," says Gov. Jerry Brown in promoting climate action on a quick trip to Canada, Los Angeles Times.

— Smaller bites in EPA air chief's second pass at permitting update, Bloomberg BNA.

— How the energy industry's wish list became the Interior Department's to-do list, Huffington Post.

— Zinke invited birthers, questioned Obama's college records on his radio show in 2013, CNN.

— Leaked doc: BLM plans overhaul of Wyoming sage grouse safeguards, E&E News.

— Demand for batteries is shrinking, yet prices keep on going and going ... up, The Wall Street Journal.

HAPPENING TODAY

8:30 a.m. — National Press Club discussion with California Gov. Jerry Brown, 529 14th St NW

8:30 a.m. — U.S. Chamber of Commerce forum on the benefits of the recently enacted tax reform legislation, 1615 H Street NW

10:00 a.m. — House Energy and Commerce Energy Subcommittee hearing on oversight on FERC's fiscal 2019 budget, 2123 Rayburn

10:00 a.m. — Senate Energy and Natural Resources Committee hearing on "Deferred Maintenance and Operational Needs of the National Park Service," 366 Dirksen

10:00 a.m. — The Center for Strategic and International Studies discussion on "Climate Change and the National and Corporate Interest," 1616 Rhode Island Avenue NW

12:00 p.m. — The Institute for Policy Studies discussion on "Climate Justice and the U.S.-Mexico Border: How Militarized Immigration Enforcement Hurts Climate Change-Impacted Communities," 1301 Connecticut Avenue NW

1:30 p.m. — American Enterprise Institute for Public Policy Research forum municipal climate litigation, the fossil-fuel industry and the municipal bond market, 1789 Massachusetts Ave NW

2:00 p.m. — House Natural Resources Water, Power and Oceans Subcommittee hearing on shark conservation, 1324 Longworth

5:00 p.m. — The Johns Hopkins University Paul H. Nitze School of Advanced International Studies book discussion on "Taming the Sun: Innovations to Harness Solar Energy and Power the Planet," 1717 Massachusetts Avenue NW

5:30 p.m. — POLITICO discussion on "the Future of Renewable Energy: Private Sector Solutions," 415 New Jersey Ave NW

5:30 p.m. — The Energy Policy Institute at the University of Chicago University forum on "The Fracking Debate: The Pros, Cons, and Lessons Learned from the U.S. Energy Boom," Chicago

6:00 p.m. — The D.C. Sierra Club and the University of the District of Columbia discussion on "Zero Waste Living," 4200 Connecticut Avenue NW

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/newsletters/morning-energy/2018/04/ferc-gets-its-day-172818

Stories from POLITICO Pro

Perry: Emergency petition 'not the only way' to help FirstEnergy Solutions Back

By Anthony Adragna | 04/09/2018 12:54 PM EDT

The Trump administration is currently examining a petition from FirstEnergy Solutions seeking an emergency order to keep its plants running, but Energy Secretary Rick Perry said today the request was "not the only way" to help the struggling company.

"The 202c may not be the way that we decide that is the most appropriate, the most efficient way to address this," Perry said at a Bloomberg New Energy Finance event in New York, referring to the Federal Power Act section used to petition DOE. "It is not the only way."

Perry also said it was "nonsense" to think the power generation market adhered to free market principles.

"Reality is that government affects it every day — we set regulations, we set rules," Perry said. "We don't have a free market in that industry and I'm not sure you want one."

Asked what constitutes a power emergency, Perry said "when you flip the light switch on and nothing happens." Reliability issues endanger national security and potential human lives if electricity is not available when needed.

"We believe we've got to spend some money to guarantee the freedom and the security of this country and I happen to think that power is part of that. Without power, this country has no national security," Perry said. "My role is to make sure that when this country needs power, it's there."

WHAT'S NEXT: Perry said FirstEnergy Solutions' emergency petition is being "looked at as we speak."

To view online click here.

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GOP maneuver could put decades of regulations at risk Back

By Zachary Warmbrodt | 04/17/2018 05:00 AM EDT

Republicans are preparing to open a new front in their push to roll back regulations across the government, using a maneuver that could enable them to strike down decisions by federal agencies that reach back decades.

As soon as Tuesday, GOP senators are expected to use the Congressional Review Act to topple safeguards issued by the CFPB in 2013 that were intended to discourage discrimination in auto lending.

While Republicans in the Trump era have already taken advantage of the 1996 law to remove more than a dozen recently issued rules, this would be the first time that Congress will have used it to kill a regulatory policy that is several years old.

Now, actions going back to President Bill Clinton's administration could be in play under the procedure GOP lawmakers are undertaking, forcing numerous agencies to reconsider how they roll out new regulations.

"It's a hugely important precedent," Sen. Pat Toomey (R-Pa.), the architect of the effort, said in an interview. "It's potentially a big, big opening."

While conservatives are applauding the effort as a way to rein in rogue bureaucrats and boost the economy, consumer advocates are warning that the consequences could be dire.

"This takes an already incredibly dangerous law and cranks it up to 11," said James Goodwin, senior policy analyst at the Center for Progressive Reform.

Republicans are leveraging two key provisions of the Congressional Review Act.

They're again taking advantage of fast-track authority that allows a simple majority of the Senate to pass a resolution rolling back a rule if the vote occurs within a window that's open for no more than a few months. The provision enables senators to avoid a filibuster.

But the more novel use lies in the law's requirement that federal agencies submit rules to Congress for their potential disapproval. Republicans have landed on a way to target a wide array of decisions — including regulatory guidance — that haven't typically been implemented as formal rules under the Administrative Procedure Act.

"You have this unimaginably large universe of stuff that is now eligible for repeal under the CRA," Goodwin said, citing a hypothetical Occupational Safety and Health Administration workplace safety poster as a potential example. "Agencies don't submit all this stuff because it would be an administrative nightmare."

In the case of the auto-lending policy, the CFPB released it as a guidance document rather than a formal rule governed by the notice-and-comment requirements of the APA. As such, it wasn't technically submitted to lawmakers for the purposes of the Congressional Review Act. That means the clock for congressional review never started.

That changed last year. For advocates of deregulation, the stars had aligned thanks to the ascendance of a Republican president, Donald Trump, eager to roll back rules and the Republicans retaining control of Congress.

Toomey, the former president of the conservative Club for Growth, went on the hunt for ways the GOP could take advantage of its congressional majority to eliminate federal rules.

He found a way to wield the power that the Congressional Review Act gives a majority of the Senate to sidestep obstruction via filibuster when it comes to years-old regulatory actions.

To do so, he asked the Government Accountability Office to determine whether the CFPB auto-lending guidance qualified as a rule for the purposes of the Congressional Review Act. In December, GAO told him that it did in fact satisfy the legal definition of a rule, starting the clock for Republicans to undo it without having to seek any help from Democrats.

"When regulators regulate by guidance rather than through the process they're supposed to use, which is the Administrative Procedure Act and do a proper rulemaking, they shouldn't be able to get away with that," Toomey said. "If we can get a determination that the guidance rises to the significance of being a rule, then from that moment the clock starts on the CRA opportunity."

Amit Narang, regulatory policy advocate at Public Citizen, said it "is really going to open up a Pandora's box." Public Citizen and 60 other advocacy groups covering the gamut of finance, the environment, labor and gay rights are calling on Congress to oppose the CFPB rollback, saying it would set a dangerous precedent.

They warned it would put at risk not only protections for workers, consumers, minorities and the environment, but also regulatory certainty for businesses.

"Expanding the power of the CRA to overturn guidance from decades ago will threaten protections hardworking families rely on, making it harder for middle class Americans to get ahead and responsible businesses to follow the law," Sen. Sherrod Brown (D-Ohio) said.

Critics have also questioned the need to undo the CFPB auto-lending guidance because the bureau is now led by a Trump appointee, acting Director Mick Mulvaney, who could eliminate it himself. Mulvaney told lawmakers last week he was reviewing the policy. The National Automobile Dealers Association and the American

Financial Services Association are supporting the rollback of the anti-discrimination measure, arguing that the way the CFPB crafted the guidance was flawed.

Other lawmakers have begun to test the waters. In November, GAO in a response to a request from Sen. Lisa Murkowski (R-Alaska) confirmed that a 2016 plan from the Bureau of Land Management was a rule for the purposes of review under the CRA. A spokeswoman for Murkowski did not respond to a request for comment.

Paul Larkin, a senior legal research fellow at the Heritage Foundation, has been advocating for Congress to take advantage of this deregulatory pathway in the Congressional Review Act, saying it could force agencies to comply with formal rulemaking requirements and help the economy by cutting red tape.

"This would indicate that Congress believes it can reach back beyond what the conventional wisdom was," he said.

To view online click here.

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Zinke failed to disclose campaign ties to speech host, IG says Back

By Ben Lefebvre | 04/16/2018 06:18 PM EDT

Interior Secretary Ryan Zinke failed to disclose relevant information to ethics officials when he traveled to Las Vegas to speak to the Golden Knights hockey team last year, the department's watchdog reported Monday — including the fact that one of his biggest campaign donors owned the team.

The report by Interior's inspector general also raised questions about whether taxpayers should have been on the hook for a $12,000 charter flight that Zinke took after the speech from Las Vegas to his home state of Montana. Because Zinke's speech did not even mention the Interior Department, the IG said it's unlikely ethics officials would have OK'd it as official business.

"If ethics officials had known Zinke's speech would have no nexus to the DOI, they likely would not have approved this as an official event, thus eliminating the need for a chartered flight," the report said. "Moreover, had ethics officials been made aware that the Golden Knights' owner had been a donor to Zinke's congressional campaign, it might have prompted further review and discussion."

The report found that Interior did not break any laws, but that Zinke's failure to disclose his relationship with Golden Knights owner Bill Foley and the content of his speech prevented a closer look by ethics officials.

Ed McDonnell, an ethics attorney at Interior's Office of the Solicitor, told investigators that "he was surprised" that Zinke's speech to the NHL team focused on the former Montana congressman's time as a Navy SEAL and did not mention the agency or Zinke's activities as secretary, according to the report.

"When asked whether the trip would have been approved if the Ethics Office had known the substance of the speech and the cost of the chartered flight ahead of time, McDonnell told investigators, 'I don't know if it would have been approved as an official event,'" the report said.

An Interior spokeswoman said the report showed Zinke had not violated any rules or laws.

"This report said exactly what was known all along: The use of chartered aircraft 'followed relevant law, policy, rules, and regulations. The uses and purposes of the flights also appeared reasonable for official DOI business,'" spokeswoman Heather Swift said. "Additionally, the report shows that in every instance reviewed, the secretary's staff consulted with and sought prior approval from the career ethics officials and travel lawyers, and that we follow their expert advice."

The Las Vegas trip is just one of several occasions when Zinke mixed political events and fundraisers into his official travel itinerary. Interior asked the Virgin Islands GOP for and received reimbursement for expenses after Zinke appeared at the group's fundraiser in March 2017 during an official visit to the islands, an appearance that put him in danger of violating Hatch Act requirements against executive branch officials using their positions for partisan purposes.

The IG said Zinke first mentioned wanting to speak to Foley's hockey club during his first week as Interior secretary but did not tell departmental ethics staff that Foley had been one of his campaign contributors. Foley, who is also chairman of Fidelity National Financial, personally donated $7,800 to Zinke's 2014 congressional campaign, and Fidelity employees and PACs associated with the company gave another $166,860.

Melinda Loftin, Interior's top ethics official last year, told investigators that if her staff had known that fact, it may not have altered the approval of the trip but could have prompted a discussion about "the optics."

According to the report, Zinke said that ethics officials had not told him his speech needed to reference Interior, and that he did not believe disclosing his relationship to Foley "would have made a difference in their decision."

Zinke was the "final arbiter" of approving the speech and the trip, not ethics officers, McDonnell told investigators.

Interior officials also said the decision to travel to Las Vegas to speak to the hockey team was made prior to the decision for Zinke to make a federal grant announcement in the town of Pahrump, Nev., about 60 miles from Las Vegas.

Typically, those grant announcements were made by press release rather than on site, Olivia Ferriter, deputy assistant secretary at Interior's Office of Policy, Management and Budget, told the inspector general.

"We determined that the location of the [grant] announcement was selected after Zinke and his staff already planned to be in Las Vegas for the Golden Knights event, and that Zinke had been aware of the Golden Knights event as early as March 7, 2017, 6 days after he became Secretary," the inspector general report said.

Zinke had initially told investigators that his speech to the Golden Knights was not the first event on that trip's itinerary to be planned, "but he then acknowledged that it could have been," the report states.

"But it didn't drive the schedule," the report quotes Zinke as telling investigators. "The priority was not the hockey team."

The report goes on to say that Zinke could have avoided taking the charter flight to Montana to speak at a Western Governors' Association meeting the next morning if he had scheduled the Golden Knights speech for another time when cheaper flights were available. Employees at Interior and the Golden Knights said the timing for the event was flexible, and could easily have been set at a later date.

One Interior employee told investigators that Zinke's chief of staff, Scott Hommel, described the meeting as a "firm event." Hommel told investigators he did not recall discussing adjusting the schedule.

And Hommel "acknowledged that the cost of the flight seemed high, but added that a cabinet secretary 'needs to get where he needs to get,'" investigators said in the report.

The IG found that Zinke's use of other charter flights for travel in the Virgin Islands and Alaska was justified because of a lack of alternatives.

Interior also paid the White House $52,000 for a flight on Air Force One and another on Air Force Two that Zinke never actually took, the report said. In both cases, the White House asked Zinke to take the flights, then removed the invitation but never reimbursed Interior for the money spent. Interior spent another $105,000 on four flights Zinke took on the two planes and owes $28,000 for a fifth.

To view online click here.

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Barrasso seeks information on Pruitt email accounts Back

By Anthony Adragna | 04/16/2018 06:37 PM EDT

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) is wading into oversight of embattled EPA Administrator Scott Pruitt, raising questions about his use of multiple official email accounts.

In a letter sent Friday, Barrasso asked Pruitt to identify all official accounts he uses and to confirm that all are searched in response to public records requests.

Barrasso's letter comes after two Democratic EPW senators — Tom Carper (D-Del.) and Jeff Merkley (D-Ore.) — revealed Pruitt had four accounts in a letter last week.

In response to Barrasso's letter, an agency spokesman said today: "We will respond to Chairman Barrasso through the proper channels."

The agency said in response to the initial Democratic letter that it searches all of Pruitt's accounts in response to FOIA requests.

Spokesman Jahan Wilcox said the agency "maintains three email accounts which are attributed to Administrator Pruitt: two are used by staff for calendaring and public correspondence; the third is used by the Administrator. A fourth email account was created for use by the Administrator but was superseded and never used beyond three test emails."

WHAT'S NEXT: Barrasso did not request a response by a specific date.

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Watchdog reports provide new ammo for Pruitt's critics Back

By Alex Guillén and Anthony Adragna | 04/16/2018 12:28 PM EDT

Critics of Scott Pruitt got fresh ammunition against the embattled EPA administrator on Monday, with two federal reports revealing that EPA had broken the law in building him a secure phone booth and that the agency had granted previously undisclosed pay raises of more than 20 percent to his political appointees.

EPA failed to notify lawmakers that it spent more than $43,000 to build a secure phone booth for Pruitt's office, according to a report from the Government Accountability Office on Monday morning. A few hours later, EPA's inspector general detailed the steep pay hikes — but did offer some support for Pruitt's claim that he had been unaware of controversial raises at the agency, though the internal watchdog stressed its investigation is ongoing.

Pruitt has drawn criticism that he has spent excessively on heightened security since he joined the agency last year. While Monday's GAO report focuses on the phone booth, Pruitt has also expanded his security staff to provide round-the-clock protection and spent heavily on first-class travel for himself and his security personnel to limit his exposure to potential threats from fellow passengers. He also faces questions over his use of special hiring authority to hire former lobbyists and political allies, but the IG's initial findings do not include evidence that he personally circumvented the White House in order to boost their pay, despite earlier reports.

Construction of the phone booth violated the Financial Services and General Government Appropriations Act since it cost well above the $5,000 limit that requires the agency to notify Congress, according to the GAO.

"We conclude that EPA violated section 710 when it obligated $43,238.68 for the installation of a soundproof privacy booth without providing advance notice to the Committees on Appropriations of the House of Representatives and the Senate," the GAO report said.

EPA defended the booth as necessary to Pruitt's work, arguing that it was similar to a computer or other equipment he uses. But GAO said the booth is clearly a "furnishment" under the law and thus should have been reported to Congress in advance. EPA did not say whether the phone booth had been certified as a Sensitive Compartmented Information Facility, or SCIF.

"This is just one more example of how Scott Pruitt is blatantly breaking laws and ethics rules that protect taxpayers from government waste, fraud and abuse in order to help himself to perks and special favors — and taking deliberate steps to hide everything from Congress and taxpayers," Sen. Tom Udall (D-N.M.) said in a statement to POLITICO.

Critics wondered why Pruitt needed a place to make secure phone calls in his office since the agency already had two SCIFs in its headquarters. Those SCIFs are located outside of Pruitt's secure suite of offices, however.

The GAO report specifically steered clear of judging whether installing the booth was the best or only way to provide Pruitt with a secure phone line.

An EPA spokeswoman defended Pruitt's need for the booth but acknowledged that Congress had not been informed ahead of time.

"EPA is addressing GAO's concern, with regard to Congressional notification about this expense, and will be sending Congress the necessary information this week," spokeswoman Liz Bowman said in a statement.

Sen. John Barrasso (R-Wyo.), who chairs the Environment and Public Works Committee, said he wants to hear more from EPA about why it did not properly inform Congress.

"It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars. EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law," he said.

GAO is also reviewing Pruitt's appearance in a cattle industry video that asked for public comments on Pruitt's plan to repeal the Waters of the U.S. rule. Democrats similarly alleged his actions violated the Antideficiency Act.

Separately, EPA's inspector general released a preliminary report on its investigation into several political appointees who were hired or promoted under special authority given to Pruitt through the Safe Drinking Water Act.

The report shows a handful of political appointees at EPA saw their salaries boosted by 20 percent or more in their first year at the agency — in some cases over objections from the White House. But Pruitt did not personally sign off on the most controversial raises, leaving open the question of how involved he was in the decision. The IG said the interim report was meant to "provide certain factual information" and "does not present any conclusions or recommendations."

None of the EPA staffers were named in the report, but the salary and other information provided aligns with names included in previously released employment documents reviewed by POLITICO.

The IG's report shows Sarah Greenwalt, senior counsel to Pruitt, received a $56,765 raise on April 1, while Millan Hupp, director of scheduling and advance, received a $28,130 raise the same day. Those figures are in line with The Atlantic's report that EPA circumvented the White House to boost their pay.

Chief of staff Ryan Jackson signed forms authorizing both of those pay increases, each time writing "Ryan Jackson for Scott Pruitt," according to documents included with the IG report. Jackson had said last week that he approved the raises.

EPA said those raises have been reversed, but the IG was unable to back up that claim. "We requested from the agency any documentation indicating modifications to the salary of any of the employees subsequent to the personnel actions noted above. As of report issuance, the agency was unable to provide us with complete information or confirmation of any modifications," according to the report.

The IG's office also uncovered several previously unreported raises, some of which were granted using the drinking water authority and others achieved by changing the employees' job classifications.

In mid-February, Forrest McMurray, an advance staffer from Oklahoma and, like Hupp, a relatively recent college graduate, saw his salary increase 25 percent through the same SDWA process that was later applied to Greenwalt and Hupp. (Bloomberg News had initially reported on Monday that the third raise granted via that process was to Samantha Dravis, the association administrator running the Office of Policy. But the third salary increase corresponds with McMurray's employment information, and Bloomberg removed Dravis' name from an updated version of its article.)

A fourth aide, speechwriter Lincoln Ferguson, received 25 percent pay increase last September after receiving a renewed position with the SDWA authority. Ferguson worked for Pruitt when he was Oklahoma attorney general.

Pruitt signed off on the raise for Ferguson, but not McMurray, according to the IG report.

Two other political appointees — Liz Bowman, the associate administrator for the Office of Public Affairs, and Kevin Chmielewski, the advance staffer who last week made allegations about mismanagement and

wrongdoing at EPA to both Democrats and Republicans — appear to have received raises of more than 20 percent last summer when their employment classification was increased. Chmielewski departed the agency in mid-February.

Brittany Bolen, the senior deputy associate administrator in the Office of Policy, had received a 1.6 percent raise last summer when she underwent the same increase in classification.

The IG report was part of a larger investigation into EPA's use of a special hiring authority under the SDWA, which allows Pruitt to hire up to 30 staffers without having to go through normal hiring procedures or subjecting the staffers to the Trump administration's ethics pledge.

The SDWA authority was intended to allow EPA to bring on board engineers or scientists with subject matter expertise. Democratic critics alleged that Pruitt used it to get key political appointees in place quickly or to bypass ethics issues, and asked for the IG to review the matter. But EPA has dismissed those criticisms.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials. Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions," EPA spokesman Jahan Wilcox said.

Records released last summer by EPA show that a dozen EPA political staffers were working in "administratively determined" positions as of mid-July 2017, while another 22 had been converted to permanent political appointees or left the agency.

Among those still working under the special hiring authority at that time were Nancy Beck, the deputy for EPA's chemicals office; Byron Brown, Pruitt's deputy chief of staff; air adviser Mandy Gunasekara; and a number of public affairs officials, including Michael Abboud, James Hewitt, Ferguson and Wilcox. Their status may have changed since.

The IG's audit of EPA's use of the hiring authority will continue, with a final report expected at a later date.

Emily Holden contributed to this report.

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Pruitt's security chief goaded spending, employees say Back

By Emily Holden and Alex Guillén | 04/12/2018 08:13 PM EDT

Environmental Protection Agency Administrator Scott Pruitt has had a willing partner in pushing for his massive spending on bodyguards and first-class flights, current and former EPA officials say — the Secret Service veteran who heads his security detail.

Pasquale "Nino" Perrotta played a key role in the investigation into mobster John "Junior" Gotti in the 1990s, and he's boasted of his exploits with women, firearms and luxury watches in a self-published autobiography. Now he's running security for the nation's top environmental regulator like a lavishly funded SWAT team, according to interviews with seven people who have worked with him under both the Trump and Obama administrations.

The current and former staffers say that rather than acting as a restraint on Pruitt, who came into the agency a year ago demanding round-the-clock bodyguards, Perrotta has instead egged him on — indulging his requests for a 19-person security detail, high-performance SUV, $43,000 soundproof booth and bug-sweep of his offices, as well as first-class flights to limit his exposure to potential threats from fellow passengers. Perrotta has even barred all but a select group of agency employees from entering rooms and corridors near Pruitt's offices, according to Ron Slotkin, a career official who recently retired as director of the EPA's multimedia office.

Perrotta has also accompanied Pruitt on flights and offered him advice on environmental policy and other agency matters, according to two of the sources.

Slotkin said Perrotta and others around Pruitt strained repeatedly against any restrictions on their activity, including longstanding federal limits on spending and conduct.

"They would object to anything when we said, 'No, you can't do that' or 'That would be wrong,'" Slotkin said. He added: "We'd say, 'It's not a matter of legality, it's ethics, it's the way things look.' But they went out of their way to do something different."

Now Perrotta's own ethics are drawing scrutiny from members of Congress looking into Pruitt's actions. Five Democratic lawmakers alleged in a letter sent to President Donald Trump on Thursday that EPA issued at least one contract to an employee of Perrotta's private security firm, and that other contracts may have gone to Perrotta's "friends or associates," based on allegations from former agency deputy chief of staff Kevin Chmielewski.

Chmielewski, a former Trump campaign aide, has told lawmakers EPA fired him after he refused to retroactively approve first-class travel for one of Pruitt's closest aides, former agency policy chief Samantha Dravis, according to the letter from Democrats including Sens. Tom Carper of Delaware and Sheldon Whitehouse of Rhode Island. He also told the lawmakers that Perrotta threatened to go to his home to seize his EPA parking pass — adding that he "didn't give a f---" who might be listening to their phone call.

Perrotta did not respond to multiple requests for comment.

Agency spokesman Jahan Wilcox defended EPA's decisions on Pruitt's security arrangements, calling them "similar to security protocol across the federal government." He added that the agency had done similar security sweeps for former President Barack Obama's two EPA administrators, Lisa Jackson and Gina McCarthy.

"According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail," Wilcox said in a statement. "Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."

Pruitt's spending, relationships with industry lobbyists and reputation for excessive secrecy have generated calls for his firing from Democratic lawmakers, some Republicans and even White House staff. But he still has at least a public champion in Trump, who tweeted last weekend that "Scott is doing a great job!"

To the contrary, the current and former agency employees say Pruitt has fostered an atmosphere of chaos, mistrust and disregard for optics — and that Perrotta has been a crucial part of it.

Several said Perrotta's personality and Pruitt's expectations are both probably driving EPA's security spending, adding that other key aides have signed off on the administrator's expenses either willingly or begrudgingly.

"He'll do anything to satisfy his boss," said one departed career staffer.

Perrotta was born to Italian immigrants in New York and has spent his life in law enforcement, including in the Secret Service, where he said he protected presidents and dignitaries and investigated financial and organized crimes, according to "Dual Mission," the autobiography he self-published in 2016.

In the book, he calls himself "completely misunderstood by most," including family, friends and coworkers, in large part because of his "high level of energy." Former and current colleagues have described Perrotta as rigidly loyal but also enthusiastic to push boundaries to get what he wants — an impression his book supports.

He recalls "creatively" finding ways to show probable cause to get warrants, providing financial incentives to police, and making sources of female "friends," "showering them with gifts that I was easily able to afford."

Perrotta said he also let women hold his government-issued firearm in romantic situations. "It was, in some ways, like a dangerous, forbidden sex toy to some, and I played right along," he recalled.

He said he liked the finer things, including a Rolex Submariner watch that he wore in his youth. When working for the Secret Service in Bulgaria, he wrote, he dressed "more like a gangster than law enforcement," clad in square-toed, black biker boots and a black, Italian-made turtleneck sweater with a ".380 Sig" gun tucked underneath.

He joined EPA in 2004. That eventually brought him into Pruitt's orbit.

Pruitt, a former Oklahoma attorney general, had built a reputation in conservative Republican circles for his frequent lawsuits against the EPA's Obama-era regulations, putting him at odds with much of the agency's workforce. And his penchant for lavish spending was documented even before he arrived in Washington: An audit in Oklahoma showed that expenses at the attorney general's office surged during his tenure compared with his predecessor's, The Intercept reported Thursday.

When Pruitt arrived at EPA after his confirmation in February 2017, his transition team had already made it clear that he expected around-the-clock security, a former agency employee who was there at the time said.

A week after Pruitt's first day at the agency, top staffers had a meeting on "24/7 security," according to calendars obtained by the watchdog group American Oversight. Chief of staff Ryan Jackson met for half an hour with security officials including Henry Barnet, the director of the criminal enforcement office where Pruitt's security detail is housed.

Perrotta was soon promoted to replace a career staffer who had pushed back on the administrator's desire to use sirens to navigate D.C. traffic. He quickly developed a close relationship with Pruitt.

As head of Pruitt's security detail, Perrotta has been instrumental in decisions for him to fly only first-class, upgrade to a souped-up SUV and have his office swept for bugs, a former Trump administration official said. Perrotta has also overseen Pruitt's 19-person crew of bodyguards, which is three times the size of the team that protected McCarthy — and offers 24/7 protection that exceeds what most Cabinet members receive.

"Mr. Pruitt thinks he's the president of the United States," said the first former career staffer. "He's big on image."

The office sweep for listening devices — which was conducted by a company linked to Perrotta — rankled some career staffers and led to a scuffle between Perrotta and a member of the agency's homeland security office at a meeting last summer, The New York Times reported Thursday.

Despite EPA's argument that Pruitt has received a record number of death threats, an internal report from the agency's Office of Homeland Security suggests that the threats mainly consist of letters and criticism on social media that don't warrant such blanket protection. (On Tuesday, the agency dismissed a staffer who had signed off on the memo and argued with Perrotta, for what it insists were issues dating back several years.)

But several current and former EPA staffers say they also consider the security fears overblown.

"We never saw any threat, never heard any threat," said Slotkin, the former multimedia director. "If anything, it came from Pruitt, we would hear him speak about it. But there was no evidence that anybody could even get near him."

That included many EPA employees: Slotkin said Perrotta cordoned off Pruitt's suite of offices inside EPA's headquarters at Federal Triangle, posting security guards to keep out anyone who wasn't on an approved list. One restricted area was a chandelier-decorated conference room named after environmentalist Rachel Carson where agency employees had previously been allowed to hold events, Slotkin said.

"He didn't want anybody near him," Slotkin said.

Soon Perrotta was flying with Pruitt and discussing matters that went beyond security, two former employees said.

"It wasn't uncommon that given travel and Nino's proximity, he would always weigh in on matters beyond his scope as security, leveraging his institutional knowledge," one said. "He often would say what he recalled prior administrators doing."

By the spring of last year, Perrotta was regularly attending travel planning meetings with top political staff, including a March 30 international scheduling discussion and an April 10 talk on international travel, according to EPA records.

He and other security agents were closely involved in planning in May for a trip the following month to Italy, where Pruitt visited the Vatican and then attended G-7 environment meetings in Bologna. Perrotta had lived for two years in Rome on Secret Service assignment, where he made many connections, according to his book.

Wilcox said the security arrangements on the Italy trip were not novel. "EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015," he wrote.

Thursday's congressional letter offered a new detail about Perrotta: The Democratic senators said Chmielewski reported that Perrotta entered into a $30,000 contract with private Italian security personnel for that trip. Records have revealed that expense but did not disclose whether it was for a private detail.

One of the former EPA staffers said Perrotta was friends with those guards. That source described Pruitt's protection while in Italy as extensive, with security agents from EPA and the U.S. Embassy, in addition to a large group of local agents.

News reports have revealed Pruitt also had a soundproof booth constructed for his office and considered having bulletproof desks installed.

And the spending isn't over. EPA also appears to be planning to purchase bulletproof vests specially designed to blend in underneath regular clothing for his security detail, according to a solicitation issued on Friday. The solicitation calls for 16 white-colored vests of varying sizes manufactured by Velocity Systems, along with

corresponding armor made of "special threat enhanced steel" and cummerbunds that provide enhanced protection.

The armor requested is just over a quarter-inch thick and can protect against the type of bullets shot from AK-47 rifles and some AR-15 semi-automatics, according to Velocity Systems' website.

EPA would not confirm to POLITICO whether the armor is for Pruitt's protective detail or for other agents, saying only that all agents in EPA's criminal enforcement division, which includes Pruitt's detail, "are assigned bulletproof vests" and that the effectiveness of the vests expires every five years. But a source familiar with EPA's security operations said the vests are likely for Pruitt's bodyguards because of their unusual specifications and the number requested. Other enforcement agents wouldn't need their vests to be concealed, that source said.

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GOP launches secret group to attack West Virginia coal baron Back

By Alex Isenstadt | 04/15/2018 01:23 PM EDT

The Republican establishment has launched an emergency intervention in the West Virginia Senate primary aimed at stopping recently imprisoned coal baron Don Blankenship from winning the party's nomination.

Late last week, a newly formed super PAC generically dubbed the "Mountain Families PAC" began airing TV ads targeting Blankenship, who spent one year behind bars following a deadly 2010 explosion at his Upper Big Branch Mine. The national party isn't promoting its role in the group, but its fingerprints are all over it.

The 30-second commercials, which the group is spending nearly $700,000 to air, accuse Blankenship's company of contaminating drinking water by pumping "toxic coal slurry," even as the multimillionaire installed a piping system that pumped clean water to his mansion.

"Isn't there enough toxic sludge in Washington?" the narrator intones.

The assault comes amid rising fears from national Republicans that Blankenship is gaining traction ahead of the May 8 primary. The Republican hopeful has spent his own money to fund a $1.3 million TV ad blitz in which he portrays himself as the casualty of an Obama-era Justice Department bent on locking him up. He has far outspent his primary opponents, Rep. Evan Jenkins and state Attorney General Patrick Morrisey, whom he castigates as pawns of the GOP establishment.

Washington Republicans have spent weeks deliberating whether to go after Blankenship, who was released from prison in May after a one-year sentence. They're worried that he would destroy the party's chances of defeating Democratic Sen. Joe Manchin in November.

At the same time, they've been concerned that attacking him would allow Blankenship to portray himself in the race as the embattled adversary of powerful D.C. interests. The scenario is similar to the one that played out in last year's Alabama Senate race, when the party spent millions of dollars in an unsuccessful effort to stop former state Supreme Court Justice Roy Moore from winning the GOP nomination.

The national party, perhaps worried about Alabama-style backlash, is not taking credit for the attack or for Mountain Families PAC. But the connections are conspicuous.

According to federal disclosures, the commercials were overseen by several firms that in the past have worked closely with Senate Leadership Fund, a super PAC aligned with Majority Leader Mitch McConnell that openly led the assault on Moore. They were produced by GOP ad-making firm McCarthy, Hennings, Whalen and were placed on TV by the media buyer Main Street Group, both of whom were paid thousands of dollars by Senate Leadership Fund during the 2016 election cycle.

Mountain Families PAC has also paid nearly $48,000 to Targeted Victory, a suburban Washington-based GOP consulting firm, for web ads targeting Blankenship. During the 2016 cycle, the firm received over $1.5 million from Senate Leadership Fund, according to the Center for Responsive Politics.

Representatives for Senate Leadership Fund did not respond to requests for comment, or to inquiries about whether it had a role in orchestrating the attack.

The ties between Mountain Families PAC and the national party do not end there. The super PAC lists an Arlington, Virginia, P.O. box that's previously been used by a number of GOP entities. Among them: a fundraising account benefiting former Republican Sen. Luther Strange, who was the party favorite in last year's Alabama contest.

The treasurer for Mountain Families PAC, Benjamin Ottenhoff, did not respond to a request for comment. Ottenhoff has previously worked for several party organizations, including the Republican National Committee and the National Republican Congressional Committee.

The ads represent the GOP's most aggressive action yet against Blankenship. Earlier this month, President Donald Trump flew to West Virginia to hold an ostensibly official event to tout his tax reform package. He was flanked by Jenkins and Morrisey — a clear attempt to promote their candidacies. Blankenship was not there.

Blankenship did not respond to a request for comment. But last month he issued a statement saying he was well aware of the possibility that party leadership could target him.

"There has been an awful lot of talk lately about who the Washington, D.C., establishment and Mitch McConnell, in particular, are supporting in West Virginia's U.S. Senate race. Let me be clear, I don't care who they are supporting," he said. "I know that it is not me, because we recognize that those defending the swamp do not want Republican senators who want to drain the swamp."

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GOP Senate candidate compares McConnell to the Russians Back

By Alex Isenstadt | 04/16/2018 06:24 PM EDT

A brewing fight between West Virginia GOP Senate candidate Don Blankenship and national Republicans spilled into the open Monday when the coal baron compared Senate GOP leader Mitch McConnell to Russians interfering in his state's election.

"McConnell should not be in the U.S. Senate, let alone be the Republican Majority Leader. He is a Swamp captain," Blankenship said in a statement Monday. "The Russians and McConnell should both stop interfering with elections outside their jurisdictions."

"West Virginians are aware that McConnell cannot vote in their election," Blankenship adds. "They want him to mind his own business and do his job. A job he has not done now for over 30 years. Balance the budget Mitch and stay out of West Virginia."

The pushback came days after a recently established super PAC generically called "Mountain Families PAC" started airing TV ads blasting Blankenship, a coal baron who spent a year in prison following a deadly 2010 explosion at his Upper Big Branch Mine. While the GOP leadership has not taken credit for the attack, its fingerprints are all over the super PAC.

Federal election filings show that last week the super PAC paid over $700,000 to three GOP consulting firms that in the past have worked with Senate Leadership Fund, a McConnell-aligned super PAC. And the ad-making firm that created the commercials, McCarthy Hennings Whalen, Inc., has worked closely with McConnell in the past.

A spokesperson for McConnell's political operation did not respond to a request for comment. Senate Leadership Fund declined to comment.

Blankenship has spent over $1 million on TV ads, far outspending his two more mainstream opponents, GOP Rep. Evan Jenkins and state Attorney General Patrick Morrisey. The coal baron has used his TV blitz to cast himself as the victim of an Obama Justice Department and to blast his opponents as overly establishment.

Republican officials are worried that Blankenship is gaining traction in the primary — and that if he wins the nomination, it will destroy the party's prospects of defeating Democratic Sen. Joe Manchin in November. Blankenship begged to differ, saying, "My dog could beat Joe Manchin this fall."

In his statement, Blankenship also sought to distinguish himself from former Alabama Senate candidate Roy Moore, who the party establishment unloaded on in a failed attempt to stop him from winning the nomination.

"The media, McConnell and others also like to spread the rumor that my candidacy is akin to that of Roy Moore. This is nonsense. Roy Moore's accusers were women and teenage girls," he said. "My accusers are Barack Obama and Hillary Clinton. I was imprisoned for a misdemeanor based on false charges and a political prosecution."

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Senate Commerce moves Coast Guard, MARAD bills forward Back

By Kathryn A. Wolfe | 05/18/2017 10:59 AM EDT

The Senate Commerce Committee approved a bill to reauthorize the Coast Guard and another to reauthorize MARAD in a quick markup this morning.

The Coast Guard bill (S. 1129) would reauthorize the Coast Guard in fiscal 2018. It was approved by voice vote along with a set of amendments en bloc, including a substitute amendment from Sens. John Thune and Bill Nelson that incorporated a number of other senators' amendments.

The managers amendment adopted today also folded in the text of a bill related to ballast water discharges called the Vessel Incidental Discharge Act, which prompted several Democratic objections, including from Sens. Maria Cantwell, Tammy Baldwin, Maggie Hassan, Tammy Duckworth, Gary Peters and Tom Udall. The measure was approved by voice vote, but each of those senators said they would have voted no had a roll been called.

"I'm disappointed that it was added to an otherwise noncontroversial and bipartisan bill at the last minute without consultation with all members of the committee," Hassan said. "Its inclusion in this underling bill poses a serious threat to the Great Lakes ... because it would invite invasive species into our waterways."

The committee also approved a bill (S. 1096) to reauthorize MARAD in fiscal 2018, after adopting a substitute amendment from the bill managers, as well as an amendment from Baldwin and another from Sen. Brian Schatz.

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Senate may vote on Coast Guard bill this week with contentious water provision Back

By Annie Snider and Anthony Adragna | 04/16/2018 05:38 PM EDT

The Senate will "hopefully" take up consideration this week of a Coast Guard reauthorization bill that includes a controversial environmental provision, Sen. John Thune (R-S.D.) said today.

"That's the plan," Thune, the chamber's No. 3 Republican, told POLITICO.

His Commerce Committee attached the Commercial Vessel Incidental Discharge Act, S. 168 (115), which would exempt ships from Clean Water Act regulations governing ballast water discharge, to the authorization bill, S. 1129 (115), before approving it on a voice vote last year.

Ships suck in large quantities of water before leaving port to help with stability on the open waters. They then release that ballast water — and fish, mussels and other species that have hitched a ride in it — when arriving in the next port. That ballast water has been blamed for some of the most pernicious invasive species in the U.S., including zebra mussels that clog water intake pipes for cities and industries across the Great Lakes, costing tens of millions of dollars each year.

Environmentalists sued to force EPA to regulate these discharges under the Clean Water Act, arguing that the previous Coast Guard regulations failed to stop these aquatic invaders. But industry contends that the multiple federal and state standards are overlapping and confusing. The measure would remove the Clean Water Act requirements and pre-empt state standards.

The maritime industry has named the discharge bill its top legislative priority for the year, as have Great Lakes environmental groups opposing it. The vote is expected to be close and likely won't split directly along party lines.

WHAT'S NEXT: A final Senate vote on the measure could come as soon as this week.

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RECORDS: EPA CHIEF JETS AWAY FOR WEEKENDS ON TAXPAYER'S DIME
By Michael Biesecker, 7/24/17

WASHINGTON (AP) -- Records show the head of the Environmental Protection Agency spent weekends in his home state during his first three months in office, frequently flying to and from Oklahoma at taxpayer's expense.

EPA Administrator Scott Pruitt's expense reports from March, April and May were released following a Freedom of Information request filed by Environmental Integrity Project, a non-profit watchdog group.

The records show Pruitt traveled home at least 10 times, typically leaving Washington on Fridays and returning on Mondays. Pruitt was either in Oklahoma or on trips that included stops there for nearly half the days encompassed in the three-month period, costing more than $15,000.

EPA spokeswoman Liz Bowman did not respond to emails or phone messages from The Associated Press on Monday seeking comment.

Pruitt, a Republican, served as Oklahoma's attorney general prior to his appointment by President Donald Trump to lead EPA. Married with two children, Pruitt owns a home in Tulsa, Oklahoma. There were a couple of occasions where Pruitt traveled on a trip for EPA then paid out-of-pocket to fly to Tulsa before returning to Washington at government expense.

AP reported earlier this year that while Pruitt was in his state job, he was in frequent contact with political donors, corporate executives and industry groups opposed to new environmental regulations enacted under the Obama administration.

He appears to have continued that practice since coming to EPA, including traveling to accept an award from the Oklahoma Well Strippers Association, make a keynote address to a meeting of the American Legislative Exchange Council and deliver a speech to the National Association of Manufacturers.

EPA records indicate Pruitt also attended "informational meetings" during the trips, which were first reported by The New York Times. Though a trip to Oklahoma might last three or five days, it was not unusual for only one such meeting to be listed during Pruitt's time away from Washington.

An example is Pruitt's reported trip to Tulsa on Friday, May 19, on a flight scheduled to depart Washington at 5:37 p.m. The listed purpose of the trip was an "informational meeting" at the Brainerd Chemical Company in Tulsa. Pruitt's return flight to Washington was scheduled to depart the following Monday morning at 6 a.m. local time.

Records show EPA paid $1,980 for Pruitt's roundtrip ticket on a commercial airline, well in excess of what an economy class ticket typically costs on that route. Federal regulations allow government travelers to fly business class or first class only when no cheaper options are "reasonably available." Pruitt was also reimbursed $127 for meals and expenses, according to the records.

Among the questions to which Bowman did not respond was whether EPA staff or members of Pruitt's full-time security detail traveled with him. She also did not answer questions about the official purpose of specific trips or whether Pruitt flew first class.

A call to the family-owned distribution company's chairman, Mat Brainerd, was not immediately returned. He testified before congressional panels in favor of extending the Keystone XL oil pipeline and against part of the Clean Air Act.

In a statement to the Times, Bowman said: "The administrator's travel, whether to Utah, Michigan or Oklahoma, all serves the purpose of hearing from hard-working Americans about how EPA can better serve the American people."

On a different May trip, records show Pruitt flew to Colorado to give a speech to the Heritage Foundation before buying his own ticket to Tulsa for the weekend and then returning to Washington. On that trip, EPA paid $2,690 in commercial airfare.

The Heritage Foundation, a free-market think tank that receives funding from groups tied to the fossil-fuel industry, paid for Pruitt's hotel room in Colorado Springs, according to his travel form. Though Pruitt's expense report indicates an "ethics form is prepared" to allow the outside group to pick up his hotel tab, a copy of that form was not provided by the EPA.

Eric Schaeffer, executive director of the Environmental Integrity Project, said the records obtained by his group reflect Pruitt's priorities.

"These travel records show that Administrator Pruitt is more focused on cultivating his relationships with industry and conservative political organizations in his home state of Oklahoma than he is on protecting the environment and the public health for the rest of America," said Schaeffer, who served as the head of EPA's office of civil enforcement from 1997 to 2002.

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Message

From: Hewitt, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=41B19DD598D340BB8032923D902D4BD1-HEWITT, JAM]
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Subject: EPA Afternoon News Highlights 9.29.17
Attachments: EPA Afternoon News Highlights 9.29.17.docx

EPA Afternoon News Highlights 9.29.17

Townhall: Misfire: Liberals, Media Wrongly Equate Price and Pruitt Conduct on Private Jet Use
If this explanation checks out, the Pruitt stuff is a non-story. Public officials hopping on government or military planes is a commonplace and bipartisan practice. And the only private charter was a last-minute booking resulting from a lengthy commercial airline delay that would have prevented the EPA administrator from attending an event. So, apples and oranges from the Price situation.

Red State: The Media Targets Scott Pruitt Over Private Plane Use And They Are Dead Wrong
This whole private/charter/military aircraft scandal is a nothingburger. It is the way business has always been conducted. In fact, the Trump administration has even been tighter on using non-commercial flights than the Obama administration.... People should realize what this is. It is a cheap political attack designed to score points. It is a shame that a guy who is really changing the way HHS works, like Tom Price, has been caught up in this nonsense. We can't let another game-changer like Scott Pruitt be hurt by it, too.

Niagra Gazette: Upstate lawmaker tapped to be regional EPA administrator
Veteran state Assemblyman Pete Lopez, R-Schoharie, whose family personally endured a devastating flood in 2011, has been tapped by the Trump administration to be the top administrator of the U.S. Environmental Protection Agency in a region that includes New York, New Jersey, Puerto Rico and the U.S. Virgin Islands. EPA Administrator Scott Pruitt, a Trump appointee, said in a statement that Lopez's experience in tackling environmental problems "will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean." Lopez is joining the Trump administration at a time when environmental activists are linking recent hurricanes to global warming and calling for federal policies that recognize the role of human activities in bringing about climate change.

Texas Tribune: EPA: Hurricane Harvey compromised caps on toxic waste site

The U.S. Environmental Protection Agency has confirmed that rains from Hurricane Harvey damaged a temporary protective cap on a pit of toxic sludge along the San Jacinto River east of Houston, exposing "underlying waste material." The San Jacinto River Waste Pits — one of the most hazardous of Houston's many EPA Superfund sites — is contaminated with carcinogenic waste including dioxins. In a statement late Thursday, the EPA said samples from 14 different areas "confirmed the protective cap had been damaged and the underlying waste material was exposed. The sample showed dioxins at 70,000 ng/kg. EPA recommended clean up level for the site is 30 ng/kg." The agency said it had directed companies responsible for the waste — International Paper and Industrial Maintenance Corporation — "to conduct supplemental sampling to ensure that the exposed waste material is isolated."

Post and Courier: EPA hosts meeting tonight on plan to finish cleanup of Superfund Site to prepare it for development
The Environmental Protection Agency will hold a meeting tonight to present a plan to conduct additional cleanup at the Koppers Superfund Site in the Charleston Neck Area. Representatives from EPA and the S.C. Department of Health and Environmental Control will answer questions. EPA also is soliciting public comments on the plan through Oct. 17. The meeting is 6-8 p.m. in the International Longshoremen's Association Hall at 1142 Morrison Drive. EPA's proposed cleanup plan includes an estimated $30 million in additional cleanup work on the Koppers Co. site that will be implemented by developers under EPA oversight. The work will prepare the area for redevelopment into a new mixed-use community that includes residential and other uses.

National Afternoon News Highlights 9.29.17

CNN: Trump: US 'will not rest' until Puerto Ricans are safe
President Donald Trump vowed support for the ongoing relief and recovery efforts in Puerto Rico in somber remarks Friday. "We will not rest, however, until the people of Puerto Rico are safe. These are great people. We want them to be safe and sound and secure and we will be there every day until that happens," he said at the beginning of remarks to the National Association of Manufacturers in Washington. Offering his "thoughts and prayers" to Puerto Ricans, Trump touted his administration's "massive federal mobilization" in the face of an unprecedented storm, including the presence of over 10,000 federal personnel. "The departments of Homeland Security and Defense are engaged fully in the disaster and the response and recovery effort, probably has never been seen for something like this," Trump said.

The Wall Street Journal: Trump Interviews Jerome Powell for Fed Chairman Job
President Donald Trump and Treasury Secretary Steven Mnuchin interviewed Federal Reserve governor Jerome Powell on Wednesday to discuss his potential nomination to become central-bank chairman, a White House official said, indicating the administration is widening and ramping up the search process. Mr. Trump and Mr. Mnuchin also interviewed former Fed governor Kevin Warsh on Thursday for the top Fed job, The Wall Street Journal reported. Other names said to be in contention include current Fed Chairwoman Janet Yellen, whose term expires in early February, Stanford University economist John Taylor and John Allison, the former BB&T Bank chief executive, according to people familiar with the process. Mr. Allison was offered a position on the central bank's board of governors earlier in Mr. Trump's tenure, but turned it down, said people familiar with the offer.

Politico: Trump: We're going to make a decision on Price's future tonight
President Donald Trump on Friday said he will determine Tom Price's fate as secretary of the Department of Health and Human Services "tonight." The embattled secretary came under fire starting last week when POLITICO revealed more than two dozen private charter flights Price has taken since May. POLITICO reported Thursday that Price's domestic flights on private jets and international travel on military planes cost taxpayers more than $1 million.

The Sacramento Bee: California lawmaker wants to ban gas car sales after 2040
France and the United Kingdom are doing it. So is India. And now one lawmaker would like California to follow their lead in phasing out gasoline- and diesel-fueled vehicles. When the Legislature returns in January, Assemblyman Phil Ting plans to introduce a bill that would ban the sale of new cars powered by internal-combustion engines after 2040. The San Francisco Democrat said it's essential to get California drivers into an electric fleet if the state is going to meet its greenhouse gas reduction targets, since the transportation sector accounts for more than a third of all emissions.

TRUMP TWEETS

Townhall

https://townhall.com/tipsheet/guybenson/2017/09/29/misfire-liberals-media-wrongly-equate-price-and-pruitt-conduct-on-private-jet-use-n2388196

Misfire: Liberals, Media Wrongly Equate Price and Pruitt Conduct on Private Jet Use

By Guy Benson, 9/29/17

I've been pretty tough on Health and Human Services Secretary Tom Price in light of revelations surrounding his extremely costly, unnecessary, and unjustifiable use of private jets for official business. Conservatives who believe in government thrift and respecting taxpayer dollars shouldn't defend Price's glaring error in judgment; the president certainly isn't, publicly rebuking his cabinet secretary yesterday and declining to foreclose the possibility of firing him. Real Clear Politics' Tom Bevan speculated on Bret Baier's panel last night that even if Trump were inclined to sack Price, he probably wouldn't want to do it amid his administration's major rollout of tax reform, so perhaps Price will be quietly shown the door somewhere down the road. For his part, Price says he believes he maintains the president's full confidence. As Trump himself said to reporters yesterday, "we'll see." But some on the Left and in the press are piggybacking off of this controversy to target other senior Trump administrations official over supposedly questionable use of private jets. We explained why tweets and headlines like this about Education Secretary Betsy DeVos were misleading:

Sec. DeVos -- who is independently wealthy and who should be commended for tackling a thorny issue to address injustice -- pays for that travel out of her own pocket. There is nothing ethically problematic about that whatsoever. Then there's the kerfuffle over flights taken by EPA administrator and liberal bete noir Scott Pruitt. Did he 'do the same thing' as Price? Nope. Fox News' John Roberts explains the relevant details and distinctions. Specifics matter:

> All of this started with HHH Secretary Tom Price and if the revelation that he spent $400,000 on private flights. Now people are talking about the EPA Administrator Scott Pruitt taking a number of noncommercial flights. A source tells me it was four flights in total. The only charter flight was one between Denver, Colorado and Duragno. This was after the commercial flight on United Airlines that the Administrator was booked on, was delayed for eight hours and he would have missed this event in a mine had they not chartered the flight. They also asked the Governor of Colorado if they could jump on his plane. They were initially told there was no room. And then after they chartered the aircraft, the Governor said well we've got one seat, which still wouldn't have been any good. The Administrator could've flown but his staff wouldn't have. The other flights were government flights. One was a military flight from Cincinnati to JFK so the Administrator could jump a commercial flight to Italy ... so that he attend the G7 Summit...All of that was cleared by the EPA office of ethics. So they're saying this is not a Tom Price situation, this is completely different.

If this explanation checks out, the Pruitt stuff is a non-story. Public officials hopping on government or military planes is a commonplace and bipartisan practice. And the only private charter was a last-minute booking resulting from a lengthy commercial airline delay that would have prevented the EPA administrator from attending an event. So, apples and oranges from the Price situation. Speaking of which, I'll leave you with a Republican Senator notably refusing to offer any spin on the HHS Secretary's behalf:

"No excuses here. Can't put lipstick on a pig. It's a pig."

Red State

https://www.redstate.com/streiff/2017/09/29/epa-administrator-scott-pruitt/

The Media Targets Scott Pruitt Over Private Plane Use And They Are Dead Wrong

By Streiff, 9/29/17

While everyone has been focusing on the Tom Price affair, the media is trying to use a similar attack on their favorite boogeyman, EPA Administrator Scott Pruitt. This is the Washington Post: EPA's Pruitt took charter, military flights that cost taxpayers more than $58,000.

> Environmental Protection Agency Administrator Scott Pruitt has taken at least four noncommercial and military flights since mid-February, costing taxpayers more than $58,000 to fly him to various parts of the country, according to records provided to a congressional oversight committee and obtained by The Washington Post.

Let me depart here for a moment. When a cabinet secretary, agency administrator, and some sub-cabinet appointments (like, for instance, the head of ICE) travel on official business I don't have a problem with them using a private plane. Federal employees are required to work while on travel and I'd rather they be able to do so comfortably and efficiently. I'd rather they not be worried about being overheard. This is not a new found belief, it is one that I held when Obama officials were getting dinged for using military aircraft for travel. Where I leave is when government aircraft are used for holiday travel:

> In 2014, Holder, while attorney general, boarded a government-owned Gulfstream and flew to the Belmont Stakes Thoroughbred horse race in New York with his daughters, their boyfriends and two security officers.
>
> According to records obtained by The Daily Caller from the Department of Justice, that trip cost the government $14,440. But Holder only had to reimburse the government $955 for that flight — the equivalent cost of a coach commercial airline ticket for each non-law enforcement passenger.

FoxNews' John Roberts dug into the story and this is what he found:

> SANDRA SMITH: John, you're getting new information on EPA Administrator Scott Pruitt's charter and government flights.
>
> JOHN ROBERTS: All of this started with HHH Secretary Tom Price and if the revelation that he spent $400,000 on private flights. Now people are talking about the EPA Administrator Scott Pruitt taking a number of noncommercial flights.
>
> A source tells me it was four flights in total. The only charter flight was one between Denver, Colorado and Duragno. This was after the commercial flight on United Airlines that the Administrator was booked on, was delayed for eight hours and he would have missed this event in a mine had they not chartered the flight. They also asked the Governor of Colorado if they could jump on his plane. They were initially told there was no room. And then after they chartered the aircraft, the Governor said well we've got one seat, which still wouldn't have been any good. The Administrator could've flown but his staff wouldn't have.
>
> The other flights were government flights. One was a military flight from Cincinnati to JFK so the Administrator could jump a commercial flight to Italy ... so that he attend the G7 Summit. Another was a Department of Interior flight inside of Oklahoma. Would have taken more than five hours to drive there. The EPA reimbursed the Department of Interior for that. The other one was ride on the Governor of North Dakota's aircraft between two cities in North Dakota, between Fargo and Grand Forks for which the governor was reimbursed. All of that was cleared by the EPA office of ethics. So they're saying this is not a Tom Price situation, this is completely different. Sandra.
>
> SMITH: John Roberts, thank you.

In fact, when you look into the Post's story, they say much the same.

> On July 27, records show, Pruitt and six staff members arranged a flight on a Department of Interior plane from Tulsa to the tiny outpost of Guymon, Okla., at a cost of $14,434.50. The EPA noted that "time constraints" on Pruitt's schedule wouldn't allow him to make the 10-hour round-trip drive. The purpose of the trip was to meet

> with landowners "whose farms have been affected" by a controversial rule regulating water bodies in the United States, according to the agency. Pruitt has initiated a process to withdraw the regulation, known as the Waters of the United States rule.
>
> Bowman said that between 50 and 100 farmers and others from Oklahoma, Texas and Kansas attended the session in Guymon.

Note the aircraft was owned by Department of the Interior.

Pruitt and three staff members arranged a private air charter on Aug. 4, on a trip from Denver to Durango, Colo. The flight cost $5,719.58. According to the EPA, the commercial flight Pruitt had planned to take "was delayed ultimately for eight hours, which would have caused him to miss a mission critical meeting at Gold King Mine" with Gov. John Hickenlooper (D) and other officials. Hickenlooper offered a seat on his plane, but Bowman said that the governor's aircraft only had room for Pruitt and that the EPA already had booked the private plane by then. The charter company involved, Mayo Aviation, bills itself as "Colorado's premier jet charter service."

We don't know if the booking could have been canceled without penalty, but probably not. And in any event, it isn't like Pruitt would have been flying free. As we see later, he would still have had to reimburse Colorado for the flight. One gets the feeling this is the real bone they have to pick with Pruitt over this particular flight:

That day, Pruitt criticized how two years earlier EPA had mishandled operations at the Gold King Mine, where the agency inadvertently triggered a spill that polluted rivers in Colorado, New Mexico and Utah. "The previous administration failed those who counted on them to protect the environment," he said in a statement, vowing to reconsider claims for damages the government previously had denied.
(see my post here)

Finally, on Aug. 9, Pruitt and two staffers traveling in North Dakota flew on a state-owned plane to an event in Grand Forks. The flight cost the EPA $2,144.40. "The Governor of the State of North Dakota offered seats on the state-owned plane to transport the Administrator to this event," the agency noted in its justification for the trip, which involved touring the University of North Dakota's Environmental Research Center. "There is no government rate established for this route."

The important takeaway from this last bit is that here Pruitt flew on a state-owned plane by the governor "offer[ing] seats." In other words he took the North Dakota governor up on the offer he had been forced to decline from Colorado's governor. He was still bill $2,144. The preceding paragraph makes it seem as though Pruitt was being offered a free ride. He wasn't. Ironically, the clincher is in the Post's own story:

> The records also indicate that Pruitt, along with a member of his security detail, flies either in business or first class when those seats are available on commercial flights. Multiple EPA travel documents state that Pruitt "is entitled to business class accommodation due to security concerns."
>
> Bowman said that while Pruitt flies in such classes when that is an option, he has also flown on multiple occasions in coach.

This whole private/charter/military aircraft scandal is a nothingburger. It is the way business has always been conducted. In fact, the Trump administration has even been tighter on using non-commercial flights than the Obama administration.

> According to statistics provided by a senior administration official, the Trump White House has authorized fewer trips on military planes for senior officials than the Obama administration did during the first eight months in office.
>
> From Jan. 20 to Sept. 19, the Trump administration authorized 77 military flights, while the Obama administration allowed 94 flights during the same time period, according to the stats.

People should realize what this is. It is a cheap political attack designed to score points. It is a shame that a guy who is really changing the way HHS works, like Tom Price, has been caught up in this nonsense. We can't let another game-changer like Scott Pruitt be hurt by it, too.

Niagra Gazette

http://www.niagara-gazette.com/news/local_news/upstate-lawmaker-tapped-to-be-regional-epa-administrator/article_17b27676-a4e3-11e7-8645-77d6c9f5d416.html

Upstate lawmaker tapped to be regional EPA administrator

By Joe Mahoney, 9/29/17

Veteran state Assemblyman Pete Lopez, R-Schoharie, whose family personally endured a devastating flood in 2011, has been tapped by the Trump administration to be the top administrator of the U.S. Environmental Protection Agency in a region that includes New York, New Jersey, Puerto Rico and the U.S. Virgin Islands.

EPA Administrator Scott Pruitt, a Trump appointee, said in a statement that Lopez's experience in tackling environmental problems "will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean."

Lopez is joining the Trump administration at a time when environmental activists are linking recent hurricanes to global warming and calling for federal policies that recognize the role of human activities in bringing about climate change.

In an interview, Lopez did not rule out the role of human actions in global warming, but noted, "I'm not a scientist."

"One of our chalelnges in being good stewards of the environment is how do we ensure that are manufacturers, our businesses and our family farms are economically sustainable," he said. "The challenge as policymakers is how do we drive towards environmental sustainability while recognizing we have multiple responsibilities in addition to the environment."

His new boss, Pruitt, has raised concerns among environmental scientists by indicating he is not convinced that carbon dioxide released through the combustion of fossil fuels has influenced climate change. Pruitt has signaled that he wants Congress to examine whether carbon dioxide is a pollutant that needs strong regulation.

The departure of Lopez from the Legislature is expected to touch off a scramble for his Assembly seat. Chris Tague, the Schoharie town supervisor and the Schoharie County GOP chairman, confirmed he is "strongly interested" in mounting a candidacy for the seat. A long-time friend of Lopez, Tague said he is being encouraged to do so by several prominent Republican and Conservative Party activists.

Lopez had considered running for New York's 19th Congressional District seat in 2016, but ended up staying on the sidelines while the eventual winner, Rep. John Faso, was on his way to rolling up enough GOP support to clinch his party's nomination.

Last year, while Lopez was mulling the run for the House seat, Ryan McAllister, a Cobleskill lawyer now working on Faso's congressional staff, had told Republican activists that he was interested in running for the Assembly seat.

It will be up to Gov. Andrew Cuomo, a Democrat, to determine when a special election will be held for the Assembly seat for a district that has shown a decided tilt in favor of the GOP.

Lopez, a Miami native who was raised in Schenectady and Schoharie, is the son of the late Pedro Lopez, a native of Puerto Rico. He is the only Hispanic Republican in the state Legislature. His official Assembly biography notes that "Pete scrubbed floors, stocked shelves, baled hay and scraped fish in order to finance his education."

He was praised by leaders of various organizations in a press release.

Lopez, said Gavin Donohoe, president of the pro-pipeline Independent Power Producers of New York, has taken "a balanced approach to energy and environmental policy.

In 2015, Lopez came out against a controversial interstate project known as the Northeast Energy Direct pipeline, proposed by energy giant Kinder Morgan, arguing the company displayed "tremendous insensitivity" to a region still reeling from flood damage.

But critics of a second project, the Constitution Pipeline, said they were left disappointed when he did not object forcefully to that project, which was favored by many business leaders and trade unions.

Aaron Mair of Albany, former president of the Sierra Club and a current board member of Sloop Clearwater, questioned the appointment of Lopez to a key role in environmental policy.

"In the wake of Puerto Rico and the Virgin Islands being ground zero for current and future climate-related crises, we are left to wonder if this EPA Region II appointment signals a fundamental shift in the Trump administration's efforts to act on climate change, or is it a cynical, pandering, fake gesture," he said.

Lopez's Assembly district includes Schoharie County and portions of the Hudson Valley, the Northern Catskills, the Southern Tier and the Capital District.

Peter Baynes, director of the New York State Conference of Mayors, described Lopez as "hardworking, responsive and a problem solver."

The president of the New York Farm Bureau, David Fisher, said Lopez "understands the needs of the agricultural community and the important role farmers play in environmental stewardship."

The director of the Alliance for Clean Energy New York, Anne Reynolds, noted that Lopez has experienced the impacts of both severe storms and climate change. She said her organization will work with him as he "uses his well-respected skills at facilitation and problem-solving, and works to protect the air, water and land of EPA Region 2."

Lopez, as the regional EPA administrator, is also expected to work with local government officials to facilitate wastewater and water infrastructure projects.

The Texas Tribune

https://www.texastribune.org/2017/09/29/epa-hurricane-harvey-compromised-caps-toxic-waste-site/

EPA: Hurricane Harvey compromised caps on toxic waste site

By Kiah Collier, 9/29/17

The U.S. Environmental Protection Agency has confirmed that rains from Hurricane Harvey damaged a temporary protective cap on a pit of toxic sludge along the San Jacinto River east of Houston, exposing "underlying waste material."

The San Jacinto River Waste Pits — one of the most hazardous of Houston's many EPA Superfund sites — is contaminated with carcinogenic waste including dioxins.

In a statement late Thursday, the EPA said samples from 14 different areas "confirmed the protective cap had been damaged and the underlying waste material was exposed. The sample showed dioxins at 70,000 ng/kg. EPA recommended clean up level for the site is 30 ng/kg."

The agency said it had directed companies responsible for the waste — International Paper and Industrial Maintenance Corporation — "to conduct supplemental sampling to ensure that the exposed waste material is isolated."

"The dioxin in the waste material does not dissolve easily in water but it can migrate further out into the surrounding sediments," the statement said. "The supplemental sampling will determine the extent, if any, of this migration."

The announcement comes after the EPA had said the cap didn't appear to be damaged, although it has said for several weeks that its dive teams were conducting additional inspections. Administrator Scott Pruitt has deemed the cleanup of Superfund sites a priority.

In 2011, the companies responsible for the waste installed the temporary cap to contain the sludge, which had festered for more than half a century; Wastewater from a now-shuttered paper mill was dumped into Houston-area waters beginning in 1965. But the armored structure has occasionally needed repairs — including a significant fix after divers found a 20-foot hole in it in 2015.

Pregnant women and young children are advised not to eat fish caught in the area.

Environmentalists and lawyers argue the temporary cap is an insufficient fix, and have advocated for the material to be dredged. (In 2016, the EPA proposed a plan to remove 202,000 cubic yards of dioxins and other pollutants from the 14-acre site.)

"While devastating, Harvey was far from a worst-case scenario for the site, and this most recent cap failure is further evidence as to why removal of the waste is necessary," said Rock Owens, who oversees environmental cases for the Harris County District Attorney's Office and has sued the companies over the pits.

In 2014, Harris County and the state won a $29.2 million settlement from McGinnes Industrial Maintenance Corp. and Houston-based Waste Management Inc. related to the pollution — money that's been used to improve communities near the site.

Another defendant, International Paper Co., escaped penalties in the lawsuit, but Harris County appealed the decision.

In an interview Friday with Tribune CEO Evan Smith, Harvey recovery czar John Sharp said Superfund sites "will be part of the mix [to] try to mitigate those things from happening."

Business groups have opposed the removal of waste, saying removal — which could take months — would interrupt fishing and maritime operations.

JT Edwards, a spokesman for the Gulf Maritime Business Association, said such dredging could stir up toxins and, because it would take so long, would make the site vulnerable to another storm.

"Once you start dredging, you gotta finish it. What if a really really bad hurricane shows up outside of hurricane season, what do you do about it?" he said. "Just put it in a tomb and call it a day."

In its statement, the EPA said it would "continue to provide updates about the status of the Superfund site, and continue to work with the" the responsible companies "to ensure that risk to human health and the environment is managed as best as possible."

Post and Courier

http://www.postandcourier.com/news/epa-hosts-meeting-tonight-on-plan-to-finish-cleanup-of/article_d63f4b28-a457-11e7-b704-ff8219284c1a.html

EPA hosts meeting tonight on plan to finish cleanup of Superfund Site to prepare it for development

By Cleve O'Quinn, 9/28/17

The Environmental Protection Agency will hold a meeting tonight to present a plan to conduct additional cleanup at the Koppers Superfund Site in the Charleston Neck Area.

Representatives from EPA and the S.C. Department of Health and Environmental Control will answer questions. EPA also is soliciting public comments on the plan through Oct. 17.

The meeting is 6-8 p.m. in the International Longshoremen's Association Hall at 1142 Morrison Drive.

EPA's proposed cleanup plan includes an estimated $30 million in additional cleanup work on the Koppers Co. site that will be implemented by developers under EPA oversight. The work will prepare the area for redevelopment into a new mixed-use community that includes residential and other uses.

The Koppers site is part of a larger area the city of Charleston has zoned for a mixed-use Brownfield redevelopment project, known as "Magnolia." It includes commercial/retail use, office use, residential use, hotel use and civic and park space.

After considering all information received during the public comment period, EPA will consult with DHEC and publish its final plan.

The 102-acre Koppers site is located in the Neck Area amid industrial, commercial and residential properties. From 1940-78, Koppers operated a wood-treating facility on approximately 45 acres. The remaining 57-acre portion of the site, located south of Braswell Street, was owned by Ashepoo Phosphate/Fertilizer Works. EPA incorporated these 57-acres into the Koppers Site boundary to investigate historical waste disposal practices and environmental impacts.

More information about the Koppers Superfund Site: www.epa.gov/superfund/koppers-charleston-plant

CNN

http://www.cnn.com/2017/09/29/politics/trump-puerto-rico-federal-response/index.html

Trump: US 'will not rest' until Puerto Ricans are safe

By Betsy Klein, 9/29/17

President Donald Trump vowed support for the ongoing relief and recovery efforts in Puerto Rico in somber remarks Friday.

"We will not rest, however, until the people of Puerto Rico are safe. These are great people. We want them to be safe and sound and secure and we will be there every day until that happens," he said at the beginning of remarks to the National Association of Manufacturers in Washington.

Offering his "thoughts and prayers" to Puerto Ricans, Trump touted his administration's "massive federal mobilization" in the face of an unprecedented storm, including the presence of over 10,000 federal personnel.

"The departments of Homeland Security and Defense are engaged fully in the disaster and the response and recovery effort, probably has never been seen for something like this," Trump said.

He offered a defense of criticism that his administration was not working fast enough to provide relief to the millions of Americans on the island.

"This is an island surrounded by water, big water, ocean water. We're closely coordinated with the territorial and local governments, which are totally and unfortunately unable to handle this catastrophic crisis on their own, just totally unable to. The police and truck drivers are very substantially gone, they're taking care of their families and largely unable to get involved, largely unable to help," he said.

The President highlighted some of the massive devastation that has played out in the nine days since Hurricane Maria hit.

"There's nothing left. It's been wiped out. The houses are largely flattened, the roads are washed away. There is no electricity, the plants are gone. They're gone, it's not like send a crew in to fix them," he said. "Have to build in brand new electric. Sewage system's wiped out, never been anything like this. So there remains a lot of work to do and we will work with the folks who we're working with right now, they're trying very, very hard, I will tell you that, but nobody's ever seen anything like it."

Trump also raised questions about paying for recovery efforts in the future, pointing to Puerto Rico's debt and its crumbling infrastructure ahead of the devastating storm.

"We're literally starting from scratch. Ultimately, the government of Puerto Rico will have to work with us to determine how this massive rebuilding effort -- will end up being one of the biggest ever -- will be funded and organized, and what we will do with the tremendous amount of existing debt already on the island," he said.

The Wall Street Journal

https://www.wsj.com/articles/trump-interviews-jerome-powell-for-fed-chairman-job-1506711304

Trump Interviews Jerome Powell for Fed Chairman Job

By Michael Bender, 9/29/17

President Donald Trump and Treasury Secretary Steven Mnuchin interviewed Federal Reserve governor Jerome Powell on Wednesday to discuss his potential nomination to become central-bank chairman, a White House official said, indicating the administration is widening and ramping up the search process.

Mr. Trump and Mr. Mnuchin also interviewed former Fed governor Kevin Warsh on Thursday for the top Fed job, The Wall Street Journal reported.

Other names said to be in contention include current Fed Chairwoman Janet Yellen, whose term expires in early February, Stanford University economist John Taylor and John Allison, the former BB&T Bank chief executive, according to people familiar with the process. Mr. Allison was offered a position on the central bank's board of governors earlier in Mr. Trump's tenure, but turned it down, said people familiar with the offer.

Mr. Powell joined the Fed's board of governors in 2012. He was a partner at the Carlyle Group , a private-equity firm, from 1997 to 2005 and a lawyer and investment banker in New York City. He served as an undersecretary and assistant secretary for domestic finance at the U.S. Treasury from 1990 to 1993.

He has served as the Fed's point man supervising financial- market utilities—the companies that operate the plumbing underneath securities markets. Since the 2008 crash, the Fed has made progress pressuring such utilities to step up their liquidity and recovery planning in cooperation with regulators at the Securities and Exchange Commission and the Commodity Futures Trading Commission.

The Fed didn't immediately respond to a request for comment.

The search for a new Fed chairman, which Mr. Trump told The Wall Street Journal in July he hoped to complete before the new year, has been largely informal until now. Several White House officials had described the short-list of candidates as existing only in Mr. Trump's own mind. But the president has started to interview candidates in recent days, one White House official said.

Mr. Trump has said he would be willing to reappoint Janet Yellen, whose term ends in February. She met with White House adviser Ivanka Trump, the president's daughter, in July and had a 15-minute meeting with Mr. Trump in February. She said at a press conference last week she hasn't met with Mr. Trump since then.

Mr. Trump also expressed interest in nominating Gary Cohn, the director of the National Economic Council, during his July interview with the Journal. But Mr. Cohn's public criticism of Mr. Trump's response to the racially charged violence in Charlottesville, Va., made it unlikely the president would nominate him to the position, people familiar with the president's thinking told the Journal earlier this month.

White House officials, however, have cautioned that Mr. Cohn, a former Goldman Sachs executive, may be able to repair his relationship with the president. Mr. Cohn is one of the key administration hands shepherding an overhaul of the federal tax code through Congress. If successful, Mr. Cohn may find himself in better standing.

Politico

http://www.politico.com/story/2017/09/29/trump-tom-price-private-flights-job-243313

Trump: We're going to make a decision on Price's future tonight

By Nolan D. McCaskill, 9/29/17

President Donald Trump on Friday said he will determine Tom Price's fate as secretary of the Department of Health and Human Services "tonight."

The embattled secretary came under fire starting last week when POLITICO revealed more than two dozen private charter flights Price has taken since May. POLITICO reported Thursday that Price's domestic flights on private jets and international travel on military planes cost taxpayers more than $1 million.

"He's a fine man," Trump told reporters Friday when asked about Price's future. "We're going to make a decision tonight."

Price has expressed regret for his expensive travel and pledged to repay the federal government for the cost of his seat on the domestic flights — some $52,000 of the more than $400,000 he's racked up flying across

Sacramento Bee

http://www.sacbee.com/news/politics-government/capitol-alert/article176030626.html

California lawmaker wants to ban gas car sales after 2040

By Alexei Koseff, 9/29/17

France and the United Kingdom are doing it. So is India. And now one lawmaker would like California to follow their lead in phasing out gasoline- and diesel-fueled vehicles.

When the Legislature returns in January, Assemblyman Phil Ting plans to introduce a bill that would ban the sale of new cars powered by internal-combustion engines after 2040. The San Francisco Democrat said it's essential to get California drivers into an electric fleet if the state is going to meet its greenhouse gas reduction targets, since the transportation sector accounts for more than a third of all emissions.

"The market is moving this way. The entire world is moving this way," Ting said. "At some point you need to set a goal and put a line in the sand."

California already committed five years ago to putting 1.5 million "zero-emission vehicles," such as electric cars and plug-in hybrids, on the road by 2025. By that time, the state wants these cleaner models to account for 15 percent of all new car sales.

But progress has been modest so far, as consumers wait for prices to drop and battery ranges to improve, or opt for large trucks and SUVs that are not available among electric offerings. Slightly more than 300,000 zero-emission vehicles

have now been sold in California, and they accounted for just under 5 percent of new car sales in the state in the first half of the year.

Ting is among the policymakers pushing to increase incentives for drivers to ditch their gas guzzlers. He is also working on legislation that would overhaul California's electric car rebate program by making more money available for rebates, then ratcheting down the value of those discounts as the state hits sales targets.

"California is used to being first. But we're trying to catch up to this," Ting said.

France and the United Kingdom both announced this summer that they would ban the sale of new gas and diesel cars after 2040. India is aiming to get there by 2030. And China said this month that it would stop the production and sale of vehicles powered solely by fossil fuels in the coming years.

Mary Nichols, chair of the California Air Resources Board, caused a stir earlier this week when she told Bloomberg News that California might consider doing the same.

"I've gotten messages from the governor asking, 'Why haven't we done something already?' The governor has certainly indicated an interest in why China can do this and not California," she said.

Her remarks were met with skepticism from automakers and industry analysts, and outrage from many drivers. But Ting said the state must be aggressive in establishing a vision for reducing greenhouse gas emissions.

"If you had told me five years ago that we might have autonomous vehicles on the road soon, I would have laughed," he said. "The technology is moving so quickly, I don't know if by 2040 we'll be owning our own cars."

TRUMP TWEETS

Donald J. Trump @realDonaldTrump · 6h

Thank you to FEMA, our great Military & all First Responders who are working so hard,against terrible odds,in Puerto Rico. See you Tuesday!

6.6K 8.5K 42K

Donald J. Trump @realDonaldTrump · 6h

RECORD HIGH FOR S & P 500!

9.7K 7.4K 37K

Donald J. Trump @realDonaldTrump · 2h

This week we came one step closer to reaching the goal of aligning the skills taught in our nation's classrooms with the jobs of the future.

Time to put all American children on pathways towards in-demand and lucrative jobs! #CodingforKids

3.8K 3.8K 18K

James Hewitt
Environmental Protection Agency
Press Secretary
(202) 578-6141

EPA Afternoon News Highlights 9.29.17

Townhall: Misfire: Liberals, Media Wrongly Equate Price and Pruitt Conduct on Private Jet Use
If this explanation checks out, the Pruitt stuff is a non-story. Public officials hopping on government or military planes is a commonplace and bipartisan practice. And the only private charter was a last-minute booking resulting from a lengthy commercial airline delay that would have prevented the EPA administrator from attending an event. So, apples and oranges from the Price situation.

Red State: The Media Targets Scott Pruitt Over Private Plane Use And They Are Dead Wrong
This whole private/charter/military aircraft scandal is a nothingburger. It is the way business has always been conducted. In fact, the Trump administration has even been tighter on using non-commercial flights than the Obama administration.... People should realize what this is. It is a cheap political attack designed to score points. It is a shame that a guy who is really changing the way HHS works, like Tom Price, has been caught up in this nonsense. We can't let another game-changer like Scott Pruitt be hurt by it, too.

Niagra Gazette: Upstate lawmaker tapped to be regional EPA administrator
Veteran state Assemblyman Pete Lopez, R-Schoharie, whose family personally endured a devastating flood in 2011, has been tapped by the Trump administration to be the top administrator of the U.S. Environmental Protection Agency in a region that includes New York, New Jersey, Puerto Rico and the U.S. Virgin Islands. EPA Administrator Scott Pruitt, a Trump appointee, said in a statement that Lopez's experience in tackling environmental problems "will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean." Lopez is joining the Trump administration at a time when environmental activists are linking recent hurricanes to global warming and calling for federal policies that recognize the role of human activities in bringing about climate change.

Texas Tribune: EPA: Hurricane Harvey compromised caps on toxic waste site
The U.S. Environmental Protection Agency has confirmed that rains from Hurricane Harvey damaged a temporary protective cap on a pit of toxic sludge along the San Jacinto River east of Houston, exposing "underlying waste material." The San Jacinto River Waste Pits — one of the most hazardous of Houston's many EPA Superfund sites — is contaminated with carcinogenic waste including dioxins. In a statement late Thursday, the EPA said samples from 14 different areas "confirmed the protective cap had been damaged and the underlying waste material was exposed. The sample showed dioxins at 70,000 ng/kg. EPA recommended clean up level for the site is 30 ng/kg." The agency said it had directed companies responsible for the waste — International Paper and Industrial Maintenance Corporation — "to conduct supplemental sampling to ensure that the exposed waste material is isolated."

Post and Courier: EPA hosts meeting tonight on plan to finish cleanup of Superfund Site to prepare it for development
The Environmental Protection Agency will hold a meeting tonight to present a plan to conduct additional cleanup at the Koppers Superfund Site in the Charleston Neck Area. Representatives from EPA and the S.C. Department of Health and Environmental Control will answer questions. EPA also is soliciting public comments on the plan through Oct. 17. The meeting is 6-8 p.m. in the International Longshoremen's Association Hall at 1142 Morrison Drive. EPA's proposed cleanup plan includes an estimated $30 million in additional cleanup work on the Koppers Co. site that will be implemented by developers under EPA oversight. The work will prepare the area for redevelopment into a new mixed-use community that includes residential and other uses.

National Afternoon News Highlights 9.29.17

CNN: Trump: US 'will not rest' until Puerto Ricans are safe
President Donald Trump vowed support for the ongoing relief and recovery efforts in Puerto Rico in somber remarks Friday. "We will not rest, however, until the people of Puerto Rico are safe. These are great people. We want them to be safe and sound and secure and we will be there every day until that happens," he said at the beginning of remarks to the National Association of Manufacturers in Washington. Offering his "thoughts and prayers" to Puerto Ricans, Trump

touted his administration's "massive federal mobilization" in the face of an unprecedented storm, including the presence of over 10,000 federal personnel. "The departments of Homeland Security and Defense are engaged fully in the disaster and the response and recovery effort, probably has never been seen for something like this," Trump said.

The Wall Street Journal: Trump Interviews Jerome Powell for Fed Chairman Job
President Donald Trump and Treasury Secretary Steven Mnuchin interviewed Federal Reserve governor Jerome Powell on Wednesday to discuss his potential nomination to become central-bank chairman, a White House official said, indicating the administration is widening and ramping up the search process. Mr. Trump and Mr. Mnuchin also interviewed former Fed governor Kevin Warsh on Thursday for the top Fed job, The Wall Street Journal reported. Other names said to be in contention include current Fed Chairwoman Janet Yellen, whose term expires in early February, Stanford University economist John Taylor and John Allison, the former BB&T Bank chief executive, according to people familiar with the process. Mr. Allison was offered a position on the central bank's board of governors earlier in Mr. Trump's tenure, but turned it down, said people familiar with the offer.

Politico: Trump: We're going to make a decision on Price's future tonight
President Donald Trump on Friday said he will determine Tom Price's fate as secretary of the Department of Health and Human Services "tonight." The embattled secretary came under fire starting last week when POLITICO revealed more than two dozen private charter flights Price has taken since May. POLITICO reported Thursday that Price's domestic flights on private jets and international travel on military planes cost taxpayers more than $1 million.

The Sacramento Bee: California lawmaker wants to ban gas car sales after 2040
France and the United Kingdom are doing it. So is India. And now one lawmaker would like California to follow their lead in phasing out gasoline- and diesel-fueled vehicles. When the Legislature returns in January, Assemblyman Phil Ting plans to introduce a bill that would ban the sale of new cars powered by internal-combustion engines after 2040. The San Francisco Democrat said it's essential to get California drivers into an electric fleet if the state is going to meet its greenhouse gas reduction targets, since the transportation sector accounts for more than a third of all emissions.

TRUMP TWEETS

Townhall

https://townhall.com/tipsheet/guybenson/2017/09/29/misfire-liberals-media-wrongly-equate-price-and-pruitt-conduct-on-private-jet-use-n2388196

Misfire: Liberals, Media Wrongly Equate Price and Pruitt Conduct on Private Jet Use
By Guy Benson, 9/29/17

I've been pretty tough on Health and Human Services Secretary Tom Price in light of revelations surrounding his extremely costly, unnecessary, and unjustifiable use of private jets for official business. Conservatives who believe in government thrift and respecting taxpayer dollars shouldn't defend Price's glaring error in judgment; the president certainly isn't, publicly rebuking his cabinet secretary yesterday and declining to foreclose the possibility of firing him. Real Clear Politics' Tom Bevan speculated on Bret Baier's panel last night that even if Trump were inclined to sack Price, he probably wouldn't want to do it amid his administration's major rollout of tax reform, so perhaps Price will be quietly shown the door somewhere down the road. For his part, Price says he believes he maintains the president's full confidence. As Trump himself said to reporters yesterday, "we'll see." But some on the Left and in the press are piggybacking off of this controversy to target other senior Trump administrations official over supposedly questionable use of private jets. We explained why tweets and headlines like this about Education Secretary Betsy DeVos were misleading:

Sec. DeVos -- who is independently wealthy and who should be commended for tackling a thorny issue to address injustice -- pays for that travel out of her own pocket. There is nothing ethically problematic about that whatsoever. Then there's the kerfuffle over flights taken by EPA administrator and liberal bete noir Scott Pruitt. Did he

'do the same thing' as Price? Nope. Fox News' John Roberts explains the relevant details and distinctions. Specifics matter:

> All of this started with HHH Secretary Tom Price and if the revelation that he spent $400,000 on private flights. Now people are talking about the EPA Administrator Scott Pruitt taking a number of noncommercial flights. A source tells me it was four flights in total. The only charter flight was one between Denver, Colorado and Duragno. This was after the commercial flight on United Airlines that the Administrator was booked on, was delayed for eight hours and he would have missed this event in a mine had they not chartered the flight. They also asked the Governor of Colorado if they could jump on his plane. They were initially told there was no room. And then after they chartered the aircraft, the Governor said well we've got one seat, which still wouldn't have been any good. The Administrator could've flown but his staff wouldn't have. The other flights were government flights. One was a military flight from Cincinnati to JFK so the Administrator could jump a commercial flight to Italy ... so that he attend the G7 Summit...All of that was cleared by the EPA office of ethics. So they're saying this is not a Tom Price situation, this is completely different.

If this explanation checks out, the Pruitt stuff is a non-story. Public officials hopping on government or military planes is a commonplace and bipartisan practice. And the only private charter was a last-minute booking resulting from a lengthy commercial airline delay that would have prevented the EPA administrator from attending an event. So, apples and oranges from the Price situation. Speaking of which, I'll leave you with a Republican Senator notably refusing to offer any spin on the HHS Secretary's behalf:

"No excuses here. Can't put lipstick on a pig. It's a pig."

Red State

https://www.redstate.com/streiff/2017/09/29/epa-administrator-scott-pruitt/

The Media Targets Scott Pruitt Over Private Plane Use And They Are Dead Wrong

By Streiff, 9/29/17

While everyone has been focusing on the Tom Price affair, the media is trying to use a similar attack on their favorite boogeyman, EPA Administrator Scott Pruitt. This is the Washington Post: EPA's Pruitt took charter, military flights that cost taxpayers more than $58,000.

> Environmental Protection Agency Administrator Scott Pruitt has taken at least four noncommercial and military flights since mid-February, costing taxpayers more than $58,000 to fly him to various parts of the country, according to records provided to a congressional oversight committee and obtained by The Washington Post.

Let me depart here for a moment. When a cabinet secretary, agency administrator, and some sub-cabinet appointments (like, for instance, the head of ICE) travel on official business I don't have a problem with them using a private plane. Federal employees are required to work while on travel and I'd rather they be able to do so comfortably and efficiently. I'd rather they not be worried about being overheard. This is not a new found belief, it is one that I held when Obama officials were getting dinged for using military aircraft for travel. Where I leave is when government aircraft are used for holiday travel:

> In 2014, Holder, while attorney general, boarded a government-owned Gulfstream and flew to the Belmont Stakes Thoroughbred horse race in New York with his daughters, their boyfriends and two security officers.
>
> According to records obtained by The Daily Caller from the Department of Justice, that trip cost the government $14,440. But Holder only had to reimburse the government $955 for that flight — the equivalent cost of a coach commercial airline ticket for each non-law enforcement passenger.

FoxNews' John Roberts dug into the story and this is what he found:

> SANDRA SMITH: John, you're getting new information on EPA Administrator Scott Pruitt's charter and government flights.
>
> JOHN ROBERTS: All of this started with HHH Secretary Tom Price and if the revelation that he spent $400,000 on private flights. Now people are talking about the EPA Administrator Scott Pruitt taking a number of noncommercial flights.
>
> A source tells me it was four flights in total. The only charter flight was one between Denver, Colorado and Duragno. This was after the commercial flight on United Airlines that the Administrator was booked on, was delayed for eight hours and he would have missed this event in a mine had they not chartered the flight. They also asked the Governor of Colorado if they could jump on his plane. They were initially told there was no room. And then after they chartered the aircraft, the Governor said well we've got one seat, which still wouldn't have been any good. The Administrator could've flown but his staff wouldn't have.
>
> The other flights were government flights. One was a military flight from Cincinnati to JFK so the Administrator could jump a commercial flight to Italy ... so that he attend the G7 Summit. Another was a Department of Interior flight inside of Oklahoma. Would have taken more than five hours to drive there. The EPA reimbursed the Department of Interior for that. The other one was ride on the Governor of North Dakota's aircraft between two cities in North Dakota, between Fargo and Grand Forks for which the governor was reimbursed. All of that was cleared by the EPA office of ethics. So they're saying this is not a Tom Price situation, this is completely different. Sandra.
>
> SMITH: John Roberts, thank you.

In fact, when you look into the Post's story, they say much the same.

> On July 27, records show, Pruitt and six staff members arranged a flight on a Department of Interior plane from Tulsa to the tiny outpost of Guymon, Okla., at a cost of $14,434.50. The EPA noted that "time constraints" on Pruitt's schedule wouldn't allow him to make the 10-hour round-trip drive. The purpose of the trip was to meet with landowners "whose farms have been affected" by a controversial rule regulating water bodies in the United States, according to the agency. Pruitt has initiated a process to withdraw the regulation, known as the Waters of the United States rule.
>
> Bowman said that between 50 and 100 farmers and others from Oklahoma, Texas and Kansas attended the session in Guymon.

Note the aircraft was owned by Department of the Interior.

Pruitt and three staff members arranged a private air charter on Aug. 4, on a trip from Denver to Durango, Colo. The flight cost $5,719.58. According to the EPA, the commercial flight Pruitt had planned to take "was delayed ultimately for eight hours, which would have caused him to miss a mission critical meeting at Gold King Mine" with Gov. John Hickenlooper (D) and other officials. Hickenlooper offered a seat on his plane, but Bowman said that the governor's aircraft only had room for Pruitt and that the EPA already had booked the private plane by then. The charter company involved, Mayo Aviation, bills itself as "Colorado's premier jet charter service."

We don't know if the booking could have been canceled without penalty, but probably not. And in any event, it isn't like Pruitt would have been flying free. As we see later, he would still have had to reimburse Colorado for the flight. One gets the feeling this is the real bone they have to pick with Pruitt over this particular flight:

That day, Pruitt criticized how two years earlier EPA had mishandled operations at the Gold King Mine, where the agency inadvertently triggered a spill that polluted rivers in Colorado, New Mexico and Utah. "The previous administration failed those who counted on them to protect the environment," he said in a statement, vowing to reconsider claims for damages the government previously had denied.
(see my post here)

Finally, on Aug. 9, Pruitt and two staffers traveling in North Dakota flew on a state-owned plane to an event in Grand Forks. The flight cost the EPA $2,144.40. "The Governor of the State of North Dakota offered seats on the state-owned plane to transport the Administrator to this event," the agency noted in its justification for the trip, which involved touring the University of North Dakota's Environmental Research Center. "There is no government rate established for this route."

The important takeaway from this last bit is that here Pruitt flew on a state-owned plane by the governor "offer[ing] seats." In other words he took the North Dakota governor up on the offer he had been forced to decline from Colorado's governor. He was still bill $2,144. The preceding paragraph makes it seem as though Pruitt was being offered a free ride. He wasn't. Ironically, the clincher is in the Post's own story:

> The records also indicate that Pruitt, along with a member of his security detail, flies either in business or first class when those seats are available on commercial flights. Multiple EPA travel documents state that Pruitt "is entitled to business class accommodation due to security concerns."
>
> Bowman said that while Pruitt flies in such classes when that is an option, he has also flown on multiple occasions in coach.

This whole private/charter/military aircraft scandal is a nothingburger. It is the way business has always been conducted. In fact, the Trump administration has even been tighter on using non-commercial flights than the Obama administration.

> According to statistics provided by a senior administration official, the Trump White House has authorized fewer trips on military planes for senior officials than the Obama administration did during the first eight months in office.
>
> From Jan. 20 to Sept. 19, the Trump administration authorized 77 military flights, while the Obama administration allowed 94 flights during the same time period, according to the stats.

People should realize what this is. It is a cheap political attack designed to score points. It is a shame that a guy who is really changing the way HHS works, like Tom Price, has been caught up in this nonsense. We can't let another game-changer like Scott Pruitt be hurt by it, too.

Niagra Gazette

http://www.niagara-gazette.com/news/local_news/upstate-lawmaker-tapped-to-be-regional-epa-administrator/article_17b27676-a4e3-11e7-8645-77d6c9f5d416.html

Upstate lawmaker tapped to be regional EPA administrator

By Joe Mahoney, 9/29/17

Veteran state Assemblyman Pete Lopez, R-Schoharie, whose family personally endured a devastating flood in 2011, has been tapped by the Trump administration to be the top administrator of the U.S. Environmental Protection Agency in a region that includes New York, New Jersey, Puerto Rico and the U.S. Virgin Islands.

EPA Administrator Scott Pruitt, a Trump appointee, said in a statement that Lopez's experience in tackling environmental problems "will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean."

Lopez is joining the Trump administration at a time when environmental activists are linking recent hurricanes to global warming and calling for federal policies that recognize the role of human activities in bringing about climate change.

In an interview, Lopez did not rule out the role of human actions in global warming, but noted, "I'm not a scientist."

"One of our chalelnges in being good stewards of the environment is how do we ensure that are manufacturers, our businesses and our family farms are economically sustainable," he said. "The challenge as policymakers is how do we drive towards environmental sustainability while recognizing we have multiple responsibilities in addition to the environment."

His new boss, Pruitt, has raised concerns among environmental scientists by indicating he is not convinced that carbon dioxide released through the combustion of fossil fuels has influenced climate change. Pruitt has signaled that he wants Congress to examine whether carbon dioxide is a pollutant that needs strong regulation.

The departure of Lopez from the Legislature is expected to touch off a scramble for his Assembly seat. Chris Tague, the Schoharie town supervisor and the Schoharie County GOP chairman, confirmed he is "strongly interested" in mounting a candidacy for the seat. A long-time friend of Lopez, Tague said he is being encouraged to do so by several prominent Republican and Conservative Party activists.

Lopez had considered running for New York's 19th Congressional District seat in 2016, but ended up staying on the sidelines while the eventual winner, Rep. John Faso, was on his way to rolling up enough GOP support to clinch his party's nomination.

Last year, while Lopez was mulling the run for the House seat, Ryan McAllister, a Cobleskill lawyer now working on Faso's congressional staff, had told Republican activists that he was interested in running for the Assembly seat.

It will be up to Gov. Andrew Cuomo, a Democrat, to determine when a special election will be held for the Assembly seat for a district that has shown a decided tilt in favor of the GOP.

Lopez, a Miami native who was raised in Schenectady and Schoharie, is the son of the late Pedro Lopez, a native of Puerto Rico. He is the only Hispanic Republican in the state Legislature. His official Assembly biography notes that "Pete scrubbed floors, stocked shelves, baled hay and scraped fish in order to finance his education."

He was praised by leaders of various organizations in a press release.

Lopez, said Gavin Donohoe, president of the pro-pipeline Independent Power Producers of New York, has taken "a balanced approach to energy and environmental policy.

In 2015, Lopez came out against a controversial interstate project known as the Northeast Energy Direct pipeline, proposed by energy giant Kinder Morgan, arguing the company displayed "tremendous insensitivity" to a region still reeling from flood damage.

But critics of a second project, the Constitution Pipeline, said they were left disappointed when he did not object forcefully to that project, which was favored by many business leaders and trade unions.

Aaron Mair of Albany, former president of the Sierra Club and a current board member of Sloop Clearwater, questioned the appointment of Lopez to a key role in environmental policy.

"In the wake of Puerto Rico and the Virgin Islands being ground zero for current and future climate-related crises, we are left to wonder if this EPA Region II appointment signals a fundamental shift in the Trump administration's efforts to act on climate change, or is it a cynical, pandering, fake gesture," he said.

Lopez's Assembly district includes Schoharie County and portions of the Hudson Valley, the Northern Catskills, the Southern Tier and the Capital District.

Peter Baynes, director of the New York State Conference of Mayors, described Lopez as "hardworking, responsive and a problem solver."

The president of the New York Farm Bureau, David Fisher, said Lopez "understands the needs of the agricultural community and the important role farmers play in environmental stewardship."

The director of the Alliance for Clean Energy New York, Anne Reynolds, noted that Lopez has experienced the impacts of both severe storms and climate change. She said her organization will work with him as he "uses his well-respected skills at facilitation and problem-solving, and works to protect the air, water and land of EPA Region 2."

Lopez, as the regional EPA administrator, is also expected to work with local government officials to facilitate wastewater and water infrastructure projects.

The Texas Tribune

https://www.texastribune.org/2017/09/29/epa-hurricane-harvey-compromised-caps-toxic-waste-site/

EPA: Hurricane Harvey compromised caps on toxic waste site

By Kiah Collier, 9/29/17

The U.S. Environmental Protection Agency has confirmed that rains from Hurricane Harvey damaged a temporary protective cap on a pit of toxic sludge along the San Jacinto River east of Houston, exposing "underlying waste material."

The San Jacinto River Waste Pits — one of the most hazardous of Houston's many EPA Superfund sites — is contaminated with carcinogenic waste including dioxins.

In a statement late Thursday, the EPA said samples from 14 different areas "confirmed the protective cap had been damaged and the underlying waste material was exposed. The sample showed dioxins at 70,000 ng/kg. EPA recommended clean up level for the site is 30 ng/kg."

The agency said it had directed companies responsible for the waste — International Paper and Industrial Maintenance Corporation — "to conduct supplemental sampling to ensure that the exposed waste material is isolated."

"The dioxin in the waste material does not dissolve easily in water but it can migrate further out into the surrounding sediments," the statement said. "The supplemental sampling will determine the extent, if any, of this migration."

The announcement comes after the EPA had said the cap didn't appear to be damaged, although it has said for several weeks that its dive teams were conducting additional inspections. Administrator Scott Pruitt has deemed the cleanup of Superfund sites a priority.

In 2011, the companies responsible for the waste installed the temporary cap to contain the sludge, which had festered for more than half a century; Wastewater from a now-shuttered paper mill was dumped into Houston-area waters beginning in 1965. But the armored structure has occasionally needed repairs — including a significant fix after divers found a 20-foot hole in it in 2015.

Pregnant women and young children are advised not to eat fish caught in the area.

Environmentalists and lawyers argue the temporary cap is an insufficient fix, and have advocated for the material to be dredged. (In 2016, the EPA proposed a plan to remove 202,000 cubic yards of dioxins and other pollutants from the 14-acre site.)

"While devastating, Harvey was far from a worst-case scenario for the site, and this most recent cap failure is further evidence as to why removal of the waste is necessary," said Rock Owens, who oversees environmental cases for the Harris County District Attorney's Office and has sued the companies over the pits.

In 2014, Harris County and the state won a $29.2 million settlement from McGinnes Industrial Maintenance Corp. and Houston-based Waste Management Inc. related to the pollution — money that's been used to improve communities near the site.

Another defendant, International Paper Co., escaped penalties in the lawsuit, but Harris County appealed the decision.

In an interview Friday with Tribune CEO Evan Smith, Harvey recovery czar John Sharp said Superfund sites "will be part of the mix [to] try to mitigate those things from happening."

Business groups have opposed the removal of waste, saying removal — which could take months — would interrupt fishing and maritime operations.

JT Edwards, a spokesman for the Gulf Maritime Business Association, said such dredging could stir up toxins and, because it would take so long, would make the site vulnerable to another storm.

"Once you start dredging, you gotta finish it. What if a really really bad hurricane shows up outside of hurricane season, what do you do about it?" he said. "Just put it in a tomb and call it a day."

In its statement, the EPA said it would "continue to provide updates about the status of the Superfund site, and continue to work with the" the responsible companies "to ensure that risk to human health and the environment is managed as best as possible."

Post and Courier

http://www.postandcourier.com/news/epa-hosts-meeting-tonight-on-plan-to-finish-cleanup-of/article_d63f4b28-a457-11e7-b704-ff8219284c1a.html

EPA hosts meeting tonight on plan to finish cleanup of Superfund Site to prepare it for development

By Cleve O'Quinn, 9/28/17

The Environmental Protection Agency will hold a meeting tonight to present a plan to conduct additional cleanup at the Koppers Superfund Site in the Charleston Neck Area.

Representatives from EPA and the S.C. Department of Health and Environmental Control will answer questions. EPA also is soliciting public comments on the plan through Oct. 17.

The meeting is 6-8 p.m. in the International Longshoremen's Association Hall at 1142 Morrison Drive.

EPA's proposed cleanup plan includes an estimated $30 million in additional cleanup work on the Koppers Co. site that will be implemented by developers under EPA oversight. The work will prepare the area for redevelopment into a new mixed-use community that includes residential and other uses.

The Koppers site is part of a larger area the city of Charleston has zoned for a mixed-use Brownfield redevelopment project, known as “Magnolia.” It includes commercial/retail use, office use, residential use, hotel use and civic and park space.

After considering all information received during the public comment period, EPA will consult with DHEC and publish its final plan.

The 102-acre Koppers site is located in the Neck Area amid industrial, commercial and residential properties. From 1940-78, Koppers operated a wood-treating facility on approximately 45 acres. The remaining 57-acre portion of the site, located south of Braswell Street, was owned by Ashepoo Phosphate/Fertilizer Works. EPA incorporated these 57-acres into the Koppers Site boundary to investigate historical waste disposal practices and environmental impacts.

More information about the Koppers Superfund Site: www.epa.gov/superfund/koppers-charleston-plant

CNN

http://www.cnn.com/2017/09/29/politics/trump-puerto-rico-federal-response/index.html

Trump: US 'will not rest' until Puerto Ricans are safe

By Betsy Klein, 9/29/17

President Donald Trump vowed support for the ongoing relief and recovery efforts in Puerto Rico in somber remarks Friday.

"We will not rest, however, until the people of Puerto Rico are safe. These are great people. We want them to be safe and sound and secure and we will be there every day until that happens," he said at the beginning of remarks to the National Association of Manufacturers in Washington.

Offering his "thoughts and prayers" to Puerto Ricans, Trump touted his administration's "massive federal mobilization" in the face of an unprecedented storm, including the presence of over 10,000 federal personnel.

"The departments of Homeland Security and Defense are engaged fully in the disaster and the response and recovery effort, probably has never been seen for something like this," Trump said.

He offered a defense of criticism that his administration was not working fast enough to provide relief to the millions of Americans on the island.

"This is an island surrounded by water, big water, ocean water. We're closely coordinated with the territorial and local governments, which are totally and unfortunately unable to handle this catastrophic crisis on their own, just totally unable to. The police and truck drivers are very substantially gone, they're taking care of their families and largely unable to get involved, largely unable to help," he said.

The President highlighted some of the massive devastation that has played out in the nine days since Hurricane Maria hit.

"There's nothing left. It's been wiped out. The houses are largely flattened, the roads are washed away. There is no electricity, the plants are gone. They're gone, it's not like send a crew in to fix them," he said. "Have to build in brand new electric. Sewage system's wiped out, never been anything like this. So there remains a lot of work to do and we will work with the folks who we're working with right now, they're trying very, very hard, I will tell you that, but nobody's ever seen anything like it."

Trump also raised questions about paying for recovery efforts in the future, pointing to Puerto Rico's debt and its crumbling infrastructure ahead of the devastating storm.

"We're literally starting from scratch. Ultimately, the government of Puerto Rico will have to work with us to determine how this massive rebuilding effort -- will end up being one of the biggest ever -- will be funded and organized, and what we will do with the tremendous amount of existing debt already on the island," he said.

The Wall Street Journal

https://www.wsj.com/articles/trump-interviews-jerome-powell-for-fed-chairman-job-1506711304

Trump Interviews Jerome Powell for Fed Chairman Job

By Michael Bender, 9/29/17

President Donald Trump and Treasury Secretary Steven Mnuchin interviewed Federal Reserve governor Jerome Powell on Wednesday to discuss his potential nomination to become central-bank chairman, a White House official said, indicating the administration is widening and ramping up the search process.

Mr. Trump and Mr. Mnuchin also interviewed former Fed governor Kevin Warsh on Thursday for the top Fed job, The Wall Street Journal reported.

Other names said to be in contention include current Fed Chairwoman Janet Yellen, whose term expires in early February, Stanford University economist John Taylor and John Allison, the former BB&T Bank chief executive, according to people familiar with the process. Mr. Allison was offered a position on the central bank's board of governors earlier in Mr. Trump's tenure, but turned it down, said people familiar with the offer.

Mr. Powell joined the Fed's board of governors in 2012. He was a partner at the Carlyle Group , a private-equity firm, from 1997 to 2005 and a lawyer and investment banker in New York City. He served as an undersecretary and assistant secretary for domestic finance at the U.S. Treasury from 1990 to 1993.

He has served as the Fed's point man supervising financial- market utilities—the companies that operate the plumbing underneath securities markets. Since the 2008 crash, the Fed has made progress pressuring such utilities to step up their liquidity and recovery planning in cooperation with regulators at the Securities and Exchange Commission and the Commodity Futures Trading Commission.

The Fed didn't immediately respond to a request for comment.

The search for a new Fed chairman, which Mr. Trump told The Wall Street Journal in July he hoped to complete before the new year, has been largely informal until now. Several White House officials had described the short-list of candidates as existing only in Mr. Trump's own mind. But the president has started to interview candidates in recent days, one White House official said.

Mr. Trump has said he would be willing to reappoint Janet Yellen, whose term ends in February. She met with White House adviser Ivanka Trump, the president's daughter, in July and had a 15-minute meeting with Mr. Trump in February. She said at a press conference last week she hasn't met with Mr. Trump since then.

Mr. Trump also expressed interest in nominating Gary Cohn, the director of the National Economic Council, during his July interview with the Journal. But Mr. Cohn's public criticism of Mr. Trump's response to the racially charged violence in Charlottesville, Va., made it unlikely the president would nominate him to the position, people familiar with the president's thinking told the Journal earlier this month.

White House officials, however, have cautioned that Mr. Cohn, a former Goldman Sachs executive, may be able to repair his relationship with the president. Mr. Cohn is one of the key administration hands shepherding an overhaul of the federal tax code through Congress. If successful, Mr. Cohn may find himself in better standing.

Politico

http://www.politico.com/story/2017/09/29/trump-tom-price-private-flights-job-243313

Trump: We're going to make a decision on Price's future tonight

By Nolan D. McCaskill, 9/29/17

President Donald Trump on Friday said he will determine Tom Price's fate as secretary of the Department of Health and Human Services "tonight."

The embattled secretary came under fire starting last week when POLITICO revealed more than two dozen private charter flights Price has taken since May. POLITICO reported Thursday that Price's domestic flights on private jets and international travel on military planes cost taxpayers more than $1 million.

"He's a fine man," Trump told reporters Friday when asked about Price's future. "We're going to make a decision tonight."

Price has expressed regret for his expensive travel and pledged to repay the federal government for the cost of his seat on the domestic flights — some $52,000 of the more than $400,000 he's racked up flying across

Sacramento Bee

http://www.sacbee.com/news/politics-government/capitol-alert/article176030626.html

California lawmaker wants to ban gas car sales after 2040

By Alexei Koseff, 9/29/17

France and the United Kingdom are doing it. So is India. And now one lawmaker would like California to follow their lead in phasing out gasoline- and diesel-fueled vehicles.

When the Legislature returns in January, Assemblyman Phil Ting plans to introduce a bill that would ban the sale of new cars powered by internal-combustion engines after 2040. The San Francisco Democrat said it's essential to get California drivers into an electric fleet if the state is going to meet its greenhouse gas reduction targets, since the transportation sector accounts for more than a third of all emissions.

"The market is moving this way. The entire world is moving this way," Ting said. "At some point you need to set a goal and put a line in the sand."

California already committed five years ago to putting 1.5 million "zero-emission vehicles," such as electric cars and plug-in hybrids, on the road by 2025. By that time, the state wants these cleaner models to account for 15 percent of all new car sales.

But progress has been modest so far, as consumers wait for prices to drop and battery ranges to improve, or opt for large trucks and SUVs that are not available among electric offerings. Slightly more than 300,000 zero-emission vehicles have now been sold in California, and they accounted for just under 5 percent of new car sales in the state in the first half of the year.

Ting is among the policymakers pushing to increase incentives for drivers to ditch their gas guzzlers. He is also working on legislation that would overhaul California's electric car rebate program by making more money available for rebates, then ratcheting down the value of those discounts as the state hits sales targets.

"California is used to being first. But we're trying to catch up to this," Ting said.

France and the United Kingdom both announced this summer that they would ban the sale of new gas and diesel cars after 2040. India is aiming to get there by 2030. And China said this month that it would stop the production and sale of vehicles powered solely by fossil fuels in the coming years.

Mary Nichols, chair of the California Air Resources Board, caused a stir earlier this week when she told Bloomberg News that California might consider doing the same.

"I've gotten messages from the governor asking, 'Why haven't we done something already?' The governor has certainly indicated an interest in why China can do this and not California," she said.

Her remarks were met with skepticism from automakers and industry analysts, and outrage from many drivers. But Ting said the state must be aggressive in establishing a vision for reducing greenhouse gas emissions.

"If you had told me five years ago that we might have autonomous vehicles on the road soon, I would have laughed," he said. "The technology is moving so quickly, I don't know if by 2040 we'll be owning our own cars."

Donald J. Trump @realDonaldTrump · 6h

Thank you to FEMA, our great Military & all First Responders who are working so hard,against terrible odds,in Puerto Rico. See you Tuesday!

6.6K 8.5K 42K

Donald J. Trump @realDonaldTrump · 6h

RECORD HIGH FOR S & P 500!

9.7K 7.4K 37K

Donald J. Trump @realDonaldTrump · 2h

This week we came one step closer to reaching the goal of aligning the skills taught in our nation's classrooms with the jobs of the future.

Time to put all American children on pathways towards in-demand and lucrative jobs! #CodingforKids

3.8K 3.8K 18K

Message

From: Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]
Sent: 5/11/2018 8:08:04 PM
To: AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]
Subject: News Clips - 11 May 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Fuel Economy Standards

Daily Caller - Trump Transition Team Urges POTUS To Hold Line On Fuel Efficiency Ruling

Washington Examiner - Trump's transition chiefs urge him to stay the course on auto rollback

CBS News - Trump says he has confidence in Pruitt, in roundtable with auto CEOs

Politico - Chao, Pruitt, Lighthizer join Trump in automakers meeting

Bloomberg - Automakers Seek to Use Trump Summit to Avert War With California

Administrator Pruitt Coverage

Politico - Trump: 'I do' have confidence in Pruitt

The Hill - Trump says he still has confidence in Pruitt

Washington Examiner - Trump says he supports Scott Pruitt at EPA despite scandals

Politico - White House: Trump 'pleased' with Pruitt, but must address 'concerns'

Reuters - EPA chief Pruitt's ethics issues have raised concerns: White House

The Hill - Pruitt dined with Cardinal accused of sexual abuse: report

Politico - Carper: Barrasso won't hold hearings on Pruitt

General

Washington Post - Many mocked this Scott Pruitt proposal. They should have read it first. (*Op-Ed)

NPR - Scott Pruitt Praised And Reviled For 'Effectiveness,' But How Effective Is He?

Washington Post - EPA signals it will ban toxic chemical found in paint strippers

AP - EPA study finds arsenic, lead in canyon near Salt Lake City

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Daily Caller
http://dailycaller.com/2018/05/10/trump-transition-team-potus-fuel-efficiency-ruling/
Trump Transition Team Urges POTUS To Hold Line On Fuel Efficiency Ruling
By Chris White, 5/10/18, 6:55 PM

Three members of President Donald Trump's transition team urged the White House Thursday to stay the course on a ruling rolling back fuel efficiency standards crafted during Obama's administration.

Analysts Shirley Ybarra, Myron Ebell, and Thomas Pyle are encouraging Trump to stay the course on reforms to the Corporate Average Fuel Economy (CAFE). Activists and the auto industry have criticized Trump for his move to ding former President Barack Obama's efficiency standards.

"The CAFE mandate is a vestige of a bygone era of perceived scarcity," Ebell, who represented Trump's EPA transition team, said in a press statement. Modern energy production has rendered moot any need to dramatically ratchet up the industry's fuel mileage requirements, he noted.

"My fellow signatories and I thank the president for taking on the mandate and encourage him to face down California's Democratic political machine," Ebell explained. "As we have said before, decisions about what kinds of cars people drive should be made [by] consumers, not by bureaucrats making backroom deals."

Ybarra and Pyle headed the president's Department of Transportation and Energy Department teams, respectively. All three analysts wrote a letter asking Trump to not waver on his initial decision.

The plan would also target California's ability to set its own vehicle efficiency standards. California's high standards have forced automakers to build more fuel-efficient vehicles, which ultimately effects national efficiency standards.

Obama aimed to raise the average fuel economy of automobiles to more than 50 miles per gallon within 10 years. California got permissions from the Obama administration to issue its own, higher emissions standards.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/trumps-transition-chiefs-urge-him-to-stay-the-course-on-auto-rollback
Trump's transition chiefs urge him to stay the course on auto rollback
By John Siciliano, 5/10/18, 4:54 PM

President Trump's former transition team leaders urged him on Thursday to stay the course on reforming auto emissions rules in meetings with automaker CEOs on Friday.

The transition chiefs don't want Trump to be swayed from moving ahead with a plan at the Environmental Protection Agency and Department of Transportation to weaken fuel efficiency rules for cars.

"We understand that some in the automaker community have expressed concerns about your current plans to reform the program," the transition heads said in a letter to the president.

They point out that it's "worth noting that early in your presidency, these same automakers urged your administration to 'reconsider imposing such a far-reaching mandate on an entire industry' and were greatly concerned that the existing mandate, which you are attempting to reform, 'could cause up to 1.1 million Americans to lose jobs due to lost vehicle sales.'"

They argue that Trump's proposed plan to reform the Obama-era auto rules would better accommodate consumer choice, rather than proceed under a mandate to make cars that people do not want.

The letter was signed by both Tom Pyle and Myron Ebell, the two leaders of Trump's transition team for the Energy Department and the Environmental Protection Agency, respectively, and Shirley Ybarra for the Transportation Department.

The conservative transition leaders also don't want Trump to back down in facing California in a court battle over fuel economy rules that they say has the auto-industry concerned.

"Their main concern is the expected legal battle with California," the letter continued. "Led by [California] Governor Jerry Brown and Attorney General Xavier Becerra, the state intends to sue your administration over the necessary changes to the existing mandate – a mandate they not only support, but also seek to extend even further through 2030."

They warned that what "many liberal California politicians really want to do is ban gasoline-powered cars altogether," which they noted is evidenced by a bill now before the California legislature to ban all models of gasoline and diesel cars by 2040.

Pyle, Ebell, and Ybarra want Trump to be unencumbered by these concerns and move forward with his administration's proposed reform of the rules.

"We agree that in an ideal world, California would negotiate with you in good faith, but we all know that is not a reality in this current political climate," they wrote.

"Your efforts to reform this mandate are about cost, consumer choice, and whether or not your administration or the State of California gets to set a national policy," the letter added.

Under the Obama administration, California's climate and vehicle policies were given tremendous weight in designing the next round of vehicle rules, the chiefs explained.

"Under the Obama Administration, California was given the ability to set the mandate for the entire nation," the letter explained. "The automakers agreed to this because they wanted to avoid having to potentially comply with two different mandates and because they had just been given a hefty bailout by the Obama Administration."

EPA granted California a waiver under the previous administration allowing it to move forward with its stricter vehicle standards and still meet the EPA requirements. States have a choice to either abide by the less-strict federal EPA-Transportation Department rules, or abide by the California standards.

"If there is to be one national standard, it makes more sense for that standard to be set by the federal government and not by one state government," the letter said. "But that is what is likely to happen if you change direction now."

CBS News
https://www.cbsnews.com/news/trump-hosts-roundtable-with-auto-ceos-live-updates/
Trump says he has confidence in Pruitt, in roundtable with auto CEOs

5/11/18, 12:05 PM, UPDATED 1:32 PM

President Trump hosted a roundtable with auto CEOs at the White House Friday, as the administration looks to roll back environmental regulations for automobiles. During the meeting, with embattled Environmental Protection Agency head Scott Pruitt in the room, a reporter asked if Mr. Trump still has confidence in him.

"Yes, I do, thank you," Trump responded.

Mr. Trump's administration — and Pruitt specifically — has been looking to ease environmental-related regulations on businesses. The deputy White House press secretary said Mr. Trump "will hear from the automaker CEOs about the impact of the rule-making on the auto industry and their efforts to negotiate a "national program" with the state of California."

The White House has made it clear the administration is, despite Pruitt's seeming missteps, quite happy with the EPA head's progress on the president's agenda. White House legislative affairs director Marc Short sat down with CBS News' chief White House correspondent Major Garrett recently, and expressed how Pruitt "has delivered" on the administration's agenda.

"I think that the reality is that there's an ongoing IG investigation at the EPA, but if you look at the way that the director -- the administrator, I should say -- has delivered on our agenda and the promises we made, he continues to do it day in and day out," Short said. "So I think that Scott is -- because of the agenda on the environmental front there's plenty -- it's always going to be a controversial issue. And I think he's always going to be a target no matter what."

Attendees included the CEOs of the big three U.S. automakers, including C GM's Mary Barra, James Hackett of Ford, Sergio Marchionne of Fiat Chrysler, as well as top executives from global automakers BMW, Mercedes Benz, Toyota, Honda and others.

Politico
https://subscriber.politicopro.com/energy/whiteboard/2018/05/chao-pruitt-lighthizer-join-trump-in-automakers-meeting-1202001
Chao, Pruitt, Lighthizer join Trump in automakers meeting
By Eric Wolff, 5/11/18, 9:27 AM

The White House released a list of the attendees for this morning's meeting between President Donald Trump and automakers.

The meeting represents a last ditch chance for automakers to persuade Trump to seek a deal with California on a deal to ease fuel economy requirements.

“President Trump looks forward to a productive meeting today with major automakers to discuss the Administration’s forthcoming rulemaking on Corporate Average Fuel Economy (CAFE) and greenhouse gas (GHG) emission standards for automobiles,” White House Spokeswoman Lindsay Walters said in a statement. “The President will hear from the automaker CEOs about the impact of the rulemaking on the auto industry and their efforts to negotiate a ‘National Program’ with the state of California.”

Attendees include Transportation Secretary Elaine Chao, EPA Administrator Scott Pruitt, U.S. Trade Representative Robert Lighthizer, and Larry Kudlow, director of National Economic Council.

The following executives from automobile manufacturers and trade associations are expected to attend:

— Mitch Bainwol, CEO of Alliance of Automobile Manufacturers
— Mary Barra, Chairman and CEO of General Motors Company
— Scott Becker, Senior Vice President, Nissan North America
— John Bozzella, President and CEO of Global Automakers
— Bob Carter, Executive Vice President Toyota Motor North America
— Dietmar Exler, President and CEO of Mercedes-Benz USA
— James Hackett, President and CEO, Ford
— Bernhard Kuhnt, CEO of BMW North America
— Sergio Marchionne, Chairman & CEO, Fiat Chrysler Automobiles
— Rick Schostek, Executive Vice President of Honda North America
— Brian Smith, Chief Operating Officer, Hyundai Motor America
— Hinrich Woebcken, CEO of North America, Volkswagen

Bloomberg
https://www.bloomberg.com/news/articles/2018-05-11/automakers-seek-to-use-trump-summit-to-avert-war-with-california
Automakers Seek to Use Trump Summit to Avert War With California
By Ryan Beene and John Lippert, 5/11/18, 4:00 AM

American automakers may be on a mission impossible when they visit the White House on Friday.

They want to persuade President Donald Trump to cooperate with Jerry Brown, the Democratic governor of California, who invoked biblical references when calling the Trump administration's proposal to roll back auto efficiency regulations "profoundly dangerous."

Top executives of General Motors Co., Honda Motor Co., Toyota Motor Corp., Ford Motor Co. and other companies are scheduled to meet Trump to discuss trade and environmental standards enacted by the Obama administration.

The executives plan to emphasize their support for easing the Obama-era standards, but not so much that it triggers a conflict with California and results in a split market of environmental regulations set by Washington and Sacramento.

"We are not asking the administration for a rollback," Ford Chairman Bill Ford said Thursday during the automaker's annual meeting. "We want California at the table and we want one national standard."

Top executives including GM's CEO Mary Barra, Ford's CEO James Hackett, Fiat Chrysler Automobiles NV CEO Sergio Marchionne, and Rick Schostek, executive vice president Honda North America Inc., are scheduled to press their case with Trump. That meeting will also include Transportation Secretary Elaine Chao, Environmental Protection Agency Administrator Scott Pruitt, U.S. Trade Representative Robert Lighthizer and economic adviser Larry Kudlow, the White House said in a statement.

The White House said the president looked forward to a productive discussion with the automobile executives.

"The President will hear from the automaker CEOs about the impact of the rulemaking on the auto industry and their efforts to negotiate a 'National Program' with the state of California," Lindsay Walters, White House Deputy press secretary, said in a statement.

The meeting comes against a background of occasionally bumpy relations between Trump and an industry that he championed on the campaign trail.

As a candidate, he repeatedly attacked Ford over its decision to build an automobile plant in Mexico. Three days before Trump's inauguration, Ford announced that it would abandon the plant -- even though construction was underway. The president-elect responded with tweets of praise.

Nafta Concerns

Trump aimed more attacks at GM and Toyota over manufacturing plans for Mexico, and both responded by announcing billions of dollars in already planned investments in American plants.

Automakers, parts suppliers and dealers have been wary about the administration's renegotiation of the North American Free Trade Agreement, warning that higher local content requirements could be unworkable and raise vehicle prices.

"Their hand is a bit stronger than perhaps the administration realizes," Adam Jonas, an auto analyst at Morgan Stanley, said Friday on Bloomberg Television. "Those 10 CEOs might represent the better part of 1 million jobs in the United States and indirectly supporting many, many millions more, particularly in states that supported the administration, such as Michigan."

Jones said the automakers definitely want one standard. "And they don't want this going to the Supreme Court and being dragged out in the media and somehow be in the public, affiliated with a kind of hostility toward the world's fifth-largest economy, California," he said.

Trump trade-related tirades also have been a routine issue for the likes of Volkswagen AG, Daimler AG and BMW AG, with Trump blasting Europe's auto trade imbalance with the U.S. and threatening to tax German car imports.

The Friday morning summit is a key milestone in the industry's effort to win relief from the rules that began in the first days of Trump's presidency. Carmakers and their Washington trade groups lobbied the administration to reconsider mileage standards locked in by the Environmental Protection Agency during the final days of Barack Obama's presidency.

Trump granted automakers their wish in March 2017 while laying out an explicit quid pro quo: a promise to cut them a break on environmental regulations in exchange for more hiring in the U.S. Within days, two of the industry's major trade groups published a full-page newspaper advertisement thanking Trump for reinstating a review of the rules.

The EPA completed that review last month and found that fuel-efficiency regulations for cars and light trucks are too stringent and must be revised. Yet a draft that recommended freezing the standards in 2020 showed the administration had something far more aggressive in mind than what carmakers expected, or wanted.

Political Dilemma

It also contained a legal case for denying California the ability to set tougher standards than the national ones -- something that sparked a sharp retort from Brown and other state officials.

Now, blowback from environmental groups and the prospect of a costly legal battle with California have put carmakers in the position of trying to find a middle ground while not coming off as unsupportive of Trump.

"We support standards that increase year over year that also are consistent with marketplace realities," Mitch Bainwol, chief executive officer of the Alliance of Automobile Manufacturers, told a House panel on Tuesday.

In the meeting at the White House, the executives plan to say they'd support standards that grew tougher each year through 2025, not a freeze that the administration is considering.

"Automakers wasted no time rushing to Washington with their deregulatory wish list after Trump's election," Madeline Page, campaign coordinator for Public Citizen, a consumer advocacy group, said in a statement. "Now they're rushing to

Washington, D.C., again, this time to try to distance themselves from the administration's deeply unpopular clean cars rollback."

Public Citizen activists plan to drive a 2006 Ford Focus rigged with an ersatz smog plume hovering over the car's roof around Washington on Friday.

'Collision Course'
"The automakers are on a collision course that they charted," Page said.

But, in a letter to Trump on Thursday, three members of his presidential transition team urged him to dismiss the automakers' concerns about legal battles with California and proceed with a rollback.

The current rules will make cars more expensive, limit consumer choice and give California an outsize role in national policy making, wrote Thomas Pyle, president of the Institute for Energy Research; Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute; and former Virginia Secretary of Transportation Shirley Ybarra.

"If there is to be one national standard, it makes more sense for that standard to be set by the federal government and not by one state government," they said in the letter. "But that is what is likely to happen if you change direction now."

Politico
https://subscriber.politicopro.com/energy/whiteboard/2018/05/trump-i-do-have-confidence-in-pruitt-1204255
Trump: 'I do' have confidence in Pruitt
By Anthony Adragna, 5/11/18, 12:45 PM

President Donald Trump said today he continues to have confidence in embattled EPA chief Scott Pruitt.

"Yes, I do," Trump replied when asked if he has confidence in Pruitt today, according to a pool report. They were meeting at the White House with auto executives about fuel economy requirements.

Pruitt is facing a dozen active investigations into various allegations of lavish spending and ethical lapses.

The embattled EPA administrator sat one seat away from the president. White House legislative director Marc Short said earlier this week Pruitt would remain in his post for the "foreseeable future."

Pruitt has faced allegations of lavish spending on his 24/7 security detail, questions over his $50-a-night condo agreement with the wife of a Washington lobbyist who met with the EPA chief, accusations he sidestepped the White House to give hefty raises to close aides, concerns over his frequent first-class flights and blowback for tightly-controlled events with industry groups that left out the public and the press, among other problems.

During a pair of congressional hearings last month, he largely blamed staff for the ongoing scandals. He'll return to Capitol Hill next week for a May 16 hearing before a Senate Appropriations subcommittee sure to feature additional questions over his behavior. The House Oversight Committee is in the process of interviewing some of Pruitt's closest aides as they investigate the allegations.

The Hill
http://thehill.com/policy/energy-environment/387272-trump-says-he-still-has-confidence-in-pruitt

Trump says he still has confidence in Pruitt
By Timothy Cama, 5/11/18, 12:28 PM

President Trump told reporters Friday that he still has confidence in Environmental Protection Agency (EPA) administration Scott Pruitt amid continuing ethics and spending scandals.

Asked by CNN's Ryan Nobles at a White House meeting with Pruitt, automaker executives and others whether he has confidence in the EPA head, Trump responded, simply, "yes, I do."

Pruitt was sitting two spots away from Trump at the time.

Pruitt has been at the center of a slew of ethical and spending controversies in recent months, including over a $50-per-night condo rental last year from a lobbyist, a security detail that has cost taxpayers more than $3 million, a $43,000 soundproof booth for his office, frequent first-class travel on the government's dime and more.

Democrats, environmentalists and even some White House officials like Chief of Staff John Kelly have pushed Trump to fire Pruitt.

But Trump has thus far repeatedly stood by the embattled EPA chief. Pruitt's aggressive deregulatory agenda — including ongoing work to roll back global warming rules for cars — has continued to please conservatives and Trump.

"The president is pleased with the job that he is doing as EPA administrator," White House press deputy Raj Shah told reporters on Thursday. "However the issues that have been raised— I think you guys are all familiar with— they have raised some concerns and we are hopeful and expecting that administrator Pruitt will be able to answer those."

Reporters were allowed into the room for a brief portion of Trump's meeting with automaker heads on Friday, enough time for Trump to speak and other attendees to introduce themselves.

Trump told reporters the meeting would be both about corporate average fuel economy (CAFE) standards and his desire to have more cars built in the United States. The EPA and Department of Transportation are working to ease fuel economy rules going forward, and a leaked proposal would freeze standards in 2020 for six years.

"We're working on CAFE standards, environmental controls," Trump said. "We're working on how to build more cars in the United States. We have a great capacity for building. We're importing a lot of cars and we want a lot of those cars to be made in the United States."

Trump said he is happy that many manufacturers are investing in the United States and creating jobs, which he attributed to the Republican tax overhaul passed last year.

He specifically called out Fiat Chrysler Automobiles CEO Sergio Marchionne for that company's plans to build a plant in Michigan.

"Thank you, you're moving to Michigan, from Mexico. That we like," Trump said. "Now he's my favorite man in the world."

Trump added that "we have other incentives coming" to promote domestically produced cars.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/trump-says-he-supports-scott-pruitt-at-epa-despite-scandals
Trump says he supports Scott Pruitt at EPA despite scandals

By Josh Siegel, 5/11/18, 12:38 PM

President Trump said Friday he still supports Environmental Protection Agency Administrator Scott Pruitt despite ongoing spending and ethics investigations.

"Yes, I do, thank you," Trump said when asked by a reporter whether he has confidence in Pruitt.

Trump was sitting two seats away from the EPA chief when he was asked the question. They were participating in a meeting at the White House with U.S. automakers about their plan to weaken fuel-efficiency rules.

Pruitt is the subject of 11 federal investigations over his spending and ethics practices. The White House is conducting its own probe but has not announced the results.

Trump's statement of support comes after Vice President Mike Pence hailed Pruitt Thursday for his deregulatory moves at the EPA.

"Scott Pruitt has done an outstanding job lifting the burden of regulations that were stifling American businesses across this country," Pence said in an interview on MSNBC. "We really do believe that much of the economic growth that we've seen over the last 15 months has been as much a result of deregulation as its been with the tax reforms that are just now beginning to have an impact on the economy. So we're very grateful for Scott Pruitt's leadership."

Politico
https://subscriber.politicopro.com/energy/whiteboard/2018/05/white-house-trump-pleased-with-pruitt-but-must-address-concerns-1201725
White House: Trump 'pleased' with Pruitt, but must address 'concerns'
By Alex Guillen, 5/10/18, 7:48 PM

The White House today reiterated its support for Scott Pruitt, but noted the EPA administrator will need to answer for his recent controversies.

"So the president is pleased with the job that he's doing as the EPA Administrator," White House spokesman Raj Shah told reporters aboard Air Force One.

"However, the issues that have been raised that I think you guys are all familiar with, you know, and they have raised some concerns," Shah said. "And we're hopeful and expecting that Administrator Pruitt will be able to answer those."

White House legislative director Marc Short told reporters on Wednesday that Pruitt will be around for "the foreseeable future."

Reuters
https://www.reuters.com/article/us-usa-epa-pruitt/epa-chief-pruitts-ethics-issues-have-raised-concerns-white-house-idUSKBN1IB33R
EPA chief Pruitt's ethics issues have raised concerns: White House
5/10/18, 6:15 PM

ABOARD AIR FORCE ONE (Reuters) - U.S. President Donald Trump is pleased with Scott Pruitt's performance as head of the Environmental Protection Agency but allegations of ethical missteps "have raised some concerns," a White House spokesman said on Thursday.

The White House is hopeful Pruitt will be able to answer those concerns, spokesman Raj Shah told reporters aboard Air Force One en route to Elkhart, Indiana.

Pruitt has been under fire for potential ethics lapses, including flying first class, excessive spending on security, and the rental of a room in a Washington condominium owned by the wife of an energy lobbyist.

"The president is pleased with the job that he's doing as the administrator. However, the issues that have been raised that I think you guys are all familiar with - they have raised some concerns," Shah said.

"We're hopeful and expecting that Administrator Pruitt will be able to answer those," he said.

The EPA has defended Pruitt's spending on travel and security, saying it has been crucial to protecting him from public threats and ensuring he can conduct confidential work, and have also pointed out that Pruitt's lease for the room in Washington, of about $50 a night he was there, was around market rate.

Pruitt has drawn praise from conservatives during his EPA tenure for rolling back Democratic former President Barack Obama's policy to curb greenhouse gas emissions from power plants and other environmental regulations opposed by industry.

Although Trump has expressed support for Pruitt for his work on scaling back environmental regulations, White House sources have told Reuters officials are worried about the flow of charges against him.

There are nearly a dozen pending investigations into Pruitt with the EPA inspector general, the Government Accountability Office and the White House Office of Management and Budget, as well as the U.S. House of Representatives oversight committee.

The Hill
http://thehill.com/policy/energy-environment/387216-pruitt-met-with-cardinal-accused-of-sexual-abuse
Pruitt dined with Cardinal accused of sexual abuse: report
By Brett Samuels, 5/10/18, 10:56 PM

Environmental Protection Agency (EPA) head Scott Pruitt reportedly dined in Rome last year with a Catholic leader who was under investigation at the time for child sexual abuse, according to newly published records.

The New York Times on Thursday released a series of internal communications obtained through a Freedom of Information Act request that show Pruitt dined at a five-star restaurant with Cardinal George Pell in June 2017. Pell, like Pruitt, has expressed skepticism about man-made climate change.

Documents obtained by the Times show that EPA officials began planning for the dinner in May 2017. Pell had also offered to give Pruitt a tour of the Vatican Apostolic Palace, which apparently did not take place.

The Times reported that none of the EPA schedules from that day noted that Pell was at the dinner with Pruitt.

Prior to the trip, EPA officials learned that Pell was under investigation, according to The New York Times' Eric Lipton.

Pell has since been put on trial related to charges of sexual abuse spanning decades.

The EPA didn't immediately respond to a request to comment from The Hill on Thursday night.
Pruitt has come under intense scrutiny in recent months amid a slew of ethics controversies.

Previous reports have revealed that Pruitt racked up millions of dollars worth of travel and security expenses, including reportedly bringing his detail to Disneyland and the Rose Bowl. Pruitt justified his first-class travel by saying it was based on security precautions.

He has also come under fire for renting a Capitol Hill condo from the wife of an energy lobbyist for $50 each day he stayed there, and constructing a $43,000 soundproof booth in his office.

During testimony on Capitol Hill last month, Pruitt said those controversies were largely matters handled by his staff or distractions from his agency's efforts to carry out Trump's agenda.

White House deputy press secretary Raj Shah said Thursday that President Trump is "pleased with the job that he is doing." However, the White House has said it is hopeful Pruitt can answer questions about his ethical controversies.

Politico
https://subscriber.politicopro.com/energy/whiteboard/2018/05/carper-barrasso-wont-hold-hearings-on-pruitt-1199184
Carper: Barrasso won't hold hearings on Pruitt
By Anthony Adragna, 5/10/18, 5:00 PM

The Senate Environment and Public Works Committee is not planning to hold oversight hearings on the ongoing ethical woes of EPA Administrator Scott Pruitt, the panel's top Democrat said today.

Chairman John Barrasso (R-Wyo.) "is not prepared to hold oversight hearings with Scott Pruitt at this time," Sen. Tom Carper (D-Del.) said after speaking with Barrasso.

An aide to Barrasso did not immediately respond to request for comment. The Wyoming Republican has previously said the embattled EPA chief would return to the committee at some point and told POLITICO earlier this week he's "closely monitoring" the situation surrounding Pruitt.

Washington Post
https://www.washingtonpost.com/opinions/many-mocked-this-scott-pruitt-proposal-they-should-have-read-it-first/2018/05/10/31baba9a-53c2-11e8-abd8-265bd07a9859_story.html?utm_term=.c06553bf296f
Many mocked this Scott Pruitt proposal. They should have read it first. (*Op-Ed)
By Robert Hahn, 5/10/18, 8:03 PM

Robert Hahn is a visiting professor at Oxford University's Smith School of Enterprise and the Environment and a non-resident senior fellow at the Brookings Institution. He recently served as a commissioner on the U.S. Commission on Evidence-Based Policymaking.

When Environmental Protection Agency Administrator Scott Pruitt proposed a rule last month to improve transparency in science used to make policy decisions, he was roundly criticized by interest groups and academics. Several researchers asserted that the policy would be used to undermine a litany of existing environmental protections. Former Obama

administration EPA officials co-wrote a New York Times op-ed in which they said the proposal "would undermine the nation's scientific credibility." The Economist derided the policy as "swamp science."

But there is a lot to cheer about in the rule that opponents have missed. A careful reading suggests it could promote precisely the kind of evidence-based policy most scientists and the public should support.

Critics typically argue that the proposed regulation would suppress research that contains confidential medical records and therefore scientists could not share underlying data publicly for privacy reasons. Such restrictions, these critics say, would have excluded landmark research, such as Harvard University's "Six Cities" study, which suggested that reducing fine particles in the air would dramatically improve human health and helped lead to more stringent regulation of fine particles in the United States.

These concerns are likely the result of rhetoric surrounding the rule. Pruitt describes the regulation as an attempt to end "secret science" at the agency. Conservatives have long prioritized the need for making all data and statistical models used in regulatory decision-making available for independent scrutiny, with the intent to limit the use of studies that cannot be replicated. Breitbart went even further, characterizing the action as "a massive victory for both Pruitt and President Trump in their war on the Green Blob."

But it appears that few defenders or opponents of the proposal have actually read the proposed EPA regulation, which is only seven pages long. Both sides distort the regulatory text.

Here's what the rule would actually do. First, it would require the EPA to identify studies that are used in making regulatory decisions. Second, it would encourage studies to be made publicly available "to the extent practicable." Third, it would define "publicly available" by listing examples of information that could be used for validation, such as underlying data, models, computer code and protocols. Fourth, the proposal recognizes not all data can be openly accessible in the public domain and that restricted access to some data may be necessary. Fifth, it would direct the EPA to work with third parties, including universities and private firms, to make information available to the extent reasonable. Sixth, it would encourage the use of efforts to de-identify data sets to create public-use data files that would simultaneously help protect privacy and promote transparency. Seventh, the proposal outlines an exemption process when compliance is "impracticable." Finally, it would direct the EPA to clearly state and document assumptions made in regulatory analyses.

Here's what the EPA's rule wouldn't do: nullify existing environmental regulations, disregard existing research, violate confidentiality protections, jeopardize privacy or undermine the peer-review process.

The costs of compliance with EPA regulations are substantial. A draft report from the White House Office of Management and Budget suggests that significant EPA regulations imposed costs ranging from $54 billion to $65 billion over the past decade. These rules also realize substantial public-health and environmental benefits estimated to range from $196 billion to $706 billion over the decade.

Given the stakes for both the cost of compliance with EPA regulations and the real risks that pollution poses to public health and the environment, this rule should be read closely by critics and supporters for what it actually says. Just as transparency in science and evidence are essential, so, too, are intellectual honesty and accurate policy communication.

Taking steps to increase access to data, with strong privacy protections, is how society will continue to make scientific and economic progress and ensure that evidence in rule-making is sound. The EPA's proposed rule follows principles laid out in 2017 by the bipartisan Commission on Evidence-Based Policymaking — humility, transparency, privacy, capacity and rigor — and moves us toward providing greater access to scientific data while protecting individual privacy.

Instead of throwing stones, the scientific community should come together to offer practical suggestions to make the rule better. For example, the rule should recognize the incentives for scientists to produce new research. Scientists need to have time to produce and take credit for their research findings. Thus, there will inevitably be a trade-off between the production of new insights and the sharing of data with others, including regulators.

The EPA should also establish use restrictions and a secure data infrastructure so that confidential business and personal data are adequately protected. Finally, it should set procedures to evaluate the effectiveness of this rule. Done right, this could improve government policy not only in the United States but also around the world.

It's still hard to tell how this rule will affect EPA decisions, but one thing is clear: The rule will make the evidence by which we make policy decisions more transparent. The policy might not be perfect, but its benefits will likely far outweigh its costs.

NPR
https://www.npr.org/2018/05/10/609979515/how-much-scott-pruitt-has-changed-the-epa-is-an-open-question
Scott Pruitt Praised And Reviled For 'Effectiveness,' But How Effective Is He?
By Nathan Rott, 5/10/18, 5:06 AM

EPA chief Scott Pruitt is praised by industry and conservatives for his aggressive moves to roll back environmental regulations. But how much he's changed the department is debatable.

Transcript

RACHEL MARTIN, HOST:

Scott Pruitt is still the head of the Environmental Protection Agency. That's notable because there have been 11 investigations into his ethics and public spending. President Trump, though, has stood behind Pruitt. The president says the EPA boss is doing a, quote, "great job of getting rid of environmental regulations that he considers to be a burden." But, as NPR's Nathan Rott reports, how much Pruitt has actually changed so far is an open question.

NATHAN ROTT, BYLINE: Love him or hate him, the narrative around Scott Pruitt is that he's highly effective. Conservatives and industry groups applaud him for overseeing the delay, stoppage or review of roughly two-dozen environmental regulations. Democrats and environmental organizations paint him as the most destructive EPA administrator in the agency's history, labeling him with Trump-esque nicknames like Polluting Pruitt. In reality, though...

ERIC SCHAEFFER: I keep hearing how effective Mr. Pruitt is. And what you're really getting are announcements about what he's going to do. He's just pushing the start button.

ROTT: Eric Schaeffer is the head of the Environmental Integrity Project, an environmental nonprofit that is no fan of Mr. Pruitt's, but his point is one that you hear from many quarters - that outside of delaying Obama-era policies on things like emission standards at power plants or slowing their enforcement, few of those policies have actually changed. Scott Segal, a lobbyist who represents a range of energy companies, says that's partly due to the nature of the governmental beast.

SCOTT SEGAL: Under the best of circumstances, major change in an administration or in the regulatory state takes time.

ROTT: You have to propose what you want to change. You have to take public comment and then address those comments. Then you have to provide documentation of all this because eventually, almost always, you go to court.

SEGAL: It is the courts that are ultimately going to say whether these rules survive or don't.

ROTT: Tom Lorenzen knows this better than most. He spent a decade defending EPA rules at the Justice Department. And he says if an administration wants to change existing environmental rules, they have to explain clearly with evidence why the prior agency's decision was wrong.

TOM LORENZEN: And usually the rules that are rushed out are those that have the biggest troubles in the courts.

ROTT: Lisa Heinzerling, a professor at Georgetown Law School and a former official at EPA under President Obama, says that could be an issue for the Trump administration.

LISA HEINZERLING: I think a lot of people have been struck by the real thinness of the proposals coming out of the agency that would repeal the rules that are in place.

ROTT: She points to Pruitt's proposal to change fuel economy standards. She calls it shoddy. The document, she says, was 38 pages long. The Obama administration's justification for the standards was more than a thousand pages. At least a couple of EPA's actions have already been blocked by courts. Still, some supporters of Pruitt say that he's learned from those earlier missteps and is now being more thorough. Ellen Steen, the general counsel for the American Farm Bureau Federation, is waiting for Pruitt to overhaul a major water rule. And she says, yeah, it's taking a long time, but that's a good thing.

ELLEN STEEN: They are realizing that to do things right takes time, and they're going through a thoughtful process. And we want that because we want what comes out at the end of the day to be something that is thoughtful.

ROTT: And something that will stand up in court. Nathan Rott, NPR News.

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/05/10/epa-signals-it-will-ban-toxic-chemical-found-in-paint-strippers/?utm_term=.282589a4f6de
EPA signals it will ban toxic chemical found in paint strippers
By Dino Grandoni and Brady Dennis, 5/10/18, 3:56 PM

The Environmental Protection Agency signaled on Thursday it will follow through on an Obama-era proposal to ban paint strippers containing a toxic chemical – leaving lawmakers, environmental groups and the families of victims cautiously optimistic.

Since taking office, Pruitt has been laser-focused on undoing environmental and safety rules proposed by President Barack Obama's administration. But the EPA's announcement that it "intends to finalize" a proposed ban on methylene chloride would be the exception.

"Today's announcement demonstrates EPA's commitment to finalize the methylene chloride rule-making," EPA spokesman Jahan Wilcox said in a statement.

The chemical, used by professional contractors and do-it-yourselfers to remove paint, has been linked to dozens of deaths – including 12 people between 2000 and 2011 who specialize in refinishing bathtubs, according to a Centers for Disease Control and Prevention report.

But advocates of the ban reserved full-throated cheers until the rule's language is made public and submitted to the White House's Office of Management and Budget, which the EPA said will happen "shortly."

Sarah Vogel, vice president for health at the Environmental Defense Fund, said the nonprofit advocacy group was "encouraged" by the EPA's decision but urged the agency to move quickly to formally block the access to the chemical.

"We and families across this country will be watching closely to make sure this administration actually delivers on today's promise from Administrator Pruitt," Vogel said. "We will delay any celebration until paint strippers containing this deadly chemical are actually off the market."

The EPA first proposed banning the use of methylene chloride in paint and coating removal products in the waning days of Obama's second term. A year earlier, Congress had granted the EPA new powers to restrict the use of that and other chemicals in an amendment to the 1976 Toxic Substances Control Act, the nation's main chemical safety law.

But in December, the Pruitt's EPA indefinitely postponed bans on certain uses of methylene chloride and two other deadly chemicals often found in consumer products. For a time, it seemed like the ban was headed to the trash bin, along with many other Obama-era rules after President Trump's election.

That delay in December kicked off an effort to salvage it.

Several Democratic lawmakers asked Pruitt about the chemical and urged him to ban it in a pair of hearings on Capitol Hill last month. Rep. Frank Pallone (D-N.Y.) invoked the deaths of Drew Wynne and Joshua Atkins, who both died from methylene chloride exposure. Pallone asked Pruitt if he had anything to say to those families given the lack of EPA action.

Pruitt didn't directly address that question, but he made clear that the agency hadn't abandoned its evaluation of the chemical's safety. "There has been no decision at this time," he said at the April 26 hearing.

That did little to satisfy Pallone. "Look, you say you're going to do something, but these chemicals are still on the shelves, and they make a mockery of [chemical reform] legislation that this committee works so hard on," Pallone said. "And it makes a mockery of EPA. You have the power immediately to get this chemical off the shelves. And you're not doing it. And you should do it."

Later that day, another Democrat from New York, Rep. Nita Lowey, accused Pruitt of "strategically starving programs that identify chemicals that could be harmful to children, while rolling back and delaying regulations for deadly chemicals."

Pruitt replied that the agency was reviewing the comments of the proposal to ban the chemical. "I take this issue very seriously," he said.

The lobbying effort also continued behind the scenes.

After the hearings, the Environmental Defense Fund contacted Pruitt's office on behalf of the families of Wynne and Kevin Hartley, another man who died from methylene chloride exposure. The group asked for a meeting with the administrator.

"I wanted to use Kevin's story to try to save more lives," Wendy Hartley, Kevin's mother, told The Washington Post in an interview. "We do not need any more lives lost due to this. And if I could tell Kevin's story and get someone to listen to it and do something about, then I was willing to tell his story."

Pruitt has met with few environmental groups throughout his tenure, more often conferring with industry representatives. But he agreed to meet with the mothers.

So this past Tuesday morning, Wendy Hartley, along with Cindy Wynne and her other son Brian Wynne, met Pruitt and several of his aides at his office in EPA headquarters.

The families brought with them photographs and the death certificates of the two men, and explained to Pruitt what happened to them.

Wynne, 31, was running a cold-brew coffee business in Charleston, S.C., when he died last year while stripping paint from the floor of a walk-in refrigerator using a product called Goof Off. Hartley, 21, was a trained contractor who died last year while refinishing a bathtub with White Lightning Low Odor Stripper near Nashville. Both men both were wearing respirators when they died.

Pruitt "was very attentive to us," Cindy Wynne told The Post in an interview earlier this week before the EPA's announcement. "He was somewhat surprised when we showed him the cans from Lowe's," where her son had purchased the paint stripper.

Her son, Brian, asked Pruitt if he agreed that methylene chloride was a problem. Pruitt responded, "I do."

But when pressed on whether he would finalize the ban, the administrator did not make a commitment, the family members said.

"We all have the same sense that for a moment there, we felt like there was positive momentum," Brian Wynne said. "And then that went out of the room pretty quickly when he was steadfast against the word 'ban.' "

In an interview after the announcement Thursday, the brother said he was now "cautiously optimistic" that Pruitt would follow through.

"This is a positive development," Brian Wynne said. " It was a surprising one. We certainly didn't see this coming in our meeting with Administrator Pruitt. But we're certainly encouraged by this sign that he seems ready to take action."

The EPA said the "meeting with the families was constructive."

"It provided the families the opportunity to share with Administrator Pruitt the circumstances in each of their cases and the Administrator the opportunity to hear directly from them," Wilcox said. "There was an exchange of ideas, and we appreciate EDF reaching out to request the meeting."

Public health and environmental groups were also pleased but cautioned that more work needs to be done. Vogel urged the EPA to "move quickly to implement a ban, and that includes ensuring necessary administrative procedures are followed to guarantee a permanent ban and that these products are promptly removed from store shelves."

The EPA said it will not redo a 2014 risk assessments that determined inhaling the paint-stripping fumes is dangerous. "The agency is not reevaluating the paint stripping uses of methylene chloride, but relying on its previous risk assessments and working diligently to ensure the safety of chemicals in the marketplace," it said.

On Thursday, Sen. Tom Carper (D-Del.), the top Democrat on the Environment and Public Works Committee, called the EPA's announcement "welcome news, especially after the agency previously delayed finalization of this proposed ban indefinitely."

"I am also encouraged that the agency is relying on previous risk assessments that clearly and scientifically showed just how threatening products containing methylene chloride could be to people's health and safety," Carper added in a statement. "However, just like a law doesn't mean much if it is not enforced, intentions to finalize a ban on a deadly chemical don't mean much if that chemical stays on the shelves."

The American Chemistry Council, the main trade association for U.S. chemical companies, greeted the move with muted acceptance.

"EPA has authority to move ahead on specific conditions of use," spokesman Jon Corley said in a statement. "ACC supports EPA's completion of the risk management rule-making on methylene chloride and publication of a final rule."

Methylene chloride can kill either through direct narcosis or through metabolization into carbon monoxide, which binds to hemoglobin in the blood and inhibits oxygen from moving around the body. Exposure to as little as six ounces can kill, according to the Occupational Safety and Health Administration.

The heavier-than-air chemical can pool in places with poor ventilation, like bathrooms. “But now we’re seeing more and more cases in other types of confined spaces,” said Lindsay McCormick, a project manager for EDF’s health program.

In 1997, OSHA issued its own restriction on the chemical’s use in workplaces. But those standards did not cover regular consumers, who can buy methylene chloride products at most hardware stores.

AP
https://apnews.com/b69be1b066074020ae040b14d9722c78/EPA-study-finds-arsenic,-lead-in-canyon-near-Salt-Lake-City
EPA study finds arsenic, lead in canyon near Salt Lake City
5/11/18

SALT LAKE CITY (AP) — A report says elevated levels of some heavy metals could pose a threat to people who frequently use parts of American Fork Canyon outside Salt Lake City.

The Environmental Protection Agency says researchers found arsenic and lead levels exceeding recommended levels for hikers, campers and ATV riders who visit the area often over long periods.

The Daily Herald reports the findings are attributed to waste rock and tailing piles from mining during the 1800s and early 1900s on property now owned by the U.S. Forest Service and Snowbird Ski and Summer Resort.

The preliminary assessment, released in March, is a first-step look at whether cleanup is needed.

EPA site assessment manager Ryan Dunham says the main concern is for people visiting the area year after year, not one-time visitors.

Message

From: Dravis, Samantha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM]
Sent: 4/11/2018 8:56:33 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
Subject: FW: Mr. Pruit

From: Jerry Jung [mailto:jerrold.m.jung@gmail.com]
Sent: Wednesday, April 11, 2018 2:58 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Fwd: Mr. Pruit

Hi Samantha,

We've met a couple of times. Bill Schutte put us in touch. I'm the individual advocating for ethanol mandate reform becasue all the extra corn is so harmful to our environment.

The National Wildlife Federation recently joined the EPA witch hunt and released a statement asking Administrator Pruitt to resign. Collin O'Mara NWF CEO pushed this through without consulting the board. Collin was former DNR director in Delaware and has ambitions to be a U.S. Senator from that state.

What follows is my response to the NWF board:

Greetings:

As part of my ethanol mandate reform efforts, I've had the opportunity to meet with Administrator Pruitt a couple of times.

I will say these things in his defense:

He supports ethanol reform efforts and his actions have driven the price of RINs down to levels not seen in years. RINs are purchased by refiners that do not have enough ethanol in their gasoline. They have the effect of increasing the cost of gasoline and further subsiding the chemical companies that reap most of the profits from the incremental 35,000,000 acres of corn grown for ethanol.

Gina McCarthy, Pruitt's predecessor, authorized numerous repetitive studies of toxic waste sites. Many of these redundant studies were doled out to political supporters. Administrator Pruitt has focused instead on actual remediation of toxic sites. Clean up activities have been greatly accelerated during his brief tenure.

Although labeled as anti-science, Pruitt has required that the data backing up government sponsored scientific studies be made available for public scrutiny. This is an important step. In the past, a typical scenario for environmental studies was to retain an outside consultant to collect data, and at least in the case of ethanol, to make unrealistic projections supporting politically motivated agendas. Then the data and projections were kept from the public, but used in-house by the EPA to reach the desired conclusions.

Pruitt is not as much of a climate change denier, as he is opposed to the "solutions" to climate change. Many of these "solutions" have quickly morphed into costly political boondoggles both domestic and international. Some such as corn ethanol mandates have inflicted massive damage on the environment.

I think that a person with his responsibilities should be allowed to fly first class. (Nancy Pelosi had her own private 727!). Part of the reason his travel expenses are so high is that he requires a security detail due to numerous death threats spawned by all of the hateful rhetoric so prevalent now-a-days.

If he's not fired, NWF is going to have a hard time working with him!

Jerry Jung

Please give the administrator my best,

Jerry

Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 9/28/2017 9:42:30 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Morning Energy, presented by the U.S. Chamber's Global Energy Institute: More Pruitt non-commercial travel emerges — Trump biofuel moves spook backers — Zinke abandons planned mining industry address

By Anthony Adragna | 09/28/2017 05:40 AM EDT

With help from Esther Whieldon and Ben Lefebvre

NOT FLYING SOLO: EPA chartered a plane for Administrator Scott Pruitt to visit the Gold King mine because he otherwise would not have been able to travel with a member of his security detail, according to documents obtained by ME. EPA officials have said Pruitt had to take the charger flight from Denver to Durango, Colo., because his commercial flight had been delayed and no other arrangements were available. However, Pruitt apparently could have taken another commercial flight or caught a ride with Gov. John Hickenlooper on a state-owned plane, but neither option would have allowed Pruitt to be accompanied by a member of his around-the-clock security detail. Instead, EPA booked a charter plane, which cost taxpayers more than $5,000.

"**While there was one potential alternative identified** that had only one seat available (and the airline may have gone as far as to reserve that seat in case we determined it would meet the travel needs requirements), [chief of staff Ryan Jackson]'s understanding from the security detail was that there was not any additional seat for a Special Agent to accompany the Administrator and, therefore, that flight did not meet the travel and security needs," wrote Kevin Minoli, EPA's acting general counsel, in an Aug. 4 detailing his decision to approve the commercial travel. "Similarly, there was only one seat available on the plane with the Governor, so without the Governor removing someone else from the trip that was not an option either." The email was included with an Aug. 24 memo from Minoli formally authorizing the flight, copies of which EPA shared with ME.

EPA has spent at least $58,000 for Pruitt and his entourage to fly on private or government-owned planes this year, according to reports in the Washington Post and CBS News Wednesday, citing records provided to Sen. Sheldon Whitehouse . The Washington Post also noted that Pruitt "flies either in business or first class when those seats are available on commercial flights. Multiple EPA travel documents state that Pruitt 'is entitled to business class accommodation due to security concerns.'" His non-commercial flights also included:

—An early June flight from Cincinnati to New York on an Air Force plane so he could make his flight to an international energy ministers meeting in Italy. That trip cost $36,068.50. Approval here.
—A July 27 trip on an Interior plane from Tulsa to the tiny outpost of Guymon, Okla. to discuss water regulations with farmers that cost $14,434.50. The agency argued "time constraints" prevented Pruitt from making the five-hour drive. Approval here.
—An Aug. 9 trip on North Dakota's state aircraft so Pruitt could participate in a roundtable at the University of North Dakota's Environmental Research Center at a cost of $2,144.40.

Any other non-commercial flights? "This is it," a spokesman told ME on Wednesday, adding he believed Pruitt had only flown by helicopter once to survey hurricane damage.

Expanded IG probe sought: Three senior House Energy and Commerce Democrats — Frank Pallone, Diana DeGette and Paul Tonko — asked EPA's inspector general to expand its ongoing probe into Pruitt's travel habits to include his use of private and military aircraft. Letter here.

REMINDER: President Donald Trump suggested Wednesday he might fire HHS Secretary Tom Price for spending $300,000 on private flights. This isn't going away.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and API's Khary Cauthen was first up to identify Charlton Heston as the actor-turned-NRA president. For today: Which NBA Hall-of-Fame center endorsed Richard Nixon in the 1968 presidential election? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

GUIDE TO TAX REFORM — Easily understand and explain tax reform. Tax reform is complicated, to say the least. Download POLITICO Pro's Guide to Tax Reform and become an expert. Includes six tax-related infographics. GET YOUR GUIDE TO TAX REFORM.

MEXICO, U.S. SIGN NEW WATER DEAL: Officials with the U.S. and Mexico announced an agreement at a Santa Fe, N.M. water conference to help preserve the Colorado River, the Associated Press reports. Under the agreement, the U.S. will spend $31.5 million in water conservation projects in Mexico and any water saved would then be split between the two countries and environmental projects. Pro's Annie Snider took an in-depth look at the backstory and negotiations last November. The river supplies water to about 40 million people and 6,300 square miles of farmland in the U.S. alone.

BIOFUEL BACKERS FEAR TRUMP BETRAYAL: Biofuels producers and their farm-state backers in Congress fear the Trump administration is wavering in its commitment to Renewable Fuel Standard, Pro's Eric Wolff reports. Sen. Joni Ernst on Wednesday slammed EPA's notice seeking input on whether to reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019. In a letter to Trump, Ernst said she hoped "that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country." More from Eric here.

What's more, EPA is considering a policy shift within the next few months that would allow all domestically produced biofuel to count toward annual biofuel compliance quotas, Bloomberg reports, citing people familiar with the discussions. That would lower costs for refiners but come at the expense of corn farmers.

CLIMATE NOW CONSIDERED IN PIPELINE CASE: FERC announced Wednesday it added a new 5-page analysis of the Southeast Market Pipelines Project to ensure it complied with a federal court's requirement that it include an assessment of greenhouse gas emissions from the Florida power plants that may use the fuel, Pro's Darius Dixon reports. FERC has until Oct. 6 to decide whether it will appeal the D.C. Circuit's Aug. 22 ruling, though the move to issue a supplemental EIS on greenhouse gas emissions suggests an appeal is less likely. The analysis found that the pipeline would increase Florida's annual greenhouse gas emissions between 3.7 percent and 9.7 percent compared to 2014 levels for the state.

MIXED SIGNALS ON JONES ACT WAIVER: Several House Democrats introduced legislation Wednesday permitting Jones Act waivers for humanitarian relief. That came after Trump said he was "thinking about" granting a waiver to help deliver fuel and other goods to Puerto Rico, but noted "we have a lot of shippers and a lot of people and a lot of people who work in the shipping industry that don't want the Jones Act lifted." DHS previously said it was unlikely to grant the request, arguing the problem wasn't the number of ships with supplies but the lack of delivery logistics on the island.

Status update: All of Puerto Rico remained without electricity and 44 percent of the island's residents still lacked drinking water, according to status reports. "Right now we are in emergency mode," Gov. Ricardo

Rosselló told CNN on Wednesday. "Our focus is not necessarily restoring energy. The energy grid has been destroyed. ... And we need to rebuild it. That does not get rebuilt in days."

IN OTHER PRUITT NEWS: His agency has threatened to cut off support for a program within Justice Department's Environment and Natural Resources Division that reimburses DOJ for Superfund litigation seeking to force polluting entities to pay to clean up toxic contamination they caused, The New York Times reports, citing budget documents. EPA payments accounted for 27 percent of the division's budget — amounting to $810 million — between 1987 and 2016.

ENERGY GROUPS WEIGH IN ON TAX PLAN: The oil and gas industry are among the early fans of the Republican tax proposal released Wednesday, Pro's Eric Wolff reports. One principle in the plan, allowing companies to fully expense their spending, is of particular interest to the sector, which says it pours an average of $232 billion a year in capital expenditures in the U.S. "The right pro-growth tax policies can accelerate these economic investments and create more jobs while keeping energy affordable for consumers," American Petroleum Institute President Jack Gerard said.

Utility and renewables industries are withholding their verdicts for now. The Edison Electric Institute is concerned about the potential loss of the interest tax deduction. "For us, the interest deduction is how we raise capital," Eric Grey, EEI's director of government affairs, told Eric. "Our companies are in the debt and equity markets every single day trying to build the necessary financing for the large [capital expenditure] we do." The Solar Energy Industries Association and the American Wind Energy Association both said they were still studying the proposal.

** **A message from the U.S. Chamber's Global Energy Institute:** Energy security is a top priority. For decades, we lacked a tool to measure our progress and assess the impact of policy decisions. Our *Index of Energy Security Risk* changed all that and gives us an objective, quantitative way to track it. See our Index here: http://bit.ly/2xGeOvL **

PENCILS DOWN ON WOTUS REPEAL: More than 190,000 comments had already flooded the government's inboxes on the last day to submit comments on the Trump administration's proposal to replace the Obama-era Waters of the U.S. rule with an earlier version while EPA and the Army Corps of Engineers write a new one. Everyone seems to have stuck to well-worn talking points, but a couple of highlights here:

—**Agricultural groups:** They argued in separate letters the Obama-era EPA regulation "ignores the limits and structure that Congress put in place" for the Clean Water Act and urge the agencies to "move quickly" on a new regulation after rescinding the 2015 version.
—**Environmental groups:** The Southern Environmental Law Center, on behalf of dozens of other groups, vehemently opposed the proposal and said reviving "an under-protective, case-by-case regime would result in renewed uncertainty and an unlawful abdication of the agencies' responsibility for protecting clean water." The Natural Resources Defense Council said in its own comments the proposal represents "woefully misguided and unlawful environmental policy" without adequate public input opportunities.
—**Senate EPW Republicans:** Lawmakers commended the administration for pulling the earlier rule, which they said in a letter stemmed from "the erroneous premise that federal jurisdiction over water is whatever the federal wants it to be" and unlikely to survive legal challenges. They asked for a new regulation that "respects the intent of Congress" ASAP.

GREENS GIVE GREEN: The League of Conservation Voters Action Fund, NRDC Action Fund PAC and NextGen America today are announcing they've raised or contributed $3 million to state and federal candidates so far the 2017-2018 cycle. The groups hit the mark after a 48-hour fundraising push, GreenStorm, meant to boost priority candidates like New Jersey's Phil Murphy, Virginia's Ralph Northam and Oregon Gov. Kate Brown.

SECRETARIES IN PENNSYLVANIA — PERRY VISITING COAL COMPANY: Energy Secretary Rick Perry, along with Rep. Lou Barletta, visits the Jeddo Coal Mine in Wilkes-Barre, Pa. today at 1 p.m. He'll view rare earth elements extraction site, take questions from employees and observe anthracite mining operations.

About two hours away, Interior Secretary Ryan Zinke visits the Valley Forge National Historic Park in King of Prussia for an update on the park and to visit with National Park Service employees.

ZINKE WON'T SPEAK TO MINING GROUP: Zinke dropped out of addressing the National Mining Association's annual fall meeting at the Trump Hotel next week, the group tells ME. "He was scheduled, but is not speaking now," NMA spokesman Luke Popovich said. "He will not be attending." NMA did not give the reason for the cancellation, and Interior did not respond to questions. The meeting, first reported in The Intercept, drew criticism for NMA money flowing into a business of which Trump is still a majority owner. Zinke has also come under fire from public watchdog Citizens for Responsibility and Ethics in Washington for addressing the American Petroleum Institute at the hotel and conducting at least one lunch there.

INTERIOR TO SEEK COMMENT ON SAGE GROUSE PLANS: The Interior Department could as early as today issue a request for public comment on potential changes to how it manages sage grouse populations in the West, including to make it easier for fossil fuel development and livestock grazing, according to sources familiar with the situation. Zinke in August ordered staff to move forward on internal staff recommendations to change BLM's land-use conservation plans for the bird, revise guidelines for fossil fuel leases and allow states to set population targets.

EPW NOMINATION HEARING SET FOR OCT. 4: The Senate EPW Committee plans to hold a confirmation hearing for four EPA and one NRC nomination on Oct. 4, your ME host reports. For EPA, lawmakers will consider the selections of Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. They'll also consider Jeff Baran's renomination to the NRC.

MAIL CALL! E&C LEADERS ASK GAO TO PROBE DOE CONTRACTORS: Eight bipartisan Energy and Commerce Committee members asked GAO in a Wednesday letter to examine so-called data calls from DOE contractors, requests for various information from the contractors running the national labs and performing other projects for the agency.

CBD SEEKS RECORDS ON BLM DECISION LINKED TO CADIZ: The Center for Biological Diversity has filed a public records request with the Interior to figure out why the agency earlier this month reversed a legal interpretation it made under the Obama administration that would have required Cadiz Inc. to go through an environmental review process to use a railroad right of way for its controversial water pipeline in California. Interior's second in command, David Bernhardt, was a lobbyist for Cadiz before joining the agency but an Interior spokesman in an emailed statement said Bernhardt was not involved in the decision to revoke the legal finding.

COAL ASH DEBATE, DELAYED: Arguments over EPA's 2015 coal ash rule will now take place on Nov. 20 rather than Oct. 17 after the D.C. Circuit Court of Appeals granted a one-month delay, Pro's Alex Guillén reports.

GINA SPEAKS OUT! If you happen to be anywhere near Columbia Law School tonight in New York, former EPA Administrator Gina McCarthy delivers what's sure to be an interesting lecture entitled "The President and Future of EPA." Details here.

TAKE A GLANCE! The American Bar Association and the Environmental Law Institute released a primer Wednesday on the Trump administration's environmental actions since January. Read it here.

I'M ALL FERC-AKE: Commissioners Cheryl LaFleur and Robert Powelson served up some mighty tasty looking cake in honor of FERC's 40th anniversary. Pic.

MOVER, SHAKER: Former U.S. Ambassador Laura Holgate is joining Third Way as a non-resident expert focusing on the intersection of climate change, advanced nuclear energy, and security. She was previously U.S. representative to the Vienna Offices of the United Nations and International Atomic Energy Agency.

QUICK HITS

— Maryland sues EPA over interstate air pollution. Baltimore Sun.

— Pennsylvania not fully capitalizing on its Marcellus shale, energy economic potential, energy leaders say. Trib Live.

— Blackstone, Apollo team up for Westinghouse bid - sources. Reuters.

— Pollution could increase as Rauner EPA moves to rescue coal plants. Chicago Tribune.

— National parks struggle with overcrowding. New York Times.

— Weather extremes, fossil fuel pollution cost US $240 billion: study. Reuters.

— 1 dead, 1 hurt in rockfall at Yosemite National Park's El Capitan. Los Angeles Times.

— Worker exposed to potential unsafe dose of radiation at federal lab. Washington Post.

HAPPENING TODAY

9:30 a.m. — "The Great American Eclipse: To Totality and Beyond," House Science Space and Research and Technology subcommittees, Rayburn 2318

9:30 a.m. — "Rural Development and Energy Programs: Perspectives for the 2018 Farm Bill," Senate Agriculture, Nutrition and Forestry Committee, Hart 216

12:30 p.m. — Rep. Jimmy Gomez, concerned community members and activists discuss their Clean Buses for Healthy Niños campaign, Rayburn 2203

4:00 p.m. — International Trade Administration holds a meeting by teleconference of the Renewable Energy and Energy Efficiency Advisory Committee, RSVP: Victoria.Gunderson@trade.gov

THAT'S ALL FOR ME!

****A message from the U.S. Chamber's Global Energy Institute:** Pipelines Power America. America has over 2.6 million miles of pipelines that safely deliver natural gas and petroleum products throughout our nation. It would take over 750 tanker trucks a day to transport the same amount of energy as a single pipeline. While our analysis shows that certain regions like the Northeast face a critical lack of pipeline infrastructure that is contributing to higher prices and negative economic impacts, pipeline projects are under attack across the nation. It's time to end delays and allow for energy that is essential for our daily lives to move around our nation. Find out more about how Pipelines Power America here: http://bit.ly/2wG6Ij9 **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/09/more-pruitt-non-commercial-travel-emerges-024806

Stories from POLITICO Pro

Price traveled by private plane at least 24 times Back

By Rachana Pradhan and Dan Diamond | 09/21/2017 05:58 PM EDT

Health and Human Services Secretary Tom Price has taken at least 24 flights on private charter planes at taxpayers' expense since early May, according to people with knowledge of his travel plans and a review of HHS documents.

The frequency of the trips underscores how private travel has become the norm — rather than the exception — for the Georgia Republican during his tenure atop the federal health agency, which began in February. The cost of the trips identified by POLITICO exceeds $300,000, according to a review of federal contracts and similar trip itineraries.

Price's use of private jets represents a sharp departure from his two immediate predecessors, Sylvia Mathews Burwell and Kathleen Sebelius, who flew commercially in the continental United States. HHS officials have said Price uses private jets only when commercial travel is not feasible.

But many of the flights are between large cities with frequent, low-cost airline traffic, such as a trip from Washington to Nashville that the secretary took on June 6 to make a morning event at a medication distributor and an afternoon speech. There are four regular nonstop flights that leave Washington-area airports between 6:59 a.m. and 8:50 a.m. and arrive in Nashville by 9:46 a.m. CT. Sample round-trip fares for those flights were as low as $202, when booked in advance on Orbitz.com. Price's charter, according to HHS' contract with Classic Air Charter, cost $17,760.

HHS spokespeople did not respond to questions about specific aspects of Price's travels, including how many charter trips he has taken. Charmaine Yoest, the agency's top spokesperson, said Price's travel for official business "comes from the HHS budget."

In a statement, Yoest said, "The Secretary has taken commercial flights for official business after his confirmation. He has used charter aircraft for official business in order to accommodate his demanding schedule. The week of September 13 was one of those times, as the Secretary was directing the recovery effort for Irma, which had just devastated Florida, while simultaneously directing the ongoing recovery for Hurricane Harvey . . . Some believe the HHS Secretary should be Washington-focused. Dr. Price is focused on hearing from Americans across the country."

Nonetheless, POLITICO identified at least 17 charter flights that took place before the first storm — Hurricane Harvey — hit in late August, and included flights that did not appear to be for urgent HHS public health priorities.

For example, Price took a Learjet-60 from San Diego to the Aspen Ideas Festival — a glamorous conference at the Colorado resort town — that arrived at 3:33 p.m. on Saturday afternoon, June 24, nearly 19 hours before his scheduled panel. That flight likely cost more than $7,100, according to one charter jet agency estimate.

"If you're going to a conference, you have some [advance] flexibility to book travel" and shouldn't need last-minute charters, said Walter Shaub, who was the Barack Obama-appointed director of the United States Office of Government Ethics until July. "This shows a complete disregard for the expense to the taxpayer."

Since being confirmed in early February, Price has developed a reputation inside the agency for flying on private charters rather than taking other means of transportation, people inside and outside the Trump administration said.

After a POLITICO investigation identified five private flights that Price took up and down the East Coast last week, Price took a charter jet to Oklahoma on Tuesday of this week, Sept. 19, where he met with Native American tribes and toured health care facilities by car — although HHS initially explored flying him by charter around the state, two people with knowledge of Price's travels said. "There was a push from political [staff] at HHS to fly him and not drive him to these small communities," said one of the people.

Price's staff cut short his news conference in Oklahoma on Wednesday when reporters raised questions about his use of taxpayer funds, an attendee said.

Price's frequent trips around the country have rankled staff inside the White House, with a senior official saying many trips aren't related to priorities like Obamacare repeal and other items on the president's agenda. While Price has flown to Maine, New Hampshire, Oklahoma and Pennsylvania since last Wednesday, President Donald Trump and Senate Republicans have been frantically rallying support to pass an Obamacare repeal bill by Sept. 30. After that date, the GOP will need 60 Senate votes, not 50, to overturn the 2010 health law.

"No one is quite sure what [Price] is doing," a senior White House official said. "You look at this week, we're doing a last final push trying to get this over the finish line, and he's nowhere to be found."

Many of Price's trips have centered on making announcements related to the use of opioids and holding listening sessions about the epidemic, which Trump labeled a national emergency and continues to contribute to rising death rates from drug abuse. Price has labeled fighting the opioid epidemic one of his top priorities.

But rather than fly commercially to these events, which are scheduled well in advance, Price tends to rent corporate-style jets. Sometimes, he ferries big-name guests along with him. In May, Price and Kellyanne Conway — the White House counselor and former Trump campaign manager who traveled with Price to Philadelphia last week to tour an addiction treatment center — made stops in four different states in the span of two days.

The pair traveled to Lansing, Michigan, and Charleston, West Virginia, for opioid-related meetings in the morning and early afternoon on May 9. That happened to be the same day Trump abruptly fired FBI Director James Comey. On May 10, Conway and Price were in Augusta, Maine, and Concord, New Hampshire, for more opioid-related events.

On July 6, Price again made an opioid-related visit to Chattanooga, Tennessee, where he took a private plane, according to two sources with knowledge of the situation. According to records, HHS signed a $14,570 charter plane contract for Washington to Tennessee travel with a July 6 effective date.

In June, Price spoke at a physicians association conference in San Diego, where he vowed to wring out wasteful spending in the government's health care programs. Getting "value" for spending "is incredibly important," he said.

Price took a private plane to get to the meeting, which was one stop on a five-state sprint of charter travel that cost $50,420.

Josh Dawsey and Josh Gerstein contributed to this report.

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Back

Trump win churns U.S.-Mexico water talks Back

By Annie Snider | 11/26/2016 07:41 AM EDT

Negotiations between the U.S. and Mexico to seal a water-sharing deal over the dwindling supplies on the Colorado River are confronting a new deadline: the inauguration of Donald Trump.

A 16-year drought has sent water levels at the river's most important reservoir, Lake Mead, to their lowest point since it was first filled in the 1930s, threatening supply cuts for 40 million people across seven U.S. states and two Mexican states. It's also raising the stakes for the two countries as they try to hammer out an extension of a four-year-old agreement on how to share the water.

That agreement expires at the end of 2017, but negotiators who have worked for years are pressing to finish a new pact before President Barack Obama leaves office — or put at risk years of fruitful collaboration on the sharing of cross-border water supplies that are vital to both countries.

The fear is not only that Trump — who has called Mexicans criminals and vowed to erect a massive border wall — could derail any potential deal, but that even turning the talks over to new negotiators would stall the process at a critical moment, since it would take them months to get up to speed.

The issue is just one of dozens of crucial international topics, from relationships with NATO and Russia to Asian trade deals, that may take a dramatic shift under a Trump team that campaigned on an "America First" platform.

Farmers and cities in Arizona and Nevada could face their first cuts in water supplies a year from now, just as the existing agreement ends. Without a new agreement with Mexico, it is unclear whether or how those cuts could be shared across the border, raising the prospect of either deeper, swifter cuts to U.S. states or a bitter cross-border dispute.

Water policy experts say that even before Trump's election, the Obama administration had been pressing to tie up a new deal for the Colorado River and avoid any delays caused by the change in administrations.

"There's pressure to finish off any type of arrangement that you start with one administration," said Carlos de la Parra, a Mexican water analyst who advised his country's lead negotiator on the previous water sharing deal. "Now there's this surprise, and there's a President-elect Trump, and obviously that becomes a little more acute given his discourse."

The Colorado River provides the lifeblood of much of the American Southwest, feeding desert metropolises including Phoenix, San Diego and Las Vegas, and supplying farmers who grow 15 percent of the nation's food. The river rises on the Continental Divide in Rocky Mountain National Park, and snakes 1,450 miles before finally draining into the Gulf of California on the Mexican side of the border — although most of the time there's barely a trickle left by the time the river reaches its delta.

Experts say the arrival of a potentially hostile new U.S. president doesn't necessarily mean Mexico will settle for less than it wants. Mexico holds significant leverage since its water is the most protected as a treaty obligation. It also has the right to take the U.S. to international arbitration, and controls the delivery of Rio Grande water to American farmers in Texas.

While Mexico has been "very fair to the U.S. — more than it had to be" in previous negotiations, the water treaty is a sovereignty issue that "gets down to the raw material of Mexican nationalism," said Stephen Mumme, a political science professor at Colorado State University.

"There are big incentives on both sides to get this done, and done in a way that's sustainable," he said. "But it's not going to come at Mexican expense and Mexico cannot be bullied or pressured in this. I think that's one of those things that's going to be a little bit of a wake-up call for the Trump administration."

Negotiators are focusing on the technical aspects of crafting a water-sharing deal and hoping to keep politics out of the talks. Sally Spener, foreign affairs officer at the International Boundary and Water Commission, the U.S.-Mexican agency that negotiates and applies the treaties, said the American commissioner "has instructed his staff to continue with our work and we continue to do that."

Roberto Salmon, the lead Mexican negotiator, told POLITICO the primary urgency to sign a new deal comes from the ongoing drought and dire predictions for the basin, rather than "political issues or political aspects or the political life of either country." But keeping calm heads only stands to get harder as flows on the river continue to dwindle.

Under a 1944 treaty with Mexico, the U.S. must send 1.5 million acre-feet of water — nearly half a trillion gallons —across the border each year, an amount that's roughly enough to supply 3 million homes. But the treaty's provisions laying out rules on what happens during a drought are vague and undefined.

Moreover, hydrologists now realize that the period in the early 20th century when the Colorado River's water supply was divvied up was unusually wet. And as temperatures rise and climate change shrinks the winter snow pack that feeds the Colorado, the river is likely to carry even less water in the future.

The strain is already being felt: Water levels behind the Hoover Dam at Lake Mead this year plummeted to the lowest level since the reservoir was built. Under existing law, Arizona and Nevada must start taking cuts when water levels reach 1,075 feet above sea level in late summer. The Bureau of Reclamation estimates a 50-50 chance that the lake will hit that level next year, triggering the first supply cuts for the U.S. — and potentially Mexico — in 2018.

In fact, if the existing compacts and treaties had been strictly followed, the cuts would already have begun. But after years of battling each other in court and across the negotiating table, the U.S. and Mexican governments and the seven U.S. states in the Colorado River basin decided to stop fighting and start working together, ultimately staving off water delivery cuts for several years.

In the U.S., the lower basin states of Arizona, Nevada and California have struck several deals to undertake and fund aggressive water conservation programs. The U.S. and Mexico struck a similar deal as part of the water sharing agreement signed in 2012 that is set to expire next year. Under that deal, called Minute 319, the states and the U.S. government are investing $21 million in water conservation programs in Mexico like lining canals to reduce leaks and improving water efficiency at farms.

That deal also takes steps to restore the parched river delta south of the border, and allows Mexico to store some of its Colorado River water supplies in Lake Mead to make up for capacity that was lost in Mexico after a 2010 earthquake damaged its dams. That helped Mexico solve its shortage problem while bolstering water levels at the critical reservoir.

But that history of collaboration may be tested if the negotiations drag on into the new Trump administration, which has focused much of its most bombastic rhetoric on international trade agreements and immigration from Mexico.

"All this blustering, all of these insults being hurled around just doesn't help, because we depend on Mexico in so many ways," Mumme said.

Trump hasn't spoken about the Colorado River's issues, and his transition team did not respond to a request for comment. But during the campaign he championed the plight of farmers in the Central Valley of California, who have had their water deliveries cut because of a five-year drought combined with endangered species protections that restrict pumping from the Sacramento-San Joaquin delta in the northern part of the state. In a May campaign stop in Fresno, Trump vowed to fix the state's "insane" water problem to "bring jobs back."

And in what could be signal of the type of polices to expect, David Bernhardt, a former Interior Department solicitor who is now the top lobbyist for a powerhouse Central Valley water district, was tapped to lead Trump's initial transition for the Interior Department.

Getting a Colorado River deal done before Trump's inauguration will be a heavy lift. Mexico has indicated it doesn't want to sign the deal until a separate but related agreement is in place on the U.S. side of the border. That deal, a drought contingency plan among California, Arizona and Nevada, calls for the states to conserve additional water above and beyond mandatory cuts in order to increase reservoir levels and stave off the most severe scenarios. Although the states have agreed to top-line numbers, they've haven't yet worked out with their farmers, cities and other users how to share the cuts. And in Arizona, the state legislature must give its approval to any pact.

Water experts agree it's only a matter of time until a shortage declaration is declared on the river, and without a new U.S.-Mexico deal in place, what would happen then is anyone's guess.

The U.S. could simply implement the delivery cuts agreed to under the 2012 deal, hoping that Mexico wouldn't object to extending those provision under the expired deal. But it's not clear whether those cuts would still be acceptable to Mexico.

"Without a U.S.-Mexico agreement, it's entirely possible that Mexico asserts that it does not have to take a shortage," said Jennifer Pitt, Colorado River project director for the National Audubon Society.

Moreover, whatever the U.S. does on the Colorado River could have knock-on effects elsewhere. In particular, the same treaty that governs the Colorado River also covers the Rio Grande, where Mexico is obliged to deliver water to the U.S.

It was Mexico's failure to deliver agreed-upon water volumes from the Rio Grande to the U.S. that last raised U.S.-Mexico water issues to the presidential level. That was in 2005 under President George W. Bush, who was acutely aware of the importance of that water to farmers in his home state of Texas.

Cross border tensions were also high in the mid-2000s, when some of the United States' Colorado River water was seeping into the ground and over the border and being pumped by Mexican farmers. The two countries also feuded during the late 1960s over salinity levels in the water that the U.S. was sending south, a dispute still fresh in the minds of water experts on both sides of the border. Mexico repeatedly threatened to sue the U.S. over that issue, and ultimately President Richard Nixon appointed a special ambassador to deal with the problem.

Key players on the Colorado River hope that relations won't get that bad anytime soon, even as they acknowledge that Trump's fiery campaign rhetoric presents a major wild card.

"On the merits, having Mexico conserve more water to improve the reliability of the Colorado River water supply for 36 million users in the U.S., for 15 percent of U.S. agricultural output, that seems to me to have enormous value," Pitt said.

"On that basis, I have confidence. But on the basis of how rhetoric can sometimes get detached from those merits — I don't know," she said.

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Back

Biofuel producers unite against potential EPA biodiesel cuts Back

By Eric Wolff | 09/27/2017 06:57 PM EDT

Biofuels producers and their farm-state backers in Congress are keeping the pressure on EPA, accusing the agency of betraying President Donald Trump's promises to back the Renewable Fuel Standard after the agency signaled it would cut its biodiesel volume mandates.

EPA's Tuesday notice seeking input on whether to reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019 is drawing opposition from both biodiesel and ethanol producers, who say EPA's move marks its second attempt to undermine the program this year.

The new EPA notice has already driven down prices for biofuel credits, which are used by refiners to meet the obligations under the RFS. That's a boon to refiners like CVR Energy, the company owned by former Trump adviser Carl Icahn who had joined with other fuel processors like Valero Energy earlier this year in an unsuccessful effort to shift the compliance burden of the RFS away from their companies.

Trump has repeatedly offered public support for ethanol producers and the RFS, and just last month, he told Sen. Chuck Grassley (R-Iowa) to assure Iowans he had their backs on the RFS — a position Trump staked out early in his presidential campaign and which helped him carry Iowa and other Midwestern states.

On Wednesday, Sen. Joni Ernst (R-Iowa) blasted the new EPA move, saying in a letter to Trump that the biodiesel cut would be "bad for American farmers, American manufacturing and American rural communities," adding that she hoped "that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country."

That letter came a day after Grassely said the proposal "seems like a bait-and-switch from the EPA's prior proposal and from assurances from President Trump himself and Cabinet secretaries in my office. ... This all gives me a strong suspicion that Big Oil and oil refineries are prevailing, despite assurances to the contrary."

And biodiesel makers are drawing strong support from the ethanol industry, who see the EPA's move as a step toward undercutting the RFS.

"This would undermine renewable fuel production in the U.S. and cause severe harm to our friends in the biodiesel industry," Robert Walther, vice president of federal advocacy for ethanol producer POET, told POLITICO. "That harm would radiate throughout the entire biofuel value chain from starch biofuel plants, to cellulosic facilities now scaling up, to the corn and soybean farmers who voted overwhelmingly for Trump."

In its Tuesday notice, EPA relied on letters from Valero, the American Petroleum Institute, and the American Fuel and Petrochemical Manufacturers to argue the agency expects biodiesel prices to climb because of the expiration of a tax credit last year — as well as the new tariffs the administration is putting on biodiesel imports from Argentina and Indonesia.

As a result, the agency asked for comment on revising down the amount of biodiesel to be used in 2018 by 15 percent, and on setting 2019 biodiesel requirements possibly as low as the 1 billion gallon floor laid out in the law, less than half the original 2018 level of 2.1 billion gallons.

Biodiesel credits are linked to the ethanol credits — called Renewable Identification Numbers — since U.S. ethanol producers typically fall short of supplying the volumes required under the RFS program. Oil refiners then must buy biodiesel RINs to meet requirements, according to research by University of Illinois economist Scott Irwin.

While corn ethanol credit prices are cheaper than biodiesel RINs, the two tend to move in tandem, so the effect of EPA's notice on RIN prices for ethanol, advanced biofuel and biodiesel was immediate: a 20 percent decline in prices for credits of biodiesel and ethanol after EPA's notice, according to the fuel price tracking service OPIS.

The proposal to cut the biomass-based fuel shocked the biodiesel makers such as Gene Gebolys, CEO of World Energy, who said the industry "froze" as soon as the notice came out.

"The more baffling part is Trump has been consistently supportive of the RFS, over and over and over and over again, he has been supportive of the RFS," he said. "This has been a frontal assault on the RFS. You have to ask yourself, is EPA taking direction from the White House or the oil industry?"

EPA also did not respond to a request for comment. Nor did API or Valero, both of whom EPA cited in its notice, although the AFPM trade association was pleased by the action.

"EPA is on the right track in adjusting renewable fuel requirements," AFPM CEO Chet Thompson said in a statement. "This proposal more appropriately advances Congress's stated purpose of bolstering America's energy independence. American drivers shouldn't have to shoulder more costs to help foreign biofuel producers."

But ethanol producers think EPA may be putting key states in play if it follows through and makes cuts to biodiesel.

"If I am a Democrat thinking of taking Trump on in Iowa and Wisconsin in 2020, I am licking my chops," Walther from POET said.

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Back

FERC amends pipeline study to add climate impact Back

By Darius Dixon | 09/27/2017 04:31 PM EDT

FERC announced today that it is amending an environmental study for a natural gas pipeline to meet a federal court's requirement that it include an assessment of greenhouse gas emissions from the power plants that may use the fuel.

The new 5-page analysis of the Southeast Market Pipelines Project, which consists of three natural gas pipelines under construction in Alabama, Georgia and Florida, conducted by FERC staff says they "would not result in a

significant impact on the environment" so long as the developer followed the mitigation measures mentioned in the final 2015 environmental impact statement.

The original EIS didn't include an assessment of carbon dioxide, methane and nitrous oxide emissions associated with use and combustion of the natural gas that would be transported by the project when it was done. Last month, the D.C. Circuit Court of Appeals sided with the Sierra Club and vacated FERC's approval of the project, saying the agency must redo the EIS it used in its decision.

FERC's move to issue a supplemental EIS on greenhouse gas emissions suggests that it may not appeal the court's decision.

The analysis also states that using the social cost of carbon in its greenhouse gas analysis "is not appropriate for use in any project-level NEPA review."

WHAT'S NEXT: FERC has until Oct. 6 to decide whether it will appeal the D.C. Circuit's Aug. 22 ruling, which could require the agency to revisit the EISs it conducted for several pipelines.

To view online click here.

Back

Trump: Shipping industry doesn't want Jones Act waiver for Puerto Rico recovery Back

By Ben Lefebvre | 09/27/2017 03:40 PM EDT

President Donald Trump cited objections from the shipping industry when asked today why his administration has not waived the Jones Act to help deliver fuel and other goods to hurricane-ravaged Puerto Rico.

"We're thinking about that, but we have a lot of shippers and a lot of people and a lot of people who work in the shipping industry that don't want the Jones Act lifted," Trump told reporters outside the White House today. "And we have a lot of ships out there right now."

The Jones Act stipulates that only U.S.-flagged vessels can ship goods between domestic ports.

DHS said earlier today that it was not likely to grant a Jones Act waiver to Puerto Rico, where water, fuel and other necessities are in short supply since Hurricane Maria hit the island last week. Enough ships are available to deliver goods to the U.S. territory, with the problem being the lack of delivery logistics on the island itself, a department spokesman said.

DHS waived the Jones Act for fuel deliveries to Texas and Florida after hurricanes hit those states earlier this year.

WHAT'S NEXT: Congress has promised to ramp up aid to Puerto Rico.

To view online click here.

Back

DHS says it hasn't denied Jones Act waiver for Puerto Rico — yet Back

By Tanya Snyder | 09/27/2017 11:35 AM EDT

DHS officials said today that they have not yet decided how to act on the Jones Act waiver request sent Monday from eight members of Congress.

However, senior DHS officials made it clear that a waiver is unlikely and that an official determination could take days or weeks, as it requires coordination with other federal agencies.

Under statute, the Jones Act, which requires that goods moved between U.S. ports must be carried on U.S.-owned and -operated vessels, can only be waived for reasons of "national defense" or if there aren't enough U.S.-flag vessels to meet demand. In the wake of Hurricanes Harvey and Irma, the Department of Defense requested a Jones Act waiver for Texas and Florida, which was issued quickly. In the absence of a Pentagon request, DHS needs to make those determinations itself, consulting with MARAD on vessel availability.

DHS officials also told reporters that the department had "not received a formal waiver request," since Congress is not a traditional pathway for these kinds of requests. Still, the officials said they are evaluating the request and working as quickly as possible to make a determination.

The officials also reiterated that a Jones Act waiver would not help move goods within the island, which is the real problem Puerto Rico is facing right now.

The U.S. Virgin Islands are statutorily exempt from the Jones Act.

To view online click here.

Back

Oil industry backs GOP tax proposal, but utilities, renewables industries wary Back

By Eric Wolff | 09/27/2017 04:02 PM EDT

The oil and gas industry praised the tax proposal released Wednesday by Republican leaders, though the utility and renewables industries withheld their verdicts for now.

The "Big Six" Republican tax writers — consisting of Treasury Secretary Steven Mnuchin, National Economic Council Director Gary Cohn and key congressional leaders — called for lowering the corporate tax rate for businesses to 20 percent, and allowing companies to write off the full value of capital investments. But they left many details out of the plan, including how to pay for their tax cuts. The proposal would partially curb the interest tax deduction for businesses, and it would alter how overseas profits would be taxed.

Allowing companies to fully expense their spending would benefit the oil and gas sector, which says it pours an average of $232 billion a year in capital expenditures in the U.S. The proposal also shifts international taxes to a territorial system, under which profits from overseas subsidiaries would not be taxed, and it allows profits currently held overseas to be repatriated without being taxed.

"The right pro-growth tax policies can accelerate these economic investments and create more jobs while keeping energy affordable for consumers. This includes strong cost-recovery provisions, which are a critical

part of any pro-growth tax code to allow new investment and help fuel the U.S. economy," American Petroleum Institute President Jack Gerard said.

Wednesday's tax proposal was vague on the fate of the interest tax deduction, saying it would be "partially limited" but leaving tax-writing committees to work out the details.

The Edison Electric Institute, which represents Investor-owned utilities, said it was still reviewing the proposal; but in an interview earlier this week, Eric Grey, EEI's director of government affairs, said the group was concerned about the loss of the interest tax deduction. EEI says utilities spend $125 billion a year on capital investments, and they depend on debt and equity markets to fund transmission lines, substations and wires. Grey said utilities wouldn't get an immediate benefit from 100 percent expensing.

"For us, the interest deduction is how we raise capital," Grey said. "Our companies are in the debt and equity markets every single day trying to build the necessary financing for the large [capital expenditure] we do."

The Solar Energy Industries Association and the American Wind Energy Association both said they were still studying the proposal. SEIA CEO Abigail Ross Hopper told POLITICO last week that the industry was concerned about the interaction between the investment tax credit and full expensing.

To view online click here.

Back

EPW to host EPA, NRC nomination hearing Oct. 4 Back

By Anthony Adragna | 09/27/2017 04:25 PM EDT

The Senate Environment and Public Works Committee will hold a confirmation hearing Oct. 4 on a host of President Donald Trump's picks for posts at EPA and the Nuclear Regulatory Commission.

The session will include four EPA nominees: Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. Lawmakers will also consider Jeff Baran's re-nomination to the NRC.

The committee shelved a hearing planned for last week on the picks after the Senate adjourned earlier than expected for Rosh Hashanah. Wehrum's and Dourson's nominations have attracted the most controversy from Democrats and the environmental community.

WHAT'S NEXT: The full EPW Committee will consider the nominees at the Oct. 4 hearing.

To view online click here.

Back

Court delays coal ash arguments to November Back

By Alex Guillén | 09/27/2017 04:54 PM EDT

The D.C. Circuit Court of Appeals today granted a one-month delay in arguments over EPA's 2015 coal ash rule following Administrator Scott Pruitt's decision to reconsider key parts of the regulation.

Arguments had been scheduled for Oct. 17, but a three-judge panel ordered them delayed until Nov. 20.

The judges ordered EPA to reveal by Nov. 15 which portions of the rule will be reconsidered "and setting forth with specificity the timeline for reconsideration." In addition, all sides, including industry and environmental challengers, are supposed to file new briefs by Oct. 11 addressing whether the new state-based coal ash permitting program that passed Congress as part of the Water Infrastructure Improvements for the Nation Act at the end of 2016 affect the broader lawsuit at all. And the court told attorneys to be ready at arguments to discuss whether a longer delay in the lawsuit is appropriate, opening up the possibility of further delay.

The court set 90 minutes' worth of arguments in total, split into four sections: Three dealing with various legal and technical challenges to the rule and one on whether the case should be delayed longer.

The case will be heard by Judges Karen LeCraft Henderson, a George H.W. Bush appointee, and two Obama appointees, Judges Patricia Millett and Cornelia Pillard.

WHAT'S NEXT: The parties must submit briefs regarding the permitting program by Oct. 11. Oral argument is scheduled for Nov. 20.

To view online click here.

Back

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Message

From: POLITICO Pro Energy Whiteboard [politicoemail@politicopro.com]
Sent: 4/11/2018 8:08:50 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Gowdy demands more records from EPA's Pruitt

By Anthony Adragna

04/11/2018 04:06 PM EDT

House Oversight Chairman Trey Gowdy today requested additional documents from EPA Administrator Scott Pruitt concerning his first-class travel arrangements and Capitol Hill condo agreement with a Washington lobbyist couple.

While the agency has provided some documents related to Pruitt's travel arrangements, Gowdy said in a letter that EPA had not provided requested information on waivers the administrator received for first- or business-class tickets.

In addition, Gowdy said records already provided to the agency about the $50-per-night lease in a Capitol Hill condo Pruitt held last year "are insufficient to evaluate compliance with federal ethics rules." He asked for "all documents and communications" related to that lease and associated communications related to whether Pruitt adhered to the terms of that lease.

WHAT'S NEXT: Gowdy asked for a response no later than April 25.

To view online:
https://www.politicopro.com/energy/whiteboard/2018/04/gowdy-demands-more-records-from-epas-pruitt-1006907

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Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 4/11/2018 4:24:21 PM
To: Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]
Subject: RE: New HOGR Ltr
Attachments: 2018-04-11 TG to Pruitt-EPA - Travel Follow-up due 4-25.pdf

Just got the new letter (attached) from Chairman Gowdy. Reaffirms their request from the first letter on travel documents for waiver authorization for premium travel and threat assessments that we had not provided. It also and includes a new section asking for ethics information and documents on the condo lease agreement. They set an April 25th deadline in the letter.

-Aaron

-----Original Message-----
From: Baptist, Erik
Sent: Wednesday, April 11, 2018 12:19 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: New HOGR Ltr
Importance: High

Attached please find a draft supplemental letter that we would send to HOGR, along with the Concur authorization requests/approvals that Beth is pulling from the system.

Ex. 5 - Deliberative Process

Thanks,

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

-----Original Message-----
From: Ringel, Aaron
Sent: Wednesday, April 11, 2018 11:48 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: New HOGR Ltr

Just got a call from Caroline with the committee, they are sending another Gowdy letter on travel today and also the condo lease. Should receive shortly and I'll forward along.

Sent from my iPhone

TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143
MAJORITY (202) 225-5074
MINORITY (202) 225-5051
http://oversight.house.gov

April 11, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Pruitt:

On February 20, 2018, the Committee requested documents and other information regarding your official travel be produced by March 6, 2018.[1] The EPA provided some responsive documents on March 20, 2018, and subsequently shared additional documents in camera on April 9, 2018. Nevertheless, the EPA has failed to produce all the documents requested on February 20, 2018.

Specifically, EPA has not produced documents responsive to requests 3(a) and (b). Those requests cover, for each of your first or business class flights, documents related to whether an individual waiver or authorization to purchase a first or business class ticket for the flight was issued; and, if a waiver or authorization was issued, a copy of the waiver or authorization and any documents related to the reasoning for the waiver or authorization. These requests include, but are not limited to, any documents referring or relating to "specific, ongoing threats associated with the Administrator's air travel," which was the stated basis for obtaining first class tickets in a March 20, 2018, letter from EPA Associate Administrator Troy Lyons.[2]

Additionally, the Committee is evaluating a February 2017 lease agreement entered into by you and Ms. Vicki Hart.[3] The Committee obtained related memoranda issued by the agency's Designated Ethics Official on March 30, 2018, and April 4, 2018. The April 4, 2018, memorandum raises questions about whether ethics officials who reviewed the lease had access to all relevant information, and whether all applicable ethics rules were considered when those officials concluded the lease agreement complied with federal ethics regulations.[4]

---

[1] Letter from Rep. Trey Gowdy, Chairman, H. Comm. on Oversight & Gov't Reform, to Mr. Scott Pruitt, Adm'r, Envtl. Prot. Agency (Feb. 20, 2018).
[2] Letter from Troy Lyons, Assoc. Adm'r, Envtl. Prot. Agency, to Rep. Trey Gowdy, Chairman, H. Comm. on Oversight & Gov't Reform (March 20, 2018).
[3] Louis Nelson, *EPA Ethics Official Says He Didn't Have All 'Factual Information' on Pruitt's Lease*, POLITICO (Apr. 5, 2018, 7:34 AM), https://www.politico.com/story/2018/04/05/scott-pruitt-ethics-memo-503641.
[4] *Id.*

These memoranda are insufficient to evaluate compliance with federal ethics rules. To assist the Committee in determining whether federal ethics regulations were followed with respect to the February 2017 lease, please produce the following:

1. All documents and communications referring or relating to the lease agreement entered into by you with Vicki Hart, including, but not limited to all communications between you and Steven Hart and/or Vicki Hart regarding the lease agreement;

2. Documents and communications referring or relating to the conclusions reached in the March 30, 2018, and April 4, 2018, ethics memoranda;

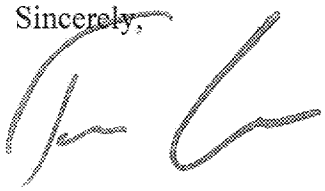
3. Documents and communications referring or relating to whether the actual use of the space was consistent with the lease terms; and

4. Documents and communications referring or relating to whether the lease agreement complied with 5 C.F.R. § 2635.502.

Provide the requested documents and information as soon as possible, but no later than April 25, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request.

Please contact Caroline Nabity of the Majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Trey Gowdy

Enclosure

cc: The Honorable Elijah E. Cummings

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____ **)** _____ **-** _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ **in (select one):**

- ◉ **All matters before the Committee**
- ○ **The following matters (describe the scope of representation):**

_____

_____

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

_____

I agree to notify the Committee within 1 business day of any change in representation.

_____ _____
Signature of Attorney **Date**

Message

From: Maisano, Frank [frank.maisano@bracewell.com]
Sent: 4/23/2018 9:31:05 PM
To: Maisano, Frank [frank.maisano@bracewell.com]
Subject: Apr 23 PRG Energy Update: Pruitt, Cement, Refinery Workers Head to Hill

Friends,

Sorry friends we are a little late today but I've been running around Atlanta in meetings and am now headed to an event where SoCo CEO Tom Fanning with be named CEO Coach of the Year by the American Football Coaches Assn. Nice digs at the Georgia Aquarium by the way, you should check it Out if you are ever down here.

Well, it's last week of April and I can't say we've had enough April showers but it has been too darn cold, so I hope we'll see some better weather soon. At least our friends in England have another Prince in the line of succession. Poor Prince Harry, slipping down the list further despite the big summer wedding plans. So far the hockey playoffs have been pretty exciting and yesterday we put the Valero Texas Open in the books with Andrew Landry earning his first PGA win.

We have a CRAZY week in Congress, but nothing will bigger than Thursday's Scott Pruitt show. That's when the House Energy and Commerce Committee and House Appropriations will both host EPA Administrator Pruitt on the agency's budget request. Good Luck with that topic which will probably be more security, first class flying and office decorations (Still don't think a SCIF is an office decoration) rather than Superfund. Other hearings include a House Resources hearing on Wednesday looking at NEPA lawsuits and NRC Commissioner at House Approps on 2019 budget. Finally, Sens. Michael Bennet and Susan Collins host Olympians as they brief Congress about impact of climate change on winter sports at 12:30 p.m. on Wednesday.

More excitement just now on the committee vote for Secretary of State Mike Pompeo with Rand Paul surprisingly voting for Pompeo in committee, allowing him to clear the Senate Foreign Relations Committee. Obviously, the nomination will roll forward as Sen. Heitkamp has said she already supports him. I would expect a few others to like Connelly and Manchin to follow suit. Anyway, important climate and HFC issues on the plate for the Secretary of State so stay tuned. We may also soon see an economic study from supporters of addressing HFCs through the Kigali amendment. We will keep you posted.

Thursday is also the deadline for comments on the withdrawal of the Clean Power Plan. We are all over this with Jeff Holmstead, Scott Segal and other folks who are commenting. I will try to send a summary of some comments later this week.

Watch out for additional traffic this week on the Hill and it is more than just Pruitt gawkers. Tomorrow and Wednesday cement manufacturers and workers will be in DC pushing for Infrastructure opportunities and discussion of costs saving measures like life cycle cost analysis. In fact last week, cement industry economists released research that shows incorporating a life-cycle cost analysis (LCCA) provision into federal infrastructure legislation can save taxpayers $91 million for every $1 billion spent on projects, and today, Reps. Jason Lewis (R-MN) and Peter Aguilar (D-CA) introduced legislation that will increase the usage of LCCA for large federally funded infrastructure projects.

Also coming to town on Thursday, look for union refinery workers that want to continue to remind President Trump and Congress that the current structure of the RFS risks their jobs. This will be Interesting given many refiners big, small and integrated will report their first quarter earnings this week and next. Valero, Shell and ConocoPhillips report Thursday, while Chevron and ExxonMobil are Friday. BP, Holley Frontier and PBF report next week and Andeavor on May 7. Given the ongoing battle over the RFS, stay tuned.

This White House Correspondents Dinner is on Saturday. I have gone a number of times and it is always fun to see everyone. Also, next week is Kentucky Derby week. We will have the breakdown next week. Call with questions. Best,

Frank Maisano
(202) 828-5864
c. (202) 997-5932

FRANKLY SPOKEN

"Americans are united in the belief that now is the time to invest in infrastructure – and those investments should be made wisely. Including LCCA in legislation would be a taxpayer victory, and provide a guardrail for delivering return on investment for the federal government and states funding infrastructure revitalization."

PCA President and CEO Michael Ireland discussing a new report from PCA incorporating a life-cycle cost analysis (LCCA) provision into federal infrastructure legislation.

ON THE POD

Bracewell Podcast Talking Trade – The latest Bracewell podcast returns this week and is live on Stitcher, iTunes, SoundCloud, and Google Play Music. Josh and Liam discuss this week's roll-out of "TariffsAreTaxes" coalition to fight steel and aluminum tariffs, the "generic ballot" and what it tells us about Midterms, and a special 4/20 topic: federal decriminalization of marijuana.

Book, McMonigle Featured on CapCrude – Platts Capitol Crude Podcast looks at geopolitical risks flaring up across the globe which raises the prospect of oil supply disruptions. Platts Meghan Gordon hits up veteran analysts Joe McMonigle of Hedge Risk Management and Kevin Book of ClearView Energy Partners to weigh in on four of the top risk areas: Venezuela's collapsing economy, the Syrian war, the teetering Iran nuclear deal and China trade tensions.

IN THE NEWS

Study: Life-Cycle Cost Analysis Can Save Taxpayers Billions on Infrastructure Projects – A new report from the Portland Cement Association (PCA) Market Intelligence Group says incorporating a life-cycle cost analysis (LCCA) provision into federal infrastructure legislation could save taxpayers $91 million for every $1 billion spent on projects. Using research from the MIT Concrete Sustainability Hub, the report says evaluating the full economic burden of a project over its lifetime is key to improving performance and lowering costs, 50 percent of which can relate to project maintenance. PCA economists estimate that applying the roughly 9.1% savings rate to the Trump Administration's infrastructure proposal could yield $90 billion in potential taxpayer savings. If LCCA had been included in the FAST Act, which provided $226.3 billion to federal-aid highways beginning in FY 2016, there would have been a $2.4 billion taxpayer savings. This translates to roughly 1000 highway lane-miles, equivalent to paving a two-lane highway from Washington, D.C. to Boston. LCCA is a widely supported, long-proven process that helps planners, engineers and policy makers understand the full cost of a project over its lifetime. Including LCCA in project design and planning leads to greater accuracy, better performance and lower costs. To learn more, see PCA's analysis. To learn more about the principles of life-cycle-cost analysis, visit the MIT CS Hub. To learn about organizations that support LCCA, visit www.cement.org/lcca.

Reps. Introduce LCCA Legislation – Speaking of LCCA, Jason Lewis (R-MN) introduced legislation called "Preserving America's Infrastructure Dollars (PAID) Act of 2018" which will increase the use of Life Cycle Cost Analysis (LCCA) for large federally funded infrastructure projects. Lewis said "Infrastructure is the backbone of America, and the roads, highways, and bridges built or repaired should be made to last. Under the bipartisan PAID Act, federally funded projects would need to undergo LCCA to factor in initial building costs and future costs such as maintenance, to evaluate the economic efficiency between various construction options and designs." Many states, including Minnesota and California, already perform LCCAs for construction projects. Lewis says the process encourages market competition and strong stewardship of taxpayer dollars, while allowing states to retain the flexibility to make the best decision for their communities.

Tax Group, Highway Users, Boilermakers Support – The legislation is supported by Americans for Tax Reform, The American Highway Users and International Brotherhood of Boilermakers all endorse the legislation. The Boilermakers said when "the benefits of long-lasting and durable concrete are taken into account, we believe the market for this valuable material will only be enhanced." Americans for Tax Reform President Grover Norquist said almost 50% of infrastructure costs are future costs such as maintenance, rehabilitation, and restoration, so requiring LCCAs will ensure that agencies are armed with information to make the most cost-effective said decisions when allocating infrastructure dollars." The Highway Users said they support federal policy that encourages the States to keep federal taxpayers' interests in mind by evaluating the short and long-term benefits of various, value-engineered construction and materials approaches.

Perry Announces $105 Million in New Funding to Advance Solar Technologies – DOE announced up to $105.5 million last week to support solar technology. Under its Solar Energy Technologies Office (SETO), DOE will fund about 70 projects to advance both solar photovoltaic (PV) and concentrating solar thermal power (CSP) technologies, as well as facilitate the secure integration of those technologies into the nation's electricity grid. Funding will also support efforts that prepare the workforce for the solar industry's future needs. The 2018 SETO announcement will combine all of SETO's technology areas into one request. By creating a more streamlined and consolidated funding strategy, DOE seeks to accelerate the cycles of learning in solar research and reduce government overhead costs. Sign up HERE to learn more about this funding opportunity at an upcoming webinar.

What Will DOE Cover – The funding program will focus on four main areas:
TOPIC 1: Advanced Solar Systems Integration Technologies (up to $46 million, ~14 projects)

- These projects will advance research on technologies that enable the seamless integration of solar energy onto the nation's electricity grid. By supporting advances in power electronics, solar plus storage, and PV-integrated sensor technologies, the work will help ensure a smooth transition to a secure, reliable, and resilient grid of the future.

TOPIC 2: Concentrating Solar Power (CSP) Research and Development (up to $24 million, ~21 projects)

- These projects pursue innovative CSP concepts and technology solutions that enable the solar industry to reach DOE's 2030 levelized cost of electricity (LCOE) targets for CSP, including $0.05 per kilowatt-hour for systems with greater than 12 hours of onsite storage. Research in CSP will focus on advancing elements found in CSP subsystems, including collectors and thermal transport systems for advanced power cycles, while pursuing new methods for introducing innovation to CSP research.

TOPIC 3: Photovoltaics Research and Development (up to $27 million, ~28 projects)

- These projects support early-stage research to increase performance, reduce materials and processing costs, and improve reliability of PV cells, modules, and systems. These projects support DOE's efforts to lower LCOE to $0.03 per kilowatt hour from utility-scale systems by 2030, which is half the cost of utility-scale solar today.

TOPIC 4: Improving and Expanding the Solar Industry through Workforce Initiatives (up to $8.5 million, ~4 projects)

- These projects will pursue innovative initiatives that prepare the solar industry for a digital future while also increasing the number of veterans and participants in the solar industry.

EEI, Utilities Promote Storage – The Edison Electric Institute (EEI) and 32 energy companies/organizations sent a letter to leaders of the Energy Storage Association (ESA) last week to support its efforts in advancing energy storage and to highlight principles seen as critical to helping the nation achieve a cleaner, more reliable and affordable energy system. Seeking to ensure the long-term growth of the energy storage industry, the letter promoted the need for state and local regulatory authorities to evaluate and choose the business and ownership models that will best facilitate growth in their state. The letter also stated that energy storage deployed at scale could strengthen electric company operations and reliability, while modernizing the energy grid and lowering overall costs.

NAFTA Discussions Look to Wrap Up – Mexican Economy Minister Ildefonso Guajardo reaffirmed Friday that the United States, Canada and Mexico are still pushing for a "comprehensive" new NAFTA agreement, despite the intense focus in recent weeks on automotive rules of origin. However, Canadian Foreign Minister Chrystia Freeland told reporters separately that the discussion on the auto rules of origin language was still center stage. Ministers will meet again on Tuesday. An informal timetable for wrapping up the talks is also looming. U.S. Trade Representative Robert Lighthizer is pushing to wrap up talks in the next couple of weeks so that Congress can vote by mid-December. My colleagues Josh

Zive and Stoney Burke are following this issue closer than anyway and are happy to offer your Insights. You can reach them at josh.zive@bracell.com or Stoney.burke@bracewell.com

DTE NatGas Plants Approved – The Michigan Department of Environmental Quality approved a permit for DTE Energy to build two natural gas-fired turbines near Detroit despite local Opposition concerned about pollution concerns. MDEQ officials say they reviewed public comments and concluded that DTE's request met all of the requirements for a permit. DTE's turbines will be part of the company's new infrastructure in a facility that will power Ford Motor Co.'s Research and Engineering Center as it transforms into a green, high-tech campus. Other systems will include natural air flow ventilation and geothermal heating and cooling.

ON THE SCHEDULE THIS WEEK

Fanning to Receive Leadership Award from Coaches – Southern CEO Tom Fanning will receive the CEO Coach of the Year award from the American Football Coaches Assn at a dinner tonight at the Georgia Aquarium. The award is the highest honor bestowed by the organization, whose inaugural recipient in 2006 was Jeffrey R. Immelt, former CEO of General Electric. Other former winners include former Domino's Pizza CEO David Brandon (2007), former MidAmerican Energy Holdings CEO David Sokol (2008), former HP CEO Mark Hurd (2009), FedEx CEO Fred Smith (2010); BP Capital CEO T. Boone Pickens (2011); NFL Commissioner Roger Goodell (2012); former ExxonMobil CEO Rex Tillerson (2013), AT&T CEO Randall Stephenson (2014), Berkshire Hathaway Energy head Greg Abel (2015) and former Honeywell Chairman and CEO David Cote (2016).

Refiners Security Conference Set – The annual AFPM Security Conference will be held today through Wednesday in New Orleans and presents current topics of vital importance to critical infrastructure, keeping security professionals up to date on security issues, policies, and future regulations. The event will relay the latest information on security regulations from DHS and the Coast Guard. This year's conference will also go beyond just the regulations with sessions on hurricane response efforts, environmental NGO activism, cybersecurity and other emerging security and terror threats.

Axios to Host Gore, Sen. Sullivan – Mike Allen and Axios will host conversations on the news of the day with former VP Al Gore and Sen. Dan Sullivan of Alaska at AJAX tomorrow at 8:00 a.m. as part of it News Shapers Series.

Webinar to Look at Infrastructure on Hurricane – The Bipartisan Policy Center holds a webcast tomorrow at 10:00 a.m. on whether America's infrastructure can withstand the next natural disasters. They will also discuss what lessons can be learned from previous disasters."

Wilson to Hosts Climate Book Launch – Tomorrow at 3:00 p.m., the Woodrow Wilson Center hosts a book launch discussion with author Barry Rabe on pricing carbon. Climate change, economists generally agree, is best addressed by putting a price on the carbon content of fossil fuels—by taxing carbon, by cap-and-trade systems, or other methods. But what about the politics of carbon pricing? Do political realities render carbon pricing impracticable? In this book, Barry Rabe offers the first major political science analysis of the feasibility and sustainability of carbon pricing, drawing upon a series of real-world attempts to price carbon over the last two decades in North America, Europe, and Asia.

JHU Hosts Forum on Resilient Infrastructure – Johns Hopkins University's Energy, Resources and Environment (ERE) Global Leaders Forum hosts a presentation tomorrow at 5:00 p.m. by the AECOM Practicum team looking at Cities as Innovation Centers. The event will focus on investing in resilient Infrastructure," followed by a panel discussion. ERE's Practicum students in partnership with the global engineering company AECOM are exploring the topic of climate risk and resilient infrastructure. This presentation and panel discussion will identify traditional barriers to investing in resilience and investigate best practices for implementing resilience.

Energy Happy Hour – The US Energy Economists in the National Capitol Area are co-hosting a Joint Happy Hour Event tomorrow evening at Dirty Martini with OurEnergyPolicy.org (OEP), which is a nonpartisan, nonprofit that has hosted more than 400 policy discussions over the past five years.

WRI Hosts Enviro Prize Winners – The World Resources Institute hosts a forum on Wednesday at 11:30 a.m. which features an intimate conversation with 2018 Goldman Environmental Prize winners The Goldman Environmental Prize, one of the most prestigious environmental awards, honors grassroots champions from six continents. The names of this year's recipients will be announced on April 23rd. After sharing their incredible stories, the Prize winners will join a Q&A discussion with the audience on environmental activism in the energy space, and regional approaches on the transition to clean energy.

NRC Commissioners Head to Approps – The Senate Appropriations Committee's Energy & Water panel will convene a hearing on Wednesday at 2:00 p.m. to review the Fiscal Year 2019 funding request and budget justification for the U.S. Nuclear Regulatory Commission Commissioners Kristine Svinicki, Jeff Baran, and Stephen Burns.

Resources Looks at NEPA – The House Resources Committee will hold an oversight hearing on Wednesday at 2:00 p.m. on reform of the National Environmental Policy Act. It will look at the "weaponization" of NEPA and the Implications of environmental lawfare. Witnesses include SMU Law Professor James Coleman, Melissa Hamsher of Eclipse Energy Resource Corporation, Laura Alice Watt of Sonoma State University and former CEQ official Horst Greczmiel.

Forum to Look at Sustainable Investing – Bloomberg Government and the Norwegian-American Chamber of Commerce will host a series of in-depth conversations starting Wednesday April 25th at 3:30 p.m. on Investing in a Sustainable Energy Future driven by transformative technology innovations in renewable energy and a functioning trade system necessary to respond to the challenge of energy security and climate change. Panelists will examine how government leaders and energy investors are putting policy and capital to work to transform the world's energy sources and protect the environment.

Forum Set for Discussion of Oceans – The Carnegie Institution for Science lecture on the sustainable use of the ocean Wednesday at 6:00 p.m. Oregon State University's Jane Lubchenco will draw on her four years as the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the U.S. National Oceanic and Atmospheric Administration (NOAA), her two years as the first U.S. Science Envoy for the Ocean, and her decades of research around the world to summarize the importance to people of sustainable use of the ocean, and approaches that are working.

Clean Power Plan Comment Deadline – THURSDAY

Pruitt Heads to House Energy, Approps Panel – The House Energy and Commerce Committee will host EPA Administrator Scott Pruitt on Thursday at 10:00 a.m. on the agency's budget request. Good Luck with staying on that topic. Pruitt then visits the House Approps Environment subpanel at 2:00 p.m.

GMU Forum Looks at Energy-Water Nexus – The Center for Energy Science and Policy (CESP), a joint-initiative of the Schar School of Science and Policy and the College of Science at George Mason University, hosts the Mason Energy Symposium -- "Energy-Water Nexus" on Thursday. The event is the 2nd annual Mason Energy Symposium and is focused on the important nexus between energy and water. The event will advance understanding of the international and domestic aspects of the most basic and critical needs in the 21st century – abundant and reliable supply of water and energy. It will also explore the particular role of off-shore renewable (wind) energy and associated technologies. The full-day event will feature three panels: Panel I on Offshore Renewable Energy; Panel II on the domestic and international aspects of the water and energy nexus; and Panel III on Mason Energy-Water research opportunities. The afternoon will provide Mason students and faculty opportunities to showcase their work relating to energy and water through presentations and posters. The luncheon speaker will be Ambassador (ret) Mary Warlick, former Assistant Secretary in the Department of State's Bureau of Energy Resources.

USEA Focus on Plain Project – The U.S. Energy Association hosts a forum on Thursday at 10:00 a.m. on the Plains CO2 Reduction (PCOR) Partnership, as part of the Regional Carbon Sequestration Partnerships (RCSP) Initiative run by DOE. The project aims to foster the deployment of carbon capture, utilization and storage (CCUS) across a large area in the central interior of the United States and Canada. Using an adaptive management approach (AMA) to the assessment of carbon dioxide (CO2) geologic storage, the PCOR Partnership has demonstrated that secure storage can be achieved in association with CO2 enhanced oil recovery (EOR) operations.

Resources Panel to Look at Offshore Revenue – The House Natural Resources Committee's Subcommittee on Energy and Mineral Resources will hold an oversight hearing on Thursday at 10:00 a.m. examining the critical importance of offshore energy revenue sharing for Gulf Producing States. Witnesses will include Chett Chiasson, Executive Director of the Greater Lafourche Port Commission (Port Fourchon) and Reggie Dupre, the Executive Director of the Terrebonne Levee and Conservation District.

Forum to Look at Gender Impacts of Climate – Women In International Security hosts a round table discussion on Thursday at 10:00 a.m. looking at gender dimensions of climate change. The Panel will examine how climate change impacts men and women, to what extent national and international policies have integrated these gender dimensions, and identify gaps. We will also discuss the state of research and how the Women, Peace and Security Agenda intersects with scholarship and programs addressing climate change.

Forum to Look at Danish Oil, Gas – The Atlantic Council Global Energy Center hosts a Thursday conversation at 11:30 a.m. with Ørsted North America President Thomas Brostrøm as he discusses Ørsted's transformation from an oil company to a clean energy company and lays out his perspective on the future of wind energy in the United States. Ørsted, previously known as Danish Oil and Natural Gas, has undergone a profound transformation in recent years. In recognition of the challenge presented by climate change and the opportunities afforded by the global energy transition, the company divested its fossil fuel assets and made new investments that have seen it become one of the world's fastest-growing and most active clean energy firms.

ITIF, MIT Report to Release Report on Energy Storage – On Thursday at 1:30 p.m., the Information Technology & Innovation Foundation hosts the release of a new report produced in collaboration with the MIT Energy Initiative on Grid-scale Energy Storage. The report's authors, ITIF Senior Fellow David M. Hart and MIT Professor Bill Bonvillian, will present their findings and discuss policy options to spur grid-scale storage innovation with an expert panel.

Forum Report to Focus on Global Oil Impacts – The Center for a New American Security holds an event on Thursday at 2:30 p.m. how lower oil prices have reshaped geopolitical calculations for U.S. policymakers. This panel will include discussion of: (1) Russia's response to lower oil prices and the challenges this presents to the United States; (2) the prospects for continued U.S. engagement in the Middle East given decreasing concerns about energy scarcity; (3) opportunities for U.S. collaboration with Asian partners given decreased competition over energy resources; and (4) the geopolitical ramifications of lower fossil fuel prices for renewable energy resources. The event will coincide with the release of the new CNAS report "U.S. Geopolitical Challenges and Opportunities in the Era of Lower Oil Prices" by Dr. David Gordon, Divya Reddy, Elizabeth Rosenberg, Neil Bhatiya, and Edoardo Saravalle.

Forum to Host Iraq Ambassador – On Thursday at 5:00 p.m., the Atlantic Council's Global Energy Center hosts a wide-ranging discussion on the state of investment in Iraq as the country rebuilds, featuring Iraq's Ambassador to the United States, His Excellency Dr. Fareed Jasseen. On the heels of the Kuwait conference in February, and with an oil and gas bidding round and elections on the horizon, this wide-ranging conversation will focus on the state of investment in Iraq, including the role the energy sector can play in enabling recovery, and the challenges ahead in terms of rebuilding and recovery.

Water Symposium to Feature Perdue, Vilsack – Colorado State University hosts a "Water in the West" Symposium on Thursday and Friday featuring experts, policymakers, researchers, and investors. The event features the latest around water challenges, collaborate with experts, and create a roadmap for water research, innovation, education, and policy. The Symposium will take place at the Water Resources Center, the first building to be constructed at the future National Western Center, a 250-acre redevelopment in north Denver. More than 20 confirmed expert speakers to-date including Secretary of the U.S. Department of Agriculture Sonny Perdue, and Tom Vilsack, Former Secretary of the U.S. Department of Agriculture.

WCEE Hosts FERC Discussion – The Women's Council on Energy and the Environment (WCEE) hosts a lunch discussion on Friday at FERC on the fundamental economics and basic mathematics behind wholesale electricity market pricing, known as Locational Marginal Prices. FERC staff Robin Broder Hytowitz will provide an overview of electricity pricing

focusing on broad concepts that apply to all ISOs/RTOs. The overview will explain the concepts behind Locational Marginal Prices, uplift, and an extension used in some wholesale markets today.

WH Correspondents Dinner Set for April 28th – The White House Correspondents' Association hosts its annual dinner on Saturday featuring comedian Michelle Wolf as the entertainer. Wolf is the host of a newly announced show on Netflix, which comes on the heels of her highly reviewed HBO special. She is also known for her acclaimed work as a contributor on Comedy Central's *Daily Show With Trevor Noah*. President Trump has said he will not attend.

IN THE FUTURE

MI Innovation Council to Hold Meeting – Michigan Energy Innovation Business Council holds its 6th Annual conference on Monday, April 30 at the Radisson Hotel Lansing at the Capitol. The full-day conference focuses on innovations in advanced energy, as well as get an overview on the latest policy developments. There will be several break-out panels throughout the day featuring dozens of expert panelists. The event brings together leaders in Michigan's advanced energy industry, utility executives, policymakers, regulators, and others.

Forum to Look at Climate, Conservative Views – On Monday April 30th, the Columbia Center for Global Energy hosts an event on conservative prescriptions on climate change. As part of its continuing series "Where Next on Climate?" the Center on Global Energy Policy will host a program focusing on conservative prescriptions to deal with climate change. Dr. Glenn Hubbard, Dean of the Columbia Business School and former chair of the Council of Economic Advisors under President George W. Bush, will offer opening remarks, then lead a panel discussion with our friend Rich Powell of ClearPath, John Diamond of Rice University's Baker Institute for Public Policy and Lynne Kiesling of Purdue University and R Street Institute.

NHA holds Washington Waterpower Week – The National Hydropower Assn holds Waterpower Week in Washington on April 30 to May 2nd. Waterpower Week is comprised of three co-located conferences rolled into one: NHA's Annual Conference, International Marine Renewable Energy Conference (IMREC), and Marine Energy Technology Symposium (METS). This 3-day jam packed event provides you the opportunity to network, learn about legislative and regulatory initiatives, and discuss the issues impacting hydropower and marine energy industry.

Solar Summit Set for SD – GTM's Solar Summit 2018 will be held in San Diego on May 1st and 2nd at the Hyatt La Jolla. This conference will present deep dives by the top industry executives and thought leaders that will help you navigate the challenges in the market. SEIA's Abby Hopper and former Governator Cal EPA head Terry Tamminen are among the list of speakers.

CSIS to Look at Carbon Pricing – Next Tuesday, the CSIS Energy & National Security Program will host John Larsen (Rhodium Group; CSIS), Jerry Taylor (Niskanen Center), and Thomas Kerr (IFC) to discuss the state of play of carbon markets and pricing around the world. Carbon pricing and emissions trading systems (ETS) have been gaining momentum as tools to reduce greenhouse gas emissions and meet Paris Agreement targets. The majority of OECD countries have a carbon pricing mechanism in place. Despite progress, carbon pricing and ETS only cover approximately 15% of global emissions. The United States is still without a nation-wide carbon price, a politically fraught issue. Ultimately, prices must be significantly higher, and these mechanisms more widely adopted, in order to meet the goals of the Paris Agreement. Whether pricing carbon and ETS will come to meet expectations remains an open question.

Forum to Look at PJM Region Energy Issues – On Wednesday May 2, the Great Plains Institute and Duke University's Nicholas Institute for Environmental Policy Solutions hold an expert workshop for state officials and stakeholders exploring recent energy and environmental policy developments in the PJM region. Federal Energy Regulatory Commissioner Robert F. Powelson will deliver a keynote address. After Commissioner Powelson's keynote, Adam Keech, Executive Director of PJM Market Operations will present on recent developments at the RTO. A panel of state leaders will then react to recent PJM proposals and decisions and present on state-level developments. An industry panel will explore trends in the electricity industry, including recent commitments by utilities to decarbonize their portfolios. A third panel will explore timely environmental issues, from the new tax credit for carbon capture and storage projects to EV charging infrastructure and Virginia's move to link to RGGI.

Forum to Focus on Russian Energy – On Wednesday May 2 at 10:00 a.m., the Atlantic Council holds a timely discussion on Russia's energy strategy, the final event in a four-part series on Russia Today and Tomorrow: Internal Strengths and Weaknesses. Russia remains one of the largest oil and natural gas producers in the world. Its economy largely depends on energy exports, with revenues accounting for about a half of the country's federal budget. Dr. Tatiana Mitrova, director of the Energy Center at the Moscow School of Management SKOLKOVO, will be presenting a paper of Russia's energy strategy. This will be followed by a panel discussion which will explore the current state of the energy industry in Russia, as well as its immediate and long-term strategy and the influence of the Russian government that includes our friend Elizabeth Rosenberg of the Center for a New American Security.

Forum Looks at Oil in Iraq – The Middle East Institute (MEI) hosts a panel discussion on Thursday May 3rd at 2:00 p.m. examining options and priorities for improving governance in Iraq, featuring Erin Banco, investigative reporter for the *Star-Ledger* and NJ.com; Alan Eyre (State Department), Omar Al-Nidawi (Gryphon Partners), and MEI Scholar Jean Francois Seznec. The panel will be moderated by MEI's director for conflict resolution and Track II dialogues, Randa Slim.

WINDPOWER Set for Chicago – The American Wind Energy Assn (AWEA) will hold WINDPOWER 2018 in Chicago from May 7th to 10th. The industry closed 2017 strong, delivering 7,017 megawatts (MW) of new wind power capacity. That new capacity represents $11 billion in new private investment. There are now 89,077 MW of wind power installed across 41 states, enough to power 26 million American homes. The wind industry is expected to continue its growth into 2018. WINDPOWER is where the industry comes together to plan for the future and keep this success story growing.

BPC to Host Panel on Federal Science – The Bipartisan Policy Center will Host a Forum on Tuesday May 8th at 9:00 a.m. looking at federal funding for Fiscal Year 2018 for research and development. Continually developing new scientific knowledge and technologies drives long-term economic growth and creates higher-skilled jobs. BPC will focus its conversation on federal investment in scientific research and innovation and how to maintain America's economic and competitive edge.

OPIS Looks at West Coast Fuel Supply – OPIS holds a forum in Napa Valley at the Silverado Resort on May 9th and 10th looking at West Coast fuel supplies and transportation opportunities. Industry experts will examine the impact of new players in the Western markets, opportunities that California assets can offer, carbon emissions regulations, renewable fuels, plus get an exclusive technical analysis of West Coast spot market prices.

Hydrogen, Fuel Cell Forum Set for DC – The Fuel Cell and Hydrogen Energy Association will be hosting a full-day forum and exposition on Tuesday, June 12 in Washington, D.C. at the Ronald Reagan Building and International Trade Center with leading executives, experts, and policymakers on fuel cell and hydrogen technology. The forum will bring together key federal and state policymakers, including the Department of Energy and White House, as well as the broader environmental, transportation, and energy communities to raise awareness of the benefits of fuel cell and hydrogen technology. This event will precede the Department of Energy's 2018 Annual Merit Review.

GTM to Host Grid Forum – Greentech Media host Grid Edge Innovation Summit on June 20th and 21st in San Francisco. The event is an energy conference that will examine the energy customer of tomorrow and how new innovative business models are quickly emerging. GTM brings together forward thinking and prominent members of the energy ecosystem and as our research team explores the future of the market. Former FERC Chair Jon Wellinghoff will speak along with many others, including our friends Shayle Kann, Julia Pyper and Stephen Lacey.

Young Professional Program for World Gas Forum Set – The Young Professionals Program (YPP) will hold a special forum during the World Gas Conference June 25-29 in Washington, DC. YPP will provide a great opportunity for promising young professionals in the energy sector to learn from top leaders in the natural gas industry and network with their peers throughout the world. More on this as we get closer.

Clean Energy Forum on Schedule – The 2018 Congressional Clean Energy Expo and Policy Forum will be held on July 10th and brings together up to 45-55 businesses, trade associations, and government agencies to showcase renewable energy and energy efficiency technologies.

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Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
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CC: Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Block, Molly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=60d0c681a16441a0b4fa16aa2dd4b9c5-Block, Moll]; Daniell, Kelsi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd867173479344b3bda202b3004ff830-Daniell, Ke]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]
Subject: April 26, 2018
Attachments: April 27, 2018.docx

Below and attached is a document that you can share and is the result of work from everyone in the communications shop.

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INTERNATIONAL TRAVEL

FALSE CLAIM ...

EPA Administrator Scott Pruitt wasted taxpayer money on three international travel trips. What's not told is that the trip to Italy was for the G-7 environmental summit and the Morocco trip was to meet with government leaders about environmental issues. Finally, a planned trip to Australia was cancelled so Administrator Pruitt could stay in the U.S. and monitor relief efforts related to Hurricane Harvey.

Additionally, Pruitt's international travel has been criticized despite the fact he has taken fewer international trips and spent less money than his two predecessors: Gina McCarthy and Lisa Jackson.

PRECENDENT FOR EPA INTERNATIONAL TRAVEL ...

- Administrator Pruitt has taken 2 international trips: total cost $160,000.
- Administrator McCarthy took 10 international trips: total cost $630,000.

- Administrator Jackson took 4 international trips: total cost $332,000 (including $155,000 on one trip to China.)

Former EPA Administrators Gina McCarthy And Lisa Jackson Spent More On International Travel Than Pruitt. "Internal EPA documents provided to the Washington Free Beacon reveal Obama administration EPA administrators jet setting cost taxpayers roughly $1 million. The EPA has spent $124,000 for Pruitt and his security detail to travel to the G-7 summit in Italy and a trip to Morocco. McCarthy took 10 international trips in three years, including trips to Paris, Florence, Dubai, and Tokyo. Pruitt has come under scrutiny from the media for the travel costs, which include $84,000 for the G-7 summit in Italy last summer in airfare for Pruitt and security... McCarthy spent $629,743 on airfare and security for international trips between 2013 and 2016...Internal EPA documents show costs for trips to Ghana ($68,382), Peru ($45,140), Tokyo ($74,738), Paris ($41,321), Dubai ($90,368), Tokyo ($67,703), Florence ($56,193), Vancouver ($62,247), Vietnam ($68,268), and Beijing ($55,385)." (The Washington Free Beacon, 03/21/2018)

Lisa Jackson's China Trip Exceeded $155,000. "Between 2009 and 2012, Jackson spent $64,963 for trips to Tel Aviv; $59,950 to Rio de Janeiro; $51,436 to Montreal; and $155,764 to Beijing, Guangzhou, and Shanghai." (The Washington Free Beacon, 03/21/2018)

ITALY ...

Administrator Pruitt Promoted The Importance Of International Engagement At His First G7 Meeting. "U.S. EPA Administrator Scott Pruitt attended his first G7 Environmental Ministerial Meeting, taking part in thoughtful bilateral discussions with his G7 counterparts. Less than two weeks after President Trump announced the United States' withdrawal from the Paris Accord, Administrator Pruitt emphasized now is the time to move forward with a discussion to find ways to positively engage with other countries in order to protect and use our natural resources. 'The United States has always been a world leader when it comes to environmental stewardship, and that was demonstrated on a global stage today,' Administrator Pruitt said. 'I believe engaging in international discussion is of the utmost importance to the United States when it comes to environmental issues. I want to thank the government of Italy and Minister Galletti for the tremendous hospitality and leadership over this meeting.' 'The protection of the environment and public health,' said Italian Minister of the Environment Gian Luca Galletti, 'is a common goal for Italy and the United States. There are many themes that see our common commitment. The presence of Administrator Pruitt at the G7 Environment in Bologna has been a very important element that allowed us to start constructive dialogue on all environmental issues as well as to open new channels of business cooperation between our two countries.' Administrator Pruitt returned to the United States Sunday evening in order to attend the President's first full cabinet meeting scheduled for Monday. (Press Release, 06/11/17)

Both Lisa Jackson And Gina McCarthy Attended The Same G-7 Meeting As Pruitt And EPA Security Details Followed The Same Protocol As Past Trips. "'Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson and Gina McCarthy's trips to Italy,' agency spokesman Jahan Wilcox said in an email. 'EPA's security procedures have not deviated over the past 14 years.'" (The Washington Post, 03/20/2018)

- **Gina McCarthy Also Visited The Vatican While In Rome**. "Explaining her visit Friday to the Vatican, the head of the U.S. Environmental Protection Agency said she wanted to let Pope Francis know that President Barack Obama is 'aligned with him' on the issue of climate change and is taking action." (The Forum on Religion and Ecology, 01/30/2015)

Media Reports Suggest Pruitt's Trip To Italy Cost Too Much On Travel And Security. "Pruitt said he took official meetings during the entire four-day trip to Italy for the G-7 environmental summit in June of last year...

Documents released earlier this week show that the cost of the trip was $30,000 more than previously reported, bringing the total to around $120,000. An EPA document showed that the cost of travel for Pruitt's security detail was $30,559 the week of the trip. (ABC News, 03/22/2018)

Pruitt Critics Purposefully Ignore The Significance Of The G7 Italy Trip. "That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter,' Eric Schaeffer, executive director of the Environmental Integrity Project, said in a statement Tuesday. 'And it doesn't even include salary costs for everyone who signed up for this tour. Maybe next time he should just send his regrets.'" (The Washington Post, 03/20/2018)

EPA STATEMENT: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman

On February 13, 2018 CBS News Reported That EPA Had "A Certificate Justifying The Return Flight From Milan," Allowing Administrator Pruitt To Fly On A Foreign Carrier Due To Lack Of Options Available From American Carriers. "A certificate justifying the return flight from Milan that the EPA provided to CBS News said Pruitt flew on a foreign carrier because it was the only available flight 'that would get the administrator back in time' to attend a Cabinet meeting with President Trump the next day." (CBS News, 2/13/18)

MOROCCO ...

Administrator Pruitt Promotes Environmental Cooperation With Moroccan Government Officials. "U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt attended bilateral meetings in Morocco this week where he outlined U.S. environmental priorities for updating the Environmental Work Plan under the U.S.-Morocco Free Trade Agreement and the potential benefit of liquefied natural gas (LNG) imports on Morocco's economy. This visit comes on the heels of an EPA-led workshop in Rabat that shared U.S. best practices for solid waste management, public participation and crisis communication pursuant to the former Environmental Work Plan. 'These meetings allowed us to directly convey our priorities and best practices with Moroccan leaders, as well as identify opportunities for continued cooperation, as our two countries further talks around the Environmental Work Plan,' said EPA Administrator Scott Pruitt. 'We are committed to working closely with countries like Morocco to enhance environmental stewardship around the world.' Administrator Pruitt met with Moroccan Secretary of State of Ministry of Foreign Affairs, Mounia Boucetta, where the two discussed the importance of continued collaboration between the two countries. Following the meeting with Secretary Boucetta, he met with the Moroccan Minister of Energy, Mines and Sustainable Development, Aziz Rabbah, to discuss new and ongoing areas of collaboration under the Free Trade Agreement and the country's interest in importing LNG. Also during the visit to Morocco, Administrator Pruitt met with Moroccan Minister of Justice and Liberties, Mohamed Aujjar. The two focused on the importance of adhering to rule of law and the ongoing strategic cooperation between the two countries. Administrator Pruitt also toured the IRESEN Green Energy Park, where he saw firsthand the work being done to promote environmental innovation including solar energy across Morocco. (Press Release, 12/12/17)

The Washington Post Criticized Pruitt For Spending A Night In Paris, When In Reality His Outbound Flight Was Cancelled And He Was Forced To Spend A Night Near Charles De Gaulle Airport In France. "An EPA official said the trip was affected by weather delays, which prompted the group to stay in Paris on Dec. 10 before arriving in Rabat the next day." (The Washington Post, 03/20/18)

ABC News Falsely Reported That Pruitt Had One Scheduled Meeting For The First Day, When In Fact His Flight Was Cancelled Due To Snow At Dulles And His Schedule Had To Be Adjusted. "Wilcox said Saturday that Pruitt originally had more meetings scheduled that first day in Morocco but his plans changed after

weather delayed his flight out of Dulles International Airport on Dec. 9" (ABC News, 04/21/18)

ABC News Criticized EPA Over A Portion Of Pruitt's Calendar Which Was Redacted, When The Redaction Was For A Senior Staff Meeting, It Listed Of All 98 Attendees For A Meeting In Washington That He Never Attended. "The four-page redaction to the Morocco schedule is simply a calendar entry for a Senior Staff Meeting at EPA Headquarters in DC, which the Administrator did not attend because he was in Morocco. The entry includes all attendees invited to the meeting, which is the reason for the extensive redaction. Every meeting that took place in Morocco has been publicized and included on the Administrator's schedule."

Despite The False Narrative From The Media That Pruitt Went To Morocco To Solely Promote Natural Gas, He Attended Numerous Meetings On A Wide Range Of Topics. "Environmental Protection Agency Administrator Scott Pruitt returned Wednesday from a trip to Morocco, where he talked with officials about their interest in importing natural gas as well as other areas of 'continued cooperation' between the two countries… The purpose of the trip sparked questions from environmental groups, Democratic lawmakers and some industry experts, who noted that EPA plays no formal role in overseeing natural gas exports. Such activities are overseen primarily by the Energy Department and Federal Energy Regulatory Commission." (The Washington Post, 12/13/2017)

Pruitt Had Numerous Meetings Pertaining To Agency Priorities, Including Disaster Relief, Solid Waste Response, And The Bilateral Free Trade Agreement Between The U.S. And Morocco. "Pruitt met with three top Moroccan officials, according to the agency statement, including the minister of energy, mines and sustainable development; the minister of justice and liberties; and the secretary of state to the minister of foreign affairs. Wilcox said Pruitt 'discussed our bilateral free trade agreement, solid waste response, disaster relief and communications with top Moroccan officials…' His visit came shortly after the EPA held a workshop in Rabat about solid waste management, public participation and crisis communication. Morocco, the only African country with which the United States has a free-trade agreement, is a signatory to the 2015 Paris climate agreement and has collaborated in the past with U.S. officials on its push to expand domestic solar energy production. During the trip, Moroccan officials took Pruitt on a tour of the IRESEN Green Energy Park, which the EPA said showed the administrator 'firsthand the work being done to promote environmental innovation, including solar energy across Morocco.' (The Washington Post, 12/13/2017)

AUSTRALIA …

Members Of Administrator Pruitt's Advance Team And Security Detail Traveled To Australia Prior To Administrator Pruitt's Scheduled Trip To Meet With Australian Officials. "Pruitt was scheduled to participate in environment-related meetings with Australian officials on a visit to Sydney and Canberra…Wilcox said the original itinerary included a meeting with Australia's parliament." (Reuters, 04/19/2018)

EPA STATEMENT: "Government employees who travel for longer than 14 hours are able to fly in business class and our advance team, which included Millan Hupp and Kevin Chmielewski, was adhering to the federal government's travel policy. Their job was to arrive before Administrator Pruitt, who had meetings planned with the Australian government, but his trip was cancelled due to Hurricane Harvey." – EPA spokesman

Government Officials Are Authorized To Travel In Business Class If Flights Exceed 14 hours. "The purchase of business-class tickets was not a violation of U.S. government policy, which allows federal employees to travel business class on trips lasting 14 hours or more." (Reuters, 04/19/2018)

The Trip Was Ultimately Cancelled Due To Emergency Agency Needs Surrounding Hurricane Harvey. "EPA spokesman Jahan Wilcox said Pruitt's trip was canceled because of Hurricane Harvey, which caused major flooding and damage in Texas. Pruitt ended up going to Corpus Christi, Texas to assess the agency's relief

efforts instead." (Reuters, 04/19/2018)

On August 30, 2017, EPA Administrator Scott Pruitt Visited Corpus Christi "To Assess EPA Relief Efforts And Thank Responders." "U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Corpus Christi today to assess EPA relief efforts and thank responders. Administrator Pruitt also met with local and state leaders to discuss continued relief measures in the aftermath of Hurricane Harvey." (EPA Press Office, 8/30/17)

Pruitt Stated That He Saw The "Devastation Endured By Texas" Firsthand While Visiting Corpus Christi. "'The devastation endured by Texas this week is unfathomable. As I saw firsthand today, the Lone Star State has shown commendable perseverance in helping their fellow neighbors through this crisis,' said Administrator Pruitt. 'EPA is committed to working with our federal, state, and local partners to provide relief to the affected regions.'" (EPA Press Office, 8/30/17)

Pruitt Had Been Scheduled To Participate In Environment-Related Meetings In Sydney And Canberra, Australia, But Cancelled The Trips Due To Hurricane Harvey. "Pruitt was scheduled to participate in environment-related meetings with Australian officials on a visit to Sydney and Canberra. EPA spokesman Jahan Wilcox said Pruitt's trip was canceled because of Hurricane Harvey, which caused major flooding and damage in Texas. Pruitt ended up going to Corpus Christi, Texas to assess the agency's relief efforts instead." (Reuters, 4/19/18)

PRUITT'S ONE-BEDROOM LEASE ON CAPITOL HILL

VICKI AND STEVE HART ...
EPA STATEMENT: "When Administrator Pruitt arrived in Washington, he stayed at a condo owned by a friend and paid her for it. Vicki Hart is the sole owner of this complex and is a healthcare lobbyist." - EPA spokesman.

Steven Hart Is A Friend Of The Administrator's From Oklahoma And The Living Situation Was Temporary Until A Permanent Washington, DC Residence Could Be Arranged. "'My wife wasn't here yet. My children were back in Oklahoma,' Pruitt said. 'The needs were different. As soon as my wife came up, we moved to a different location where I couldn't just be living out of a suitcase...' Speaking of Hart, Pruitt said: 'He's the chairman of a law firm. I've know this gentleman for years. He's an Oklahoman, and his firm represents these [energy industry] clients, not him. There has been no connection whatsoever in that regard.'" (The Daily Signal, 04/03/2018)

Steven Hart Did Meet With Administrator Pruitt in 2017 But Claims It Was Done For A Friend And Not In An Official Capacity. "Mr. Hart disputed on Saturday that his story had changed, saying in a written statement that his work with Mr. Treacy was not compensated and not on behalf of Smithfield. 'I assisted a friend who serves on the Chesapeake Bay Commission, and this is inaccurately being tied to Smithfield Foods,' Mr. Hart said. 'I was not paid for this assistance and any suggestion that I lobbied for Smithfield Foods is inaccurate...' a spokesman for Mr. Hart, Ryan Williams, told The New York Times that Mr. Hart had met with Mr. Pruitt in 2017, along with Dennis Treacy, a former Smithfield executive vice president. Mr. Treacy now serves on the board of directors of the Smithfield Foundation, which the food company describes as its philanthropic arm with a focus of combating hunger." (The New York Times, 04/21/2018)

Steven Hart Attended A Meeting With Dennis Treacy, Former Executive Vice President Of Smithfield Foods, And Administrator Pruitt Met To Discuss Restoring The Chesapeake Bay And Was Not Conducted At The Request of Smithfield Foods. "'Smithfield Foods, Inc. has learned Williams & Jensen has advocated in support

of Environmental Protection Agency (EPA) programs to help the Chesapeake Bay,' the company said in a statement Saturday. 'The objective, while laudable, was not undertaken at the direction of or on behalf of Smithfield Foods. These activities were conducted at the request of a then former executive and current Smithfield Foundation board member, Dennis Treacy, in his personal capacity.'" (The New York Times, 04/21/2018)

EPA ETHICS OFFICIALS CLEARED PRUITT'S LEASE ...

On March 29, 2018, ABC News Reported EPA Administrator Scott Pruitt Lived In A Condo Owned By The Wife Of A Lobbyist Steven Hart. "Hart confirmed to ABC News in a brief interview that Pruitt had lived in the flat, which is owned by a limited liability company that links to an address listed to Hart and his wife Vicki Hart, a lobbyist with expertise in the healthcare arena. Steven Hart said Vicki Hart co-owns the condo. He said his wife was not the majority owner, but would not identify her partners." (ABC News, 03/29/2018)

EPA Ethics Counsel Concludes Arrangement Wasn't Ethics Issue Because Pruitt Paid Rent. "Bloomberg reviewed six canceled checks paid by Pruitt totaling $6,100 from March 18 through Sept 1, 2017. He paid $450 on March 18, $900 on April 26, $850 on May 15, $700 on June 4, $1,500 on July 22 and $1,700 on Sept 1... Justina Fugh, who has been ethics counsel at the EPA for a dozen years, said the arrangement wasn't an ethics issue because Pruitt paid rent... Fugh, the EPA's ethics counsel, said no gift was involved. It was a routine business arrangement between Pruitt and an individual, not a lobbying firm, she added." (Bloomberg, 03/29/18)

EPA Ethics Official Concluded That Pruitt's $50 A Night / $1,500 A Month Was Market Rate For One Bedroom On Capitol Hill. "In a memo obtained by CBS News, the Environmental Protection Agency's Ethics Official and Deputy Counsel concluded that EPA Administrator's Scott Pruitt's housing arrangement did not breach any ethical violations or constitute a gift. The memo, signed by EPA Deputy Counsel Kevin Minoli, says that the EPA's investigation determined that 'when checked against the price of traditional month-to-month rentals that would most likely offer increased privacy and exclusivity of use, a converted amount of $1,500 for Tenant's portion of the rent under the lease is within the range of amounts charged for locations no further than three blocks away.'" (CBS News, 4/4/18)

OBAMA'S TREASURY SECRETARY TIMOTHY GEITNER LIVED RENT-FREE IN A BANKING EXECUTIVE'S HOME ...

During The Previous Administration, Then-Treasury Secretary Timothy Geitner Lived Rent-Free In A $3.5 Million Townhouse Owned By A Bank Executive While Geitner Was Overseeing The Bailout Crisis For Wall Street Banks "Geithner lived with Zelikow's family in the six-bedroom house, which is next door to the residence of the ambassador of Monaco and not far from the home of Secretary of State Hillary Clinton, during most of his first eight months running the Treasury Department. At that time, Geithner was overseeing the bailout of several huge Wall Street banks, including JPMorgan, which received $25 billion in federal rescue funds from the TARP program... The bank, JPMorgan Chase, has just rehired one of Geithner's oldest and dearest friends, Daniel Zelikow, as a top executive, only a year after the Treasury secretary moved out of his rent-free accommodations in Zelikow's $3.5 million Washington townhouse." (The Daily Beast, 08/15/10)

THREATS AGAINST PRUITT

ON APRIL 6, 2018 THE ASSOCIATED PRESS FALSELY CLAIMED THEIR WERE NO THREATS AGAINST ADMINISTRATOR PRUITT …

On April 6, 2018, The Associated Press Falsely Reported That There Are No Threats Against Administrator Pruitt Because No Arrests Or Charges Have Been Filed. "A nationwide search of state and federal court records by AP found no case where anyone has been arrested or charged with threatening Pruitt. EPA's press office did not respond Friday to provide details of any specific threats or arrests." (The Associated Press, 4/6/18)

PREVIOUS MEDIA REPORTS DISPUTE THIS CLAIM …

On April 11, 2018, CBS News Reported That Administrator Pruitt Received Numerous Threats Including One "Deemed Serious Enough To Prosecute" By The Department Of Justice. "CBS News has obtained an August 2017 report prepared by the Environmental Protection Agency's office of inspector general that contains a list of 13 threats made against EPA Administrator Scott Pruitt and his family. The threats range in severity, credibility and specificity. One tweet flagged by investigators said, 'Pruitt, I'm gonna find you and put a bullet between your eyes. Don't think I'm joking. I'm planning this.' Investigators believe the threat was made by someone living in India… In certain cases, cases were referred to the Justice Department, but just one was deemed serious enough to prosecute. The report covers the period from Oct. 2016 to Aug. 2017." (CBS News, 4/11/18)

On January 11, 2018 E&E News Reported That "Pruitt Has Faced More Threats Than His Immediate Predecessors, Former Administrators Gina McCarthy And Lisa Jackson." "In an interview with E&E News, Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." (E&E News, 1/11/18)

On November 1, 2017 The Wall Street Journal Reported On "More Than 70 Credible Threats Against EPA Staffers, With A Disproportionate Number Menacing Administrator Scott Pruitt And His Family." "Since the Trump Administration took office, the agency has investigated more than 70 credible threats against EPA staffers, with a disproportionate number menacing Administrator Scott Pruitt and his family… Mr. Pruitt has received more than five times as many threats as his predecessor, Gina McCarthy. These include explicit death threats. Some have referenced Mr. Pruitt's home address. Federal law enforcement has determined that some of those threatening Mr. Pruitt are likely capable of carrying out acts of violence. EPA security has already caught suspects prowling around the administrator's neighborhood." (The Wall Street Journal, 11/1/17)

EPA'S PROTECTICE SERVICE DETAIL & SPENDING

EPA STATEMENTS …

Spending Decisions Are Made By EPA'S Protective Service Detail. "Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government." – EPA spokesman

Pruitt Has Faced An Unprecedented Amount Of Threats Against Him. "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions

are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats." – EPA spokesman

SECURE PHONE LINE ...

Pruitt's $43,000 Soundproof Phone Booth Started More Modestly. "In the beginning, it was supposed to be just a secure telephone line. But over the course of four months last year, that phone line destined for the office of Environmental Protection Agency Administrator Scott Pruitt morphed from a no-more-than $13,500 project into a $43,000 privacy booth, complete with silenced ventilation and "noise-lock" paneling to keep conversations from being overheard, according to documents obtained by Bloomberg News." (Bloomberg, 4/20/18)

Costs Ballooned After Initial Cost Estimate Was Created. "EPA officials seeking bids for the project initially estimated a privacy booth would cost $13,500 on a July 24, 2017 requisition form. Another $11,500 was added on Aug. 17, and an additional $570 was included on Aug. 23 as the staff closed in on a final vendor. That $25,570, including a $1,000 after-hours delivery charge, was just for the booth itself; total costs ballooned to $43,000 after prep work and installation, including leveling a concrete floor to insert the pre-fabricated steel box. Former Assistant Deputy Chief of Staff Reginald Allen – who had the top career post in the EPA – sent booth costs of $24,570 to Chmielewski on Aug. 23, adding that he was waiting for an estimate for the floor from Jefferson's team. Another email says funding was being handled by Allen's office." (Bloomberg, 4/20/18)

Career Staff, Not Pruitt, Were Behind EPA's $43K Phone Booth. "However, the documents 'show the heavy role played by career officials who have purchasing power — and suggest political appointees without the authority to approve acquisitions were less involved,' Dlouhy reported. 'Administrator Pruitt simply requested a secure phone line but never asked for a soundproof booth, nor did he have knowledge of its purchase,' EPA spokesman Jahan Wilcox told Bloomberg. The secure phone booth was initially estimated to cost $13,500, but soon morphed into $43,000 project, 'complete with silenced ventilation and 'noise-lock' paneling to keep conversations from being overheard,' according to Bloomberg." (The Daily Caller, 4/20/18)

EPA Career Officials Oversaw The Contract For The Phone Line. "Career officials at the Environmental Protection Agency who oversaw the funding and construction of a controversial secure phone booth for Administrator Scott Pruitt's office were acting at the behest of political appointees and security staff, documents obtained by CBS News show. The documents show that the project started soliciting bids at an estimated $13,500 last summer. It eventually cost $43,000, which included painting, floor and ceiling work and prepping the room. Presented with four pricing options ranging between $20,560 and $24,570, career officials chose the most expensively priced because it included 'expedited materials and working outside regular business hours.'" (CBS News, 04/20/18)

The Daily Caller: Career Staff, Not Pruitt, Were Behind EPA's $43K Phone Booth trib.al/OxEFT64 (twitter, 04/22/2018)

Jennifer Dloughy, Bloomberg Reporter: New documents show how a possibly modest request for a secure phone line in EPA Chief Pruitt's office morphed into a $43,000 soundproof booth w/ noise-lock paneling & silenced ventilation. (twitter, 04/20/18)

Steve Milloy, JunkScience: JunkScience: Pfft... another line of attack on @EPAScottPruitt fizzles. Pruitt only asked for a secure phone line for $13,500. But the bureaucracy tripled the cost. (twitter, 04/20/18)

Chris Mooney, Washington Post Reporter: Pruitt's $43,000 phone booth started more modestly bloomberg.com/news/articles/... via @bpolitics (twitter, 04/20/18)

Major Garrett, CBS Chief White House Correspondent: Documents provide window into Scott Pruitt's controversial $43,000 phone booth cbsnews.com/news/documents... via @CBSPolitics (twitter, 04/20/2018)

CBS News: Documents provide window into Scott Pruitt's controversial $43,000 phone booth cbsnews.com/news/documents... via @CBSPolitics (twitter, 04/20/2018)

BULLET-PROOF VEHICLES MYTH ...

EPA Corrects Media Reports About Bulletproof Tires And Bullet-Resistant Seat Covers For Pruitt. "The Environmental Protection Agency is correcting the record, claiming news reports about bulletproof tires and bullet-resistant seat covers to protect its embattled chief Scott Pruitt at government expense were inaccurate. EPA spokesman Jahan Wilcox told Fox News: 'We would like to put this rumor to rest. EPA has no bulletproof vehicles, tires or seat covers, the agency has no contracts for any bulletproof vehicles, tires or seat covers, and the agency never sought any contracts for bulletproof vehicles, tires or seat covers.' Wilcox also sent to Fox News 'the federal purchase order, which reveals there was no purchase of bulletproof tires or bullet-resistant covers.' Wilcox added, 'In response to an individual attempting to assassinate numerous Congressional Republicans while they practiced for a charity baseball game, EPA's Protective Service Detail placed bullet-proof vests over each seat.'" (Fox News, 4/18/18)

SECURITY SWEEPS ...

Former EPA Administrators Lisa Jackson And Gina McCarthy Also Had Their Office Swept. "He added, 'According to EPA's Protective Service, security sweeps are common practice in government, as former EPA Administrators Lisa Jackson and Gina McCarthy also had their office swept.' While there was no competitive bidding for Steinmetz's [$3,000] contract, Wilcox said the agency considered multiple vendors for the biometric locks used in Pruitt's office and for the EPA inspector general." (The Washington Post, 3/6/18)

FIRST CLASS TRAVEL

Security Incidents Prompted EPA Officials To Move Administrator Pruitt To First Or Business Class. "'The shift to first-class travel began after May 2017, when EPA officials saw how recognizable Pruitt was to the general public, Barnet said. There were 'incidents where he was being approached – vulgar language, people were being somewhat aggressive towards him – and so the special agent in charge provided documentation – a memo – to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/2018)

Prior To Every Flight, EPA Submitted A Security-Related Waiver To Approve Administrator Pruitt's Travel Arrangements. "EPA spokesman Jahan Wilcox said the agency submits a security-related waiver for each trip Pruitt takes." (Bloomberg, 02/15/2018)

EPA Submitted Letter To House Oversight Committee Chairman Explaining Waiver. "In a letter to Gowdy, EPA said that Pruitt's first class travel was approved 'on an individualized basis,' and was necessary due to security concerns. His security detail, the letter said, 'identified specific, ongoing threats associated with the administration administrator's air travel and, therefore, shifted his class based on security protocols that require him to be near the front of the plane.'" (The Daily Beast, 3/20/18)

EPA Spent $105,000 On First Class Travel For Administrator Pruitt For Travel. "Environmental Protection Agency administration Scott Pruitt spent about $105,000 on first class airfare since assuming the post, records obtained by The Daily Beast show. The details of Pruitt's travel are spelled out in documents sent to congressional investigators on Tuesday as part of the House Oversight Committee's probe into the use of taxpayer resources for official government travel." (The Daily Beast, 3/20/18)

In February 2018, Administrator Pruitt Announced He Directed Security Team To Accommodate Threats To Allow Him To Fly Coach. "'There's a change coming, because look the security threat matters,' Pruitt said. 'What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away.'" (CBS News, 02/28/2018)

The Associated Press Used Flights On Southwest Airlines – Which Does Not Have First Class – To Push Their False Narrative That Pruitt Flies Coach When He Is Paying For Person Travel. "The AP released a report on Wednesday titled: 'EPA chief sat in coach when not flying on taxpayer's dime.' The headline — and the opening lede — suggested that the leader of the EPA makes more economical decisions when taking personal flights, as opposed to his travel when conducting official business. However, there is one major detail included about Southwest Airlines: They do not offer first-class travel. This detail was included in the body of the AP article, but the headline and angle of the report framed Pruitt as a hypocrite when it comes to personal travel." (The Daily Caller, 4/19/18)

The Associated Press Falsely Reported That EPA Confirmed Their Claim. "This was not the only detail the EPA took issue with. The AP claimed on Twitter that it confirmed their story with the agency. However, EPA spokesperson Jahan Wilcox said this tweet is false and that the agency never confirmed their report. 'The same security procedures are followed whether Administrator Pruitt is on official or personal travel,' the official statement provided to the AP read. The statement neither confirmed nor denied the story." (The Daily Caller, 4/19/18)

PRUITT'S EPA EMAIL ACCOUNTS

EPA STATEMENT: "When EPA receives a FOIA request concerning the Administrator's emails, all accounts associated are searched before we respond to that request." – Steve Fine, Acting Chief Information Officer

EPA Administrator Gina McCarthy had 4 email accounts: 5178RAMcCarthy@epa.gov, Adm13McCarthy@epa.gov, GinaMcCarthy.epaadministrator@epa.gov, and McCarthy.Gina@epa.gov.

Obama EPA officials said multiple email addresses for the Administrator "have been standard practice since the Clinton Administration." "The internal account exists so that Jackson's communications with other government officials aren't buried under the crush of emails flooding into her public account, jackson.lisap@epa.gov, which got 1.5 million emails in fiscal year 2012, EPA says. The agency says such dual-account arrangements have been standard practice since the Clinton administration, when EPA Administrator Carol Browner was first assigned two @epa.gov email addresses. 'For more than a decade, EPA administrators have been assigned two official, government-issued email accounts: a public account and an internal account,' EPA said in a statement to POLITICO." (Lisa Jackson's 'Windsor' knot, Politico, 11/20/12)

Lisa Jackson had one email for the public and one internal account to communicate with staff and other government officials. "'The email address for the public account is posted on EPA's website and is used by hundreds of thousands of Americans to send messages to the administrator. The internal account is an everyday, working email account of the administrator to communicate with staff and other government officials.'" (Lisa Jackson's 'Windsor' knot, Politico, 11/20/12)

George W. Bush's Administration said there was nothing usual about Lisa Jackson's multiple email accounts. "High-ranking officials from George W. Bush's EPA agree that the arrangement is nothing new, and say they were never under the impression that the internal account was a secret. Senior EPA leadership and EPA regional administrators had the email address, as did anyone to whom the administrator provided it, and the messages were all considered part of the public record. When it comes to public records and FOIA requests, 'both the public and internal accounts are reviewed for responsive records, and responsive records from both accounts are provided to FOIA requesters,' EPA said." (Lisa Jackson's 'Windsor' knot, Politico, 11/20/12)

RAISES TO STAFF & AD HIRING AUTHORITY

The Atlantic falsely claimed that Administrator Scott Pruitt was responsible for substantial pay raises to two staff. "In early March, Environmental Protection Agency Administrator Scott Pruitt approached the White House with a request: He wanted substantial pay raises for two of his closest aides." (The Atlantic, 4/3/18)

Administrator Pruitt swiftly denied his involvement in the raises. "I found out this yesterday and I corrected the action and we are in the process of finding out how it took place and correcting it," – EPA Administrator Scott Pruitt (Fox News, 4/4/18)

Ryan Jackson, EPA Chief of Staff, went on the record stating that Administrator Pruitt had zero knowledge of the raises. "Administrator Pruitt had zero knowledge of the amount of the raises, nor the process by which they transpired. These kind of personnel actions are handled by EPA's HR officials, Presidential Personnel Office and me," Jackson said in a prepared statement Monday. – Ryan Jackson, EPA Chief of Staff (Politico, 4/9/18)

Jackson provided Politico with reasoning for the substantial raises but confirmed that they had been reversed per Pruitt's direction. "He [Ryan Jackson] said the staffers were to be paid "similar to their peers given their responsibilities over the past year," and that their original salaries started lower than their colleagues' because they had moved to Washington, D.C., from Oklahoma, where salaries are lower. He added that the raises had been reversed, as Pruitt instructed, and any future changes would go through the White House for evaluation." (Politico, 4/9/18)

EPA's Office of Inspector General issued a Management Alert on Salary Increases for Certain Administratively Determined Positions on 4/16/18, which referenced EPA's further reasoning for the raises. "These salary determinations for appointees were made by the Agency chief of staff, White House liaison, and Agency human resources staff based on previous salary history and increases in salary were made due to either new and additional responsibilities or promotions. The salaries involved were meant to correspond directly with the responsibilities the individual held and to attempt to ensure no salary disparities among positions of equivalent or similar responsibilities with other political appointees as much as possible. As employees continue to work in the agency reaching milestones like one year of employment and/or continue to take on new responsibilities, we will further evaluate their salaries to ensure the employees compensation is commensurate with their seniority and work." (EPA's 4/15/18 response to OIG's 4/11/18 draft report, EPA Office of Inspector General, 4/16/18) [See attached for OIG management alert]

EPA's Office of Inspector General further provides the HR documentation supporting the raises in this Management Alert, which show Ryan Jackson approved the raises. Documents show that authorizations for these raises (Employee A and Employee B), were signed "Ryan Jackson for Scott Pruitt." (EPA Office of Inspector General, 4/16/18) [See attached for OIG management alert]

EPA STATEMENT: "The Safe Drinking Water Act provides the EPA with broad authority to appoint scientific, engineering, professional, legal, and administrative positions within EPA without regard to the civil service laws. This is clear authority that has been relied on by previous administrations," EPA spokesman Jahan Wilcox said in a statement. (The Atlantic, 4/3/18)

- **Direct Text of Statute:** *"§ 300j–10. Appointment of scientific, etc., personnel by Administrator of Environmental Protection Agency for implementation of responsibilities; compensation*
  To the extent that the Administrator of the Environmental Protection Agency deems such action necessary to the discharge of his functions under title XIV of the Public Health Service Act [42 U.S.C. 300f et seq.] (relating to safe drinking water) and under other provisions of law, he may appoint

personnel to fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws and may fix the compensation of such personnel not in excess of the maximum rate payable for GS–18 of the General Schedule under section 5332 of title 5." (GPO)

Multiple EPA employees from previous administrations have confirmed its wide use. "Stan Meiburg, who spent 39 years at EPA, including as acting deputy administrator in the Obama administration, said, "It has been done by both parties, so it has been ratified over time.... These are highly prized positions because you can bring people in without having to go through the usual competition process." Meiburg remembered both the George W. Bush and Obama administrations having AD hires. (E&E News, 4/4/18)

- "A provision of the Safe Drinking Water Act allows the EPA administrator to hire up to 30 people into the agency, without White House or congressional approval. The provision, meant to help expedite the hiring of experts and allow for more flexible staffing, became law in 1996. In past administrations, it has been used to hire specialists into custom-made roles in especially stressed offices, according to Bob Perciasepe, a former acting EPA administrator." (The Atlantic, 4/3/18)

When asked about how the AD hiring authority has been used in previous administrations, former EPA employees all had conflicting comments on what it was used for, supporting that the statute gives broad authority to the Administrator. "Stan Meiburg, who spent 39 years at EPA, including as acting deputy administrator in the Obama administration… recalled some of those hires landing as political aides to EPA regional chiefs during those administrations. Meiburg said it made sense that the Trump administration would use the hiring authority for political aides like press officials and schedulers to assist Pruitt. "Those are pretty specialized skills, and there are folks in the political field who have those skills," said Meiburg, who now teaches at Wake Forest University. "That's not to say you don't need a good solid career staff in public affairs, as well." But Meiburg found it noteworthy that Pruitt had used the hiring authority to bring on deputy assistant administrators. "The use of the AD authority to bring on a political deputy is a little unusual," Meiburg said. "*Most of the AD appointments are at a lower level.* You usually have a non-career SES be a political deputy." (E&E News, 4/4/18)

- ***"The people I knew of in that category were well-seasoned, experienced professionals in their fields,"* said Ken Kopocis,** who headed the Office of Water from 2011 to 2015. "We did not use it as a way to get around the White House. … It's not designed to fill up your political slots." (Washington Post, 04/04/18)
- "In past administrations, it has been used to *hire specialists into custom-made roles in especially stressed offices*, according to Bob Perciasepe, a former acting EPA administrator." (The Atlantic, 4/3/18)

KEVIN CHMIELEWESKI & SENATE DEMOCRATS' LETTER

ALLEGATION 1 ...

Mr. Chmielewski provided several examples to lawmakers of wasteful security spending beyond justifying the use of first-class travel under the guise of security. This includes the purchase of bulletproof vests and weapons, biometric looks, a security sweep of Administrator Pruitt's office, one or more new SUVs for Administrator Pruitt's travel (rather than obtaining vehicles from the General Services Administration), and a $30,000 contract with private Italian security personnel entered into by Mr. Nino Perrotta, the Special Agent who leads Administrator Pruitt's security detail. Mr. Chmielewski explained that at least one security-related contract was awarded to an individual who works at Mr. Perrotta's private security firm, and he believes that other contracts may also have been awarded to friends or associates of Mr. Perrotta's.

SECURITY DETAIL FOR THE G-7 SUMMIT IN ITALY ...

EPA Security Detail Followed The Same Security Procedures On The G7 Trip That Have Been Used For The Previous 14 Years. "EPA spokesman Jahan Wilcox said the security detail 'followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years.'" (Reuters, 3/20/18)

EPA STATEMENT: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman

BULLETPROOF VEHICLES ...

On April 19, 2018 Fox News Reported That EPA Pushed Back On Claims Of Purchasing Bulletproof Materials, Stating That The Agency Has Never Sought Nor Purchased Any Bulletproof Vehicles, Tires, Or Seat Covers. "EPA spokesman Jahan Wilcox told Fox News: 'We would like to put this rumor to rest. EPA has no bulletproof vehicles, tires or seat covers, the agency has no contracts for any bulletproof vehicles, tires or seat covers, and the agency never sought any contracts for bulletproof vehicles, tires or seat covers.'" (Fox News, 4/19/18)

SECURITY SWEEPS/LOCKS ...

EPA Spokesman Jahan Wilcox Stated That "Security Sweeps Are Common Practice In Government, As Former EPA Administrators Lisa Jackson And Gina McCarthy Also Had Their Office Swept." "He added, 'According to EPA's Protective Service, security sweeps are common practice in government, as former EPA Administrators Lisa Jackson and Gina McCarthy also had their office swept.' While there was no competitive bidding for Steinmetz's contract, Wilcox said the agency considered multiple vendors for the biometric locks used in Pruitt's office and for the EPA inspector general." (The Washington Post, 3/6/18)

ALLEGATION 2 ...

Mr. Chmielewski told Congressional staff that Administrator Pruitt spent well beyond the $5,000 allowed by law to decorate his office, including refinishing an antique desk, purchasing an additional standing desk, paying leases for art on loan from the Smithsonian Institution, framing an 8x10 foot United States flag, and building a $43,000 soundproof phone booth.

SMITHSONIAN'S POLICY/STATEMENT ...

Chmielewski Claimed That EPA Was Paying Leases For Artwork On Loan From The Smithsonian Institution, This Claim Is False As The Smithsonian Routinely Loans Cabinet Officials Paintings Free Of Charge. "One thing Chmielewski told Democrats was that EPA was 'paying leases for art on loan from the Smithsonian Institution' to furnish Pruitt's office. Chmielewski's also claimed Pruitt 'spent well beyond the $5,000 allowed by law to decorate' his office, which included 'refinishing an antique desk, purchasing an additional standing desk.'

Smithsonian Institution's chief spokeswoman, however, told the New Republic's Emily Atkin they don't lease artwork to federal agencies. Spokeswoman Linda St. Thomas 'we do not charge' for artwork on loan. Atkin noted '[p]aintings and sculptures not on view in the museums are routinely loaned to members of Congress, the Supreme Court, and the White House, she said.' St. Thomas said 'President Barack Obama's EPA administrators also loaned paintings from the Smithsonian American Art Museum,' Atkin reported." (The Daily Caller, 4/13/18)

DESKS ...

EPA Spokesman Jahan Wilcox Stated That "The Administrator Never Considered The Proposal," Regarding Desks. "Asked about the proposed desk purchases, Mr. Wilcox, the E.P.A. spokesman, said that 'the administrator never considered the proposal.'" (The New York Times, 4/5/18)

ALLEGATION 3 ...

Mr. Chmielewski said that Administrator Pruitt insisted on the use of lights and sirens to transport more quickly through traffic to the airport, meetings, and social events on numerous occasions, and that Administrator Pruitt permitted his drivers to speed through residential neighborhoods and red lights, far in excess of posted speed limits.

LIGHTS & SIRENS ...

EPA Stated That "The Security Detail For The Past 15 Years Has Used Them In Very Limited Fashion." "The agency said Mr. Pruitt played no role in deciding when the sirens and lights would be used. 'The security detail for the past 15 years has used them in very limited fashion,' Mr. Wilcox said." (The New York Times, 4/5/18)

ALLEGATION 4 ...

Mr. Chmielewski said that Administrator Pruitt his Director of Scheduling and Advance Millan Hupp acted as a personal real estate representative, spending weeks improperly using federal government resources and time to contact rental and seller's agents, and touring numerous properties in which he might wish to reside.

HOUSING SEARCH ...

EPA Said That Government Resources Were Used To Find Administrator Pruitt Housing Is "Categorically False." "In a statement, EPA spokesman Jahan Wilcox responded, 'The notion that government resources were used to assist in finding housing is categorically false.'" (The Washington Post, 4/3/18)

ALLEGATION 5 ...

Mr. Chmielewski said that Ms. Hupp, at Administrator Pruitt 's direction, sought to have the agency enter into a $100,000 per month contract to rent a private jet, which would have cost more than the Administrator's annual travel budget of approximately $450,000. Mr. Chmielewski claimed he successfully prevented this from occurring, as it would have been far in excess of the total travel budget of the office.

PRIVATE PLANE CONTRACT ...

On April 2, 2018 The Washington Post Reported That EPA Received A Solicitation From A Private Jet Firm, But Decided To Reject It And Continue To Fly Commercial. "'This is not news,' EPA spokesman Jahan Wilcox said in a statement Monday. 'EPA's [chief financial officer] regularly receives solicitations for this type of travel, we did our due diligence, found it was not as cost efficient and continued to fly commercial.'" (The Washington Post, 4/2/18)

ALLEGATION 6 ...

Mr. Chmielewski said he observed that Administrator Pruitt 's travel destinations are often dictated by his desire to visit particular cities or countries rather than official business, and that he told staff to something to do [in those locations]? to justify the use of taxpayer funds. He stated that you direct your staff to book flights

on Delta, even when they are not the federal government's contract carrier for the route, because Administrator Pruitt wanted to accrue more frequent flyer miles.

PRUITT'S TRAVEL OUTSIDE OF WASHINGTON ...

On October 1, 2017 Tulsa World Reported That EPA Spokesman Stated That "Administrator Pruitt Has Made It A Priority To Get Out Of The Deep State Of Washington," And Hear From Americans That Were Ignored By The Past Administration. "'Administrator Pruitt has made it a priority to get out of the deep state of Washington and into cities, towns and states across the country hearing from Americans that were ignored by the past Administration,' said EPA Spokesman Jahan Wilcox. 'When traveling, it is our policy to always fly commercial. There were few instances that dictated otherwise and the decision to fly private or government aircraft was made based on necessity or efficiency.'" (Tulsa World, 10/1/17)

On April 21, 2018 The Washington Post Reported That Pruitt Has Visited Over 30 States. "'Administrator Pruitt has visited over 30 states. We will continue to visit those ignored by the Obama administration and implement President Trump's agenda of regulatory certainty and environmental stewardship,' Wilcox said." (The Washington Post, 4/21/18)

ALLEGATION 7 ...

He also informed Congressional staff that Administrator Pruitt directed EPA staff to find reasons to travel to Oklahoma, so that he could be in his home state for long weekends at taxpayers expense. Mr. Chmielewski described the official meetings in Oklahoma as being pretextual, such as scheduling an official meeting with an old friend. According to Mr. Chmielewski, Administrator Pruitt frequently stayed in hotels that exceeded the allowable US. government per diem, sometimes even exceeding the 300 percent cap permitted in exceptional circumstances. He added that while Administrator Pruitt was reimbursed for these expenses, on some occasions members of his security detail were not reimbursed for the portion of their expenses that exceeded allowable maximums.

OKLAHOMA TRAVEL ...

On February 17, 2018, CNN Reported That EPA Officials Treat Oklahoma "Exactly Like We Did North Dakota, Minnesota, Indiana And Every Other State We Visited During The Tour." "Reached for comment, EPA spokeswoman Liz Bowman said: 'With respect to visiting Guymon, it was an important stop on our WOTUS [Waters of the United States] tour where we were able to hear comments from people who have been directly affected by the rule, whose voices have been disregarded in the rulemaking process. By visiting with government officials and citizens, we treated Oklahoma exactly like we did North Dakota, Minnesota, Indiana and every other state we visited during the tour.'" (CNN, 2/17/18)

ALLEGATION 8 ...

After the EPA Chief of Staff raised concerns about Administrator Pruitt travel, Mr. Chmielewski reported that he texted his Chief of Staff to tell him that his presence was no longer welcome at scheduling meetings for your travel. Mr. Chmielewski further described Administrator Pruitt's efforts to marginalize your Chief of Staff as he refused to follow some actions you directed, and he described Ms. Hupp and Sarah Greenwalt, your senior counsel, as running the agency.

SCHEDULING MEETINGS ...

EPA STATEMENT: "Our scheduling and public engagement offices lead this process and involve other staff members as needed." – EPA Spokesman

For April 26, 2018 Hearing

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INTERNATIONAL TRAVEL

FALSE CLAIM ...

EPA Administrator Scott Pruitt wasted taxpayer money on three international travel trips. What's not told is that the trip to Italy was for the G-7 environmental summit and the Morocco trip was to meet with government leaders about environmental issues. Finally, a planned trip to Australia was cancelled so Administrator Pruitt could stay in the U.S. and monitor relief efforts related to Hurricane Harvey.

Additionally, Pruitt's international travel has been criticized despite the fact he has taken fewer international trips and spent less money than his two predecessors: Gina McCarthy and Lisa Jackson.

PRECENDENT FOR EPA INTERNATIONAL TRAVEL ...

- Administrator Pruitt has taken 2 international trips: total cost $160,000.
- Administrator McCarthy took 10 international trips: total cost $630,000.
- Administrator Jackson took 4 international trips: total cost $332,000 (including $155,000 on one trip to China.)

Former EPA Administrators Gina McCarthy And Lisa Jackson Spent More On International Travel Than Pruitt. "Internal EPA documents provided to the Washington Free Beacon reveal Obama administration EPA administrators jet setting cost taxpayers roughly $1 million. The EPA has spent $124,000 for Pruitt and his security detail to travel to the G-7 summit in Italy and a trip to Morocco. McCarthy took 10 international trips in three years, including trips to Paris, Florence, Dubai, and Tokyo. Pruitt has come under scrutiny from the media for the travel costs, which include $84,000 for the G-7 summit in Italy last summer in airfare for Pruitt and security... McCarthy spent $629,743 on airfare and security for international trips between 2013 and 2016...Internal EPA documents show costs for trips to Ghana ($68,382), Peru ($45,140), Tokyo ($74,738), Paris ($41,321), Dubai ($90,368), Tokyo ($67,703), Florence ($56,193), Vancouver ($62,247), Vietnam ($68,268), and Beijing ($55,385)." (The Washington Free Beacon, 03/21/2018)

Lisa Jackson's China Trip Exceeded $155,000. "Between 2009 and 2012, Jackson spent $64,963 for trips to Tel Aviv; $59,950 to Rio de Janeiro; $51,436 to Montreal; and $155,764 to Beijing, Guangzhou, and Shanghai." (The Washington Free Beacon, 03/21/2018)

ITALY ...

Administrator Pruitt Promoted The Importance Of International Engagement At His First G7 Meeting. "U.S. EPA Administrator Scott Pruitt attended his first G7 Environmental Ministerial Meeting, taking part in thoughtful bilateral discussions with his G7 counterparts. Less than two weeks after President Trump announced the United States' withdrawal from the Paris Accord, Administrator Pruitt emphasized now is the time to move forward with a discussion to find ways to positively engage with other countries in order to protect and use our natural resources. 'The United States has always been a world leader when it comes to environmental stewardship, and that was demonstrated on a global stage today,' Administrator Pruitt said. 'I

believe engaging in international discussion is of the utmost importance to the United States when it comes to environmental issues. I want to thank the government of Italy and Minister Galletti for the tremendous hospitality and leadership over this meeting.' 'The protection of the environment and public health,' said Italian Minister of the Environment Gian Luca Galletti, 'is a common goal for Italy and the United States. There are many themes that see our common commitment. The presence of Administrator Pruitt at the G7 Environment in Bologna has been a very important element that allowed us to start constructive dialogue on all environmental issues as well as to open new channels of business cooperation between our two countries.' Administrator Pruitt returned to the United States Sunday evening in order to attend the President's first full cabinet meeting scheduled for Monday. (Press Release, 06/11/17)

Both Lisa Jackson And Gina McCarthy Attended The Same G-7 Meeting As Pruitt And EPA Security Details Followed The Same Protocol As Past Trips. "'Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson and Gina McCarthy's trips to Italy,' agency spokesman Jahan Wilcox said in an email. 'EPA's security procedures have not deviated over the past 14 years.'" (The Washington Post, 03/20/2018)

- **Gina McCarthy Also Visited The Vatican While In Rome**. "Explaining her visit Friday to the Vatican, the head of the U.S. Environmental Protection Agency said she wanted to let Pope Francis know that President Barack Obama is 'aligned with him' on the issue of climate change and is taking action." (The Forum on Religion and Ecology, 01/30/2015)

Media Reports Suggest Pruitt's Trip To Italy Cost Too Much On Travel And Security. "Pruitt said he took official meetings during the entire four-day trip to Italy for the G-7 environmental summit in June of last year... Documents released earlier this week show that the cost of the trip was $30,000 more than previously reported, bringing the total to around $120,000. An EPA document showed that the cost of travel for Pruitt's security detail was $30,559 the week of the trip. (ABC News, 03/22/2018)

Pruitt Critics Purposefully Ignore The Significance Of The G7 Italy Trip. "That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter,' Eric Schaeffer, executive director of the Environmental Integrity Project, said in a statement Tuesday. 'And it doesn't even include salary costs for everyone who signed up for this tour. Maybe next time he should just send his regrets.'" (The Washington Post, 03/20/2018)

EPA STATEMENT: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman

On February 13, 2018 CBS News Reported That EPA Had "A Certificate Justifying The Return Flight From Milan," Allowing Administrator Pruitt To Fly On A Foreign Carrier Due To Lack Of

Options Available From American Carriers. "A certificate justifying the return flight from Milan that the EPA provided to CBS News said Pruitt flew on a foreign carrier because it was the only available flight 'that would get the administrator back in time' to attend a Cabinet meeting with President Trump the next day." (CBS News, 2/13/18)

MOROCCO ...

Administrator Pruitt Promotes Environmental Cooperation With Moroccan Government Officials. "U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt attended bilateral meetings in Morocco this week where he outlined U.S. environmental priorities for updating the Environmental Work Plan under the U.S.-Morocco Free Trade Agreement and the potential benefit of liquefied natural gas (LNG) imports on Morocco's economy. This visit comes on the heels of an EPA-led workshop in Rabat that shared U.S. best practices for solid waste management, public participation and crisis communication pursuant to the former Environmental Work Plan. 'These meetings allowed us to directly convey our priorities and best practices with Moroccan leaders, as well as identify opportunities for continued cooperation, as our two countries further talks around the Environmental Work Plan,' said EPA Administrator Scott Pruitt. 'We are committed to working closely with countries like Morocco to enhance environmental stewardship around the world.' Administrator Pruitt met with Moroccan Secretary of State of Ministry of Foreign Affairs, Mounia Boucetta, where the two discussed the importance of continued collaboration between the two countries. Following the meeting with Secretary Boucetta, he met with the Moroccan Minister of Energy, Mines and Sustainable Development, Aziz Rabbah, to discuss new and ongoing areas of collaboration under the Free Trade Agreement and the country's interest in importing LNG. Also during the visit to Morocco, Administrator Pruitt met with Moroccan Minister of Justice and Liberties, Mohamed Aujjar. The two focused on the importance of adhering to rule of law and the ongoing strategic cooperation between the two countries. Administrator Pruitt also toured the IRESEN Green Energy Park, where he saw firsthand the work being done to promote environmental innovation including solar energy across Morocco. (Press Release, 12/12/17)

The Washington Post Criticized Pruitt For Spending A Night In Paris, When In Reality His Outbound Flight Was Cancelled And He Was Forced To Spend A Night Near Charles De Gaulle Airport In France. "An EPA official said the trip was affected by weather delays, which prompted the group to stay in Paris on Dec. 10 before arriving in Rabat the next day." (The Washington Post, 03/20/18)

ABC News Falsely Reported That Pruitt Had One Scheduled Meeting For The First Day, When In Fact His Flight Was Cancelled Due To Snow At Dulles And His Schedule Had To Be Adjusted. "Wilcox said Saturday that Pruitt originally had more meetings scheduled that first day in Morocco but his plans changed after weather delayed his flight out of Dulles International Airport on Dec. 9" (ABC News, 04/21/18)

ABC News Criticized EPA Over A Portion Of Pruitt's Calendar Which Was Redacted, When The Redaction Was For A Senior Staff Meeting, It Listed Of All 98 Attendees For A Meeting In Washington That He Never Attended. "The four-page redaction to the Morocco schedule is

simply a calendar entry for a Senior Staff Meeting at EPA Headquarters in DC, which the Administrator did not attend because he was in Morocco. The entry includes all attendees invited to the meeting, which is the reason for the extensive redaction. Every meeting that took place in Morocco has been publicized and included on the Administrator's schedule."

Despite The False Narrative From The Media That Pruitt Went To Morocco To Solely Promote Natural Gas, He Attended Numerous Meetings On A Wide Range Of Topics. "Environmental Protection Agency Administrator Scott Pruitt returned Wednesday from a trip to Morocco, where he talked with officials about their interest in importing natural gas as well as other areas of 'continued cooperation' between the two countries… The purpose of the trip sparked questions from environmental groups, Democratic lawmakers and some industry experts, who noted that EPA plays no formal role in overseeing natural gas exports. Such activities are overseen primarily by the Energy Department and Federal Energy Regulatory Commission." (The Washington Post, 12/13/2017)

Pruitt Had Numerous Meetings Pertaining To Agency Priorities, Including Disaster Relief, Solid Waste Response, And The Bilateral Free Trade Agreement Between The U.S. And Morocco. "Pruitt met with three top Moroccan officials, according to the agency statement, including the minister of energy, mines and sustainable development; the minister of justice and liberties; and the secretary of state to the minister of foreign affairs. Wilcox said Pruitt 'discussed our bilateral free trade agreement, solid waste response, disaster relief and communications with top Moroccan officials…' His visit came shortly after the EPA held a workshop in Rabat about solid waste management, public participation and crisis communication. Morocco, the only African country with which the United States has a free-trade agreement, is a signatory to the 2015 Paris climate agreement and has collaborated in the past with U.S. officials on its push to expand domestic solar energy production. During the trip, Moroccan officials took Pruitt on a tour of the IRESEN Green Energy Park, which the EPA said showed the administrator 'firsthand the work being done to promote environmental innovation, including solar energy across Morocco.' (The Washington Post, 12/13/2017)

AUSTRALIA …

Members Of Administrator Pruitt's Advance Team And Security Detail Traveled To Australia Prior To Administrator Pruitt's Scheduled Trip To Meet With Australian Officials. "Pruitt was scheduled to participate in environment-related meetings with Australian officials on a visit to Sydney and Canberra…Wilcox said the original itinerary included a meeting with Australia's parliament." (Reuters, 04/19/2018)

EPA STATEMENT: "Government employees who travel for longer than 14 hours are able to fly in business class and our advance team, which included Millan Hupp and Kevin Chmielewski, was adhering to the federal government's travel policy. Their job was to arrive before Administrator Pruitt, who had meetings planned with the Australian government, but his trip was cancelled due to Hurricane Harvey." – EPA spokesman

Government Officials Are Authorized To Travel In Business Class If Flights Exceed 14 hours. "The purchase of business-class tickets was not a violation of U.S. government policy, which allows federal employees to travel business class on trips lasting 14 hours or more." (Reuters, 04/19/2018)

The Trip Was Ultimately Cancelled Due To Emergency Agency Needs Surrounding Hurricane Harvey. "EPA spokesman Jahan Wilcox said Pruitt's trip was canceled because of Hurricane Harvey, which caused major flooding and damage in Texas. Pruitt ended up going to Corpus Christi, Texas to assess the agency's relief efforts instead." (Reuters, 04/19/2018)

On August 30, 2017, EPA Administrator Scott Pruitt Visited Corpus Christi "To Assess EPA Relief Efforts And Thank Responders." "U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Corpus Christi today to assess EPA relief efforts and thank responders. Administrator Pruitt also met with local and state leaders to discuss continued relief measures in the aftermath of Hurricane Harvey." (EPA Press Office, 8/30/17)

Pruitt Stated That He Saw The "Devastation Endured By Texas" Firsthand While Visiting Corpus Christi. "'The devastation endured by Texas this week is unfathomable. As I saw firsthand today, the Lone Star State has shown commendable perseverance in helping their fellow neighbors through this crisis,' said Administrator Pruitt. 'EPA is committed to working with our federal, state, and local partners to provide relief to the affected regions.'" (EPA Press Office, 8/30/17)

Pruitt Had Been Scheduled To Participate In Environment-Related Meetings In Sydney And Canberra, Australia, But Cancelled The Trips Due To Hurricane Harvey. "Pruitt was scheduled to participate in environment-related meetings with Australian officials on a visit to Sydney and Canberra. EPA spokesman Jahan Wilcox said Pruitt's trip was canceled because of Hurricane Harvey, which caused major flooding and damage in Texas. Pruitt ended up going to Corpus Christi, Texas to assess the agency's relief efforts instead." (Reuters, 4/19/18)

PRUITT'S ONE-BEDROOM LEASE ON CAPITOL HILL

VICKI AND STEVE HART …

EPA STATEMENT: "When Administrator Pruitt arrived in Washington, he stayed at a condo owned by a friend and paid her for it. Vicki Hart is the sole owner of this complex and is a healthcare lobbyist." - EPA spokesman.

Steven Hart Is A Friend Of The Administrator's From Oklahoma And The Living Situation Was Temporary Until A Permanent Washington, DC Residence Could Be Arranged. "'My wife wasn't here yet. My children were back in Oklahoma,' Pruitt said. 'The needs were different. As soon as my wife came up, we moved to a different location where I couldn't just be living out of a suitcase…' Speaking of Hart, Pruitt said: 'He's the chairman of a law firm. I've know this gentleman for years. He's an Oklahoman, and his firm represents these [energy industry] clients, not him. There has been no connection whatsoever in that regard.'" (The Daily Signal, 04/03/2018)

Steven Hart Did Meet With Administrator Pruitt in 2017 But Claims It Was Done For A Friend And Not In An Official Capacity. "Mr. Hart disputed on Saturday that his story had changed, saying in a written statement that his work with Mr. Treacy was not compensated and not on behalf of Smithfield. 'I assisted a friend who serves on the Chesapeake Bay Commission, and this is inaccurately being tied to Smithfield Foods,' Mr. Hart said. 'I was not paid for this assistance and any suggestion that I lobbied for Smithfield Foods is inaccurate...' a spokesman for Mr. Hart, Ryan Williams, told The New York Times that Mr. Hart had met with Mr. Pruitt in 2017, along with Dennis Treacy, a former Smithfield executive vice president. Mr. Treacy now serves on the board of directors of the Smithfield Foundation, which the food company describes as its philanthropic arm with a focus of combating hunger." (The New York Times, 04/21/2018)

Steven Hart Attended A Meeting With Dennis Treacy, Former Executive Vice President Of Smithfield Foods, And Administrator Pruitt Met To Discuss Restoring The Chesapeake Bay And Was Not Conducted At The Request of Smithfield Foods. "'Smithfield Foods, Inc. has learned Williams & Jensen has advocated in support of Environmental Protection Agency (EPA) programs to help the Chesapeake Bay,' the company said in a statement Saturday. 'The objective, while laudable, was not undertaken at the direction of or on behalf of Smithfield Foods. These activities were conducted at the request of a then former executive and current Smithfield Foundation board member, Dennis Treacy, in his personal capacity.'" (The New York Times, 04/21/2018)

EPA ETHICS OFFICIALS CLEARED PRUITT'S LEASE …

On March 29, 2018, ABC News Reported EPA Administrator Scott Pruitt Lived In A Condo Owned By The Wife Of A Lobbyist Steven Hart. "Hart confirmed to ABC News in a brief interview that Pruitt had lived in the flat, which is owned by a limited liability company that

links to an address listed to Hart and his wife Vicki Hart, a lobbyist with expertise in the healthcare arena. Steven Hart said Vicki Hart co-owns the condo. He said his wife was not the majority owner, but would not identify her partners." (ABC News, 03/29/2018)

EPA Ethics Counsel Concludes Arrangement Wasn't Ethics Issue Because Pruitt Paid Rent. "Bloomberg reviewed six canceled checks paid by Pruitt totaling $6,100 from March 18 through Sept 1, 2017. He paid $450 on March 18, $900 on April 26, $850 on May 15, $700 on June 4, $1,500 on July 22 and $1,700 on Sept 1… Justina Fugh, who has been ethics counsel at the EPA for a dozen years, said the arrangement wasn't an ethics issue because Pruitt paid rent… Fugh, the EPA's ethics counsel, said no gift was involved. It was a routine business arrangement between Pruitt and an individual, not a lobbying firm, she added." (Bloomberg, 03/29/18)

EPA Ethics Official Concluded That Pruitt's $50 A Night / $1,500 A Month Was Market Rate For One Bedroom On Capitol Hill. "In a memo obtained by CBS News, the Environmental Protection Agency's Ethics Official and Deputy Counsel concluded that EPA Administrator's Scott Pruitt's housing arrangement did not breach any ethical violations or constitute a gift. The memo, signed by EPA Deputy Counsel Kevin Minoli, says that the EPA's investigation determined that 'when checked against the price of traditional month-to-month rentals that would most likely offer increased privacy and exclusivity of use, a converted amount of $1,500 for Tenant's portion of the rent under the lease is within the range of amounts charged for locations no further than three blocks away.'" (CBS News, 4/4/18)

OBAMA'S TREASURY SECRETARY TIMOTHY GEITNER LIVED RENT-FREE IN A BANKING EXECUTIVE'S HOME …

During The Previous Administration, Then-Treasury Secretary Timothy Geitner Lived Rent-Free In A $3.5 Million Townhouse Owned By A Bank Executive While Geitner Was Overseeing The Bailout Crisis For Wall Street Banks "Geithner lived with Zelikow's family in the six-bedroom house, which is next door to the residence of the ambassador of Monaco and not far from the home of Secretary of State Hillary Clinton, during most of his first eight months running the Treasury Department. At that time, Geithner was overseeing the bailout of several huge Wall Street banks, including JPMorgan, which received $25 billion in federal rescue funds from the TARP program… The bank, JPMorgan Chase, has just rehired one of Geithner's oldest and dearest friends, Daniel Zelikow, as a top executive, only a year after the Treasury secretary moved out of his rent-free accommodations in Zelikow's $3.5 million Washington townhouse." (The Daily Beast, 08/15/10)

THREATS AGAINST PRUITT

ON APRIL 6, 2018 THE ASSOCIATED PRESS FALSELY CLAIMED THEIR WERE NO THREATS AGAINST ADMINISTRATOR PRUITT …

On April 6, 2018, The Associated Press Falsely Reported That There Are No Threats Against Administrator Pruitt Because No Arrests Or Charges Have Been Filed. "A nationwide search of state and federal court records by AP found no case where anyone has been arrested or charged with threatening Pruitt. EPA's press office did not respond Friday to provide details of any specific threats or arrests." (The Associated Press, 4/6/18)

PREVIOUS MEDIA REPORTS DISPUTE THIS CLAIM …

On April 11, 2018, CBS News Reported That Administrator Pruitt Received Numerous Threats Including One "Deemed Serious Enough To Prosecute" By The Department Of Justice. "CBS News has obtained an August 2017 report prepared by the Environmental Protection Agency's office of inspector general that contains a list of 13 threats made against EPA Administrator Scott Pruitt and his family. The threats range in severity, credibility and specificity. One tweet flagged by investigators said, 'Pruitt, I'm gonna find you and put a bullet between your eyes. Don't think I'm joking. I'm planning this.' Investigators believe the threat was made by someone living in India… In certain cases, cases were referred to the Justice Department, but just one was deemed serious enough to prosecute. The report covers the period from Oct. 2016 to Aug. 2017." (CBS News, 4/11/18)

On January 11, 2018 E&E News Reported That "Pruitt Has Faced More Threats Than His Immediate Predecessors, Former Administrators Gina McCarthy And Lisa Jackson." "In an interview with E&E News, Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." (E&E News, 1/11/18)

On November 1, 2017 The Wall Street Journal Reported On "More Than 70 Credible Threats Against EPA Staffers, With A Disproportionate Number Menacing Administrator Scott Pruitt And His Family." "Since the Trump Administration took office, the agency has investigated more than 70 credible threats against EPA staffers, with a disproportionate number menacing Administrator Scott Pruitt and his family… Mr. Pruitt has received more than five times as many threats as his predecessor, Gina McCarthy. These include explicit death threats. Some have referenced Mr. Pruitt's home address. Federal law enforcement has determined that some of those threatening Mr. Pruitt are likely capable of carrying out acts of violence. EPA security has

already caught suspects prowling around the administrator's neighborhood." (The Wall Street Journal, 11/1/17)

EPA'S PROTECTICE SERVICE DETAIL & SPENDING

EPA STATEMENTS …

Spending Decisions Are Made By EPA'S Protective Service Detail. "Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government." – EPA spokesman

Pruitt Has Faced An Unprecedented Amount Of Threats Against Him. "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats." – EPA spokesman

SECURE PHONE LINE …

Pruitt's $43,000 Soundproof Phone Booth Started More Modestly. "In the beginning, it was supposed to be just a secure telephone line. But over the course of four months last year, that phone line destined for the office of Environmental Protection Agency Administrator Scott Pruitt morphed from a no-more-than $13,500 project into a $43,000 privacy booth, complete with silenced ventilation and "noise-lock" paneling to keep conversations from being overheard, according to documents obtained by Bloomberg News." (Bloomberg, 4/20/18)

Costs Ballooned After Initial Cost Estimate Was Created. "EPA officials seeking bids for the project initially estimated a privacy booth would cost $13,500 on a July 24, 2017 requisition form. Another $11,500 was added on Aug. 17, and an additional $570 was included on Aug. 23 as the staff closed in on a final vendor. That $25,570, including a $1,000 after-hours delivery charge, was just for the booth itself; total costs ballooned to $43,000 after prep work and installation, including leveling a concrete floor to insert the pre-fabricated steel box. Former Assistant Deputy Chief of Staff Reginald Allen – who had the top career post in the EPA – sent booth costs of $24,570 to Chmielewski on Aug. 23, adding that he was waiting for an estimate for the floor from Jefferson's team. Another email says funding was being handled by Allen's office." (Bloomberg, 4/20/18)

Career Staff, Not Pruitt, Were Behind EPA's $43K Phone Booth. "However, the documents 'show the heavy role played by career officials who have purchasing power — and suggest political appointees without the authority to approve acquisitions were less involved,' Dlouhy reported. 'Administrator Pruitt simply requested a secure phone line but never asked for a soundproof booth, nor did he have knowledge of its purchase,' EPA spokesman Jahan Wilcox told Bloomberg. The secure phone booth was initially estimated to cost $13,500, but soon morphed into $43,000 project, 'complete with silenced ventilation and 'noise-lock' paneling to keep conversations from being overheard,' according to Bloomberg." (The Daily Caller, 4/20/18)

EPA Career Officials Oversaw The Contract For The Phone Line. "Career officials at the Environmental Protection Agency who oversaw the funding and construction of a controversial secure phone booth for Administrator Scott Pruitt's office were acting at the behest of political

appointees and security staff, documents obtained by CBS News show. The documents show that the project started soliciting bids at an estimated $13,500 last summer. It eventually cost $43,000, which included painting, floor and ceiling work and prepping the room. Presented with four pricing options ranging between $20,560 and $24,570, career officials chose the most expensively priced because it included 'expedited materials and working outside regular business hours.'" (CBS News, 04/20/18)

The Daily Caller: Career Staff, Not Pruitt, Were Behind EPA's $43K Phone Booth trib.al/OxEFT64 (twitter, 04/22/2018)

Jennifer Dloughy, Bloomberg Reporter: New documents show how a possibly modest request for a secure phone line in EPA Chief Pruitt's office morphed into a $43,000 soundproof booth w/ noise-lock paneling & silenced ventilation. (twitter, 04/20/18)

Steve Milloy, JunkScience: JunkScience: Pfft... another line of attack on @EPAScottPruitt fizzles. Pruitt only asked for a secure phone line for $13,500. But the bureaucracy tripled the cost. (twitter, 04/20/18)

Chris Mooney, Washington Post Reporter: Pruitt's $43,000 phone booth started more modestly bloomberg.com/news/articles/... via @bpolitics (twitter, 04/20/18)

Major Garrett, CBS Chief White House Correspondent: Documents provide window into Scott Pruitt's controversial $43,000 phone booth cbsnews.com/news/documents... via @CBSPolitics (twitter, 04/20/2018)

CBS News: Documents provide window into Scott Pruitt's controversial $43,000 phone booth cbsnews.com/news/documents... via @CBSPolitics (twitter, 04/20/2018)

BULLET-PROOF VEHICLES MYTH ...

EPA Corrects Media Reports About Bulletproof Tires And Bullet-Resistant Seat Covers For Pruitt. "The Environmental Protection Agency is correcting the record, claiming news reports about bulletproof tires and bullet-resistant seat covers to protect its embattled chief Scott Pruitt at government expense were inaccurate. EPA spokesman Jahan Wilcox told Fox News: 'We would like to put this rumor to rest. EPA has no bulletproof vehicles, tires or seat covers, the agency has no contracts for any bulletproof vehicles, tires or seat covers, and the agency never sought any contracts for bulletproof vehicles, tires or seat covers.' Wilcox also sent to Fox News 'the federal purchase order, which reveals there was no purchase of bulletproof tires or bullet-resistant covers.' Wilcox added, 'In response to an individual attempting to assassinate numerous Congressional Republicans while they practiced for a charity baseball game, EPA's Protective Service Detail placed bullet-proof vests over each seat.'" (Fox News, 4/18/18)

SECURITY SWEEPS ...

Former EPA Administrators Lisa Jackson And Gina McCarthy Also Had Their Office Swept. "He

added, 'According to EPA's Protective Service, security sweeps are common practice in government, as former EPA Administrators Lisa Jackson and Gina McCarthy also had their office swept.' While there was no competitive bidding for Steinmetz's [$3,000] contract, Wilcox said the agency considered multiple vendors for the biometric locks used in Pruitt's office and for the EPA inspector general." (The Washington Post, 3/6/18)

FIRST CLASS TRAVEL

Security Incidents Prompted EPA Officials To Move Administrator Pruitt To First Or Business Class. "'The shift to first-class travel began after May 2017, when EPA officials saw how recognizable Pruitt was to the general public, Barnet said. There were 'incidents where he was being approached – vulgar language, people were being somewhat aggressive towards him – and so the special agent in charge provided documentation – a memo – to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/2018)

Prior To Every Flight, EPA Submitted A Security-Related Waiver To Approve Administrator Pruitt's Travel Arrangements. "EPA spokesman Jahan Wilcox said the agency submits a security-related waiver for each trip Pruitt takes." (Bloomberg, 02/15/2018)

EPA Submitted Letter To House Oversight Committee Chairman Explaining Waiver. "In a letter to Gowdy, EPA said that Pruitt's first class travel was approved 'on an individualized basis,' and was necessary due to security concerns. His security detail, the letter said, 'identified specific, ongoing threats associated with the administration administrator's air travel and, therefore, shifted his class based on security protocols that require him to be near the front of the plane.'" (The Daily Beast, 3/20/18)

EPA Spent $105,000 On First Class Travel For Administrator Pruitt For Travel. "Environmental Protection Agency administration Scott Pruitt spent about $105,000 on first class airfare since assuming the post, records obtained by The Daily Beast show. The details of Pruitt's travel are spelled out in documents sent to congressional investigators on Tuesday as part of the House Oversight Committee's probe into the use of taxpayer resources for official government travel." (The Daily Beast, 3/20/18)

In February 2018, Administrator Pruitt Announced He Directed Security Team To Accommodate Threats To Allow Him To Fly Coach. "'There's a change coming, because look the security threat matters,' Pruitt said. 'What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away.'" (CBS News, 02/28/2018)

The Associated Press Used Flights On Southwest Airlines – Which Does Not Have First Class – To Push Their False Narrative That Pruitt Flies Coach When He Is Paying For Person Travel. "The AP released a report on Wednesday titled: 'EPA chief sat in coach when not flying on taxpayer's dime.' The headline — and the opening lede — suggested that the leader of the EPA makes more economical decisions when taking personal flights, as opposed to his travel when conducting official business. However, there is one major detail included about Southwest Airlines: They do not offer first-class travel. This detail was included in the body of the AP article, but the headline and angle of the report framed Pruitt as a hypocrite when it comes to

personal travel." (The Daily Caller, 4/19/18)

The Associated Press Falsely Reported That EPA Confirmed Their Claim. "This was not the only detail the EPA took issue with. The AP claimed on Twitter that it confirmed their story with the agency. However, EPA spokesperson Jahan Wilcox said this tweet is false and that the agency never confirmed their report. 'The same security procedures are followed whether Administrator Pruitt is on official or personal travel,' the official statement provided to the AP read. The statement neither confirmed nor denied the story." (The Daily Caller, 4/19/18)

PRUITT'S EPA EMAIL ACCOUNTS

EPA STATEMENT: "When EPA receives a FOIA request concerning the Administrator's emails, all accounts associated are searched before we respond to that request." – Steve Fine, Acting Chief Information Officer

EPA Administrator Gina McCarthy had 4 email accounts: 5178RAMcCarthy@epa.gov, Adm13McCarthy@epa.gov, GinaMcCarthy.epaadministrator@epa.gov, and McCarthy.Gina@epa.gov.

Obama EPA officials said multiple email addresses for the Administrator "have been standard practice since the Clinton Administration." "The internal account exists so that Jackson's communications with other government officials aren't buried under the crush of emails flooding into her public account, jackson.lisap@epa.gov, which got 1.5 million emails in fiscal year 2012, EPA says. The agency says such dual- account arrangements have been standard practice since the Clinton administration, when EPA Administrator Carol Browner was first assigned two @epa.gov email addresses. 'For more than a decade, EPA administrators have been assigned two official, government-issued email accounts: a public account and an internal account,' EPA said in a statement to POLITICO." (Lisa Jackson's 'Windsor' knot, Politico, 11/20/12)

Lisa Jackson had one email for the public and one internal account to communicate with staff and other government officials. "'The email address for the public account is posted on EPA's website and is used by hundreds of thousands of Americans to send messages to the administrator. The internal account is an everyday, working email account of the administrator to communicate with staff and other government officials.'" (Lisa Jackson's 'Windsor' knot, Politico, 11/20/12)

George W. Bush's Administration said there was nothing usual about Lisa Jackson's multiple email accounts. "High-ranking officials from George W. Bush's EPA agree that the arrangement is nothing new, and say they were never under the impression that the internal account was a secret. Senior EPA leadership and EPA regional administrators had the email address, as did anyone to whom the administrator provided it, and the messages were all considered part of the public record. When it comes to public records and FOIA requests, 'both the public and internal accounts are reviewed for responsive records, and responsive records from both accounts are provided to FOIA requesters,' EPA said." (Lisa Jackson's 'Windsor' knot, Politico, 11/20/12)

RAISES TO STAFF & AD HIRING AUTHORITY

The Atlantic falsely claimed that Administrator Scott Pruitt was responsible for substantial pay raises to two staff. "In early March, Environmental Protection Agency Administrator Scott Pruitt approached the White House with a request: He wanted substantial pay raises for two of his closest aides." (The Atlantic, 4/3/18)

Administrator Pruitt swiftly denied his involvement in the raises. "I found out this yesterday and I corrected the action and we are in the process of finding out how it took place and correcting it," – EPA Administrator Scott Pruitt (Fox News, 4/4/18)

Ryan Jackson, EPA Chief of Staff, went on the record stating that Administrator Pruitt had zero knowledge of the raises. "Administrator Pruitt had zero knowledge of the amount of the raises, nor the process by which they transpired. These kind of personnel actions are handled by EPA's HR officials, Presidential Personnel Office and me," Jackson said in a prepared statement Monday. – Ryan Jackson, EPA Chief of Staff (Politico, 4/9/18)

Jackson provided Politico with reasoning for the substantial raises but confirmed that they had been reversed per Pruitt's direction. "He [Ryan Jackson] said the staffers were to be paid "similar to their peers given their responsibilities over the past year," and that their original salaries started lower than their colleagues' because they had moved to Washington, D.C., from Oklahoma, where salaries are lower. He added that the raises had been reversed, as Pruitt instructed, and any future changes would go through the White House for evaluation." (Politico, 4/9/18)

EPA's Office of Inspector General issued a Management Alert on Salary Increases for Certain Administratively Determined Positions on 4/16/18, which referenced EPA's further reasoning for the raises. "These salary determinations for appointees were made by the Agency chief of staff, White House liaison, and Agency human resources staff based on previous salary history and increases in salary were made due to either new and additional responsibilities or promotions. The salaries involved were meant to correspond directly with the responsibilities the individual held and to attempt to ensure no salary disparities among positions of equivalent or similar responsibilities with other political appointees as much as possible. As employees continue to work in the agency reaching milestones like one year of employment and/or continue to take on new responsibilities, we will further evaluate their salaries to ensure the employees compensation is commensurate with their seniority and work." (EPA's 4/15/18 response to OIG's 4/11/18 draft report, EPA Office of Inspector General, 4/16/18) [See attached for OIG management alert]

EPA's Office of Inspector General further provides the HR documentation supporting the raises in this Management Alert, which show Ryan Jackson approved the raises. Documents show that authorizations for these raises (Employee A and Employee B), were signed "Ryan Jackson for Scott Pruitt." (EPA Office of Inspector General, 4/16/18) [See attached for OIG management alert]

EPA STATEMENT: "The Safe Drinking Water Act provides the EPA with broad authority to appoint scientific, engineering, professional, legal, and administrative positions within EPA without regard to the civil service laws. This is clear authority that has been relied on by previous administrations," EPA spokesman Jahan Wilcox said in a statement. (The Atlantic, 4/3/18)

- **Direct Text of Statute:** *"§ 300j–10. Appointment of scientific, etc., personnel by Administrator of Environmental Protection Agency for implementation of responsibilities; compensation*
  To the extent that the Administrator of the Environmental Protection Agency deems such action necessary to the discharge of his functions under title XIV of the Public Health Service Act [42 U.S.C. 300f et seq.] (relating to safe drinking water) and under other provisions of law, he may appoint personnel to fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws and may fix the compensation of such personnel not in excess of the maximum rate payable for GS–18 of the General Schedule under section 5332 of title 5." (GPO)

Multiple EPA employees from previous administrations have confirmed its wide use. "Stan Meiburg, who spent 39 years at EPA, including as acting deputy administrator in the Obama administration, said, "It has been done by both parties, so it has been ratified over time.... These are highly prized positions because you can bring people in without having to go through the usual competition process." Meiburg remembered both the George W. Bush and Obama administrations having AD hires. (E&E News, 4/4/18)

- "A provision of the Safe Drinking Water Act allows the EPA administrator to hire up to 30 people into the agency, without White House or congressional approval. The provision, meant to help expedite the hiring of experts and allow for more flexible staffing, became law in 1996. In past administrations, it has been used to hire specialists into custom-made roles in especially stressed offices, according to Bob Perciasepe, a former acting EPA administrator." (The Atlantic, 4/3/18)

When asked about how the AD hiring authority has been used in previous administrations, former EPA employees all had conflicting comments on what it was used for, supporting that the statute gives broad authority to the Administrator. "Stan Meiburg, who spent 39 years at EPA, including as acting deputy administrator in the Obama administration... recalled some of those hires landing as political aides to EPA regional chiefs during those administrations. Meiburg said it made sense that the Trump administration would use the hiring authority for political aides like press officials and schedulers to assist Pruitt. "Those are pretty specialized skills, and there are folks in the political field who have those skills," said Meiburg, who now teaches at Wake Forest University. "That's not to say you don't need a good solid career staff in

public affairs, as well." But Meiburg found it noteworthy that Pruitt had used the hiring authority to bring on deputy assistant administrators. "The use of the AD authority to bring on a political deputy is a little unusual," Meiburg said. "*Most of the AD appointments are at a lower level.* You usually have a non-career SES be a political deputy." (E&E News, 4/4/18)

- ***"The people I knew of in that category were well-seasoned, experienced professionals in their fields,"* said Ken Kopocis,** who headed the Office of Water from 2011 to 2015. "We did not use it as a way to get around the White House. … It's not designed to fill up your political slots." (Washington Post, 04/04/18)

- "In past administrations, it has been used to *hire specialists into custom-made roles in especially stressed offices*, according to Bob Perciasepe, a former acting EPA administrator." (The Atlantic, 4/3/18)

KEVIN CHMIELEWESKI & SENATE DEMOCRATS' LETTER

ALLEGATION 1 …

Mr. Chmielewski provided several examples to lawmakers of wasteful security spending beyond justifying the use of first-class travel under the guise of security. This includes the purchase of bulletproof vests and weapons, biometric looks, a security sweep of Administrator Pruitt's office, one or more new SUVs for Administrator Pruitt's travel (rather than obtaining vehicles from the General Services Administration), and a $30,000 contract with private Italian security personnel entered into by Mr. Nino Perrotta, the Special Agent who leads Administrator Pruitt's security detail. Mr. Chmielewski explained that at least one security-related contract was awarded to an individual who works at Mr. Perrotta's private security firm, and he believes that other contracts may also have been awarded to friends or associates of Mr. Perrotta's.

SECURITY DETAIL FOR THE G-7 SUMMIT IN ITALY …

EPA Security Detail Followed The Same Security Procedures On The G7 Trip That Have Been Used For The Previous 14 Years. "EPA spokesman Jahan Wilcox said the security detail 'followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years.'" (Reuters, 3/20/18)

EPA STATEMENT: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman

BULLETPROOF VEHICLES …

On April 19, 2018 Fox News Reported That EPA Pushed Back On Claims Of Purchasing Bulletproof Materials, Stating That The Agency Has Never Sought Nor Purchased Any Bulletproof Vehicles, Tires, Or Seat Covers. "EPA spokesman Jahan Wilcox told Fox News: 'We would like to put this rumor to rest. EPA has no bulletproof vehicles, tires or seat covers, the agency has no contracts for any bulletproof vehicles, tires or seat covers, and the agency never sought any contracts for bulletproof vehicles, tires or seat covers.'" (Fox News, 4/19/18)

SECURITY SWEEPS/LOCKS …

EPA Spokesman Jahan Wilcox Stated That "Security Sweeps Are Common Practice In Government, As Former EPA Administrators Lisa Jackson And Gina McCarthy Also Had Their Office Swept." "He added, 'According to EPA's Protective Service, security sweeps are common practice in government, as former EPA Administrators Lisa Jackson and Gina McCarthy also had their office swept.' While there was no competitive bidding for Steinmetz's contract, Wilcox said the agency considered multiple vendors for the biometric locks used in Pruitt's office and for the EPA inspector general." (The Washington Post, 3/6/18)

ALLEGATION 2 …

Mr. Chmielewski told Congressional staff that Administrator Pruitt spent well beyond the $5,000 allowed by law to decorate his office, including refinishing an antique desk, purchasing an additional standing desk, paying leases for art on loan from the Smithsonian Institution, framing an 8x10 foot United States flag, and building a $43,000 soundproof phone booth.

SMITHSONIAN'S POLICY/STATEMENT …

Chmielewski Claimed That EPA Was Paying Leases For Artwork On Loan From The Smithsonian Institution, This Claim Is False As The Smithsonian Routinely Loans Cabinet Officials Paintings Free Of Charge. "One thing Chmielewski told Democrats was that EPA was 'paying leases for art on loan from the Smithsonian Institution' to furnish Pruitt's office. Chmielewski's also claimed Pruitt 'spent well beyond the $5,000 allowed by law to decorate' his office, which included 'refinishing an antique desk, purchasing an additional standing desk.' Smithsonian Institution's chief spokeswoman, however, told the New Republic's Emily Atkin they don't lease artwork to federal agencies. Spokeswoman Linda St. Thomas 'we do not charge' for artwork on loan. Atkin noted '[p]aintings and sculptures not on view in the museums are routinely loaned to members of Congress, the Supreme Court, and the White House, she said.' St. Thomas said 'President Barack Obama's EPA administrators also loaned paintings from the Smithsonian American Art Museum,' Atkin reported." (The Daily Caller, 4/13/18)

DESKS …

EPA Spokesman Jahan Wilcox Stated That "The Administrator Never Considered The Proposal," Regarding Desks. "Asked about the proposed desk purchases, Mr. Wilcox, the E.P.A. spokesman, said that 'the administrator never considered the proposal.'" (The New York Times, 4/5/18)

ALLEGATION 3 …

Mr. Chmielewski said that Administrator Pruitt insisted on the use of lights and sirens to transport more quickly through traffic to the airport, meetings, and social events on numerous occasions, and that Administrator Pruitt permitted his drivers to speed through residential neighborhoods and red lights, far in excess of posted speed limits.

LIGHTS & SIRENS …

EPA Stated That "The Security Detail For The Past 15 Years Has Used Them In Very Limited Fashion." "The agency said Mr. Pruitt played no role in deciding when the sirens and lights would be used. 'The security detail for the past 15 years has used them in very limited fashion,' Mr. Wilcox said." (The New York Times, 4/5/18)

ALLEGATION 4 …

Mr. Chmielewski said that Administrator Pruitt his Director of Scheduling and Advance Millan Hupp acted as a personal real estate representative, spending weeks improperly using federal

government resources and time to contact rental and seller's agents, and touring numerous properties in which he might wish to reside.

HOUSING SEARCH ...

EPA Said That Government Resources Were Used To Find Administrator Pruitt Housing Is "Categorically False." "In a statement, EPA spokesman Jahan Wilcox responded, 'The notion that government resources were used to assist in finding housing is categorically false.'" (The Washington Post, 4/3/18)

ALLEGATION 5 ...

Mr. Chmielewski said that Ms. Hupp, at Administrator Pruitt 's direction, sought to have the agency enter into a $100,000 per month contract to rent a private jet, which would have cost more than the Administrator's annual travel budget of approximately $450,000. Mr. Chmielewski claimed he successfully prevented this from occurring, as it would have been far in excess of the total travel budget of the office.

PRIVATE PLANE CONTRACT ...

On April 2, 2018 The Washington Post Reported That EPA Received A Solicitation From A Private Jet Firm, But Decided To Reject It And Continue To Fly Commercial. "'This is not news,' EPA spokesman Jahan Wilcox said in a statement Monday. 'EPA's [chief financial officer] regularly receives solicitations for this type of travel, we did our due diligence, found it was not as cost efficient and continued to fly commercial.'" (The Washington Post, 4/2/18)

ALLEGATION 6 ...

Mr. Chmielewski said he observed that Administrator Pruitt 's travel destinations are often dictated by his desire to visit particular cities or countries rather than official business, and that he told staff to something to do [in those locations]? to justify the use of taxpayer funds. He stated that you direct your staff to book flights on Delta, even when they are not the federal government's contract carrier for the route, because Administrator Pruitt wanted to accrue more frequent flyer miles.

PRUITT'S TRAVEL OUTSIDE OF WASHINGTON ...

On October 1, 2017 Tulsa World Reported That EPA Spokesman Stated That "Administrator Pruitt Has Made It A Priority To Get Out Of The Deep State Of Washington," And Hear From Americans That Were Ignored By The Past Administration. "'Administrator Pruitt has made it a priority to get out of the deep state of Washington and into cities, towns and states across the country hearing from Americans that were ignored by the past Administration,' said EPA Spokesman Jahan Wilcox. 'When traveling, it is our policy to always fly commercial. There were few instances that dictated otherwise and the decision to fly private or government aircraft was made based on necessity or efficiency.'" (Tulsa World, 10/1/17)

On April 21, 2018 The Washington Post Reported That Pruitt Has Visited Over 30 States.
"'Administrator Pruitt has visited over 30 states. We will continue to visit those ignored by the Obama administration and implement President Trump's agenda of regulatory certainty and environmental stewardship,' Wilcox said." (The Washington Post, 4/21/18)

ALLEGATION 7 …
He also informed Congressional staff that Administrator Pruitt directed EPA staff to find reasons to travel to Oklahoma, so that he could be in his home state for long weekends at taxpayers expense. Mr. Chmielewski described the official meetings in Oklahoma as being pretextual, such as scheduling an official meeting with an old friend. According to Mr. Chmielewski, Administrator Pruitt frequently stayed in hotels that exceeded the allowable US. government per diem, sometimes even exceeding the 300 percent cap permitted in exceptional circumstances. He added that while Administrator Pruitt was reimbursed for these expenses, on some occasions members of his security detail were not reimbursed for the portion of their expenses that exceeded allowable maximums.

OKLAHOMA TRAVEL …
On February 17, 2018, CNN Reported That EPA Officials Treat Oklahoma "Exactly Like We Did North Dakota, Minnesota, Indiana And Every Other State We Visited During The Tour."
"Reached for comment, EPA spokeswoman Liz Bowman said: 'With respect to visiting Guymon, it was an important stop on our WOTUS [Waters of the United States] tour where we were able to hear comments from people who have been directly affected by the rule, whose voices have been disregarded in the rulemaking process. By visiting with government officials and citizens, we treated Oklahoma exactly like we did North Dakota, Minnesota, Indiana and every other state we visited during the tour.'" (CNN, 2/17/18)

ALLEGATION 8 …
After the EPA Chief of Staff raised concerns about Administrator Pruitt travel, Mr. Chmielewski reported that he texted his Chief of Staff to tell him that his presence was no longer welcome at scheduling meetings for your travel. Mr. Chmielewski further described Administrator Pruitt's efforts to marginalize your Chief of Staff as he refused to follow some actions you directed, and he described Ms. Hupp and Sarah Greenwalt, your senior counsel, as running the agency.

SCHEDULING MEETINGS …
EPA STATEMENT: "Our scheduling and public engagement offices lead this process and involve other staff members as needed." – EPA Spokesman

Message

From: Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]
Sent: 3/30/2018 8:14:12 PM
To: AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]
Subject: News Clips - 30 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Housing & Security

ABC News - EXCLUSIVE: Pruitt's EPA security broke down door to lobbyist condo

ABC News - EXCLUSIVE: EPA chief Pruitt joined by family in condo tied to lobbyist 'power couple'

The Hill - EPA head's daughter also lived at condo co-owned by top energy lobbyist's wife: report

AP - EPA's Pruitt lived in DC condo connected to energy lobbyist

The Hill - Pruitt paid $50 a night to live at condo co-owned by top energy lobbyist's wife

AP - EPA chief paid $50 a night for DC condo linked to lobbyist

Bloomberg - EPA Chief's $50-a-Night Rental Raises White House Angst

Washington Examiner - Scott Pruitt paid $50 per night for condo co-owned by wife of energy lobbyist

E&E Greenwire - Firm clients tied to Pruitt's rental lobbied agency

The Hill - Dem calls on Pruitt to resign over rental deal with lobbyist

The Hill - Dem Senator: Pruitt took taxpayer-funded security detail to Disneyland, Rose Bowl game

CNN - Senator: Pruitt security included Disneyland, Rose Bowl trips

Fuel Economy Standards

Los Angeles Times - EPA poised to scrap fuel economy targets that are key to curbing global warming — setting up clash with California

New York Times - E.P.A. Prepares to Roll Back Rules Requiring Cars to Be Cleaner and More Efficient

Reuters - EPA poised to announce rejection of Obama vehicle fuel efficiency rules

Washington Post - Trump officials prepare to undo fuel-efficiency targets despite some automakers' misgivings

Daily Caller - The Trump Administration Is Going To The Mat With California Over Obama-Era Emissions Standards

Bloomberg - Trump to Cite Cost, Safety for Auto Emissions Rollback, Sources Say

CNN - NYT: EPA expected to roll back fuel economy rules for cars

BNA - EPA's Reason for Easing Auto Rules Will Set Up Next Policy Fight

AP - Trump EPA expected to roll back auto gas mileage standards

Superfund

BNA - Industry Fights First Superfund Listing Based on Toxic Vapors

BNA - GE's Hudson River Cleanup Still Under Review

Litigation

AP - US government sues Montana county over drinking water system

BNA - States Go to Forefront as EPA Chips Away at Backlog of Decisions

General

Gillette News Record - EPA chief Pruitt visits Campbell County, touts importance of coal exports

AP - Top US environmental regulator criticizes rules in coal tour

E&E Greenwire - 2 greens reject invitations for seats on EPA advisory panel

AP - AP FACT CHECK: Science contradicts EPA warming memo

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ABC News
http://abcnews.go.com/Politics/exclusive-pruitts-epa-security-broke-door-lobbyist-condo/story?id=54129080
EXCLUSIVE: Pruitt's EPA security broke down door to lobbyist condo
By Matthew Mosk, John Santucci, and Stephanie Ebbs, 3/30/18, 2:38 PM

Environmental Protection Agency Administrator Scott Pruitt's protective detail broke down the door at the Capitol Hill condo where he was living, believing he was unconscious and unresponsive and needed rescue, in a bizarre incident last year that the EPA has for months refused to discuss, according to sources and police radio traffic obtained by ABC News.

The incident occurred in the late afternoon on March 29, 2017 at the Capitol Hill address Pruitt was renting, which was co-owned by the wife of a top energy lobbyist. A Capitol Police officer called 911 at the behest of Pruitt's security detail, which had tried unsuccessfully to reach him by phone, and by banging on the building's front door, according to police recordings obtained by ABC News.

"They say he's unconscious at this time," the 911 operator is told, according to the recordings. "I don't know about the breathing portion."

Responding fire units from a Capitol Hill station house mobilized. "Engine three, Medic two respond to unconscious person," the radio transmission said.

The protective detail then broke down the building's glass-paneled front door and ascended two flights to Pruitt's $50-a-night bedroom, where two sources tell ABC News he was found groggy, rising from a nap. It is unclear what led to the panic that caused the response. Pruitt declined medical attention, and a police report was never filed.

The EPA eventually agreed to reimburse the condo owner for the damage to the door, a source familiar with the arrangement told ABC News. EPA spokesman Jahan Wilcox did not respond to requests for information on the incident or the reimbursement payments.

The previously unreported incident occurred while Pruitt was living at Capitol Hill condo co-owned by the wife of a top energy lobbyist. Vicki Hart and her husband, lobbyist, J. Steven Hart, both confirmed the events, but neither would say how much the damage to the door cost to repair.

The EPA has since reimbursed Pruitt's former landlord, Vicki Hart, for the cost of the door.

*(*article continues and repeats previously clipped ABC News story)*

ABC News
http://abcnews.go.com/Politics/exclusive-epa-chief-pruitt-joined-family-condo-tied/story?id=54125092
EXCLUSIVE: EPA chief Pruitt joined by family in condo tied to lobbyist 'power couple'
By John Santucci, Matthew Mosk, and Stephanie Ebbs, 3/30/18, 12:35 PM

Environmental Protection Agency Administrator Scott Pruitt's adult daughter used a second room in the Capitol Hill condo co-owned by the wife of a top energy lobbyist, ABC News has learned, despite statements from the EPA that Pruitt paid for only one bedroom.

McKenna Pruitt, who served as a White House intern, stayed in the two-bedroom condo during her internship, according to two sources familiar with the living arrangements. She served as a clerk in the White House Counsel's office between May and August of 2017, according to her Linked In page. One source added that the two had use of the rest of the condo unit, including the kitchen and living space on a lower level. The upstairs bedrooms had no other paid occupants, according to a third person familiar with the living arrangements.

When attempting to reach McKenna Pruitt, a woman who identified herself as her mother said McKenna lived in Oklahoma last year. When asked where she lived during her White House internship, the woman said only, "She has nothing to do with my husband's administration," and hung up.

Pruitt's family footprint in the condo appears to come in contrast to a statement late Thursday from the EPA. Spokesman Jahan Wilcox told reporters Pruitt paid $50-a-night to lease a single bedroom in the three-story brick building. "While transitioning to Washington, Administrator Pruitt signed a lease to rent a bedroom in a condo and he moved out at the end of July," he said.

ABC News first reported Thursday that Pruitt had lived in the condo in 2017, during his first six months in Washington. The condo is in a prime location -- less than a block from the U.S. Capitol complex – and other apartments in the duplex have rented for as much as $5,000-a-month, according to a source familiar with a neighboring lease.

The EPA allowed Bloomberg News to review copies of canceled checks that Pruitt paid to the condo owner. The news outlet reported that the checks show varying amounts paid on sporadic dates -- not a traditional monthly "rent payment" of the same amount each month. In all, Pruitt paid $6,100 over six months to the limited liability corporation for the Capitol Hill condo co-owned by Vicki Hart, whose husband J. Steven Hart is chairman of a top D.C. lobbying firm and who is registered to lobby for several major environmental and energy concerns.

“The rental agreement was with Scott Pruitt,” Vicki Hart told ABC News. “If other people were using the bedroom or the living quarters, I was never told, and I never gave him permission to do that.”

The EPA did not respond to requests for comment or clarification on the living arrangement with Pruitt’s daughter, which were described to ABC News by two, well-placed sources. McKenna Pruitt, now a law student, could not be reached by phone or email.

While Bloomberg reported Pruitt's lease did not allow him access to common areas in the unit, a source familiar with the arrangement told ABC News that Pruitt's daughter would often make her father breakfast, encouraging him to eat healthily and would slip avocado into his eggs. The source, who worked at EPA last year, said Pruitt would often joke about it when he came into the office.

Wilcox released a statement from EPA Senior Counsel for Ethics Justina Fugh Friday, saying she did not “conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend.” Wilcox did not say when Fugh reviewed the matter or what led her to look into it.

Bryson Morgan, who is in private practice and served as Investigative Counsel at the U.S. House of Representatives Office of Congressional Ethics, said he thought it raised red flags.

“I think it certainly creates a perception problem, especially if Mr. Hart was seeking to influence the agency,” Morgan said.

Gift rules prohibit executive branch employees from accepting items of value, Morgan said in an interview prior to the EPA’s release of the details. In addition to traditional gifts, those rules apply to favorable terms on a lease.

“It’s not just if he is paying market rent,” Morgan said. “A short-term lease is expensive. Is he given the ability to end it any day? Is this an arrangement any other person could get on the open market? My assumption would be this situation does not involve the hallmarks of a specific fair market transaction,” he said in an interview conducted before the checks were revealed.

The new disclosure comes as Democrats in Congress are demanding that Pruitt disclose to them more details about his 2017 use of the Capitol Hill home.

U.S. Rep. Don Beyer, a Virginia Democrat, called on Pruitt to resign over his failure to disclose the rental deal tied to an energy lobbyist.

“As he has done over and over again, he showed contempt for transparency, ethical guidelines, and the public interest,” Beyer said. “Pruitt must resign. If he refuses to do so he should be fired immediately.”

Hart is the chairman of lobbying firm Williams and Jensen that lobbies on EPA policies like the Clean Air Act, according to its website. The firm also lobbied on issues related to the export of liquefied natural gas and represented Cheniere Energy Inc., which owned the only active Liquid Natural Gas export plant in the United States at the time.

Pruitt traveled to Morocco last December and the EPA said in a press release that liquid natural gas exports were a topic of discussion during that trip.

Last year, Cheniere Energy Inc. reported paying Hart’s firm $80,000.

Hart's firm specifically lobbied on "issues related to the export of liquefied natural gas (LNG), approval of LNG exports and export facilities." The firm also lists on its website that it lobbies on other EPA policies like the Clean Air Act.

The EPA did not respond to ABC News' questions about whether Hart's lobbying firm had any involvement in arranging meetings during Pruitt's trip to Morocco.

Cheniere Energy spokeswoman Rachel Carmichel told ABC News the company ended its relationship with Hart's firm in December 2017. The spokeswoman went on to say Cheniere was unaware of the relationship between Pruitt and the lobbyist and had not used Hart's firm to have conversations with the EPA.

Another lobbying client of Hart's, the railroad Norfolk Southern, spent $160,000 last year on lobbying Congress on "issues affecting coal usage, oil production, and transportation, including EPA regulation."

Norfolk Southern also declined to comment when reached by ABC News.

Craig Holman, an ethics specialist at Public Citizen, a non-partisan watchdog group, wrote to the EPA Inspector General Thursday to request an investigation into the rental arrangement. If the rental arrangement was anything other than a market rate deal, he wrote, "it would at least constitute a violation of the federal statutes and executive branch rules prohibiting gifts to covered officials from prohibited sources."

"Since Administrator Pruitt is already involved in allegations of accepting gifts of travel, the question arises whether a sense of entitlement may have led him to violate the gift rules on this rental arrangement as well," Holman wrote.

The head of the nonprofit watchdog group the Environmental Integrity Project and former EPA Director of Civil Enforcement Eric Shaffer called on the EPA's inspector general and Congress to look into the issue.

"Does this explain why Pruitt flew to Morocco to pitch natural gas exports, which isn't really an EPA concern?" Schaeffer wrote in a statement.

The EPA inspector general's office is aware of the report, according to spokesman Jeff Lagda.

The agency's inspector general is already looking into the cost of Pruitt's travel and whether the agency followed all proper procedures.

The Hill
http://thehill.com/policy/energy-environment/381013-epa-heads-daughter-also-lived-with-him-at-50-a-night-condo-report
EPA head's daughter also lived at condo co-owned by top energy lobbyist's wife: report
By Miranda Green, 3/30/18, 1:25 PM

The daughter of Environmental Protection Agency Administrator Scott Pruitt stayed in the second bedroom of his rental property while she interned at the White House last summer.

McKenna Pruitt reportedly stayed with her father at the $50-a-night condo he rented from the wife of a top energy lobbyist, ABC reported Friday.

Between May and August 2017, Pruitt interned at the office of White House counsel Don McGahn, according to her LinkedIn page.

The latest news challenges previous reports that Scott Pruitt had lived in the townhouse alone and that the second bedroom had been unoccupied while he rented the space.

EPA spokesman Jahan Wilcox told The Hill that Pruitt moved out of the condo in July.

"While transitioning to Washington, Administrator Pruitt signed a lease to rent a bedroom in a condo and he moved out at the end of July," Wilcox said in a statement.

The timeline suggests that Pruitt's daughter stayed with him in the rental for three month's time.

Previously, the EPA confirmed a Bloomberg Thursday night story that Pruitt had been renting the condo on a day-by-day basis, only paying for the nights he used the single bedroom. The EPA confirmed that Pruitt spent $6,100 on the condo during his time there, the equivalent of $50 a night.

The EPA did not respond to questions about what Pruitt's daughter paid for her rent and if she too paid on a day-by-day basis during her months-long internship.

ABC News first reported the living arrangement on Thursday. The condo is reportedly owned by an LLC partially owned by Vicki Hart, the wife of J. Steven Hart, an energy lobbyist who represents clients in industries regulated by the EPA.

AP
https://apnews.com/7cc46ae1be9e4bd3b041eeff142e1af6/EPA's-Pruitt-lived-in-DC-condo-connected-to-energy-lobbyist
EPA's Pruitt lived in DC condo connected to energy lobbyist
By Michael Biesecker, 3/30/18

WASHINGTON (AP) — The head of the Environmental Protection Agency lived in a Capitol Hill condominium linked to a prominent Washington lobbyist whose firm represents a roster of fossil fuel companies.

ABC News first reported Thursday that EPA Administrator Scott Pruitt had been living in a building on a leafy street about a block from the U.S. Capitol. Records show three units inside the building are listed as belonging to a corporation co-owned by the wife of J. Steven Hart, the chairman and CEO of the powerhouse lobbying firm Williams and Jensen PLLC. It was not immediately clear how much Pruitt was paying for the home.

The firm's clients include Exxon Mobil Corp. and the major liquefied natural gas exporter Cheniere Energy Inc.

A Republican who previously served as the state attorney general of Oklahoma, Pruitt has long been a champion of the oil and gas industry. In the year he has served as the Trump administration's top environmental official, Pruitt has moved to scrap, gut or replace numerous environmental regulations opposed by the industry while boosting the continued burning of fossil fuels, which is the primary cause of climate change.

In December, Pruitt and members of his staff spent about $40,000 in taxpayer funds to fly to Morocco to help encourage the North African kingdom to import liquefied natural gas from the United States. Cheniere, the lobbying client of Hart's firm, is currently the only exporter of liquefied natural gas from the continental United States.

In a statement to The Associated Press, Hart said Pruitt is a casual friend from Oklahoma who moved into the building in early 2017. Hart said he had no contact with Pruitt for many months, other than a brief exchange at the National Prayer Breakfast in February.

"Pruitt signed a market based, short-term lease for a condo owned partially by my wife," Hart said, according to a statement released by his firm. "Pruitt paid all rent owed as agreed to in the lease. My wife does not, and has not ever lobbied the EPA on any matters."

Hart's wife, Vicki Hart, is also a lobbyist, focusing on health care issues.

Steven Hart's firm did not respond to questions about how much Pruitt paid. Market-rate rents in the area typically run more than $3,000 for two bedrooms.

EPA's press office also did not respond to messages seeking comment about Pruitt's Washington living arrangements. Messages seeking comment from the White House also received no response.

Pruitt has been under increasing scrutiny for this frequent taxpayer-funded travel, which has included first-class airline tickets. Though federal regulations typically require federal officials to fly in coach, the EPA chief has said he needed to sit in premium seats due to security concerns.

Pruitt's EPA travel has also often included weekend-long layovers at his home in Tulsa. The EPA chief is widely mentioned in Oklahoma as a possible successor to Sen. James Inhofe, the state's octogenarian GOP senator who is expected to retire at the end of his current term.

Among the clients at Hart's lobbying firm is OGE Energy Corp., an electricity company serving Oklahoma and Arkansas. According to federal disclosure reports, the company paid Williams and Jensen $400,000 in 2017 to lobby on issues that included EPA regulations on greenhouse gas emissions from power plants.

Copies of Pruitt's daily calendar obtained by the AP through a public records request show that Pruitt held a March 2017 meeting in his EPA office with OGE Chairman and CEO Sean Trauschke and company vice president Paul Renfrow. The meeting was arranged at the request of George Baker, a registered lobbyist from Hart's firm, who also attended.

In October, EPA announced it would rewrite the Clean Power Plan, an Obama-era regulation that sought to limit planet-warming carbon emissions from coal-fired power plants like those operated by OGE. EPA has also moved to scrap regulations cutting power plant emissions of such toxic substances as mercury, as well as tighter standards on dumps containing coal ash.

Records show Pruitt has had a long relationship with OGE. Campaign finance reports from Oklahoma show more than three dozen OGE executives donated to Pruitt's 2014 re-election campaign for state attorney general, even though he was running without a Democratic opponent. OGE chairman Peter Delaney contributed $3,500, while Trauschke kicked in $2,500 and Renfrow contributed $1,000.

Environmental groups on Thursday pointed to news of Pruitt's living arrangements as further evidence he caters to polluters, and they renewed their calls for him to resign.

"Scott Pruitt, who is supposed to protect our families from pollution, literally lived in a fossil fuel lobbyist's house," said Michael Brune, the executive director of the Sierra Club. "The administrator of the EPA should stand up to corporate polluters, not live in their homes while pushing their agenda at every turn."

The Hill
http://thehill.com/policy/energy-environment/380967-pruitt-paid-50-a-night-to-live-at-condo-co-owned-by-top-energy
Pruitt paid $50 a night to live at condo co-owned by top energy lobbyist's wife
By Max Greenwood and Miranda Green, 3/30/18, 8:20 AM

Environmental Protection Agency Administrator Scott Pruitt paid $50 a night to live in a condo co-owned by the wife of a lobbyist with clients regulated by the agency.

Pruitt paid to rent the room in the two-bedroom condo only on nights when he actually slept there, Bloomberg News first reported Thursday.

Over the course of roughly six months, Pruitt paid $6,100 for the room. Those payments, however, came on sporadic dates and in different amounts, unlike traditional monthly rent payments, EPA confirmed to The Hill.

A spokesman for the EPA said the arrangement took place while Pruitt was transitioning to Washington, and that he moved out in July, more than four months after his confirmation.
"While transitioning to Washington, Administrator Pruitt signed a lease to rent a bedroom in a condo and he moved out at the end of July," EPA spokesman Jahan Wilcox said in a statement.

A lease agreement reviewed by Bloomberg showed that Pruitt was charged $50 a night "based on days of actual occupancy."

The living arrangement was not reviewed by the EPA in advance, and the agency had to seek documentation from the building's owners to prove that Pruitt did, in fact, pay for the room, Bloomberg reported.

Pruitt himself was not able to provide the agency with any documentation of his lease or payments.

Justina Fugh, the senior counsel for ethics at the EPA, said the living arrangement did not present an ethics issue.

"I don't conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend," Fugh said in a statement.

ABC News first reported the living arrangement on Thursday. The condo is reportedly owned by a company that counts Vicki Hart as an owner. Hart is married to J. Steven Hart, an energy lobbyist who represents clients in industries regulated by the EPA.

AP
https://apnews.com/7cc46ae1be9e4bd3b041eeff142e1af6/EPA-chief-paid-$50-a-night-for-DC-condo-linked-to-lobbyist
EPA chief paid $50 a night for DC condo linked to lobbyist
By Michael Biesecker and Jonathan Lemire, 3/30/18

WASHINGTON (AP) — The head of the Environmental Protection Agency paid just $50 a night to stay in a Capitol Hill condominium linked to a prominent Washington lobbyist whose firm represents a roster of fossil fuel companies.

EPA Administrator Scott Pruitt paid for a single bedroom in the building on a leafy street about a block from the U.S. Capitol, staying for about six months in 2017 during nights he was in Washington. Records show three units inside the building are listed as belonging to a corporation co-owned by the wife of J. Steven Hart, the chairman and CEO of the powerhouse lobbying firm Williams and Jensen PLLC.

The firm's clients include Exxon Mobil Corp. and the major liquefied natural gas exporter Cheniere Energy Inc. — companies that have billions at stake in regulatory decisions over which Pruitt presides. Records show in at least one case Pruitt met in his EPA office with a lobbyist from Hart's firm while he was renting the room.

Justina Fugh, an ethics lawyer at EPA, told The Associated Press on Friday Pruitt's rental agreement allowed him to only pay for nights he occupied the room, totaling about $6,000 in payments over the term of the lease.

Fugh said she was first briefed by other EPA officials about the terms of lease on Thursday, shortly after ABC News first reported on Pruitt's prior living arrangements. Fugh said she was not asked to review the lease or issue a formal legal opinion on it, though she did not immediately see it as an ethical concern since Pruitt paid for the room.

Fugh said she was told Pruitt has since moved to another apartment, though she said she was not privy to any details about where the administrator is currently staying, who owns that property or what rate he is paying.

Inside the White House on Friday, staffers expressed frustration by the optics of Pruitt's living arrangements, which come on the heels of the dismissal of Veterans Affairs Secretary David Shulkin over ethical missteps.

But while officials in the West Wing are reviewing the seriousness of the questions around Pruitt, it was too soon to know if the EPA secretary would face harsh internal questioning or draw the ire of President's Donald Trump, according to a White House official not authorized to speak publicly about private discussions.

A Republican who previously served as the state attorney general of Oklahoma, Pruitt has long been a champion of the oil and gas industry. In the year he has served as the Trump administration's top environmental official, Pruitt has moved to scrap, gut or replace numerous environmental regulations opposed by the industry while boosting the continued burning of fossil fuels, which is the primary cause of climate change.

In December, Pruitt and members of his staff spent about $40,000 in taxpayer funds to fly to Morocco to help encourage the North African kingdom to import liquefied natural gas from the United States. Cheniere, the lobbying client of Hart's firm, is currently the only exporter of liquefied natural gas from the continental United States.

In a statement to The Associated Press on Thursday, Hart said Pruitt is a casual friend from Oklahoma who moved into the building in early 2017. Hart said he had no contact with Pruitt for many months, other than a brief exchange at the National Prayer Breakfast in February.

"Pruitt signed a market based, short-term lease for a condo owned partially by my wife," Hart said, according to a statement released by his firm. "Pruitt paid all rent owed as agreed to in the lease. My wife does not, and has not ever lobbied the EPA on any matters."

Hart's wife, Vicki Hart, is also a lobbyist, focusing on health care issues.

EPA's press office also did not respond to messages seeking comment Thursday or Friday about Pruitt's Washington living arrangements.

The $50 a night rate Pruitt paid is significantly less than advertised rates for rentals in the Capitol Hill neighborhood where the unit is located. One bedroom apartments listed for rent in the immediate area on Friday ranged between $1,600 and $2,500 a month, depending on amenities. Single rooms listed online for one-night rentals averaged about $120 a night.

Pruitt has been under increasing scrutiny for this frequent taxpayer-funded travel, which has included first-class airline tickets. Though federal regulations typically require federal officials to fly in coach, the EPA chief has said he needed to sit in premium seats due to security concerns.

After a series of recent media reports about questionable spending, Pruitt was one four high-ranking Trump officials who met separately with White House Cabinet Secretary William McGinley to discuss proper ethics practices.

The president is still said to be fond of Pruitt and has applauded the EPA secretary for his attention-grabbing dust-ups with environmentalist groups, according to the White House official and an outside Trump adviser.

Pruitt's EPA travel has also often included weekend-long layovers at his home in Tulsa. The EPA chief is widely mentioned in Oklahoma as a possible successor to Sen. James Inhofe, the state's octogenarian GOP senator who is expected to retire at the end of his current term.

Among the clients at Hart's lobbying firm is OGE Energy Corp., an electricity company serving Oklahoma and Arkansas. According to federal disclosure reports, the company paid Williams and Jensen $400,000 in 2017 to lobby on issues that included EPA regulations on greenhouse gas emissions from power plants.

Copies of Pruitt's daily calendar obtained by the AP through a public records request show that Pruitt held a March 2017 meeting in his EPA office with OGE Chairman and CEO Sean Trauschke and company vice president Paul Renfrow. The meeting was arranged at the request of George Baker, a registered lobbyist from Hart's firm, who also attended.

In October, EPA announced it would rewrite the Clean Power Plan, an Obama-era regulation that sought to limit planet-warming carbon emissions from coal-fired power plants like those operated by OGE. EPA has also moved to scrap regulations cutting power plant emissions of such toxic substances as mercury, as well as tighter standards on dumps containing coal ash.

Records show Pruitt has had a long relationship with OGE. Campaign finance reports from Oklahoma show more than three dozen OGE executives donated to Pruitt's 2014 re-election campaign for state attorney general, even though he was running without a Democratic opponent. OGE chairman Peter Delaney contributed $3,500, while Trauschke kicked in $2,500 and Renfrow contributed $1,000.

Environmental groups pointed to news of Pruitt's living arrangements as further evidence he caters to polluters, and they renewed their calls for him to resign.

"Scott Pruitt got a sweetheart deal on a D.C. condo directly from a fossil fuel lobbyist, then wasted thousands in taxpayer dollars pushing that lobbyist's agenda on a trip to Morocco," said Michael Brune, the executive director of the Sierra Club. "This deal stinks like the swamp Scott Pruitt is mired in."

Bloomberg
https://www.bloomberg.com/news/articles/2018-03-30/epa-chief-s-50-a-night-rental-said-to-raise-white-house-angst
EPA Chief's $50-a-Night Rental Raises White House Angst
By Jennifer A Dlouhy and Jennifer Jacobs, 3/29/18, 11:56 PM

Environmental Protection Agency Administrator Scott Pruitt's lease at a Washington apartment owned by a lobbyist friend allowed him to pay $50 a night for a single bedroom -- but only on the nights when he actually slept there.

White House officials are growing dismayed about the questions surrounding Pruitt's living arrangement, including his initial inability to produce any documentation about his lease or his actual payments, according to three officials. The landlord provided EPA officials with a copy of the lease and proof of the payments Pruitt made.

The questions follow criticism of Pruitt for traveling first class on airline flights.

In all, Pruitt paid $6,100 to use the room for roughly six months, according to copies of the checks reviewed by Bloomberg. Those checks show varying amounts paid on sporadic dates -- not a traditional monthly "rent payment" of the same amount each month.

That was because of the unusual rent schedule -- not a single monthly amount, but a daily amount charged only for days used for a single bedroom in the two-bedroom unit just blocks from the Capitol. The owner is a health care lobbyist,

Vicki Hart. Her husband J. Steven Hart, is also a lobbyist and his firm represents clients in industries regulated by the EPA.

One person familiar with the lease compared it to an Airbnb-style arrangement, but Pruitt wasn't a transient and instead made the apartment his home on nights he was in Washington. The lease -- reviewed by Bloomberg -- says that he was charged $50 a night "based on days of actual occupancy."

Six Canceled Checks

Bloomberg reviewed six canceled checks paid by Pruitt totaling $6,100 from March 18 through Sept 1, 2017. He paid $450 on March 18, $900 on April 26, $850 on May 15, $700 on June 4, $1,500 on July 22 and $1,700 on Sept 1.

Justina Fugh, who has been ethics counsel at the EPA for a dozen years, said the arrangement wasn't an ethics issue because Pruitt paid rent. An aide said the agency had not reviewed the arrangement in advance.

The payments covered Pruitt's room in the two-bedroom unit, but did not afford him liberal use of common areas, where the owners had dinner parties and other functions, according to a person familiar with the situation. Someone else rented the other bedroom. According to the lease agreement, Pruitt's bedroom could not be locked.

After ABC News reported the living arrangement on Thursday, EPA aides had to seek documentation from the building's owners to prove he had paid rent, raising concerns at the White House, said two of the people, who asked not to be named discussing a sensitive matter involving a Cabinet secretary. Pruitt was in Wyoming on Thursday.

The disclosure follows revelations about Pruitt's reliance on first-class flights to travel around the globe and a series of pricey trips, including a visit by Pruitt and agency staff to Italy that cost $120,249. EPA officials have defended Pruitt's use of first-class flights on security grounds, but after a series of reports, he shifted to coach.

J. Steven Hart is the chairman of Williams & Jensen, a firm with a stable of energy industry clients including Oklahoma Gas & Electric Co., which paid the firm $400,000 in 2017, according to data compiled from the Environmental Integrity Project from disclosure forms.

Pruitt, the former attorney general of Oklahoma, has been an enthusiastic crusader against Obama-era regulations meant to combat climate change and limit air pollution. When Pruitt was in Oklahoma, he sued the EPA more than a dozen times.

Hart's individual lobbying clients include liquefied natural gas exporter Cheniere Energy Inc., the American Automotive Policy Council and Smithfield Foods Inc. But the Department of Energy -- not the EPA -- plays the major federal role overseeing LNG exports, and it is not clear Hart had direct contact with the EPA on behalf of any of his lobbying clients in 2017, according to a Bloomberg News review of disclosures.

"At the very least, it doesn't look good for the administrator of EPA to have rented an apartment from the wife of an energy industry lobbyist who represents companies regulated by EPA," said Eric Schaeffer, director of the Environmental Integrity Project.

Schaeffer called on EPA's inspector general and Congress to investigate.

Fugh, the EPA's ethics counsel, said no gift was involved. It was a routine business arrangement between Pruitt and an individual, not a lobbying firm, she added.

"He paid a fair price for what amounts to just a room," Fugh said. "So I don't even think that the fact that the house is owned by a person whose job is to be a lobbyist causes us concern."

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/scott-pruitt-paid-50-per-night-for-condo-co-owned-by-wife-of-energy-lobbyist

Scott Pruitt paid $50 per night for condo co-owned by wife of energy lobbyist

By Josh Siegel, 3/30/18, 11:26 AM

EPA Administrator Scott Pruitt spent some of his first year in office living in a Washington townhouse that is co-owned by the wife of an energy lobbyist.

The lobbyist, J. Steven Hart, told ABC News that Pruitt paid market rate for a condo in the townhouse near the Capitol.

But Bloomberg reported late Thursday that Pruitt paid $50 per night for a single bedroom, only paying on the nights he actually slept there. In all, Pruitt paid $6,100 to use the room for roughly six months.

Justina Fugh, the EPA ethics counsel, says the living arrangement doesn't violate ethics rules because Pruitt paid rent.

"I don't conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend," Fugh told the Washington Examiner.

Pruitt worked directly with Hart, the energy lobbyist, to arrange the deal, ABC News said in a new report Friday.

An EPA spokesman confirmed to the Washington Examiner that Pruitt occupied a bedroom in the condo.

"While transitioning to Washington, Administrator Pruitt signed a lease to rent a bedroom in a condo and he moved out at the end of July," said spokesman Jahan Wilcox.

Hart, the CEO of Williams and Jensen, has clients with business relevant to the EPA's regulatory efforts, including Cheniere Energy Inc. and railroad company Norfolk Southern. Cheniere is the largest natural gas exporter in the U.S.

The firm also says it lobbies on issues related to the Clean Air Act, which the EPA administers.

Hart is a Republican donor who served in the Justice Department during the Reagan administration. He donated to Pruitt's campaigns to be attorney general of Oklahoma, according to campaign finance records.

The condo that Pruitt occupied is owned by a company that lists Vicki Hart, the lobbyist's wife, as an owner.

Vicki Hart is a lobbyist for the healthcare industry, and she does no lobbying before the EPA, her husband said.

Pruitt has faced scrutiny during his tenure over his spending and travel habits.

The EPA inspector general is investigating Pruitt for his use of first-class and military flights and his frequent travel as administrator to his home state of Oklahoma, where he served as attorney general.

The internal watchdog is also probing whether Pruitt broke federal spending laws by using $25,000 in taxpayer money to install a secure phone booth in his office.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060077849/search?keyword=EPA

Firm clients tied to Pruitt's rental lobbied agency
By Kevin Bogardus, 3/30/18

U.S. EPA Administrator Scott Pruitt lived in a condo tied to a lobbyist, some of whose firm's clients lobbied the agency over the past year.

ABC News reported yesterday that Pruitt lived part of last year in a Capitol Hill condo co-owned by lobbyist Vicki Hart and other unidentified partners. While she lobbies for health care clients, the firm of her spouse, Steven Hart, represents several clients with interests before EPA.

Questions have swirled around Pruitt's rental agreement since it was first reported yesterday, including whether it was allowed under federal ethics laws.

Lobbying disclosure records show that Steven Hart's firm, Williams & Jensen PLLC, reported lobbying EPA in 2017 on behalf of at least two of its clients, OGE Energy Corp. and Owens-Illinois Inc. In addition, Pruitt had at least one meeting with OGE executives and its Williams & Jensen lobbyist and had another meeting with Oklahoma Gas & Electric Co., the company's subsidiary, according to EPA records.

Hart is reported to have lobbied EPA on behalf of the glass container manufacturer Owens-Illinois, but he told E&E News that those lobbying forms were in error.

"I am incorrectly listed on OI and ask[ed] the partner who runs the account to make a correction," said Hart, chairman and CEO of Williams & Jensen, in an email. He added that he does not lobby the agency.

"I do not lobby the EPA. I have had no lobbying contact with the EPA in 2017 or 2018 for the 2 clients listed or any others."

Williams & Jensen earned $520,000 in lobbying fees from Owens-Illinois last year. The firm lobbied EPA on regulations, including greenhouse gas rules, according to records.

The lobby firm also earned $400,000 in fees from OGE Energy in 2017. Records show Williams & Jensen lobbyists lobbied EPA for the electric company during the last half of the prior year on agency rules, including its regulations affecting utility plants.

The Williams & Jensen lobbyist acting on OGE Energy's behalf, George Baker, was also listed as attending a meeting with Pruitt and other OGE executives last March, according to the administrator's private calendar obtained by E&E News under the Freedom of Information Act. Detailed on his public calendar, Pruitt was also slated to attend a meeting in EPA headquarters with Oklahoma Gas & Electric a few weeks ago.

Hart said he was not aware of those meetings with Pruitt.

"I was not in those meetings and had no knowledge of them until I read this," Hart said.

Hart and EPA on the defensive
Steven and Vicki Hart contributed more than $1,700 to Pruitt's state campaigns, starting with a $500 gift shortly before he was elected attorney general in 2010. Steven Hart, a prolific Republican donor on K Street, put another $1,600 in 2014 toward a fundraising reception shortly before Pruitt won re-election as attorney general.

Also in 2015, Hart donated $1,000 to Oklahoma Strong Leadership PAC, a federal political committee affiliated with Pruitt. The group's treasurer, Kenneth Wagner, is now a top aide to Pruitt at EPA.

But Hart, an Oklahoman, said, "Pruitt is a casual friend of many years but I have had no contact with him for months except for a brief pass by at the National Prayer Breakfast."

Hart said the ABC News story was "misleading at best."

"Pruitt signed a market-based, short-term lease and paid regularly. There is no ethics issue," Hart said. "I have no ownership interest in the property. My wife does no work with the EPA."

Bloomberg News reported last night that Pruitt paid $50 a night for a single bedroom in the condo, but only when he slept there. The EPA chief paid $6,100 overall to use the room for roughly six months.

EPA spokesman Jahan Wilcox said Pruitt was out of the condo by last July.

"While transitioning to Washington, Administrator Pruitt signed a lease to rent a bedroom in a condo and he moved out at the end of July," Wilcox said.

Wilcox also shared with E&E News a statement by Justina Fugh, EPA's senior counsel for ethics, on Pruitt's rental agreement.

"I don't conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend," Fugh said.

ABC News also reported today that sources say Pruitt's adult daughter stayed with the EPA chief in the condo when she worked as a clerk in the White House counsel's office this summer.

Public interest watchdogs have asked whether it was a prohibited gift under federal ethics laws as well as whether it should have been blocked by the gift ban in President Trump's executive order on ethics.

Eric Schaeffer, director of the Environmental Integrity Project, noted Williams & Jensen's other energy clients, including Cheniere Energy Inc., a liquefied natural gas developer, that could have benefited from Pruitt's trip to Morocco last year.

"Does this explain why Pruitt flew to Morocco to pitch natural gas exports, which isn't really an EPA concern? This needs to be investigated by the EPA's Office of Inspector General and Congress," Schaeffer said.

Public Citizen has already sent a letter to the EPA inspector general to investigate the rental agreement.

Jeff Lagda, an EPA IG spokesman, told E&E News that the watchdog office is aware of the allegations in Public Citizen's letter but declined to comment.

The Hill
http://thehill.com/policy/energy-environment/381007-dem-calls-on-pruitt-to-resign-over-apartment-rental
Dem calls on Pruitt to resign over rental deal with lobbyist
By Timothy Cama, 3/30/18, 12:23 PM

Rep. Don Beyer (D-Va.) wants Environmental Protection Agency (EPA) Administrator Scott Pruitt to resign or be fired over the controversy surrounding an apartment he rented last year from a lobbyist.

The property is owned by Vicki Hart, a health lobbyist, whose husband, Steven, has energy industry clients. Pruitt reportedly negotiated the rental with Steven Hart.

Pruitt paid $50 per night for a Capitol Hill bedroom for a period last year — though he did not have to pay when he didn't sleep there, and no one else lived in the entire condo unit at the time.

"The latest outrage is the news that Scott Pruitt secretly worked out a special deal on condo rent with an industry lobbyist who represents companies regulated by the EPA. He apparently did not report the details of his arrangement to ethics counsel at the EPA beforehand, nor to the public," Beyer said in a statement Friday.

"As he has done over and over again, he showed contempt for transparency, ethical guidelines, and the public interest," he said. "Pruitt must resign. If he refuses to do so he should be fired immediately."

The EPA said that, despite Pruitt not seeking ethics approval for the arrangement beforehand, ethics officials nonetheless found it to be above-board.

"I don't conclude that this is a prohibited gift at all. It was a routine business transaction and permissible even if from a personal friend," Justina Fugh, the EPA's top career ethics official, said in a statement.

In addition to Beyer's call for Pruitt to resign, Public Citizen, a left-leaning watchdog group, is asking the EPA's Office of Inspector General (OIG) to probe the matter.

"While a market rate rental arrangement between Pruitt and the lobbyist 'power couple' would not pose a violation of conflict of interest or gift rules, neither the EPA nor the Harts would comment on whether the arrangement involved fair market rates," the group wrote to the OIG.

"If the rental arrangement was anything other, it would at least constitute a violation of the federal statutes and executive branch rules prohibiting gifts to covered officials from prohibited sources … as well as the gift ban under Executive Order #13770," it said, referring to President Trump's ethics order.

OIG spokesman Jeffrey Lagda said the office is aware of Public Citizen's request.

ABC News first reported Pruitt's rental Thursday.

The Hill
http://thehill.com/regulation/energy-environment/380962-dem-senator-pruitt-took-taxpayer-funded-security-detail-to
Dem Senator: Pruitt took taxpayer-funded security detail to Disneyland, Rose Bowl game
By Morgan Gstalter, 3/30/18, 7:30 AM

Sen. Sheldon Whitehouse (D-R.I.) wrote a letter to the Environmental Protection Agency's (EPA) inspector general, alleging that Administer Scott Pruitt has used his security detail on nonofficial trips to Disneyland and a Rose Bowl game.

The letter was obtained by CNN after Whitehouse says he was given confidential information from an unnamed source, the network reported Friday.

It alleges that Pruitt took his security detail on a trip home to Tulsa, Okla., and on family vacations to Disneyland, the Rose Bowl game and a University of Kentucky basketball game.

There is already an ongoing investigation into Pruitt's travel expenses and use of round-the-clock security detail. But Whitehouse's letter insists these new details be looked at by the inspector general, CNN reported.

Whitehouse is concerned that "significant agency resources are being devoted" to administer Pruitt's 24/7 security, even when he is traveling for personal reasons.

"While I consider matters of personal security to be extremely serious, personal security should never be used as a pretext to obtain special treatment," Whitehouse wrote.

Whitehouse said an unnamed source provided him with weekly schedules and other documents that show Pruitt using between 24 and 36 different security agents during a six-week period, CNN reported.

The EPA told CNN that Pruitt "follows the same security protocol whether he's in his personal or official capacity," when asked about the letter.

Pruitt has been scrutinized for the cost of his travel and the $43,000 "privacy booth" he allegedly had put into his office.

It was reported last week that Pruitt spent more than $105,000 on first-class airline travel during his first year on the job. The report showed that the EPA spent more than $30,000 in taxpayer money to bring Pruitt's security detail on an $84,000 trip to Italy.

The EPA also confirmed that his protective service details fly with him in first class.

Pruitt has defended his use of first-class flights by saying his security team made the decision after a series of "incidents."

"We live in a very toxic environment politically, particularly around issues of the environment. We've reached the point where there's not much civility in the marketplace and it's created, you know, it's created some issues and the [security] detail, the level of protection is determined by the level of threat," he said.

It was later reported by Politico that someone approached Pruitt in the airport and yelled profanities at him.

EPA's Office of Criminal Enforcement Director Henry Barnet said someone approached Pruitt and shouted: "Scott Pruitt, you're f---ing up the environment."

Pruitt has since pledged to only fly coach.

Last week, Pruitt slammed the media for reporting on the cost of his foreign travel, saying he was "dumbfounded by the kind of media narratives" being reported on.

CNN
https://www.cnn.com/2018/03/30/politics/epa-pruitt-travel-whitehouse-rose-bowl-disneyland/index.html
Senator: Pruitt security included Disneyland, Rose Bowl trips
By Sara Ganim and Rene Marsh, 3/30/18, 11:03 AM

EPA Administrator Scott Pruitt's 24-hour security in Washington extends to at least some of his personal trips, according to a letter Democratic Sen. Sheldon Whitehouse sent to the department's inspector general and shared with CNN.

The letter, written based on information that Whitehouse says he confidentially obtained from an unnamed source, raises new questions about the cost of Pruitt's unprecedented EPA-funded security, and alleges that Pruitt has used his security detail while on non-official business, including trips home to Tulsa, Oklahoma, a family vacation to Disneyland and the Rose Bowl game.

Whitehouse, D-Rhode Island, says the new details should be added to the inspector general's ongoing investigation into Pruitt's travel expenses and use of a 24/7 security detail. The documents, he wrote, raise concern "significant agency

resources are being devoted to administrator Pruitt's 'round-the-clock security, even when he is traveling on non-official business."

Whitehouse adds, "While I consider matters of personal security to be extremely serious, personal security should never be used as a pretext to obtain special treatment."

The letter alleges that six weekly schedules and other explanatory documents that were provided to him show that Pruitt used between two and three dozen different agents during a six-week period.

Asked about the letter, the EPA told CNN that "Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity," but declined to further elaborate on those protocols.

The EPA has said that Pruitt has faced unprecedented threats, including direct threats on his life, leading to equally unprecedented security measures.

CNN reached out to the EPA's Office of Inspector General, which did not comment on the case.

Pruitt has been under increased scrutiny for citing security as the reason he flew first class on the government's tab, racking up nearly $200,000 in travel costs. On one trip to Italy, from June 5-12 of last year, his security detail alone amounted to more than $30,000.

Several Trump Cabinet members have faced criticism for their travels. Interior Secretary Ryan Zinke has several open investigations into his use of private aircraft and attendance at political events. Health and Human Services Secretary Tom Price left after probes of his use of private planes. And recently fired Veterans Affairs Secretary David Shulkin began his downward spiral after an inspector general report found he used agency funds on a trip for his wife.

Whitehouse's office would not allow the documents or schedules to be reviewed, saying they contain sensitive security information. In addition to the family trips to Disneyland and the Rose Bowl game, the letter also alleges the security officials accompanied Pruitt on a trip to a December 29 University of Kentucky basketball game in Lexington.

Whitehouse's letter also states that "more than one source" says Pruitt "frequently requested per diem lodging expenses in excess of the federal government's established daily rate."

Pruitt's travel and security costs have gotten the attention of the EPA's inspector general and his fellow Republicans, including House Oversight Committee Chairman Trey Gowdy, who recently made Pruitt turn over all of his travel records for his first year.

In a letter to Gowdy, Pruitt said his security team required him to be near the front of the plane for a quick exit in the case of an emergency. However, Pruitt did not turn over the waivers that are necessary to fly in an upgraded cabin.

Whitehouse's letter asks the inspector general to see if Pruitt flies first class on non-official trips, and if so, whether the EPA pays for the security detail's flights, accommodations and per diems.

Pruitt told CBS News recently: "There's a change coming" in the way he travels, "including flying coach," and in the way his staff will accommodate security threats.

In October, CNN reported the EPA was beefing up Pruitt's 24/7 security, hiring a dozen more agents. At the time CNN calculated salaries alone for the full team would cost at least $2 million per year, according to figures compiled from public documents. Those numbers do not include costs such as training, equipment, and travel.

CNN also reported that some agents were pulled from other EPA jobs where they had been charged with investigating environmental crimes, and Whitehouse asks the inspector general to look at the impact of the shift in personnel.

Los Angeles Times
http://www.latimes.com/politics/la-na-pol-mileage-epa-rule-20180329-story.html
EPA poised to scrap fuel economy targets that are key to curbing global warming — setting up clash with California
By Evan Halper, 3/29/19, 2:55 PM

The Trump administration is poised to abandon America's pioneering fuel economy targets for cars and SUVs, a move that would undermine one of the world's most aggressive programs to confront climate change and invite another major confrontation with California.

The Environmental Protection Agency is expected to announce in the coming days that it will scrap mileage targets the Obama administration drafted in tandem with California that aim to boost average fuel economy for passenger cars and SUVs to 55 miles per gallon by 2025, according to people familiar with the plans.

The agency plans to replace those targets with a weaker standard that will be unveiled soon, according to the people, who did not want to be identified discussing the plan before it was announced.

EPA spokeswoman Liz Bowman said a draft determination was undergoing interagency review and a final decision would be made by Sunday.

EPA chief Scott Pruitt has previously suggested that he thinks the targets are too onerous for manufacturers and inhibit them from selling the vehicles most popular with Americans. A climate skeptic, Pruitt has questioned mainstream science on the warming caused by greenhouse gases such as auto emissions.

Whether Pruitt can weaken the rules for the entire country is an open question. California, with its history of smog problems and heightened vulnerability to climate change, has unique authority under the Clean Air Act to impose its own standard. The act also permits other states to adopt the California rules, and a dozen have.

Over the last decade, the federal government has worked with California to keep mileage targets uniform nationwide, folding the state's aggressive smog and anti-pollution goals into the national program. A single standard is crucial to automakers who don't want to contend with multiple production lines to comply with conflicting rules in states, particularly one as important to car sales as California.

After President Trump was elected, automakers immediately began lobbying him to rewrite the rules — and to pressure California to dial back its efforts. Pruitt's action would give the companies limited or no relief if it is not enforced nationwide since California's rules apply to more than a third of cars sold across the country, and automakers are loath to create multiple production lines to comply with conflicting rules.

The state is showing no sign of yielding. And the EPA chief is striking an increasingly hostile tone toward it, suggesting that he may seek to revoke the federal waiver that allows California to impose tougher rules than those of the federal government.

State leaders are daring him to try. They are confident it is a legal fight California would win.

"We are not going to go backward," said California Atty. Gen. Xavier Becerra. "We are not interested in a race to the bottom.... We are prepared to take whatever action, legal or otherwise, we have to to protect our health and our economy."

"We didn't make these moves lightly," Becerra said of the fuel economy targets. "They came after years of study, scientific evidence, fact-gathering, comment periods, a lot of back and forth among experts and stakeholders. To unwind

this and go backward would cost our industries and cost our people billions of dollars. There has to be a good reason to make any kind of move. We have seen nothing change that would make California change its position."

The 55 miles per gallon target is based on outdated testing methods, so it is widely accepted that the current figure that would appear on the window sticker in showrooms is closer to 44 miles per gallon.

The ambitious Obama-era program is geared toward moving drivers into vehicles that by 2025 release, on average, half the greenhouse gases of vehicles built in 2010. The EPA called it the "the most significant federal action ever taken to reduce [greenhouse gas] emissions."

Some experts say the vehicle program is more significant in the fight against global warming even than Obama's signature Clean Power Plan, which sought to curb emissions from electricity plants. While market trends are pushing utilities to drive down their emissions even after Trump moved to unravel the Clean Power Plan, the auto industry is at risk of stalling on climate action if it is not pushed by government.

"Given the work that needs to be done to bring the transportation sector along and the importance of driving those emissions down, having government policy like this is essential," said Ann Carlson, a professor of environmental law at UCLA.

The existing fuel economy rules are also at the foundation of California's own climate goals, which could prove impossible to meet if the EPA were to successfully strip its authority to enforce them.

The auto industry is still holding out hope that a deal between California and the EPA could be brokered. A compromise might involve the state consenting to easing up on the rules for vehicles sold from 2022-25 — the years targeted by the administration — in exchange for extending federal rules out to 2030 with aggressive targets in those later years.

"We keep urging people not to rush to judgment," said Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers. "We haven't seen the EPA's data. We need to see what the government comes up with.... We see it as in California's best interest to engage with the federal government and other stakeholders. If the state wants to maximize greenhouse gas reductions, it should work with us on a national level. California will get more done that way than going it alone."

Ford Chief Executive Bill Ford, who has led the push for weakening the standard, wrote in a Medium post Tuesday that the company was "not asking for a rollback" but "flexibility to help us provide more affordable options for our customers."

The Trump administration's tone is more threatening than diplomatic. Pruitt told Bloomberg that he sees little sense in extending the mileage targets past 2025, and he also said publicly that California should not have the power to set the fuel economy agenda for the rest of the nation. It all suggests he is positioning to try to revoke the state's waiver.

The environmental waiver is just one of many the federal government has granted the state over the decades, as California confronts its distinct problems with pollution and also serves as a model for environmental action nationwide. None of those waivers has ever been revoked, according to Stanley Young, a spokesman at the California Air Resources Board.

"There is a serious legal question as to whether one can, in fact, be revoked — and California would vigorously oppose such an effort," he wrote in an email.

Carlson expects the administration will try.

It would have to take aim at the "compelling and extraordinary" circumstances that entitle California to obtain the waiver under federal law. In this case, those circumstances include the threat climate change poses to California's coastline, its industries and its air quality, among other things.

The administration could argue other states face similar challenges and that the mileage rules can be made more flexible without imperiling them. And it would also argue that the rules are so onerous as to make them technologically and economically infeasible.

California's confidence that it would prevail is rooted in the reams of evidence it has amassed to rebut such claims, and the decades in which its authority to impose air rules tougher than the EPA's has been virtually undisputed by Washington.

"This is going to be a big legal battle," Carlson said.

New York Times
https://www.nytimes.com/2018/03/29/climate/epa-cafe-auto-pollution-rollback.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news
E.P.A. Prepares to Roll Back Rules Requiring Cars to Be Cleaner and More Efficient
By Coral Davenport and Hiroko Tabuchi, 3/29/18, 4:22 PM

The Trump administration is expected to launch an effort in coming days to weaken greenhouse gas emissions and fuel economy standards for automobiles, handing a victory to car manufacturers and giving them ammunition to potentially roll back industry standards worldwide.

The move — which undercuts one of President Barack Obama's signature efforts to fight climate change — would also propel the Trump administration toward a courtroom clash with California, which has vowed to stick with the stricter rules even if Washington rolls back federal standards. That fight could end up creating one set of rules for cars sold in California and the 12 states that follow its lead, and weaker rules for the rest of the states, in effect splitting the nation into two markets.

Scott Pruitt, the head of the Environmental Protection Agency, is expected to frame the initiative as eliminating a regulatory burden on automakers that will result in more affordable trucks, vans and sport utility vehicles for buyers, according to people familiar with the plan.

An E.P.A. spokeswoman confirmed that Mr. Pruitt had sent a draft of the 16-page plan to the White House for approval.

The particulars of the plan are still being worked out. Those specifics, which are expected this year, could substantially roll back the Obama-era standards, according to two people familiar with the deliberations.

"This is certainly a big deal," said Robert Stavins, director of the Harvard environmental economics program. "The result will be more gas-guzzling vehicles on the road, greater total gasoline consumption, and a significant increase in carbon dioxide emissions."

According to two people familiar with the E.P.A.'s plans, Mr. Pruitt was scheduled to formally announce his proposal on Tuesday at an auto dealership in the Virginia suburbs, but the schedule remained in flux.

Major automakers would welcome the change. They are prepared to participate in making new rules that meet "our customers' needs for affordable, safe, clean and fuel-efficient transportation," said Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufactures, which represents many of the world's largest automakers.

In California, state lawyers said they were expecting a fight. The state has a special waiver under the 1970 Clean Air Act empowering it to enforce stronger air pollution standards than those set by the federal government, a holdover from

California's history of setting its own air pollution regulations before the federal rules came into force. "We're prepared to do everything we need to defend the process," said Xavier Becerra, the attorney general of California, in an interview.

The California waiver gives the state considerable power to require automakers to stick to stricter standards. Not only is California a huge car market itself, but 12 other states including New York, Massachusetts and Pennsylvania have historically followed its lead. Together they represent more than a third of the domestic auto market.

"We're going to defend first and foremost existing federal greenhouse gas standards," Mr. Becerra said. "We're defending them because they're good for the entire nation. No one should think it's easy to undo something that's been not just good for the country, but good for the planet."

Mr. Pruitt has signaled that he is ready to take on such a challenge. "California is not the arbiter of these issues," he said in an interview with Bloomberg TV this month.

Under the Obama administration, the federal government toughened tailpipe pollution standards to match California's. Mr. Pruitt said the state standards "shouldn't and can't dictate to the rest of the country what these levels are going to be."

The E.P.A.'s senior clean air adviser, William Wehrum, this week traveled to California and met with the state's top clean air official, Mary Nichols. Both sides declined to detail what was discussed.

On Wednesday, a coalition of free-market groups including the Competitive Enterprise Institute urged Mr. Pruitt to take California on. "It is time for the E.P.A. to act," the groups said. If the agency did not act quickly, the groups said, "people across the state of California will be facing unrealistic and costly mandates which threaten their basic right to choose."

President Trump has also spoken about rolling back the efficiency rules, known as Corporate Average Fuel Economy, or Cafe. "I'm sure you've all heard the big news that we're going to work on the Cafe standards so you can make cars in America again," Mr. Trump said at a Detroit auto research facility in March last year. "We want to be the car capital of the world again. We will be, and it won't be long."

The rules, aimed at cutting tailpipe emissions of carbon dioxide, a major contributor to global warming, were one of the two pillars of Mr. Obama's climate change legacy. Put forth in 2012, they would have required automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025.

If fully implemented, the rules would have cut oil consumption by about 12 billion barrels and reduced carbon dioxide pollution by about six billion tons over the lifetime of all the cars affected by the regulations, according to E.P.A. projections.

The rules also would have put the United States, historically a laggard in fuel economy regulations, at the forefront worldwide in the manufacture of electric and highly fuel efficient vehicles. The United States and Canada are the only major nations that have adopted mandatory emissions standards through 2025. The European Union has only recently proposed standards for 2025 and 2030, while China has only started to work on standards for those years.

Less restrictive regulations in the United States could provide an opening for automakers to push for more lenient standards elsewhere as well, leading to the emission of more pollution by cars around the world. While sales of electric vehicles are starting to take off, they still represent barely 1 percent of global car sales. A shift among car buyers toward larger cars and trucks is already impeding progress in fuel economy.

"The concern is that automakers will go around the world basically trying to lobby regulators, saying, look, because the United States has reduced the pace, everywhere else should too," said Anup Bandivadekar, a researcher at the International Council on Clean Transportation, a think tank that focuses on clean car technology and policy. Global carmakers "apply developments in one region to lobby for changes in other regions."

American automakers initially accepted the plan by Mr. Obama in 2009 to harmonize what was then a hodgepodge of pollution and efficiency standards set by the E.P.A., the National Highway Traffic Safety Administration and California. And the automakers weren't in much of a position to resist; they had just taken an $80 billion bailout to survive a global economic crisis.

The plan would have spurred automakers to speed their development of highly fuel-efficient vehicles including hybrid and electric cars. But within weeks of Mr. Trump's inauguration last year, the chief executives of the nation's Big Three auto companies met with him in the Oval Office to say that the Obama tailpipe standard was too difficult to achieve.

Mr. Trump directed the E.P.A. under Mr. Pruitt to craft a new, less strict set of standards. The announcement expected on Tuesday would represent the first legal step in the process.

While Mr. Pruitt's proposal to open up the Obama rules to review isn't expected to include specific targets, "The proposed rollback is going to be quite a significant number," said Myron Ebell, who led Mr. Trump's E.P.A. transition team and directs the energy and environment policy at the Competitive Enterprise Institute, a Washington research organization that questions the established science of human-caused climate change. "It will be more than a couple m.p.g.," he said.

If the legal fight between California and the Trump administration escalates, one possibility is that the federal government might try to revoke the waiver allowing California to set its own rules. Some presidents, including George W. Bush, have considered revoking the waiver, but none have tried.

The announcement by Mr. Pruitt was not expected to include a decision on challenging the waiver.

Mr. Ebell suggested that one possible legal tactic for the Trump administration could be to announce that it will refuse to renew the current waiver on tailpipe emissions, which expires in 2025, rather than to revoke it outright. That would likely delay a court fight until California moves to set standards that go beyond 2025.

But such a move would also likely formalize, at least for the time being, two different sets of rules in the United States — the federal emissions rules, and California's stricter ones — a logistical headache for the industry.

While California and its ally states have long followed separate smog standards, those have been easier for automakers to meet because a car can be brought into compliance by adding a catalytic converter, for example. Designing for separate mileage standards is more difficult, because fuel economy is dependent on a car's weight and design.

A divided market could require substantially different car designs, experts say, putting the American auto industry into uncharted territory. It remains unclear how the issue might be resolved. One possibility is that two very different auto markets emerge, one with cleaner cars generally along the coasts, and another with more polluting cars concentrated in Middle America. On the other hand, automakers might also opt to generally adhere to the stricter California standards nationwide, blunting the impact of any Trump administration rollback of federal rules.

The automakers had hoped to avoid these complex scenarios by using their clout with the Trump administration to force California to go along with a relaxation of federal regulations. But "if they thought this would end by California rolling over and giving up its more stringent standards," said Kevin Poloncarz, a San Francisco lawyer who focuses on air and climate change law, "that was a miscalculation."

As a result, the automakers' victory might come with unexpected headaches for them, said Jody Freeman, a Harvard law professor and former counsel to the Obama administration.

For instance, if the rest of the world moves toward stricter rules anyway, the American market could find itself an industry laggard, ceding leadership in clean vehicle technology to markets like China or the European Union. "I don't really know if the auto industry wants what this administration might be doing," she said. "It might be like the dog that caught the car."

Reuters
https://www.reuters.com/article/us-autoshow-new-york-emissions/epa-poised-to-announce-rejection-of-obama-vehicle-fuel-efficiency-rules-idUSKBN1H5346

EPA poised to announce rejection of Obama vehicle fuel efficiency rules

By David Shepardson, 3/29/18, 5:09 PM

NEW YORK (Reuters) - The U.S. Environmental Protection Agency is expected to use a Virginia car dealership on Tuesday as the setting to tout its rejection of the Obama administration's landmark vehicle fuel efficiency rules, a move that could put automakers in the middle of a battle between the Trump administration and California.

EPA Administrator Scott Pruitt plans to sign a declaration by Sunday that the Obama administration's vehicle efficiency rules for 2022 through 2025 are "not appropriate" and must be revised, Reuters reported last week.

Pruitt is expected to speak at an event at a Chevrolet dealership in suburban Washington and will joined by groups representing dealers and automakers, according to people familiar with the plans.

The state of California, which has the power to effectively create its own fuel economy standards, several allied states and environmental groups are gearing up for a legal and political fight over the rules, aimed at curbing greenhouse gas emissions from new cars and trucks.

California Air Resources Board chair Mary Nichols said in January the board does not believe the standards should be lowered. Pruitt was in California earlier this week, but did not meet with Nichols.

Two administration officials and several automakers told Reuters the timing of proposing specific revisions to existing fuel economy standards and emissions limits remains in flux. EPA officials suggested a detailed proposal could come in late May or June, while the Transportation Department is pushing for a speedier proposal, automakers and officials said.

The EPA declined Thursday to comment on Pruitt's plans. An EPA spokeswoman said last week "a final determination will be signed by April 1."

Automakers want rule changes to address lower gasoline prices and a shift in U.S. consumer preferences to larger, less fuel-efficient vehicles.

Auto industry executives have not publicly sought specific reductions in the requirements negotiated with the Obama administration in 2011. But they have urged Pruitt and U.S. President Donald Trump to revise the Obama standards to make it easier and less costly to meet complex targets, which vary depending on the size of vehicles and whether they are classified as cars or trucks.

Overall, the Obama rules called for roughly doubling by 2025 to about 50 miles (80 km) per gallon the average fuel efficiency of new vehicles sold in the United States. But the Obama rules included a review by April 2018 as to whether the final years were feasible or not.

By declaring the Obama rules "not appropriate," the Trump administration can reopen the process of setting vehicle targets agreed to by automakers in 2011.

Pruitt is expected to declare that the existing 2022-2025 model year rules on fuel economy must be revised but he is not expected to immediately propose new requirements, people familiar with the plans said. They asked not to be identified because they were not authorized to speak to the news media.

The so-called Corporate Average Fuel Economy rules sought to double the average fuel efficiency of automakers' fleets, or complete lineup of cars and light trucks, to about 50 miles (80 km) per gallon by 2025.

While automakers want relief from the Obama rules, they are pressing the administration to avoid a battle with California and maintain a single, nationwide set of fuel efficiency requirements.

In New York, Toyota North America (7203.T) Chief Executive Jim Lentz said at an Reuters event on Thursday that automakers would face higher costs if they had to manage fuel economy by each individual state.

Lentz said individual state emissions requirements could result in Toyota getting "towards the end of the year and I no longer can sell SUVs," depending on the state's fuel economy numbers. "It would be an absolute nightmare for us to figure out."

When fuel rules were written in 2011 amid high gas prices, fuel efficiency was the second highest attribute considered by Toyota buyers, Lentz said. Today it is 10th.

Washington Post
https://www.washingtonpost.com/national/health-science/trump-officials-prepare-to-undo-fuel-efficiency-targets-despite-some-automakers-misgivings/2018/03/29/d4043b74-32b0-11e8-8abc-22a366b72f2d_story.html?utm_term=.7d69f29a3423
Trump officials prepare to undo fuel-efficiency targets despite some automakers' misgivings
By Juliet Eilperin and Brady Dennis, 3/29/18, 9:12 PM

Top Trump administration officials are engaged in a heated debate over how to undo federal fuel-efficiency targets for cars and light trucks, as manufacturers voice concern that a major rollback of an Obama-era rule could go too far and fracture the nation's auto market.

The internal negotiations over relaxing carbon-emissions limits for cars and SUVs slated to be sold in model years 2022 to 2025 underscore the challenge officials face in trying to fulfill President Trump's 2017 promise to ease the regulatory burden on Detroit.

Some of the same companies that had pressed for action worry that they will be forced to comply with two standards: the stricter specifications that California imposes on its massive auto market and a separate requirement for the rest of the country.

Within the next few days, several administration officials say, the Environmental Protection Agency will announce that it has concluded that automakers cannot meet the fuel-efficiency guidelines set by the previous administration. Under those guidelines, cars and light trucks would have to average more than 50 miles per gallon overall by 2025.

But the more difficult issue is what the replacement will be — a point of intense wrangling among the EPA, National Highway Traffic Safety Administration and White House. The talks have been complicated by the fact that California sets the pace for nearly 35 percent of the nation's auto market, with tailpipe requirements followed by a dozen states and the District.

California has threatened to press ahead on its own if the administration weakens the federal targets significantly, prompting some automakers to lobby for the current standards to mainly be kept. The current federal requirement for the 2018 model year is 38.3 mpg. By 2025, it would rise to roughly 51 mpg.

On Tuesday, Ford Motor Co. Executive Chairman Bill Ford and CEO Jim Hackett wrote a Medium post calling for "one set of standards nationally, along with additional flexibility" that would allow Ford to sell lower-emissions vehicles that U.S. consumers could afford.

"We support increasing clean-car standards through 2025 and are not asking for a rollback," they wrote.

A separate request came Thursday from Honda, which urged the government to allow additional "flexibilities" for automakers to meet the requirements, "without a reduction in overall stringency."

Honda's statement continued: "These policy options help minimize costs to automakers and ultimately consumers. This balanced approach could succeed in satisfying key objectives of EPA, California and industry, and retain the one national program concept which is important to all."

Auto executives plan to meet with EPA Administrator Scott Pruitt by early next week to discuss the potential new standards. General Motors CEO Mary Barra met with Pruitt and Transportation Secretary Elaine Chao earlier this month.

Margo Oge, a former senior EPA official who helped to negotiate the Obama administration's guidelines with California and the auto industry, said that multiple companies have privately shared the concerns that Ford just raised publicly. Rather than change the 2025 thresholds, the automakers want more options for meeting them given the significant sums manufacturers have already invested.

"I don't think they were expecting that the Trump administration would roll back the standards" to the degree that now seems likely, Oge said. "Sometimes you dance with the devil, then you don't really like the dance."

Officials at the Alliance of Automobile Manufacturers, whose members produce 70 percent of the cars and light trucks sold in the United States, say low gasoline prices in recent years have created a disconnect between what sort of vehicles federal policymakers expect to be sold and what Americans are actually buying. Alliance spokeswoman Gloria Bergquist noted that the government had previously predicted that future sales would be two-thirds cars and one-third light trucks, while the current ratio is the reverse.

"We're caught between these standards and the marketplace, and they're not aligning," Bergquist said.

Within the administration, NHTSA Deputy Director Heidi King has repeatedly pressed for a significant reduction in future mileage levels. The agency has offered a range of numbers in negotiations, according to individuals who spoke on the condition of anonymity because no final decision has been reached, with the lowest proposal being 34.5 mpg by 2025.

On Wednesday, the agency unveiled a proposed rule that would freeze the civil penalties automakers must pay if their fleets fail to meet federal fuel-efficiency requirements. The fine had been slated to rise from $5.50 to $14 for every tenth of a mile per gallon by which companies missed the standards for model year 2019 vehicles.

NHTSA spokeswoman Karen Aldana said officials are still working on a fuel-efficiency-standards package, which she said she cannot discuss until it is "final and publicly released."

Bill Wehrum, assistant administrator for the EPA's Office of Air and Radiation, and White House energy and environment adviser Michael Catanzaro have continued to talk with California officials about the prospect of a compromise — but have yet to show them any specific proposal or the supporting data and analysis, according to the California Air Resources Board. Wehrum met with CARB Chair Mary Nichols on Tuesday.

"We have not seen the document in question, and California had no input into its content," board spokesman Stanley Young said in an email. "We feel strongly that weakening the program will waste fuel, increase emissions and cost consumers more money. It's not in the interest of the public or the industry."

California Attorney General Xavier Becerra (D) said the state has no intention of backing down on its plans to increase fuel-efficiency goals over time: "We're prepared to take whatever action, legal or otherwise, that we must to protect our economy, our environment and the public health of people of California."

Beyond the health and climate-related benefits of more stringent emissions standards, he noted, many businesses in California and elsewhere already have made major investments in preparing to build vehicles that meet the guidelines set under the Obama administration.

"What we do, we do because we think it's the right thing," Becerra said. "We're not interested in participating in a race to the bottom."

Pruitt has taken a harder line against California's autonomy in recent months. Asked by Sen. Kamala D. Harris (D-Calif.) in a January hearing whether he would promise to continue to grant the state's waiver under the federal Clean Air Act, which allows it to put stricter standards in place, Pruitt declined, vowing only to "review" the issue.

In the weeks since, he has said in media interviews that California should not be able to dictate standards for the rest of the nation and that the state is "not the arbiter of these issues."

EPA spokeswoman Liz Bowman said officials there "value all feedback."

Daily Caller
http://dailycaller.com/2018/03/30/trump-california-auto-emissions-standards/
The Trump Administration Is Going To The Mat With California Over Obama-Era Emissions Standards
By Tim Pearce, 3/30/18, 9:15 AM

Environmental Protections Agency Administrator Scott Pruitt is set to announce a sharp reduction in auto-emissions standards set by the Obama administration, The New York Times reports.

While cheered by most auto manufactures, the move could land the administration in a court battle with California, one of the largest state-car markets in the U.S. Pruitt is expected to make the official announcement next week, opening a public comment period for the proposed rule change.

Under the 1970 Clean Air Act, California was granted a waiver to maintain separate environmental standards that are almost always more stringent than federal ones. Roughly a dozen other states, making up a third of the domestic car market, usually follow California's lead on emissions related regulations.

Former President Barack Obama brought national standards in line with strict California standards. President Donald Trump and Pruitt have promised to roll those standards back, arguing the rules have become counterproductive, Bloomberg reports.

Emissions standards force carmakers to invest heavily in developing new technology to lower emissions and spend more time designing fuel efficiency into vehicles. The process generally makes vehicles more expensive to buy and discourages consumers from upgrading from old, less fuel-efficient cars.

The separate California standard could fracture the American car market in two, and car manufactures have yet to come up with a response should that happen. The legal fight brewing between Pruitt and California over the Clean Air Act waiver will determine whether the U.S. car market will be governed by one set of national standards or split by a separate set of standards set by California and followed by others.

Both California Attorney General Xavier Becerra and Pruitt have signaled they are ready for the courtroom brawl.

"California is not the arbiter of these issues," Pruitt told Bloomberg earlier this month. Obama used the California standards to model the national emissions regulations, "but [separate state standards] shouldn't and can't dictate to the rest of the country what these levels are going to be."

Bloomberg
https://www.bloomberg.com/news/articles/2018-03-29/trump-is-said-to-cite-cost-safety-for-auto-emissions-rollback
Trump to Cite Cost, Safety for Auto Emissions Rollback, Sources Say
By Jennifer A Dlouhy, Ryan Beene, and John Lippert, 3/29/18, 5:43 PM

The Trump administration will argue that the high cost of meeting Obama-era fuel economy standards discourages motorists from trading in less-efficient vehicles, as it sets about weakening the rules, said people familiar with the discussions.

The Environmental Protection Agency already has concluded that the requirements, aimed at slashing greenhouse gas emissions, are too aggressive and need to be revised, Bloomberg News reported on March 23. Agency officials briefed California regulators on their conclusion earlier this week, even as they put the final touches on a document justifying the decision, said the people, who asked not to be named describing internal administration actions.

EPA Administrator Scott Pruitt is expected to formally announce the move next week during an event at Pohanka Chevrolet in Chantilly, Virginia, two people said. The dealership is part of the Pohanka Automotive Group led by Geoffrey Pohanka, a member of the board of directors of the National Automobile Dealer Association, the primary trade association for franchised new dealerships in the U.S.

The EPA's so-called final determination will be a necessary first step for the current administration's plans to begin dialing back the Obama-era rules, which aimed to slash carbon emissions from cars and light trucks by boosting fuel economy to a fleet average of more than 50 miles per gallon by 2025.

OMB Review
The White House Office of Management and Budget has been reviewing the EPA's drafted final determination with negotiations intensifying ahead of an April 1 deadline.

A draft of the EPA's determination was sent to the White House on March 23 and is undergoing inter-agency review, EPA spokeswoman Liz Bowman said in an emailed statement. "A final determination will be signed by April 1, 2018, consistent with the original timeline," she said.

Although the document's details are still evolving, the EPA is set to amplify automakers' arguments that market conditions have shifted since the rules were brokered under former President Barack Obama's administration. In particular, the agency is expected to repeat carmakers' assertions that sustained low gasoline prices have fueled a shift in consumer preferences toward SUVs, pickups and other light trucks -- and away from more efficient passenger cars and fuel-efficient hybrids.

CAFE Standards
The EPA is also expected to argue that because the standards translate to higher-cost automobiles, they broadly delay the turnover of the vehicle fleet, keeping less-safe, less-efficient cars on the road longer.

In a March 13 interview with Bloomberg News, Pruitt foreshadowed that argument. He said the government shouldn't set Corporate Average Fuel Economy standards, known as CAFE, artificially high so that they drive the production of "electric vehicles that people aren't buying."

"The whole purpose of CAFE standards is to make cars more efficient that people are actually buying," Pruitt said. "And if you just come in and try to drive this to a point where the auto sector in Detroit just makes cars that people don't want to purchase, then people are staying in older cars, and the emission levels are worse, which defeats the overall purpose of what we're trying to achieve."

CNN
https://www.cnn.com/2018/03/29/politics/epa-fuel-economy-rules-trump-admin/index.html
NYT: EPA expected to roll back fuel economy rules for cars
By Clare Foran, 3/30/18, 5:11 AM

The Trump administration is taking steps toward an anticipated move to roll back greenhouse gas emissions and fuel economy rules for cars, The New York Times reported Thursday.

The newspaper reported that details of the initiative remain in flux, but noted that the plan "could substantially roll back the Obama-era standards," citing two sources familiar with deliberations over the move. An Environmental Protection Agency spokeswoman confirmed to the Times that EPA Administrator Scott Pruitt has given the White House a 16-page draft proposal to review.

A weakening of automobile standards would deliver a win for car manufacturers and a blow to environmentalists.

Former President Barack Obama made regulatory efforts to fight greenhouse gas emissions -- and climate change -- a central focus of his second term in office. Those efforts were criticized by some Republicans, who characterized the EPA's environmental regulations as government overreach.

President Donald Trump campaigned on promises to cut back on environmental regulation. And last June, he announced his intention to exit the Paris climate agreement, an international deal the Obama administration had worked to negotiate. Trump has previously called climate change a "hoax" despite scientific consensus that climate change is real and caused primarily by human activity.

A change to the rules would set the stage for legal battles challenging the decision.

The state of California, for example, "has vowed to stick with the stricter rules even if Washington rolls back federal standards," according to the Times report.

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http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130785258&item=408&prod=deln&cat=AGENCY
EPA's Reason for Easing Auto Rules Will Set Up Next Policy Fight
By Abby Smith, 3/30/18

The EPA is poised to say that Obama-era fuel economy limits for passenger cars are too strict, but questions remain about the rationale and new data the agency will provide to support easing the standards.

How the Environmental Protection Agency justifies its conclusion could provide critical clues about how the Trump administration envisions the fuel economy program's future, teeing up the policy discussions that will quickly follow as it sets new fuel efficiency and greenhouse gas targets.

The agency's rationale could also cause tensions between the Trump administration and California, which has a special ability under the Clean Air Act to set its own vehicle standards, to boil over—complicating the hopes of automakers and other groups to maintain one program nationwide.

"We really want one set of standards nationally. That would involve keeping California at the table," John Cangany, a spokesman for Ford Motor Co., told Bloomberg Environment. "We're hopeful we can deliver on one standard."

The EPA faces an April 1 deadline, and it is expected to conclude that greenhouse gas limits set by the Obama administration for model year 2022-2025 cars and light trucks, including SUVs and pickups, aren't appropriate. The agency sent the draft document to the White House for review March 23.

The determination won't say at what level the Trump administration aims to set future standards. Instead, it would serve as the starting gun for negotiations between the EPA, California regulators, and the National Highway Traffic Safety Administration, which governs vehicles' fuel efficiency.

What Consumers Want

Automakers say they're not opposed to the underlying fuel economy target, but they're seeking more time and flexibility to get there.

"We support increasing clean car standards through 2025 and are not asking for a rollback," Ford Executive Chairman Bill Ford and President Jim Hackett wrote in a March 27 blog post. "We want one set of standards nationally, along with additional flexibility to help us provide more affordable options for our customers."

Trump EPA officials, including Administrator Scott Pruitt, have signaled they're sympathetic to automakers' concerns. That could translate into the EPA incorporating some industry arguments if it says the standards should be altered.

For example, automaker trade groups argued the Obama EPA's determination didn't include recent sales data, which show increased purchases of larger vehicles such as SUVs and pickup trucks that are less fuel efficient.

The share of light trucks in the U.S. vehicle market has grown by nearly 10 percentage points since model year 2012, due to increasing sales of SUVs, according to an EPA report released in January. In model year 2016, light trucks made up 45 percent of the market, the report adds.

The trade groups have also said consumers aren't gravitating toward more fuel-efficient technologies or electric vehicles in part because they're more expensive, making it difficult for automakers to meet the fuel economy limits.

The Obama administration's program—crafted in 2010 through an agreement between the EPA, NHTSA, and the California Air Resources Board—would require an average fleetwide fuel efficiency of 54.5 miles per gallon in model year 2025.

"To ensure ongoing fuel economy improvement, the wisest course of action is to keep new vehicles affordable so more consumers can replace an older car with a new vehicle that uses much less fuel—and offers more safety features," Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, told Bloomberg Environment in an emailed statement.

The alliance represents a dozen U.S. automakers, including Ford, General Motors, Fiat Chrysler Automobiles, BMW Group, Toyota, and Mazda.

Pruitt seemed to agree with that argument in a recent interview with Bloomberg News.

"The whole purpose of [fuel economy] standards is to make cars more efficient that people are actually buying," he said March 13. "If you just come in and try to drive this to a point where the auto sector in Detroit makes cars that people

don't want to purchase, then people are staying in older cars, and the emission levels are worse, which defeats the overall purpose of what we're trying to achieve."

Valuing Fuel Economy

Environmentalists and industry analysts said the data to justify that argument are thin.

"There is no indication that consumers are balking at these technologies," John German, a senior fellow with the International Council on Clean Transportation, told Bloomberg Environment.

Customers more than earn back any price increase they may see from new technologies just from their fuel economy savings, said German, who worked in the auto industry at both Chrysler and Honda as well as at the EPA before joining the transportation group.

"When you make that argument, you have to ignore the fuel savings, or you have to say for some bizarre reason consumers are assigning no value to the fuel savings," he added.

One way the EPA could justify changing the standards would be to use older data—thus inflating the cost of fuel-efficient technologies and "artificially restricting" how quickly those are entering the market, he said.

But using that data could contradict the Obama administration's analysis, as well as studies offered since then by outside groups. Industry analysts such as German also said if the EPA uses outdated data, it could put industry investments in new fuel-efficient technologies, particularly on the supply side, at risk.

"I think it will be interesting to see how EPA tries to ignore the mountain of evidence submitted to the docket already. It boggles the mind how you could do so," Dave Cooke, senior vehicles analyst for the Union of Concerned Scientists, told Bloomberg Environment.

"EPA was already being conservative in its assessment of the technology potential," Cooke added. "If anything, EPA's costs were higher than the industry is saying those technologies are today and will be by 2025."

Battle Versus War

The "biggest legitimate factor" to argue for changing the standards is lower gasoline prices in recent years, which affects the return automakers see on fuel economy gains, German said. But he also said the rapid pace of technology development, which lowers automakers' cost of compliance, makes up for any impact companies might see from lower fuel prices.

"I really think a prudent manufacturer should have just gone along with the program. The 2025 standards are tough but doable," German said. But he added that automakers often take the view that they can't count on a technology until it's proven in production, a sentiment that's probably driving their push for more time and flexibility to meet the standards.

California regulators have already adopted the Obama-era limits for model years 2022-2025. They said they've seen no evidence those standards should be relaxed, and they've started discussions to set post-2025 limits consistent with long-term greenhouse-gas goals.

The state's attorney general is poised to take legal action if the EPA attempts to dramatically weaken the standards or target California's authority to set its own standards.

Robbie Diamond, president and CEO of Securing America's Future Energy, said it's appropriate to have a discussion about what's changed since the standards were set, including the change in oil prices, the car versus light truck mix, and the penetration of electric vehicles in the market.

"The most important thing people need to understand is we should not fight a battle and lose the war," Diamond said. "The war is the long-term future of the auto industry and national security. The battle is the four years in between" 2022 and 2025. "We should deal with the short-term, while having our eye on the long term."

AP
https://apnews.com/37d6726dc19542ce87647a3bfc007db3/Trump-EPA-expected-to-roll-back-auto-gas-mileage-standards
Trump EPA expected to roll back auto gas mileage standards
By Tom Krisher, 3/30/18

DETROIT (AP) — The Trump administration is expected to announce that it will roll back automobile gas mileage and pollution standards that were a pillar in the Obama administration's plans to combat climate change.

It's not clear whether the announcement will include a specific number, but current regulations from the Environmental Protection Agency require the fleet of new vehicles to get 36 miles per gallon in real-world driving by 2025. That's about 10 mpg over the existing standard.

Environmental groups, who predict increased greenhouse gas emissions and more gasoline consumption if the standards are relaxed, say the announcement could come Tuesday at a Virginia car dealership. EPA spokeswoman Liz Bowman said in an email Friday that the standards are still being reviewed.

Any change is likely to set up a lengthy legal showdown with California, which currently has the power to set its own pollution and gas mileage standards and doesn't want them to change. About a dozen other states follow California's rules, and together they account for more than one-third of the vehicles sold in the US. Currently the federal and California standards are the same.

Automakers have lobbied to revisit the requirements, saying they'll have trouble reaching them because people are buying bigger vehicles due to low gas prices. They say the standards will cost the industry billions of dollars and raise vehicle prices due to the cost of developing technology needed to raise mileage.

But environmental groups say people will save money at the pump, and the technology is available for the industry to comply.

They also say burning more gasoline will put people's health at risk.

"The American public overwhelmingly supports strong vehicle standards because they cut the cost of driving, reduce air pollution, and combat climate change," said Luke Tonachel, director of the Natural Resources Defense Council's Clean Vehicles and Fuels Project.

The EPA and the National Highway Traffic Safety Administration are involved in setting the standards, which would cover the years 2022 through 2025.

Some conservative groups are pressing EPA Administrator Scott Pruitt to revoke a waiver that allows California to set its own rules. They say California shouldn't be allowed to set policy for the rest of the nation. Pruitt has publicly questioned the veracity of evidence complied by climate scientists, including those in his own agency, that global warming is overwhelmingly caused by man-made carbon emissions from burning fossil fuels.

If the waiver is revoked, California Attorney General Xavier Becerra says the state will resist. “What we’re doing to protect California’s environment isn’t just good for our communities — it’s good for the country,” he said in a statement. “We’re not looking to pick a fight with the Trump administration, but when they threaten our values, we’re ready.”

Getting rid of the waiver or having two different gas mileage and pollution requirements presents a huge dilemma for automakers: while they would like to avoid fines for failing to meet the standards, they also don’t want the expense of building two versions of cars and trucks, one for the California-led states and another for the rest of the country.

Mark Reuss, a General Motors executive vice president who heads product development, said in a recent interview that he would rather have a single nationwide standard, even if it stays the same. He called two standards “just waste,” because they would require different equipment on vehicles and costly additional engineering. “I want one good one. That would be wonderful,” he said. “I could focus all my engineers on one.”

Automakers agreed to the fuel economy standards in 2012 during the Obama administration, but lobbied for and received a midterm review in 2018 to account for changes in market conditions. In the waning days of Obama’s presidency, the EPA did the review and proclaimed that the standards have enough flexibility and the technology is available to meet them.

It’s likely to take years for the matter to be resolved, and it could become an issue in the 2020 presidential election.

Janet McCabe, who was acting assistant EPA administrator under Obama when the review was done, said Friday it will take a couple years for the EPA to propose new rules, gather public comment and finalize any changes. Any rollback would likely bring legal challenges, forcing Pruitt’s EPA to defend the science behind the changes.

“This would all take a long time,” said McCabe, now a senior fellow at the Environmental Law and Policy Center.

In the meantime, automakers have to proceed with plans for new vehicles under the current gas mileage requirements because it takes years to develop vehicles.

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http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130785256&item=408&prod=deln&cat=AGENCY
Industry Fights First Superfund Listing Based on Toxic Vapors
By Sylvia Carignan, 3/30/18

The EPA shouldn't make a Mississippi property potentially contaminated by toxic vapors the first site placed on the Superfund list because of those vapors, the company operating there and an industry association said.

Ice Industries, which operates a stamping, welding, and assembly operation at the site in Grenada, Miss., told the Environmental Protection Agency that its assessment of contamination there isn't thorough enough to warrant the site's placement on the National Priorities List. The EPA says vapor intrusion contamination at the site is severe enough to make an assessment of soil, water, or groundwater unnecessary.

The Mississippi property, also known as the former Rockwell International Wheel & Trim site, would be the first site to join the National Priorities List solely because of “vapor intrusion.”

The EPA has identified over 1,000 sites that have potential or confirmed vapor intrusion contamination, but not all would be suitable candidates for the National Priorities List. The list has about 1,300 sites.

Industry representatives argue the that EPA's decision doesn't consider previous cleanup efforts and is too narrowly focused on vapor intrusion.

The National Priorities List contains the most contaminated sites in the country. These Superfund sites are eligible for federal funding, but the EPA may also ask companies potentially responsible for the contamination to pay for cleanup.

Ice said it would go out of business if the EPA forces it to continue running the mitigation system it installed to deal with vapor intrusion at the site.

Assessment Corrected?

The EPA assessment of the site must be corrected, the National Association of Manufacturers told EPA in comments posted online March 28. The association's executive committee members represent companies like DowDuPont, Ingersoll-Rand, Cargill, and Pfizer.

"It poses a very concerning precedent for other sites around the country," the association said in its comments.

Vapor intrusion can occur when groundwater or soil underneath a building is contaminated. Volatile chemicals migrate up through water and soil to contaminate air in buildings.

The EPA recently added vapor intrusion contamination to the list of ways a site can be added to the National Priorities List.

Brooke Dickerson, of counsel at Arnall Golden Gregory LLP in Atlanta, Ga., told Bloomberg Environment that the agency has the authority to base a listing on the results of vapor intrusion tests.

Ice Industries told EPA in its comments that the vapor mitigation system running at the site has effectively reduced indoor air contamination since the tests were conducted.

"The fact is, vapor intrusion at the Plant is controlled and U.S. EPA is ignoring this reality," Ice Industries President Paul Bishop told the EPA in comments posted online March 28.

The comment period for the EPA proposal to add the site to the National Priorities List has closed.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130785274&item=408&prod=deln&cat=AGENCY

GE's Hudson River Cleanup Still Under Review

By Jerry Silverman, 3/30/18

The EPA hasn't set a time frame for deciding the adequacy of General Electric Co.'s Hudson River cleanup, the agency's top official for New York state told Bloomberg Environment.

"We're most interested in being as thorough as we can be," Pete Lopez, the Environmental Protection Agency's Region 2 administrator, said before a March 29 meeting of the Community Advisory Board for the Superfund project.

The decision is part of a five-year review of the project and could mean that General Electric is still on the hook for additional cleanup costs of polychlorinated biphenyls after years of dredging river sediment.

EPA has been under pressure from state officials and environmental groups to deny the certification. They argue that significant amounts of PCBs remain in the river and the goals of the project haven't been reached.

"There are potential lawsuits on either side," Lopez said, but "our hope is that it won't be necessary."

GE Seeks Certification

General Electric—as a responsible party under the Superfund law—has spent some $1.7 billion to remove the PCBs, which were used in insulating electric transformers and preventing fires. GE, which essentially completed the PCB dredging project in 2015, requested a certification of completion of the remedial action earlier this year.

Gov. Andrew M. Cuomo (D) and Attorney General Eric T. Schneiderman (D) have pledged to sue the EPA if it declares the project complete. General Electric didn't immediately respond to Bloomberg Environment's request for comment.

EPA has decided to look at 1,800 additional sediment samples from the state Department of Environmental Conservation as part of the five-year review.

It will also conduct supplemental studies of the lower Hudson River and analyze data from the Interior Department's U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

PCBs, according to the EPA, cause cancer and other diseases by affecting the immune, reproductive, nervous, and endocrine systems.

AP

https://apnews.com/729409805c894543944070361b09c023/US-government-sues-Montana-county-over-drinking-water-system

US government sues Montana county over drinking water system

3/30/18

HELENA, Mont. (AP) — The U.S. government is asking a judge to force Beaverhead County to comply with state and federal drinking water standards after finding excessive contamination and numerous failures to monitor and report on a small Montana community's water system over nine years.

The Department of Justice sued Wednesday after finding the county's water and sewer district committed numerous violations dating to 2009 and then disobeyed multiple Environmental Protection Agency orders to fix them.

The violations include levels of arsenic and radioactive contaminants that exceeded the limits set by Montana multiple times. Despite those excessive levels, the district failed to monitor for those and other contaminants and failed to make the required disclosures to state regulators and the public, the lawsuit said.

The groundwater system serves fewer than 50 people in the small southwestern Montana community of Jackson, located near the Beaverhead-Deerlodge National Forest about 110 miles southwest of Butte.

Beaverhead County attorney Jed Fitch did not immediately return a call for comment Friday.

The EPA issued orders in 2009, 2013 and 2014 for the county to fix the problems, but each one was violated, prompting the lawsuit for a court order, Justice Department attorneys wrote.

High levels of arsenic were found in the Jackson drinking water system as far back as 2005, when Montana prepared to adopt new water contamination limits. The county received a three-year exemption to comply, and only started racking up violations when the exemption expired in 2009.

The EPA lists 16 violations in its lawsuit that include not only excessive arsenic and radionuclides, but the county water district's failure to monitor for several other contaminants — asbestos, pesticides and coliform bacteria. The district also failed to submit required reports on contamination and monitoring to state regulators and its customers, the lawsuit said.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130785255&item=408&prod=deln&cat=AGENCY
States Go to Forefront as EPA Chips Away at Backlog of Decisions
By Amena H. Saiyid, 3/30/18

Shifting the burden of environmental protection to states could speed approvals of air and water permits that businesses need to operate, as the EPA tries to halve its backlog of overdue decisions.

"It's embarrassing" that the Environmental Protection Agency doesn't have a system for tracking its legal deadlines for state implementation plans for air pollutants, approving permits, setting water and air quality standards, and developing plans to clean up polluted waters, Henry Darwin, the EPA's operations chief, recently told state officials.

"That's actually an incredibly heavy lift for those of you who know how much of a backlog we have," Darwin added.

One way of speeding those reviews might be for the EPA to re-evaluate its relationship with states. Although states are receptive to the idea, they question how it will work and whether that initiative will outlive the Trump administration.

"It is helpful to have a strong federal research program and we would like to see that function continue, but not at the expense of other programs," California Environment Secretary Matt Rodriquez told Bloomberg Environment.

The EPA should acknowledge the environmental expertise that states have developed during the past 40 years, Darwin told state environmental agency heads at the annual Environmental Council of the States meeting in St. Paul, Minn. Bloomberg Environment sponsored the ECOS spring meeting.

The EPA should instead take more of a support role and provide the necessary research and development that states lack the resources to conduct themselves, he said.

Some Reservations
John Linc Stine, commissioner for the Minnesota Pollution Control Agency, saw the EPA's call to redefine its relationship with states as an opportunity to identify and address areas that the agency and states are duplicating.

He asked whether both state-appointed and EPA-appointed scientists need to verify calculations of pollutants released under air and water permits.

"EPA should take more of an auditor's role instead of trying to review each and every permit that a state issues," Stine said.

Part of speeding up the approvals that states need will be measuring how long it takes the EPA to respond, according to Darwin.

States end up waiting months for federal approvals, and any effort the EPA can make to improve coordination and consistency in its approval and permitting process will benefit both states and companies like Duke Energy Co. and Hampton Roads Sanitation District, which rely on those permits.

It's “good governance” on the EPA's part to ask whether it's meeting deadlines and how it can improve the process, the National Association of Manufacturers told Bloomberg Environment.

Businesses also need the certainty, consistency, and predictability that permits will be issued in time to treat wastewater, generate electricity, or manufacture goods, said Ross Eisenberg, the association's senior vice president for energy and natural resources policy.

Duke Energy and Honeywell Corp. told Bloomberg Environment that they supported the EPA's efforts to streamline state-issued permits.

Halving the Backlog

The EPA is now promising to halve by 2022 the backlog of pending approvals and reviews of states’ permits and plans.

Wastewater utilities said the EPA can't meet deadlines for state-issued permit removals or review lists of impaired waters in a timely fashion if it scrutinizes every single state action, Ted Henifin, general manager for the municipal-owned Hampton Roads Sanitation District, told Bloomberg Environment in an email.

Wastewater utilities would prefer that the EPA take a back seat to the states when it comes to setting water and air quality standards, or writing water restoration plans and “only help when requested,” Henefin said.

Is EPA Abdicating?

While Nevada, Rhode Island, and Arkansas are on board with Darwin's plans, California is on the fence.

Rodriquez told Bloomberg Environment that he couldn't help but contrast the EPA's call to work more with states with its aggressive agenda to roll back protective environmental regulations, such as the first-ever carbon dioxide standards for power plants.

“It appears what is going on is that the EPA is handing over its responsibility to the states in the name of cooperative federalism,” he told Bloomberg Environment.

Advocacy groups, including the nonprofit Environment America, are skeptical of the EPA's intentions because they found that states often fall behind in enforcing laws due to lack of resources.

“Relegating EPA to an R&D role is a recipe for more dead zones, algal blooms, fish kills, and drinking water contamination,” John Rumpler, Environment America's clean water director, told Bloomberg Environment in an email. “Just look what happened in Flint when EPA failed to hold state and local officials accountable. Conversely, it took a strong federal role to start making progress in restoring the Chesapeake Bay.”

Even supporters of the shift question whether it will survive a change in the administration. Greg Lovato, administrator for the Nevada Division of Environmental Protection, told Bloomberg Environment that, although he was supportive of Darwin's actions,he wondered whether the next administration will continue these efforts, or “will states get whipsawed?”

Gillette News Record

http://www.gillettenewsrecord.com/news/article_21c9accd-9375-55b1-8716-d1e050b33078.html

EPA chief Pruitt visits Campbell County, touts importance of coal exports

By Greg Johnson, 3/29/18

The future of Powder River Basin coal lies overseas, something EPA Administrator Scott Pruitt stressed during a Thursday morning visit to the heart of Wyoming coal country.

As the guest of U.S. Sens. Mike Enzi and John Barrasso, both R-Wyoming, Pruitt toured Arch Coal's Black Thunder mine south of Wright, the second-largest producing thermal coal mine in the world.

Pruitt said he was impressed by the "size and scope" of the operation. Black Thunder produced 70.5 million tons of coal in 2017.

"Look at this and how impressive it is," he said. "To see what is done here with the amount of production, the automation, the technology and the commitment of the employees. … It was just impressive to see. And the most impressive were the people."

Since being named to head the EPA shortly after President Donald Trump took office, Pruitt said his agency has been working to pull back after acting beyond its mission during the Barack Obama administration.

"We were overstepping. Now we're correcting it," he said. "We have a job to do and I think what's been done the last several years was not the job of the agency. They were picking winners and losers, using regulatory power to influence and penalize certain forms of energy to help others.

"That's not the job of the EPA."

He said regulations like the Clean Power Plan are more punitive than helpful.

"Nowhere in the statute does it say 'penalize coal' or 'penalize fossil fuels,'" he said about the EPA's mandate.

Export potential

Pruitt also said coal should play a significant role in a balanced energy portfolio. Also, because of its low sulfur content, Powder River Basin coal can be a key to drastically reducing power plant emissions worldwide.

"If we really care about our air quality, we'll export Powder River Basin coal," he said. "The reason you want to export Powder River Basin coal is because countries internationally are using coal from Indonesia and other places, and it's not as good as it is here.

"Guess what that impacts? Our air quality. We have to figure out a way to get this coal exported to (those) countries. The demand is there. We're working on that, as others are."

That export bottleneck, where Wyoming coal can't be moved to or out of West Coast ports, is a priority for the EPA as well as the state, Pruitt said.

"We've got to get it worked out and we're looking at all options," he said. "We're on it. If you care about air quality, and I think we do as a country, then you want to export Powder River Basin coal."

Enzi expanded on that thought, saying that just burning a better quality coal will have a trickle down impact for West Coast states that are actively anti-coal.

"We could really clean up California, Oregon and Washington if we could get our coal to China and Japan," he said. "They're having to burn really bad stuff over there and the wind blows this way. It doesn't blow from out here to California, it blows from China to California.

"So, they really ought to be concerned about the pollution in China."

Seeing is believing

Enzi also thanked Pruitt for visiting the Black Thunder mine.

"We have been inviting secretaries of everything to Wyoming for a long time," he said. "This is a major coup to actually get him to come and see us."

He said visiting Gillette and the surrounding area does more to bust myths about coal mining than any amount of lobbying.

"I've said for a long time, a picture's worth 1,000 words, but a visit is worth 1,000 pictures," Enzi said. "Just with the size of the coal wall itself, it's hard to see a picture of that and get a feel for what this is all about."

Barrasso agreed, saying even more impressive than the scale of mining that happens here is the people who do it.

"You talk about dedicated, committed, conscientious people proud of the job they're doing to power America," he said. "There's no way words can describe what (Pruitt) saw here."

Before capping off his whirlwind visit to southern Campbell County, Pruitt said he believes the market should determine success or failure for the oil, gas and coal industries, not government policy.

"We're out of the business of picking winners and losers," he said.

AP
https://apnews.com/85c63024fb5a496fab745ba670fb0917/Top-US-environmental-regulator-criticizes-rules-in-coal-tour
Top US environmental regulator criticizes rules in coal tour
3/30/18

GILLETTE, Wyo. (AP) — The head of the U.S. Environmental Protection Agency toured a Wyoming coal mine and said regulations like those seeking to reduce greenhouse-gas emissions from power plants are more punitive than helpful.

The Gillette News-Record reports Scott Pruitt visited Arch Coal's Black Thunder Mine Thursday at the invitation of Republican U.S. Sens. Mike Enzi and John Barrasso of Wyoming.

Pruitt visited as President Donald Trump's administration looks to roll back climate regulations proposed under President Barack Obama.

Pruitt said after the tour the Obama regulations go too far and it's not the EPA's job to use regulations to penalize certain forms of energy to help others.

Black Thunder is the second most productive U.S. coal mine and is located in a region that supplies about 40 percent of the nation's coal.

E&E Greenwire

https://www.eenews.net/greenwire/stories/1060077847/search?keyword=EPA

2 greens reject invitations for seats on EPA advisory panel

By Corbin Hiar, 3/30/18

At least two environmentalists say they've turned down U.S. EPA's invitation to join its Scientific Advisory Committee on Chemicals, raising questions about the panel's balance.

Jennifer McPartland, a senior scientist at the Environmental Defense Fund, and Mike Wilson, the director of occupational and environmental health at the BlueGreen Alliance, are declining to join the advisory panel, which is tasked with providing independent advice to EPA on science and technical issues related to implementing the Toxic Substances Control Act reform law.

Ruthann Rudel, the director of research at the Silent Spring Institute, is also reconsidering her involvement with the panel, a spokeswoman for the environmental group said.

It is unclear how the loss of at least two environmentalists would affect the panel, which EPA last week sought to expand from 18 to 24 members in order to "increase the balance of scientific perspectives and add experts with experience in labor, public interest, animal protection, and chemical manufacturing and processing to the committee" (Greenwire, March 23).

Meanwhile, five of the 11 people invited to join the panel were either specifically recommended by the American Chemistry Council, the industry's top lobby group, or have deep ties to industry.

ACC backed the selections of Sheri Blystone, director of regulatory affairs and product safety at SNF Holding Co., and Steven Bennett, vice president for scientific affairs at the Household and Commercial Products Association.

Three other appointees either currently or previously worked for industry: Charles Barton, global manager of toxicology and risk assessment at Valspar Corp.; Sidney Marlborough, senior environmental toxicologist at Noble Energy; and Michael Holsapple, a professor in the Department of Food Science and Human Nutrition at Michigan State University who previously worked for Dow Chemical Co.

EPA didn't respond to a request for comment on the committee's makeup.

McPartland said "a number of factors informed my decision, including the bandwidth to comment on issues in front of the committee as a member of the SACC and also in my capacity as a scientist at EDF."

But moves by EPA Administrator Scott Pruitt to ban the agency from considering so-called secret science, or peer-reviewed publications that rely on confidential patient health information, and to bar scientists who receive EPA grants from its advisory panels also weighed into her call, the EDF scientist said in an email.

Pruitt's actions will "undoubtedly cast a shadow over the work of SACC," she wrote. "Committee members will need to remain vigilant in ensuring that all scientific evidence is considered in assessing the potential risks of chemicals."

A BlueGreen Alliance spokesman told the publication Chemical Watch yesterday that Wilson "notified EPA that he was unable to accept the appointment." He confirmed his decision to E&E News today and directed further questions to the spokesman, who didn't immediately respond.

A Silent Spring Institute spokeswoman said Rudel hasn't yet decided whether to join the panel. "Ruthann is waiting to hear back from EPA re a couple of questions she had related to the appointment," she wrote in an email.

AP
https://apnews.com/703d1f0b3e14423e96440ad59c7db63e/AP-FACT-CHECK:-Science-contradicts-EPA-warming-memo
AP FACT CHECK: Science contradicts EPA warming memo
By Seth Borenstein and Michael Biesecker, 3/30/18

WASHINGTON (AP) — Climate scientists say an internal U.S. Environmental Protection Agency memo on how officials should talk to the public about global warming doesn't reflect reality.

EPA's public affairs office put out "a set of talking points about climate change" to help the agency have a consistent message, the Huffington Post reported this week.

The Associated Press, which also obtained the memo, contacted 15 climate scientists. They all said EPA wasn't accurately portraying the degree of knowledge that researchers know about climate change and humanity's role. For decades, scientists have being saying that the burning of fossil fuels increases greenhouse gases, such as carbon dioxide, which trap heat and change the planet's climate in many ways.

EPA defended the memo.

THE MEMO

"Human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue."

THE SCIENCE

"To say that 'human activity impacts our changing climate 'in some manner', is analogous to saying the Germans were involved in WW II 'in some manner'," David Titley, a professor of meteorology at Pennsylvania State University and retired U.S. Navy admiral, said in an email.

The EPA memo contradicts a November 2017 federal science report, signed off by 13 government agencies, including the EPA. That report says the world has warmed 1.2 degrees (0.65 Celsius) since 1950 and that the likely human contribution to this was between 92 and 123 percent.

It's more than 100 percent on one end, because some natural forces — such as volcanoes and orbital cycle — are working to cool Earth, but are being overwhelmed by the effects of greenhouse gases, said study co-author Katharine Hayhoe of Texas Tech.

Hayhoe, one of the scientists who criticized the EPA memo, said the debate now is more about whether humanity's role is merely close to 100 percent of the warming or if it is it much more and offsetting natural cooling.

THE MEMO

"While there has been extensive research and a host of published reports regarding climate change, clear gaps remain including our understanding of the role of human activity and what we can do about it."

THE SCIENCE

Two scientists, Jonathan Overpeck, dean of environmental science at the University of Michigan, and Michael Oppenheimer at Princeton University each described the idea of gaps in scientific knowledge as "flat out wrong." Scientists said there are some details that aren't completely known, but not gaps in knowledge about what is causing the problem and humanity's role.

“Suggesting that there are gaps that remain in our understanding of the role of human activity and possible solutions to the problem is false equivalence at its finest,” said Kathie Dello, an Oregon State University climate scientist. “We know it’s us and we know what we have to do about it.”

Asked to provide any sources for the agency’s contention that the contribution of man-made carbon emissions in climate change is unsettled, EPA spokeswoman Enesta Jones issued this statement:

“The talking points were developed by the Office of Public Affairs. The Agency’s work on climate adaptation continues under the leadership of Dr. (Joel) Scheraga.”

Message

From: Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]
Sent: 2/22/2018 9:09:22 PM
To: AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]
Subject: News Clips - 22 February 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Travel

The Hill - Gowdy presses EPA chief for answers on his first-class travel

Washington Examiner - Trey Gowdy questions EPA's Scott Pruitt over frequent first-class flights

AP - Oversight committee wants to look at Pruitt's travel records

Reuters - House Republican oversight chair seeks EPA chief's travel details

New York Times - Senior Republican Calls for E.P.A. Chief's First-Class Travel Files

AP - The Latest: House seeks records of EPA chief's travel

General

E&E Climatewire - Where's Pruitt's red-team debate?

Washington Post - Tennessee Tech withdraws industry-funded study used to back controversial EPA truck rule

New York Times - University Pulls Back on Pollution Study That Supported Its Benefactor

Politico - Pruitt Superfund adviser has significant energy income, holdings

E&E News PM - Acting deputy administrator to retire

E&E Energywire - Midwest utilities quiet as EPA continues repeal efforts

E&E Climatewire - States unsure if EPA will extend looming comment deadline

The Hill - Trump's plan for Energy Star sparks industry uproar

The Hill - Cruz rallies refinery workers for ethanol mandate change

Politico - Cruz blasts RFS at Philly refinery

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The Hill
http://thehill.com/policy/energy-environment/374906-house-oversight-chair-requests-answers-from-epa-head-on-his-first
Gowdy presses EPA chief for answers on his first-class travel
By Miranda Green, 2/21/18, 2:58 PM

House Oversight and Government Reform Committee Chairman Trey Gowdy (R-S.C.) is requesting detailed answers from Environmental Protection Agency (EPA) Administrator Scott Pruitt over his consistent use of first- and business-class travel on government-funded trips.

In a letter addressed to Pruitt on Tuesday, the Republican congressman points out concerns over the EPA chief's reported use of a "blanket waiver" to fly first class, a method he calls prohibited.

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs. Instead, a waiver for each flight is required in order to fly first or business class when traveling on official government business," Gowdy wrote.

Gowdy also requested details on all air travel that Pruitt has taken since being sworn in as President Trump's EPA chief last year, asking Pruitt to detail flight destinations, costs, travel companions — including security detail — and the official reason for his travel.

The Oversight chairman additionally asked Pruitt to provide all documentation of individual or blanket waivers he received for his travel.

Gowdy requested all of the details be provided to the committee by March 6.

The EPA did not return The Hill's request for comment.

Gowdy announced late last month that he would retire from Congress, becoming the latest GOP chairman to opt not to seek reelection. The surprise announcement came months after he took over the helm of the Oversight panel.

The South Carolina Republican, who is perhaps best known for overseeing the House Intelligence Committee investigating former Secretary of State Hillary Clinton's handling of the Benghazi attacks, said he would return to working in the justice system.

Pruitt has made headlines in the past few months over news that he primarily uses first class and business class when flying, including on short destination flights such as between Washington, D.C., and New York City.

Last week, EPA spokesperson Jahan Wilcox told The Hill that Pruitt used a "blanket waiver" that allowed him to fly first class. He later amended the statement to Politico, saying the EPA submitted a waiver for Pruitt on every trip.

The law stipulates that government employees must fly coach unless they are granted a specific waiver.

Washington Examiner
http://www.washingtonexaminer.com/trey-gowdy-questions-epas-scott-pruitt-over-frequent-first-class-flights/article/2649651
Trey Gowdy questions EPA's Scott Pruitt over frequent first-class flights

By Josh Siegel, 2/21/18, 2:48 PM

House Oversight Chairman Trey Gowdy is questioning Environmental Protection Agency Administrator Scott Pruitt over his frequent first-class travel.

The South Carolina Republican and head of the Oversight and Government Reform Committee, in a letter to Pruitt addressed Tuesday, wants answers regarding how Pruitt has been able to obtain waivers to travel first class.

“Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs,” Gowdy said.

Gowdy wants to obtain details about Pruitt’s air travel over the last year, including how often he has flown first class and whether the EPA granted him a waiver for the flights.

Gowdy also seeks to know why waivers were granted in each case, whether other EPA employees or security staff also sit first class, and the airfare cost of each first class flight.

The EPA last week said Pruitt doesn’t have a “blanket travel waiver” to fly first class, backing away from its previous explanation that he is pre-approved to fly first-class whenever he wants because of security reasons.

An EPA official told the Washington Examiner the agency submits the same security-related waiver for Pruitt to fly first class before each trip. The waiver has to be approved by multiple EPA officials before every trip.

The federal General Services Administration requires agencies’ oversight staff to approve first-class travel "on a trip-by-trip basis ... unless the traveler has an up-to-date documented disability or special need.”

Pruitt’s travel has been heavily scrutinized in recent weeks after the Washington Post reported the EPA administrator and his top aides spent more than $90,000 on travel in just the first few weeks of June.

Democrats last week asked the EPA's inspector general to expand an existing investigation of Pruitt’s travel to probe how he obtains a waiver to fly first class.

AP
https://apnews.com/6654de78acfd4818aed67f9880004599/Oversight-committee-wants-to-look-at-Pruitt's-travel-records
Oversight committee wants to look at Pruitt’s travel records
By Michael Biesecker, 2/22/18

WASHINGTON (AP) — A Republican-led congressional committee is demanding records related to premium-class flights taken by Environmental Protection Agency chief Scott Pruitt.

House Oversight Chairman Trey Gowdy issued a letter to Pruitt this week seeking an accounting of all flights taken by the EPA administrator over the last year and whether the ticket was coach, business or first class. Pruitt defended his use of premium-class airfare in media interviews earlier this month, saying security concerns were raised after unpleasant interactions with other passengers.

The South Carolina Republican’s letter sent Tuesday specifically cites the evolving explanations of EPA spokesman Jahan Wilcox, who initially told reporters that Pruitt had a “blanket waiver” to fly first class before then saying separate waiver had been granted by ethics officials for each flight. Federal employees are typically supposed to fly coach, and travel rules such bar blanket waivers.

"We will respond to Chairman Gowdy through the proper channel," Wilcox said Wednesday.

Pruitt, the former GOP attorney general of Oklahoma, has been under increasing scrutiny for his jet setting since his appointment by President Donald Trump last year. Records show Pruitt's airfare is often several times more expensive than that of aides booked on the same flights.

Gowdy's letter says the requested records are to be provided to his committee by March 6.

"Federal regulations require government travelers to obtain approval or authorization from their agency to use accommodations other than coach-class when traveling on official business," Gowdy wrote. "Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs."

Pruitt said earlier this month he had some "incidents" on flights that necessitated his need for first-class seats. EPA has refused requests from The Associated Press to provide details of those incidents.

"We live in a very toxic environment politically, particularly around issues of the environment," Pruitt said in an interview with a New Hampshire newspaper. "We've reached the point where there's not much civility in the marketplace and it's created, you know, it's created some issues and the (security) detail, the level of protection is determined by the level of threat."

Pruitt is the first EPA administrator to have a 24-hour security detail, even inside the agency's secured headquarters in Washington. He has also taken other security precautions, including the addition of a $25,000 soundproof "privacy booth" inside his office to prevent eavesdropping on his phone calls and spending $3,000 to have his office swept for hidden listening devices.

Pruitt has denied he played any role in purchasing the premium-class tickets, saying his chief of staff and EPA security had made those decisions.

Federal regulations allow government travelers to fly business class or first class when no cheaper options are "reasonably available" or if there are exceptional security circumstances. However, past federal audits have found that those rules have been routinely violated by high-ranking government officials under both Republican and Democratic administrations.

Pruitt's frequent government-funded travel, which records show has often included weekend layovers in his home state of Oklahoma, is already under review by EPA's internal watchdog.

The use of luxury air travel by members of Trump's Cabinet has been attracting attention for months. Health and Human Services Secretary Tom Price was forced to resign in September following media reports he spent at least $400,000 in taxpayer funds on private jets for himself and his staff.

A report recently released by the inspector general at the Department of Veterans Affairs found that Secretary David Shulkin and his staff made "false representations" to justify his wife accompanying him at taxpayer expense on an 11-day European trip that mixed business and sightseeing.

Reuters
https://www.reuters.com/article/us-usa-epa-travel/house-republican-oversight-chair-seeks-epa-chiefs-travel-details-idUSKCN1G52XG
House Republican oversight chair seeks EPA chief's travel details
By Valerie Volcovici, 2/21/18, 6:29 PM

WASHINGTON (Reuters) - The Republican head of the U.S. House of Representatives oversight committee sought details on Wednesday on how Environmental Protection Agency chief Scott Pruitt got clearance to take numerous first class-flights revealed in recently released travel records.

Trey Gowdy, who led a high-profile investigation into a 2012 attack on a diplomatic compound in Benghazi during former Secretary of State Hillary Clinton's tenure, sent a letter to Pruitt questioning whether the administrator followed federal regulations regarding official travel.

The letter comes a day after House Democrats sent a similar letter requesting details of Pruitt's first- and business-class travel and the process for requesting permission for each premium flight.

Gowdy questioned a statement that EPA spokesman Jahan Wilcox had made to the media last week that Pruitt had a "blanket waiver" enabling him to fly first class, which he later amended.

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs," the letter said, adding that Pruitt needs to obtain a waiver for each flight.

Complaints about travel arrangements by Pruitt and other Trump administration cabinet members re-emerged last week. Last year, Health and Human Services Secretary Tom Price resigned after reports that he used private jets for routine travel.

The Washington Post had reported that he spent over $100,000 in taxpayer money for premium travel, based on records obtained by the Environmental Integrity Project.

Gowdy asked the EPA to provide the oversight committee a log and details of each flight taken between Feb. 17, 2017 and Feb. 18, 2018, information on whether Pruitt obtained a waiver to purchase a first class or business class ticket and the cost of tickets for each EPA employee traveling.

That watchdog group on Friday obtained new travel records, shared with media, showing Pruitt and EPA employees spent upwards of $150,000 on premium commercial and chartered flights from March to August 2017.

Gowdy said he wants answers from Pruitt on the travel questions by 5 p.m. EST on March 6.

New York Times
https://www.nytimes.com/2018/02/21/climate/gowdy-pruitt-epa-travel.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection
Senior Republican Calls for E.P.A. Chief's First-Class Travel Files
By Lisa Friedman, 2/21/18

The chairman of the House Oversight Committee — in a prominent instance of Republican scrutiny of the Environmental Protection Agency under Scott Pruitt — demanded on Wednesday that the E.P.A. chief turn over documents related to his first-class travel at taxpayer expense.

Representative Trey Gowdy, Republican of South Carolina, called on Mr. Pruitt to detail all his government travel since assuming leadership of the E.P.A. one year ago. He raised a particular concern over conflicting statements from Mr. Pruitt's press office about whether the administrator had a waiver to fly first class at all times.

“Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs,” Mr. Gowdy wrote in a letter. “Instead, a waiver is required for each flight in order to fly first or business class when traveling on official government business.”

Mr. Pruitt has been under fire for his travel since The Washington Post reported that he routinely flies first or business class, and that he and top aides had spent more than $90,000 on airfare in the first few weeks of June alone.

Jahan Wilcox, a spokesman for the E.P.A., initially issued a statement that said that Mr. Pruitt had a “blanket waiver” to fly first class out of concern for his security. Mr. Wilcox later amended that to say that the E.P.A. did in fact submit a waiver for each trip.

According to the General Services Administration’s regulations for travel by federal employees, “blanket authorization” of anything other than coach-fare travel is barred except for reasons related to a disability or special need, and authorization for first-class travel is given on a “trip-by-trip” basis.

Mr. Pruitt has long been a target of criticism from Democrats, who last week asked the E.P.A.’s inspector general to expand an existing investigation into the administrator’s trips. But the issue of first-class travel has also struck a nerve with a handful of Republicans.

“I’m surprised at the expense of it,” Senator Shelley Moore Capito of West Virginia said in an interview last week. “Good stewardship of the federal dollar is important to me, and it should be to him.”

Mr. Gowdy asked that Mr. Pruitt’s travel information be handed over by 5 p.m. on March 6. Mr. Wilcox on Wednesday declined to comment on Mr. Gowdy’s letter, saying in an email, “We will respond to Chairman Gowdy through the proper channel.”

AP
https://apnews.com/019f6103ca36444284084c5be446ac10/The-Latest:-House-seeks-records-of-EPA-chief's-travel
The Latest: House seeks records of EPA chief’s travel
2/21/18

WASHINGTON (AP) — The Latest on a congressional request for travel records of Environmental Protection Agency chief Scott Pruitt (all times local):

6:50 p.m.

A Republican-led congressional committee is demanding records related to premium-class flights taken by Environmental Protection Agency chief Scott Pruitt.

House Oversight Chairman Trey Gowdy is seeking an accounting of all flights taken by Pruitt over the last year and whether the ticket was coach, business or first class. The EPA administrator defended his use of premium-class airfare in media interviews, saying security concerns were raised after unpleasant interactions with other passengers.

The South Carolina Republican’s letter cites the evolving explanations of EPA spokesman Jahan Wilcox, who initially said Pruitt had a “blanket waiver” to fly first class before then saying a separate waiver had been granted for each flight. Federal employees are typically supposed to fly coach, and rules bar blanket waivers.

Wilcox says the EPA will respond to Gowdy “through the proper channel.”

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6:30 p.m.

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EPA did not respond to messages seeking comment.

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060074449/search?keyword=EPA
Where's Pruitt's red-team debate?
By Robin Bravender, 2/22/18

Scott Pruitt has been promoting a public climate science debate for most of his tenure atop U.S. EPA. But that effort appears stalled — at least for now.

Despite reports that President Trump supports such an effort, there has been administration infighting about how it should occur, if the debate takes place at all. And some conservatives who are pushing the administration to challenge the prevailing climate science don't think Pruitt should lead the charge. They question whether wading into the politically charged issue could backfire for the administration if the outcome isn't what some Trump supporters are hoping for.

Meanwhile, the clock is ticking, and observers acknowledge that any sweeping assessment of established climate science would take a while.

"My impression is that the reason this has been slowed down is because there are questions to be resolved about how the thing is launched, where it's administered and how it proceeds," said Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute. "My impression is that the White House is receptive to doing it but is not receptive to starting it next week."

Pruitt has been touting the idea of a climate science "red team" since at least July. He told Reuters last summer that "the American people deserve an honest, open, transparent discussion" about climate science. "What do we know? What don't we know? Does it pose an existential threat, what can be done about it?"

Who better to do that, Pruitt said, than "red-team scientists and blue-team scientists getting together and having a robust discussion about that for all the world to see." He suggested then that the debate should be televised.

Flash forward several months, and Pruitt is still talking about the red team, although his language has changed.

The EPA boss told House lawmakers in December that the red-team idea was part of "an ongoing review internally, and it's something we hope to do." He said then, "We may be able to get there as early as January next year."

That came and went.

Shortly after Pruitt's testimony, EPA air chief Bill Wehrum attended a White House meeting with Trump energy aide Mike Catanzaro, Deputy Chief of Staff Rick Dearborn and others to discuss the future of the debate, an administration official told E&E News. After the talk, the red team was "put on hold," according to someone familiar with the meeting (Climatewire, Dec. 15, 2017).

Late last month, Pruitt told a Senate panel that the exercise was still "under consideration." The EPA boss disputed reports that the White House had asked EPA not to go forward with the red-team debate, but he didn't offer any updates on timing or how the effort might unfold.

EPA's press office did not respond to a request for comment about the status of the red team.

Sources outside the administration point to a host of reasons the effort has languished.

First, there's the internal debate. Trump has privately said he supports a public debate to challenge mainstream climate science, according to administration officials. But Trump's team hasn't been unified behind the idea, and an administration official told E&E News in December that "there are still many issues to be ironed out."

One of those issues, according to observers, is who ought to take the lead. Among Trump officials, Pruitt has been the most vocal proponent of the exercise.

Wehrum told E&E News last month that he thinks his agency is the appropriate venue, given that many of those pushing for the red-team debate are hoping to unravel the scientific endangerment finding that underpins EPA's climate regulations.

"The endangerment finding is an EPA action, so to the degree we were to convene a process to take a look at the underpinnings for that EPA finding, I think almost necessarily it would be an EPA activity," Wehrum said (Climatewire, Jan. 4).

But some conservatives have questioned Pruitt's long-term commitment to the cause, and some think others are better suited to lead the charge.

"EPA Administrator Scott Pruitt's proposal for a Red Team-Blue Team exercise is vague, probably would not be effective, and is unlikely to come about," Heartland Institute CEO Joseph Bast wrote in an October email that summarized a meeting his group held about the climate debate.

"More likely to occur," Bast wrote, "is a similar exercise directed by the head of another department" — like NASA, NOAA or the White House science office — "with more interest than Pruitt has shown in the scientific debate and more likely to stick around to see the results" (Climatewire, Oct. 16, 2017).

Ebell said in an interview, "I don't think that EPA would be a credible place to lead the effort." He said there's a political danger that if the debate is housed in the wrong place, "it will not have sufficient credibility with the public."

Proponents of the debate note vacancies in top offices that might play a role. Trump still hasn't picked a White House science adviser. His nominee for the White House Council on Environmental Quality recently withdrew herself from consideration amid criticisms of her climate science views. And the president's nominees to lead NOAA and NASA still haven't been confirmed.

The issue of climate change is "just not on the front burner right now, so there's really no reason that the Trump administration should really be pushing on this," said Judith Curry, a former professor at the School of Earth and Atmospheric Sciences at Georgia Institute of Technology whose name has been circulated as a possible red team member.

Curry said there are various groups advancing the red team: those that want "to see the integrity of science upheld" and others that "start from the point of 'Protect my short-term profits from fossil fuels, and anything that threatens that, I'm going after it.'"

Some groups pushing for the debate appear to be in waiting mode.

"I'm not aware that there's been any movement on the red team," said H. Sterling Burnett, a research fellow on environmental policy for the Heartland Institute. The conservative group held several workshops last year focused on how to convene a climate red team.

"I'm not overly concerned. I think that [Pruitt] has got a lot on his plate," Burnett said in an interview. "The red team would be one small thing in his large portfolio."

But if it doesn't happen eventually, he added, "I think it will be very disappointing."

There are also questions about political risks the administration would take by kicking off such a debate. What happens if the red team is unable to unravel mainstream climate science?

"I like to think that even Scott Pruitt recognizes what a loser this is for them," said Michael Mann, a climatologist at Pennsylvania State University. "The impacts of climate change are now obvious to anyone with an even half-open mind, and I suspect that their own focus groups and polling tell them that their anti-science tropes no longer are playing well with the public."

It's also unclear whether those who support mainstream climate science would participate in the endeavor. "I would not legitimatize such a transparently political ploy by participating in it, and I would hope that other self-respecting climate scientists wouldn't, either," Mann said.

David Doniger, senior director of the Natural Resources Defense Council's Climate and Clean Air Program, called the exercise "phony." All the administration can do "is appeal to the base; it'll never get anywhere in terms of bending the scientific consensus," he said.

The military relies on red teams, Doniger said, for situations like trying to figure out whether a building in the desert in Syria is a nuclear reactor. A red team is brought in to try to critically challenge the thinking of a blue team. "The science on climate change is conducted in a totally different way," he said. "It's one giant peer-review exercise; it's one giant debate."

Burnett of Heartland said there's no way the red team could lose if the debate takes place.

"Right now, one side is not getting heard, and that's the whole point of it, to show that there's another side out there," he said. "The debate wouldn't be to settle the science for all time; you can't settle the science for all time. It would be to give one side a hearing that currently it's not getting."

Ebell said his priority is credibility, rather than speed.

"We're not as concerned about getting it launched this week or next month," he said. "Once you've started it, it's going to be very difficult to correct things that have been done in the wrong way."

Of course, if the red team leads to an attempt to unravel the endangerment finding, it could take years. That would include lengthy court battles that could stretch well beyond the 2020 presidential election.

"Sure, but it would probably be concluded in the second Trump term," Ebell said. "Everything takes time."

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/02/21/tennessee-tech-withdraws-industry-funded-study-used-to-back-controversial-epa-truck-rule/?utm_term=.1900db593853
Tennessee Tech withdraws industry-funded study used to back controversial EPA truck rule
By Juliet Eilperin and Brady Dennis, 2/21/18, 9:27 PM

The president of Tennessee Tech University has disavowed a study used to help justify the repeal of tighter federal emissions standards for a type of freight trucks, saying that experts now question "the methodology and accuracy" of the industry-funded test.

Fitzgerald Glider Kits — which makes new truck bodies, called gliders, that house refurbished engines — had included a letter signed by Tennessee Tech's president Philip B. Oldham and the head of the school's Center for Intelligent Mobility, as part of its petition calling on the Environmental Protection Agency to withdraw a 2016 rule requiring that gliders comply with the same pollution limits as new heavy-duty trucks. The Washington Post first reported in November that the study was sponsored by Fitzgerald, the nation's biggest glider manufacturer, and conducted at a Fitzgerald facility. The company's connection to the university also extended to that research center, which soon will be housed in a new facility built by Fitzgerald.

In a letter Monday to EPA Administrator Scott Pruitt and Rep. Diane Black (R-Tenn.), who initially received the study results, Oldham wrote that "knowledgeable experts within the University have questioned the methodology and accuracy of the report" on the trucks' performance. The school "is investigating an allegation of research misconduct related to the study," he added.

"We request that you withhold any use or reference to said study pending the conclusion of our internal investigations," he wrote.

The request was first reported Wednesday evening by the New York Times.

Previous EPA modeling, which assumed that most gliders use pre-2002 engines, found that they emit anywhere from 20 to 40 times as much nitrogen oxides and soot as trucks with new engines. But the petition filed by Fitzgerald, Harrison Truck Centers and Indiana Phoenix cited the Tennessee Tech testing that concluded gliders "performed equally as well and in some instances outperformed" vehicles with newer engines.

In the Federal Register notice that EPA filed in November proposing the rule's withdrawal, the agency cited the study in a section explaining why Fitzgerald and other petitioners considered the regulation to be flawed.

An EPA official noted on Wednesday that the agency did not use the university's analysis as the basis for the rule's withdrawal, which was focused on a statutory and legal analysis. "Rather, EPA cited the petitioners' own representations of the study, and that's as far as it went," said the official, who spoke on the condition of anonymity because the rulemaking process is still underway.

Fitzgerald officials could not be reached for comment on Wednesday.

The Obama-era rule was slated to take effect in January. Until the EPA adopted the 2016 glider regulation, trucking companies could put an outdated engine in a new truck body and avoid regulations that would apply to an entirely new truck. Heavy-duty trucks have faced tighter emissions standards since 2004, though they have become more stringent over time, thereby widening the gap between new vehicles and truck bodies with older engines.

The EPA had previously projected that the gliders sold in a single year would generate pollution over their lifetime that could result in between 350 and 1,600 premature deaths and that the rule would generate between $1.5 billion and $11

billion in related public health benefits. The agency did not publish a cost-benefit analysis when it issued its proposal to overturn the 2016 standard, and it did not wait for its own automotive experts to complete emissions tests on a glider the agency had independently purchased.

Those agency tests ultimately found that glider trucks emit between 40 and 50 times more soot and smog-forming pollutants as a comparable new truck.

The 50-day public comment period on the withdrawal proposal closed last month. Paul Billings, senior vice president for advocacy at the American Lung Association, had unsuccessfully requested that the period be extended.

Tennessee Tech's disavowal of the study, Billings said Wednesday, "lays bare that there was no analysis" to underpin revoking the Obama-era standard.

Andrew Linhardt, deputy legislative director for the Sierra Club, said that if the market for gliders — which stands at about 10,000 vehicles per year — were to keep increasing, "They would continue to have huge pollution implications which affect all of us." He said he hopes the university's action gives the EPA "second thoughts" about moving forward with its plan to unwind the Obama regulations.

In recent weeks, many Tennessee Tech students, faculty members and officials have questioned how the initial study was conducted. The interim dean of its College of Engineering, Darrell Hoy, sent a letter to other faculty members saying that "no qualified, credentialed engineering faculty member" oversaw the testing, verified the data or reviewed the report that was sent to Fitzgerald.

In November, Tennessee Tech spokesman Dewayne Wright said that one of the school's engineering professors went with graduate students "to a Fitzgerald facility to conduct independent research" on the EPA rule and the company paid just over $70,000 to finance it. "The Tennessee Tech faculty member and students were in control of the testing, which was done using university emissions testing equipment," Wright explained. "Once collected by the university members, the data was brought back to the university from the Fitzgerald facility for analysis."

New York Times
https://www.nytimes.com/2018/02/21/admin/trucking-pollution-study.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency
University Pulls Back on Pollution Study That Supported Its Benefactor
By Eric Lipton, 2/21/18

WASHINGTON — The president of a Tennessee state university, under fire for an academic study on truck emissions that was paid for by a local trucking company, has asked federal officials to disregard the study, at least for now, in its review of pollution regulations that could benefit the company.

In a letter to the Environmental Protection Agency, Philip B. Oldham, the president of Tennessee Technological University, warned that "experts within the university have questioned the methodology and accuracy" of the study, and that an investigation was being conducted into its findings.

The letter was dated Monday and sent to Scott Pruitt, the administrator of the E.P.A., as well as Representative Diane Black, Republican of Tennessee, who had pushed Mr. Pruitt and the E.P.A. to approve a change in regulations that would exempt certain heavy-duty trucks from a requirement to install modern emissions control systems.

One of the main beneficiaries of such a change would be Fitzgerald Glider Kits of Byrdstown, Tenn., the country's largest manufacturer of so-called glider trucks, which are equipped with rebuilt engines that do not have modern emissions

controls. The company paid for the study, and had offered to build a new research center for Tennessee Tech on land owned by the company.

The study, which concluded that pollution from glider trucks was no worse than from trucks with modern emissions controls, was cited by Mr. Pruitt when he announced in November he would make the regulatory change requested by Ms. Black. Last June, Mr. Oldham had signed a letter endorsing the study.

The Obama administration had moved to eliminate the exemption for the glider trucks, given the health threat associated with their emissions. The E.P.A., in its own analysis, estimated last year that gliders emitted nitrogen oxide levels during highway operations that were 43 times as high as those from trucks with modern emissions control systems.

The E.P.A., in a written statement Wednesday, said that Mr. Pruitt's move to exempt the glider trucks was based on a legal determination that the agency did not have the authority to regulate them, not the findings of the Tennessee Tech study.

"E.P.A. did not rely upon the study or even quote directly from it," the statement said, adding that the agency "only noted the existence of the study," and its findings, when Mr. Pruitt moved to exempt the glider trucks.

A lawyer for Fitzgerald did not respond on Wednesday for a request for comment.

The letter from Mr. Oldham followed a separate letter on Friday from Darrell Hoy, interim dean at Tennessee Tech's College of Engineering, directed to faculty leaders at the university. It urged Mr. Oldham to suspend the university's support for the study, which Mr. Hoy said was largely handled by a graduate student, not an engineering expert.

"No qualified, credentialed engineering faculty member (1) oversaw the testing, (2) verified the data or calculations of the graduate student, (3) wrote or reviewed the final report submitted to Fitzgerald, or (4) wrote or reviewed the letter submitted to Diane Black with the far-fetched, scientifically implausible claim, that remanufactured truck engines met or exceeded the performance of modern, pollution-controlled engines with regards to emissions," Mr. Hoy's letter said.

A group at the university, describing themselves as a "coalition of concerned faculty, students and community," have called a rally on campus on Thursday morning to "shine the light on the unethical practices" exposed by the incident.

Separately, at least one ethics complaint has been filed with the Tennessee Bureau of Ethics and Campaign Finance, questioning whether Ms. Black, who is running for governor, improperly accepted donations from Fitzgerald corporate entities late last year that exceeded campaign contribution limits.

In an article last week, The New York Times found that corporate affiliates of Fitzgerald, employees or family members contributed at least $225,000 to Ms. Black around the same time Mr. Pruitt moved to protect the trucks.

A spokesman for Ms. Black said last week that she had complied with the state's campaign finance law.

Politico
https://www.politicopro.com/energy/whiteboard/2018/02/pruitt-superfund-adviser-has-significant-energy-income-holdings-655922
Pruitt Superfund adviser has significant energy income, holdings
By Alex Guillen, 2/21/18, 3:48 PM

Albert "Kell" Kelly, the banker-turned-Superfund adviser to EPA Administrator Scott Pruitt, receives tens of thousands of dollars annually from oil and gas leases and holds as much as $75,000 in financial stakes in fossil fuel companies, according to newly released financial disclosures.

Kelly reports that he is the sole proprietor of a ranch that brought him $40,000 in oil, gas and mineral rent and royalties on lands in Oklahoma, Kansas, Texas and Alberta, Canada. The ranch also brought him $396,000 in livestock-related income. The disclosure covers from the beginning of 2016 to August 2017.

Kelly also owns a total of $5,000 and $75,000 in stakes in five fossil fuel companies, with holdings between $1,001 and $15,000 in Alliance Resources Partners, Chesapeake Energy, NGL Energy Partners, Phillips 66 and its subsidiary Phillips 66 Partners.

A transaction report dated Jan. 25 says Kelly sold ConocoPhillips stock worth between $1,001 and $15,000 on April 25, 2017, two days after his appointment to EPA. Kelly's original disclosure listed his holding of Conoco in that same range, and it is unclear whether the sale included all or a portion of the stock.

Kelly's title is senior adviser to Pruitt, and he was brought to the agency to run the Superfund task force. He previously served as chairman and CEO of Tulsa-based SpiritBank. The Federal Deposit Insurance Corporation last year fined Kelly $125,000 over an unspecific violation and barred him from returning to the banking industry.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060074431/search?keyword=EPA
Acting deputy administrator to retire
By Kevin Bogardus, 2/21/18

U.S. EPA's acting deputy administrator, Mike Flynn, will retire in April.

"After a long and rewarding career at EPA, I have decided it is time for me to move on, and so I will be retiring from the Agency effective April 3," Flynn said in an internal email obtained by E&E News.

Flynn joined EPA in 1980 and served in several of its program offices — including its solid waste, environmental information and air offices — before heading to the administrator's office at the agency.

"Along the way, I've worked with incredible people, learned a whole lot and had the chance to be a part of exciting, important work. This past year I have had the opportunity to assist with the transition and the honor to serve as Acting Deputy Administrator," Flynn said in the email yesterday.

Flynn said he looks forward to spending more time with his family but will "sorely miss" his EPA colleagues, whom he hopes to see many of before he leaves the agency in early April.

"It has been a true privilege to work with such talented and dedicated people who are passionate about protecting public health and our environment. Thank you for all you do in advancing the Agency's important mission!" Flynn said.

EPA spokeswoman Liz Bowman told E&E News, "Mike Flynn is a dedicated and hardworking public servant who truly cares about each person at this agency, and is dedicated to the mission of protecting human health and the environment.

"Anyone who was lucky enough to work with him appreciates his work and his friendship, and we all wish him the best in his retirement," she said.

Flynn was among top career EPA officials picked by the Obama administration to hold the senior political jobs at the agency until President Trump nominated his replacements. Several of those officials have begun to leave the agency over the past year, such as Mike Shapiro as acting water chief and Robert Kavlock, who was running EPA's research shop (Greenwire, Oct. 30, 2017).

Under the Trump administration, Flynn helped handle several budget and management issues at EPA. He announced in a memo this past April that the agency would move forward on a round of buyouts in 2017 that saw hundreds of employees leave EPA (Greenwire, April 19, 2017).

Before taking on the deputy job on an acting basis, Flynn was associate deputy administrator at EPA, according to his biography on the agency's website.

He has been a top leader at the agency for more than a decade, having been a member of the Senior Executive Service since 2005. Flynn has had experience across the agency, including serving as director of the Office of Radiation and Indoor Air as well as helping EPA respond to Japan's Fukushima Daiichi nuclear disaster in 2011.

Flynn's coming departure could leave EPA without a No. 2 at the agency.

Trump has nominated Andrew Wheeler for the deputy administrator job at EPA. Earlier this month, the Senate Environment and Public Works Committee approved the nomination of Wheeler, a former longtime aide to the panel and its prior chairman, Sen. Jim Inhofe (R-Okla.).

Wheeler, however, has not received a confirmation vote on the Senate floor yet. Some Democrats have pushed back on the EPA deputy nominee, having questioned Wheeler's past lobbying work for coal giant Murray Energy Corp.

E&E Energywire
https://www.eenews.net/energywire/stories/1060074469/search?keyword=EPA
Midwest utilities quiet as EPA continues repeal efforts
By Jeffrey Tomich, 2/22/18

KANSAS CITY, Mo. — It was six hours into U.S. EPA's Clean Power Plan listening session when Missouri's environmental regulator sat at the speakers' table, smiled for a photo taken by one of her deputies and launched into her short speech.

"Missouri believes the Clean Power Plan as it was originally promulgated was intended for one purpose and one purpose only — to shut down the nation's coal-fired power plants," said Carol Comer, director of the state's Department of Natural Resources.

Comer went on to question the benefits of using the Clean Power Plan to slash power-sector carbon emissions as promised by President Obama's EPA, especially compared with compliance cost estimates put forward by critics of the rule.

Comer knows the talking points well, having come to Missouri from Indiana, where she headed Indiana's Department of Environmental Management under Vice President Mike Pence when he was the state's governor. Comer was also rumored to be under consideration for EPA administrator.

But on this day, harsh criticism of the Obama administration's signature effort to curb greenhouse gas emissions was the exception. Aside from Comer and a few others, Clean Power Plan opponents generally stayed home. So did most coal-burning utilities, many of which have accelerated plans to replace aging power plants with wind farms and solar arrays.

Instead, three hearing rooms in the basement of a U.S. Department of Agriculture office building in southeastern Kansas City were filled mostly with local residents and activists from the Sierra Club and other groups who took turns imploring the Trump administration to leave the Clean Power Plan intact.

The agency, led by Scott Pruitt, a staunch critic of the regulation when he was Oklahoma's attorney general, has argued the rule goes beyond the scope of the Clean Air Act. Earlier this month, Pruitt's EPA renewed its request that federal judges keep Clean Power Plan litigation on hold, as the agency moves forward with a plan to repeal and possibly replace the rule.

In Kansas City, dozens of speakers shared personal stories about family members suffering from asthma and other respiratory diseases. They recited statistics about the jobs and other economic benefits associated with new wind, solar and energy efficiency investments. And they spoke on the effects of climate change and dangers of failing to rein in greenhouse gas emissions.

"I'm a bit appalled that we're even having this hearing," said Peter Lavaute, a farmer from rural Howard County in central Missouri. "I'm just amazed that we're talking about taking steps backward instead of going forward."

Also speaking out against repeal of the Clean Power Plan was Kansas City Mayor Sly James (D), one of the 236 mayors who signed a letter Tuesday urging Trump not to repeal the Clean Power Plan.

"While climate change may be global, the effects of climate change are felt local," James said, noting that hotter, longer summers and heavier, more frequent rainstorms associated with climate change are putting increasing pressure on the city's infrastructure.

James said Kansas City is taking steps to address climate change, such as moving to cleaner compressed natural gas vehicles and establishing a 100 percent renewable energy goal. But more cooperation from state and federal government would help those efforts.

"They sit in buildings and legislate and obfuscate and talk about issues," he said. "But when push comes to shove, we're the ones that have to come to operate the hospitals; we're the ones that have to take care of the poor."

Energy transition

The arguments made yesterday aren't materially different from the ones made four years ago, when many of the same parties filled a room at EPA's Region 7 headquarters in Lenexa, Kan., to sound off on the Obama administration's plan to limit carbon emissions.

More than political power and atmospheric concentrations of CO2 have changed since the last "listening session."

Coal-burning utilities across the Midwest, many of which pushed back against the Clean Power Plan or joined a lawsuit to stop it, have since stepped up plans to shut down aging plants. Meanwhile, they have put forward their own carbon reduction goals, have embraced renewable energy and, in many cases, are doing so at a savings to ratepayers.

Clean energy advocates say the trend undercuts warnings by Clean Power Plan opponents that the rule would lead to steep electric rate increases.

Ashok Gupta, an energy economist for the Natural Resources Defense Council, said the carbon rule would only further a transition already underway.

"The Clean Power Plan would be great for the economy of this region," he said. "It would lower electricity costs, it would create jobs, and it would align with the clean energy goals of the Midwest utilities and cities."

Gupta said the rule was written with flexibility to let states choose how best to meet the carbon reduction targets, realizing that most older coal plants would be hard-pressed to run more efficiently.

But Jim Gulliford, EPA's administrator for Region 7, disagreed with the characterization.

"It's not like we're giving them flexibility," he said in an interview with E&E News. "We're requiring them to do something."

Even without the Clean Power Plan, market forces are driving the energy-sector transition, Gulliford said.

"We like the fact that that has resulted in a greater diversification than we've ever had and power companies are looking at alternatives in terms of how they manage resources and how they put together the mix that best serves their constituents," he said.

'We'll react to it'
One of the utilities making the transition away from coal is Kansas City Power & Light Co.

While coal still fuels 44 percent of the utility's power plants, the company continues to shut down older fossil plants, add more wind and solar generation to its fuel mix, and reduce energy use through energy efficiency programs. KCP&L has reduced CO2 emissions by 39 percent from 2010 to 2017 as a result, said Paul Ling, director of compliance.

In fact, in a 2016 filing with Missouri regulators, Ling said KCP&L is "in position to comply" with the Clean Power Plan in both Missouri and Kansas "assuming a reasonable state plan is developed in each state."

Still, the utility urged EPA yesterday to repeal the regulation and replace it with a new version with a focus on more narrowly tailored "inside the fenceline" emissions reductions.

"Responsible, cost-effective regulation that is consistent with the agency's statutory authority will provide regulatory certainty while promoting the environment and the economy," Ling said.

Meanwhile, Comer, the Missouri environmental regulator, said EPA should repeal the Clean Power Plan and scrap plans for a replacement.

In an interview after her comments, Comer said she couldn't speak to the state's policy stance on climate change. She also didn't answer whether she believes that humans are the primary cause of climate change.

But if another rule is proposed that addresses climate change, "we'll react to it," she said.

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060074445/search?keyword=EPA
States unsure if EPA will extend looming comment deadline
By Zack Colman, 2/22/18

Several states with sizable energy portfolios haven't heard whether U.S. EPA will extend a deadline to comment on proposals to replace the Clean Power Plan, one of President Trump's top agenda items to buoy the ailing coal sector.

Wyoming, Texas, Arkansas and North Carolina all filed public comments asking for a 60-day extension to submit comments on replacement options for the Clean Power Plan. That deadline is Monday.

"EPA has not indicated to us either way," said Jason Sloan, executive director with the Association of Air Pollution Control Agencies, which handled a request from Arkansas Department of Environmental Quality. "We're less than a week out now."

Jill Lucas, a spokeswoman with the North Carolina Department of Environmental Quality, said in an email: "The Division of Air Quality has not had any response about this from the EPA."

"EPA is reviewing the requests," an EPA spokesperson said in an email.

The agency is considering a number of factors for a replacement rule, which is expected to apply to individual electricity generating units rather than to the larger power delivery system as envisioned by former President Obama.

The opportunity to comment matters for states heavily affected by potential regulation of greenhouse gas emissions from power plants, Wyoming Gov. Matt Mead said in his Feb. 12 comment to EPA. That's especially true for the coal-heavy Cowboy State given it was expected to reduce electricity sector carbon emissions 44 percent by 2030 under Obama's rule, which EPA Administrator Scott Pruitt has moved to repeal.

"All stakeholders will benefit from additional time to review and thoughtfully consider these rules," Mead said.

Still, the lack of an extension might not be that significant for some states.

"The TCEQ has not gotten anything back from the EPA showing the extension request has been granted," Andrew Keese, a spokesman with the Texas Commission on Environmental Quality, said in an email. "That said, the TCEQ is currently on track to submit comments on time."

The Hill
http://thehill.com/policy/energy-environment/374940-trumps-plan-for-energy-star-sparks-industry-uproar
Trump's plan for Energy Star sparks industry uproar
By Timothy Cama, 2/22/18, 6:00 AM

President Trump is facing strong opposition in his drive to eliminate federal funding for the Environmental Protection Agency's (EPA) popular Energy Star program.

With the Department of Energy's help, the voluntary Energy Star program sets efficiency benchmarks for appliances, electronics, building materials, lighting and other products, and lets companies use the Energy Star label on products that meet the specifications.

In his budget request to Congress for fiscal year 2019, Trump asked lawmakers to eliminate the $42 million in federal funding for the program. He instead proposed allowing the EPA to fund the energy efficiency certification through fees charged to companies that use it. The idea has been pushed in conservative circles for years.

The Trump administration and supporters of the plan say it would shift the burden for its costs to the companies that benefit from it.

"By administering the Energy Star program through the collection of user fees, EPA would continue to provide a trusted resource for consumers and businesses who want to purchase products that save them money and help protect the environment," the agency told lawmakers in its budget request.

"Entities participating in the program would pay a fee that would offset the costs for managing and administering the program."

But groups that represent manufacturers, retailers, utilities, environmentalists and others who benefit from the program are lining up against Trump's plan.

They cite, among other things, the estimated $30 billion in energy savings that users of Energy Star products achieve each year, arguing that it's a hugely successful program that should be embraced.

"Placing the burden solely on the manufacturers that use the label isn't really fair," said Kateri Callahan, president of the Alliance to Save Energy, which counts among its members appliance makers, utilities and others interested in energy efficiency.

"The ultimate beneficiaries of this are the consumers who are saving money," Callahan said, adding to the list states with efficiency standards, schools and building owners.

"The beneficiaries are so wide. And we're all benefitting when we're avoiding greenhouse gas emissions."

Lowell Ungar, senior policy adviser at the American Council for an Energy-Efficient Economy, said the proposal is "highly problematic."

"We're glad that they're not proposing to eliminate the program. That's certainly a step forward," Ungar said, pointing to Trump's previous budget request, which sought to abolish Energy Star altogether.

"Certainly the concern is whether this is a viable business plan, when there is no business plan," Ungar said. "Can they actually raise enough money to run the program? Who's going to pay for it? How is this going to work?"

Any change to the fee structure would require congressional action. The EPA said it would then go through a regulatory process to set the fee structure in a way that's fair and takes into account various stakeholder concerns.

Trump's proposal last year to eliminate Energy Star also met with significant backlash. More than 1,000 companies and groups signed onto a letter in April to leading congressional appropriations leaders supporting the program.

The House ended up voting to preserve Energy Star, but cut its funding to $31 million. The Senate never voted on an appropriations bill for the EPA.

Energy Star has long enjoyed bipartisan support among lawmakers, who see it as a boon to consumers, retailers and manufacturers in their state, all at a relatively low cost to the government.

Rep. Betty McCollum (Minn.), the top Democrat on the House Appropriations Committee's subcommittee that oversees the EPA's budget, pledged to fight for Energy Star.

"Energy Star is a win-win for businesses and consumers that has saved Americans more than $400 billion on their utility bills over the past 25 years. I've heard from builders, realtors, manufacturers, and retailers and they all support this important program," she said in a statement.

"It is deeply disappointing that the Trump administration wants to discontinue direct funding for Energy Star, increase costs for consumers, and make it harder for our country to conserve energy and protect natural resources."

Sen. Tom Udall (N.M.), the top Democrat on the Senate's EPA funding panel, said he is "skeptical at best" about Trump's idea.

"The Pruitt EPA appears determined to undermine the EPA in every way possible, so it's not surprising that they even took aim at the popular, bipartisan and consumer-friendly Energy Star program," he said.

The program's backers are also worried that switching to a reliance on industry funding would erode its standing as an objective certification.

"One of the main strengths of the Energy Star program has been independence and the integrity that the government brings," said Noah Horowitz, director for energy efficiency standards at the Natural Resources Defense Council.

"If Energy Star is dependent on industry funding, that could create some difficult situations where the independence of the program could be challenged."

But conservative advocates who want the government out of the energy efficiency business say Trump's proposal is a step in the right direction.

"If companies want to contribute some sort of fee to fund the general awareness of the savings associated with energy conservation, that's fine," said Nick Loris, an economist at the Heritage Foundation.

"I would still question why it needs to be overseen by the federal government in an era when we have more access to information than ever for when companies want to promote their energy efficient appliances."

Loris conceded that the $42 million price tag for Energy Star is not the main driving factor behind his opposition. He said the government simply has no place in advocating for energy efficiency.

"I think there's a whole range of reasons why a household may not choose to purchase the most energy efficiency light bulb or appliance or invest in energy efficient windows," he said.

Myron Ebell, director for energy and environment at the Competitive Enterprise Institute, agreed that Trump's proposal is a good first step.

"The companies that benefit from Energy Star labeling should pay for the program," he said. "The next step would be to privatize Energy Star. There are many similar successful programs funded by the affected industry that provide independent testing, monitoring, and labeling of products."

Politico
https://www.politicopro.com/energy/whiteboard/2018/02/cruz-blasts-rfs-at-philly-refinery-655873
Cruz blasts RFS at Philly refinery
By Eric Wolff, 2/21/18, 5:20 PM

Sen. Ted Cruz (R-Texas) took took his argument for rewriting the Renewable Fuel Standard to the workers of a Philadelphia refinery that has blamed the biofuel fuel program for its bankruptcy.

At a rally-like atmosphere at the Philadelphia Energy Solutions refinery, Cruz delved into the complexities of the RFS, arguing the administration needed to cap prices on biofuels credits, called Renewable Identification Numbers, in order to save the refinery and others nationwide.

"When I meet with the president, I'm not arguing to get rid of the RFS," he said. "The argument I am making is the RIN system, an enforcement mechanism and only a part of the RFS, is broken."

Cruz suggested that EPA could set a 10-cent cap on prices of RINs that PES says drove it into bankruptcy, and he proposes using the money to pay for infrastructure.

In exchange for establishing a price cap, he said EPA should "remove barriers from selling more ethanol," an apparent reference to the Clean Air Act prohibition on selling 15 percent ethanol fuel in parts of the country year-round.

Cruz's proposal has been rejected by Sen. Chuck Grassley (R-Iowa), who said in a statement today that PES' bankruptcy was the fault of the company, not the RFS.

"It sure looks like PES management and its private equity owners are scapegoating the RFS to distract from their own failings, which have risked the livelihoods of more than a thousand workers," Grassley said.

WHAT'S NEXT: Cruz will continue to press for changes to the program.

The Hill
http://thehill.com/policy/energy-environment/374952-cruz-rallies-refinery-workers-for-ethanol-mandate-change
Cruz rallies refinery workers for ethanol mandate change
By Timothy Cama, 2/21/18, 5:23 PM

Sen. Ted Cruz (R-Texas) on Wednesday went to a massive Philadelphia oil refiner to rally its workers for changes to the federal ethanol mandate.

Philadelphia Energy Solutions, the East Coast's largest refiner, filed for bankruptcy last month, blaming the costs of complying with the Renewable Fuel Standard.

Cruz wants to put a cap on the costs of Renewable Identification Numbers (RINs), the Environmental Protection Agency's (EPA) tradeable credit system for complying with the mandate that refiners blend ethanol and other biofuels into the traditional fossil fuels.

"There is a win-win solution where we can fix RINs, save the jobs of the refinery workers and also allow corn farmers to sell more corn and get the government out of the way of the success of both of them," Cruz told the boisterous campaign-style rally in South Philadelphia.

"We can fix this broken system, end the massive tax from the broken RINs system and at the same time allow corn farmers in a free and fair market to sell even more corn, and for them to prosper as well," he said. "The ones who will be put out of business are the speculators, who can go and speculate on something else."

Philadelphia Energy Solutions doesn't have the facilities to blend biofuels into its products, so it must buy credits.

Due to market trading, the credits jumped from a few cents per gallon shortly after the mandate started to as much as $1.40 per gallon last year, costing the refiner $218 million last year, more than double the cost of payroll.

"It doesn't make any sense. It is nuts," Cruz said. Cruz's proposal would cap the cost at 10 cents.

President Trump ran for office pledging to fully support the Renewable Fuel Standard as it stands now. But he told Republican senators he met with in December that he would consider supporting a change to the Renewable Fuel Standard if both oil-friendly and corn-friendly senators agreed to it, and if it originated with them.

EPA Administrator Scott Pruitt, meanwhile, has said in recent media appearances that he would support some sort of change.

"We need RIN reform," Pruitt said on Fox News this month. "It is something I've talked to Congress about."

The ethanol industry was sharply critical of Cruz's rally. They say the threat refiners face from the mandate is overblown, and Philadelphia Energy Solutions's problems were far bigger than the ethanol standard.

Reuters reported Tuesday that one of the main problems at the refiner was massive payments it made regularly to Carlyle Group and other owners of the company.

"Sen. Cruz's efforts to secure a so-called win-win solution to protect refining jobs are entirely misdirected," said Bob Dinneen, president of the Renewable Fuels Association. "His proposal to cap RIN prices would not protect these workers, and would most-assuredly risk agricultural jobs across the country. All Sen. Cruz is really protecting is corporate greed, because that's what's really at the heart of PES's financial problems."

Message

From: InsideEPA.com [insideepa-alerts@iwpnews.com]
Sent: 2/22/2018 12:00:28 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: The Morning Headlines from InsideEPA.com -- February 22, 2018

REDEFINING EPA: Overhauling an agency and its mission -- Complete coverage

February 22, 2018

Latest News

Democrats Condition PRIA 'Compromise' On Preserving EPA Pesticide Rules

Senate Democrats are offering to drop their months-long hold on a congressional renewal of EPA's authority to collect industry fees to support the agency's pesticide registration process as long as the Trump administration halts plans to scrap Obama-era protections for farmworkers exposed to pesticides and provides a judicially

reviewable decision on its reversal of the prior administration's plan to ban use of the pesticide chlorpyrifos on food.

Industry Attorneys Question Need For EPA Fees For RMP, Spill Programs

Industry officials are raising significant hurdles to the Trump administration's proposal to charge fees to assist facilities in complying with the agency's accident and spill prevention rules, arguing such a program is unnecessary or that companies will need liability waivers or other incentives to participate.

EPA Plan To Merge OARM-OEI Raises Concerns Over Clashing Missions

EPA's plan to merge its Office of Environmental Information (OEI) back into its Office of Administration and Resource Management (OARM) is prompting concerns from a former top official, who cautions that any merger will have to address significant differences between two offices that have very different roles.

Union Warns EPA FY18 Spending Bill Buyouts May 'Gut' Agency Workforce

EPA union officials are warning Congress that preliminary staff buyouts included in draft fiscal year 2018 agency funding bills could lead to massive staffing cuts that may "gut" EPA's workforce, even though lawmakers have already rejected President Donald Trump's call to cut the agency's budget by 31 percent in FY18.

Biofuel Groups Seek New EPA Methods To Bolster RFS' Cellulosic Goals

A coalition of 20 biofuel groups says the industry can significantly ramp up production of low-carbon cellulosic biofuels, including by using agricultural wastes such as corn kernel fiber, and is urging EPA to avoid overly conservative methods for estimating future production when setting blending targets for the renewable fuel standard (RFS).

Beck Suggests Trump Hiring Cap Undermines EPA's TSCA Implementation

Nancy Beck, the top Trump appointee in EPA's toxics office, says lawmakers should have authorized staffing levels for the new Toxic Substances Control Act (TSCA) program as they did for a pesticide fee program years earlier, suggesting the administration's government-wide hiring freeze is undermining the agency's ability to implement TSCA.

EPA Names Chemical Company Lawyer To Waste Office's Deputy Slot

EPA has named Steven Cook, corporate counsel for one of the world's largest plastics and chemical companies, to be the deputy assistant administrator in the agency's waste office, making him the highest-ranking political official in the office even as a long-time confidante to Administrator Scott Pruitt continues to lead the office's high-profile Superfund reform effort.

Daily Feed

Key House chair seeks explanation of Pruitt's travel

Rep. Gowdy's request for information marks the first time a GOP lawmaker has signaled concerns with Pruitt's practice of flying first class.

Former EPA staff detail 'punishing' FY19 budget plan

"By repeatedly suggesting cuts of this magnitude, it normalizes the expectation that EPA's budget should be reduced dramatically," says the analysis by the Environmental Protection Network.

OMB weighs EPA plan for potential new CWA effluent rules

EPA is preparing to finalize an Obama-era preliminary plan that included new studies of wastewater from oil and gas operations and refineries as a prelude to possible new or updated rules.

Environmentalists sue EPA over Gulf drilling permit
The groups charge EPA has failed to adequately analyze the environmental impacts of permitted discharges from oil and gas operations in the western Gulf.

Ewire: Trump critics cite administration's 'sloppy' deregulatory work
In today's Ewire: Trump's environmental agenda has been "sloppy and careless," one law professor says, while Obama EPA chief Gina McCarthy faults the new administration's targeting of rules for political reasons.

House Democrats seek answers on Pruitt's first-class travel
Several top Democrats on the House Energy & Commerce Committee slam "shifting explanations" from EPA for Administrator Scott Pruitt's luxury travel expenses.

Read all the latest EPA news, analysis and documents →

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Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
Sent: 2/22/2018 11:04:17 AM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Morning Energy: Looking into the corporate climate — Report: Van der Vaart up for CEQ — EPA acting deputy to retire

By Kelsey Tamborrino | 02/22/2018 06:01 AM EDT

With help from Emily Holden, Alex Guillén and Ben Lefebvre

CORPORATE CLIMATE: President Donald Trump's decision to pull the U.S. out of the Paris climate agreement and unwind the Obama administration's carbon regulations on power plants has set off a movement by cities, states and corporations to take up the challenge of fighting greenhouse gas pollution. But a new report out today shows most of the biggest U.S. energy companies aren't on board with that effort. In fact, 21 of the biggest oil and utility companies have minimal oversight of climate risk and almost no board members with climate expertise, according to a study conducted by the 50/50 Climate Project, a group focused on corporate America's climate activities.

Pulling data from company websites, federal and state lobbying disclosures, national election spending and 527 political committee filings, the report found at least $673 million was spent from 2011 to 2016 to influence policy and support candidates for office, but only two companies — Exxon Mobil and ConocoPhilips — have board members with any climate expertise. And only Occidental Petroleum mentions climate change as part of its corporate oversight. Companies in seven states — Alaska, California, Florida, Michigan, Ohio, Oregon and Washington — have spent more than $50 million on countering clean energy initiatives, the report found. Read the details here.

REPORT: VAN DER VAART UP FOR CEQ: Donald van der Vaart, the former North Carolina environmental regulator, has been in discussions with the White House to potentially lead the Council on Environmental Quality, he told The New York Times. Van der Vaart says he's been in talks with the White House for several positions in recent months, most recently the opening at CEQ left after the withdrawal of the controversial Kathleen Hartnett White, whose nomination had faced stiff opposition in the Senate.

Van der Vaart was previously under consideration for a top post in the EPA and was recently named to the agency's Science Advisory Board. He "expressed skepticism about the extent to which humans have contributed to climate change," in an interview with the Times, and showed a willingness to challenge the endangerment finding that has been the legal foundation of federal climate change policy — and a top target for conservative groups. Also on the short list for the CEQ spot: Mary Neumayr, who has been leading the CEQ in an acting capacity, the Times reports. Read the story here.

WELCOME TO THURSDAY! I'm your host Kelsey Tamborrino. Third Way's Jared DeWese was first to identify Illinois as home to the most Republican conference chairs. Joseph Cannon, Thomas Henderson and John Anderson served 13 terms combined. (Ohio, for its part, boasts five former chairs, but they total less in combined terms.) A correction to Wednesday's trivia answer on the first non-head of state to address a joint meeting of Congress: A few ME readers pointed out Winston Churchill addressed Congress in 1941, when he was prime minister of the U.K., making him a head of government — not state. For today: Which president holds the title for shortest memoir? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

New! Campaign Pro Race Dashboard, POLITICO Pro's campaign tracking solution, is revamped and ready for 2018. The tool features Candidate Pages and a dedicated Race Dashboards for each House, Senate and Gubernatorial contest. Also included, FEC campaign finance data for federal elections. Campaign Pro Race Dashboard is now available to POLITICO Pro Campaigns subscribers. Learn more.

DOC OF THE DAY: House Oversight Chairman Trey Gowdy became the first Republican to request information on EPA Administrator Scott Pruitt's travel habits in a letter dated Feb. 20.

EPA ACTING DEPUTY TO RETIRE: EPA's acting deputy administrator, Mike Flynn, will retire from the agency on April 3 after a 38-year career there, he announced in an email Wednesday. "I've worked with incredible people, leaned a whole lot and had the chance to be a part of exciting, important work," he wrote. Flynn has overseen day-to-day operations at EPA since the inauguration. Andrew Wheeler, the president's pick for deputy, faces Democratic opposition given his past lobbying work for coal producer Murray Energy and other companies. It's not immediately clear who will take over from Flynn in April if Wheeler isn't confirmed by then; EPA did not return a request for comment on Wednesday.

Also: EPA's Office of Land and Emergency Management has a new political deputy director: Steven Cook, a senior counsel at chemical giant LyondellBasell, reports InsideEPA. OLEM oversees Superfund and brownfield clean-ups, solid waste issues like coal ash, underground storage tanks and EPA's response to oil spills and other environmental disasters. The president has yet to nominate someone to run OLEM.

COMMERCE MAKES ANTI-DUMPING DECISION: The Commerce Department on Wednesday finalized its determination that Argentina and Indonesia dumped subsidized biodiesel on the U.S. market, the National Biodiesel Board said. The decision means importers of Argentinian biodiesel will have to pay cash deposit rates ranging from 60.44 to 86.41 percent, Pro's Eric Wolff reports, "and buyers of Indonesia fuel will have to pay deposit rates of 92.52 to 276.65 percent, depending on which foreign company is involved." Read more.

FROM TEXAS TO PHILLY: Sen. Ted Cruz took his argument for rewriting the Renewable Fuel Standard to a friendly audience at the Philadelphia Energy Solutions refinery, whose owners recently put the company in Chapter 11 bankruptcy and have placed the blame on the RFS. At the rally-style event with PES workers, Cruz delved into the complexities of the RFS, Eric reports, and argued the administration needed to cap Renewable Identification Numbers prices in order to save the refinery. "When I meet with the president, I'm not arguing to get rid of the RFS," he said. "The argument I am making is the RIN system, an enforcement mechanism and only a part of the RFS, is broken." Cruz proposed a 10-cent cap on prices of RINs, with the money going to pay for infrastructure.

Iowa Sen. Chuck Grassley again flatly rejected that idea. In a statement Wednesday, Grassley countered that PES' bankruptcy was the fault of the company, not the RFS. "It sure looks like PES management and its private equity owners are scapegoating the RFS to distract from their own failings, which have risked the livelihoods of more than a thousand workers," Grassley said. Read more.

CASH STRAPPED: Interior may be low-balling the amount it charges oil and gas companies for offshore leases, according to a report from the Project On Government Oversight released this morning. The majority of offshore parcels Interior has put up for auction in the past two decades — including 81 of 90 tracts included in the most recent lease sale — draw only a single bid, POGO analysis shows. In such a circumstance, Interior can assess the tract at a higher price, but more often it labels the area "non-viable" — i.e., not expected to produce much oil — and allows the company to obtain the lease at its original bid price. The lack of competitive bidding means that average prices per acre in the Gulf of Mexico auctions has fallen nearly 96 percent since 1983 after taking inflation into account, the report states. "How much more could the government have gotten if it set higher expectations or ran more competitive auctions?" POGO asks. Read the report here.

FULL DISCLOSURE: New financial disclosures from Albert "Kell" Kelly show the banker-turned-Superfund adviser to Pruitt receives tens of thousands of dollars annually from oil and gas leases, Pro's Alex Guillén reports . Kelly, whose title is senior adviser to Pruitt, holds as much as $75,000 in financial stakes in fossil fuel companies, according to the documents that cover a period from the beginning of 2016 to August 2017.

TENNESSEE UNIVERSITY PULLS BACK ON STUDY: Philip Oldham, the president of Tennessee Technological University, sent a letter Monday to EPA and Rep. Diane Black, calling on officials to disregard an academic study on trucking emissions, The New York Times reports. Oldham writes that, "experts within the university have questioned the methodology and accuracy" of the study, and that an investigation was being conducted into its findings, following increased scrutiny into the matter. Black had pushed EPA to approve a regulation change that would exempt certain heavy-duty trucks from a requirement to install modern emissions control systems. Read more.

FORMER STAFFERS DIVE INTO EPA BUDGET: EPA's budget proposal would cut overall agency spending 26 percent below 2017 levels but slash science spending nearly in half, according to an analysis from former federal and state environment officials at the group Environmental Protection Network. EPA supports research in three national labs, four national centers, and 14 facilities across the country, according to EPN.

USGS OFFICIALS RESIGN OVER ZINKE REQUESTS: Two U.S. Geological Survey officials resigned over requests made by Secretary Ryan Zinke to see "sensitive" oil data, Mother Jones reported Wednesday. Murray Hitzman, who served as the agency's associate director for energy and mineral, said in his resignation letter that he was leaving after the agency agreed to provide Zinke with data from the National Petroleum Reserve-Alaska "several days in advance of the information's public release, in contradiction of my interpretation of USGS fundamental science policy." Larry Meinert, who was deputy associate director of the energy and minerals program, told the magazine he also left the agency over what he perceived as pressure on scientists to violate guidelines. The department told Mother Jones that there was legal authority for Zinke to access the data via a 1950 law granting the secretary "all functions of all other officers of the Department." More here.

MAIL CALL! DEMOCRATS CALL OUT NEPA PROCESS: Ranking members on the House Natural Resources Committee will send a letter to Zinke today on recent policy proposals for streamlining energy exploration permits that they say will harm public lands. The letter highlights a report on changes to the BLM permitting process and "the process by which it was generated." Reps. Raúl Grijalva, Alan Lowenthal and Donald McEachin write: "DOI has been working behind closed doors on a plan to subvert and steamroll the rights of Americans to oversee and comment on the actions of their elected officials and government bureaucrats." The lawmakers call on Interior to respond to questions related to BLM's rationale and actions by March 15. Read the letter here.

WALKING BACK A GAS TAX? The White House Council of Economic Advisers released a 568-page report Wednesday that details, in part, policy priorities for infrastructure investment, suggesting potential options for revenue. The annual economic report offers up a critical take on a potential gas tax increase, which Trump suggested last week. "In the case of roads and highways, for example, fuel taxes have historically acted as imperfect user fees, but conventional funding models are now under pressure from rising fuel efficiency and the use of electric vehicles, and congestion costs are high and rising in many urban areas," the report says. The CEA report instead points out Oregon and its piloted program for user fees based on vehicle miles traveled. Read the report here.

ICYMI: Americans split on the tax: A Quinnipiac University poll published this week found that Americans are almost evenly divided on a gas tax hike. The poll asked participants if they thought "that raising the federal gas tax to specifically pay for repairs to the U.S. infrastructure is a good idea or a bad idea." Forty-six percent answered affirmatively and 44 percent said "no" (10 percent didn't know). (h/t Morning Transportation)

NEW JERSEY SAYS OUI TO PARIS: New Jersey Gov. Phil Murphy signed a bill into law Wednesday requiring the state to meet the goals of the Paris climate deal. The bill, Pro New Jersey's Danielle Muoio reports, requires the state to enter the U.S. Climate Alliance, a coalition of 15 states and Puerto Rico committed to upholding the goals of the accord. Last year, lawmakers passed another version of the bill, but it was pocket-vetoed by former Gov. Chris Christie.

GROUPS PETITION FOR EVs: Forty organizations submitted a formal petition to the New York Public Service Commission Wednesday, requesting it do more to facilitate electric vehicle adoption and help utilities play a heightened role. "New York's utilities have a significant role to play in maximizing economic and environmental benefits while minimizing strain on the grid," the petition says. Read it here.

HEARING WATCH! The House Energy and Commerce Oversight Subcommittee announced a hearing on Feb. 28, on the restoration of Puerto Rico's electric infrastructure. **If you go:** The hearing will be held at 10:15 a.m. in room 2322 Rayburn.

Of note, DOE released updated data Wednesday on the recovery efforts in Puerto Rico. The Puerto Rico Electric Power Authority reports 84.6 percent of normal peak load has been restored, as well as 85.64 percent of customers. And as of Wednesday, a total of 970 out of 1,100 retail gas stations were operational on the island.

QUICK HITS

— Carmakers' "harmonization" push could soften fuel efficiency gains, Bloomberg BNA.

— Judge orders government review of Keystone pipeline documents, Associated Press.

— Too big to fine, too small to fight back, Texas Observer.

— Jacksonville, Fla., officials start exploring sale of city's utility, S&P Global.

HAPPENING TODAY

8:30 a.m. — Commerce Department and International Trade Administration meeting of the Renewable Energy and Energy Efficiency Advisory Committee, 1401 Constitution Ave NW

12:00 p.m. — The Emissions Marketing Association roundtable on renewable markets, Juno Beach, Fla.

2:00 p.m. — The Environmental and Energy Study Institute and the National Association of Regional Councils briefing on climate and weather risks to coastal communities, 2237 Rayburn

3:00 p.m. — Interior Department public hearing on five-year drilling plan, 1225 First Street NE

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To view online:
https://www.politicopro.com/newsletters/morning-energy/2018/02/looking-into-the-corporate-climate-112410

Stories from POLITICO Pro

Gowdy seeks information on Pruitt's travel habits Back

By Anthony Adragna | 02/21/2018 02:14 PM EDT

House Oversight Chairman Trey Gowdy has become the first Republican to request information on EPA Administrator Scott Pruitt's expensive travel habits.

In a letter dated Feb. 20 posted to the committee's website, Gowdy asked Pruitt for details on all the flights he's taken as EPA chief, as well as copies of waivers for first- or business-class travel and details about other agency staff who traveled with him.

Gowdy's letter cites concerns about the "blanket waiver" that EPA initially said Pruitt had received for travel upgrades before it amended that to say Pruitt submits a waiver for every trip. EPA has said the large number of security threats to Pruitt justify the additional expenses, including verbal threats he's faced at airports.

Pruitt has faced criticism from some Republicans for his airline travel habits, which come even as the Trump administration's called for deep cuts to the agency's budget.

WHAT'S NEXT: Gowdy requested a response by March 6.

To view online click here.

Back

Commerce finalizes antidumping decision in biodiesel case Back

By Eric Wolff | 02/21/2018 06:17 PM EDT

The Commerce Department has finalized its determination that Argentina and Indonesia dumped subsidized biodiesel on the U.S. market, the National Biodiesel Board said today.

The decision in favor of a coalition of biodiesel producers and trade groups means importers of Argentinian biodiesel will have to pay cash deposit rates ranging from 60.44 to 86.41 percent, and buyers of Indonesia fuel will have to pay deposit rates of 92.52 to 276.65 percent, depending on which foreign company is involved.

Anti-dumping duties are imposed on companies, while countervailing duties — which the coalition won last year — are imposed on countries.

"Today's decision provides room for the domestic biodiesel industry to flourish and produce more volumes of this American-made fuel, which provides so many economic and environmental benefits," Kurt Kovarik, vice president of federal affairs at the National Biodiesel Board, said in a statement.

WHAT'S NEXT: The International Trade Commission will make a final determination in the case in March or April.

To view online click here.

Back

Cruz blasts RFS at Philly refinery Back

By Eric Wolff | 02/21/2018 05:20 PM EDT

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WHAT'S NEXT: Cruz will continue to press for changes to the program.

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Pruitt Superfund adviser has significant energy income, holdings Back

By Alex Guillén | 02/21/2018 03:48 PM EDT

Albert "Kell" Kelly, the banker-turned-Superfund adviser to EPA Administrator Scott Pruitt, receives tens of thousands of dollars annually from oil and gas leases and holds as much as $75,000 in financial stakes in fossil fuel companies, according to newly released financial disclosures.

Kelly reports that he is the sole proprietor of a ranch that brought him $40,000 in oil, gas and mineral rent and royalties on lands in Oklahoma, Kansas, Texas and Alberta, Canada. The ranch also brought him $396,000 in livestock-related income. The disclosure covers from the beginning of 2016 to August 2017.

Kelly also owns a total of $5,000 and $75,000 in stakes in five fossil fuel companies, with holdings between $1,001 and $15,000 in Alliance Resources Partners, Chesapeake Energy, NGL Energy Partners, Phillips 66 and its subsidiary Phillips 66 Partners.

A transaction report dated Jan. 25 says Kelly sold ConocoPhillips stock worth between $1,001 and $15,000 on April 25, 2017, two days after his appointment to EPA. Kelly's original disclosure listed his holding of Conoco in that same range, and it is unclear whether the sale included all or a portion of the stock.

Kelly's title is senior adviser to Pruitt, and he was brought to the agency to run the Superfund task force. He previously served as chairman and CEO of Tulsa-based SpiritBank. The Federal Deposit Insurance Corporation last year fined Kelly $125,000 over an unspecific violation and barred him from returning to the banking industry.

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Subject: Watchdog says EPA did not justify Pruitt security spending

By Alex Guillén

09/04/2018 10:03 AM EDT

EPA failed to properly analyze the threats made against former Administrator Scott Pruitt before dramatically expanding his security detail and incurring sharply higher costs, the agency's inspector general said in a report today.

Decisions about Pruitt's security were made "based on management decisions rather than being supported by a threat analysis," the Office of Inspector General report said. "As a result, the costs of providing increased security services to Administrator Pruitt have more than doubled compared to the costs of services provided to Administrator [Gina] McCarthy."

The office that oversees the administrator's security detail "has expressed a commitment to prepare policies and procedures and perform regularly scheduled threat analysis," the OIG report said.

Pruitt's expansion of his security team was at the heart of several of his major scandals. Trump administration officials said the unprecedented round-the-clock protection and first-class plane travel were necessary because of threats made against Pruitt and his family. But that increased protection cost $3.5 million in Pruitt's first year, more than double what his predecessor spent in her final year.

The report on Pruitt's security detail is the first of what is expected to be a string of inquiries into his actions. Other probes being conducted by EPA's inspector general include Pruitt's trip to Morocco to promote natural gas and his other travels, his $50-a-night condo rental, large raises given to top aides, a $43,000 secure phone booth and a meeting with a coal mining group.

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https://subscriber.politicopro.com/energy/whiteboard/2018/09/watchdog-says-epa-did-not-justify-pruitt-security-spending-1856041

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Subject: February 20 -- Greenwire is ready

Read today's Greenwire on the web

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AN E&E NEWS PUBLICATION

GREENWIRE — Tue., February 20, 2018

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Subject: House Dems press Pruitt for more info on travel

By Eric Wolff

02/20/2018 12:09 PM EDT

Democrats on the House Energy and Commerce Committee are pressing EPA Administrator Scott Pruitt to clear up the "shifting explanations" around his reasons for flying first class.

Reps. Frank Pallone (N.J.) , Diana DeGette (Colo.), and Paul Tonko (N.Y.), the top Democrats on the full committee, the oversight subcommittee, and the environment subcommittee, sent Pruitt a letter today asking for details on the security justifications and who is involved in booking his first-class plane tickets.

"The Agency has offered shifting explanations to date regarding whether or not you have complied with federal regulations and Agency policies and procedures, raising significant questions about the veracity of information provided by your office," the letter says.

Pruitt has flown first class extensively in the past year, Pruitt has received an unusual number of security threats. Last week, the agency told POLITICO that it had a "blanket waiver" for Pruitt's pricey travel, but backtracked after POLITICO cited EPA regulations barring such a waiver.

Pruitt has received more threats than his predecessors, EPA has said, and faced confrontations in airports when he has traveled.

The same group of Democrats wrote last week to EPA Inspector General Arthur Elkins asking him to expand his probe of Pruitt's travel.

To view online:
https://www.politicopro.com/energy/whiteboard/2018/02/house-dems-press-pruitt-for-more-info-on-travel-646305

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

APR 27 2018

OFFICE OF
CHIEF FINANCIAL OFFICER

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This supplements the U.S. Environmental Protection Agency's response to your letter, dated February 20, 2018, regarding past air travel of Administrator Pruitt. As the Controller in the Office of the Chief Financial Officer, I am responsible for developing, managing, and supporting the agency's federal financial management programs. As part of these functions, I also oversee EPA's travel program to ensure compliance with federal travel regulations.

As you know, travel for executive branch agencies is regulated by the Federal Travel Regulation, which the General Services Administration issues. The FTR states that "[w]hen exceptional security circumstances require other than coach-class airline accommodations," an agency "may authorize/approve first class accommodations" 41 C.F.R. § 301-10.123(a)(3). "Exceptional security circumstances are determined by [an] agency and should only be authorized up to the minimum other than coach-class accommodation necessary." *Id.* These circumstances include, but are not limited to, situations when the "[u]se of coach-class accommodations would endanger [one's] life or Government property" or an agent on protective detail is "accompanying an individual authorized to use other than coach-class accommodations." *Id.* § 301-10.123(a)(3)(i), (ii). The regulations for an agency to approve/authorize business-class accommodations mirror those for first-class accommodations. *See* 41 C.F.R. § 301-10.123(b)(2).

Pursuant to FTR § 301-50.3, all reservations must be made in the agency's Electronic Travel System, Concur, or by calling the EPA's Travel Management Center, BCD Travel. Travelers must call BCD Travel directly for all other than coach-class travel accommodations. BCD Travel also has a VIP hotline that typically assists with political senior leadership travel reservations, which includes the EPA Administrator. When official federal government travel is necessary, an itinerary for the trip is given to a travel preparer. The travel preparer will then log into Concur and book reservations for the trip, as well as start the Travel Authorization to fund the trip. For the EPA Administrator, the travel preparer will call the VIP hotline directly to make travel accommodations. Travel authorizations requesting other than coach-class accommodations will then obtain prior approval by the EPA Senior Resource Official for the class of service being used by citing the relevant exceptions within the FTR and submitting a request to the proper agency authority. Proof of the exception approval would be noted in the system, attained by a memorandum, and attached to the Concur TA. In addition to airline travel exceptions, additional

authorization would be needed in Concur for exceptions, including but not limited to, using a non-contract carrier, actual lodging exceeding per diem rate by 150 percent or more, and rental car reservations.

Each time a traveler, including the EPA Administrator, requests other than coach-class accommodations and cites the security circumstances exception, the travel preparer will confer with EPA's Office of Criminal Enforcement and Forensic Training, Protective Service Detail. OCEFT, along with other partners in the Agency that have a role in law enforcement, reviews collected information related to an actual or potential threat and develops a security threat assessment in advance of travel, to confirm the security needs. OCEFT reviews all known individuals who have previously threatened or expressed an inappropriate/unusual interest in the EPA Administrator. After receiving confirmation, the travel preparer would note the exception in Concur and attach a memorandum to notify the authorizer that the security concerns still existed.

Once all reservations are booked, they are included in the TA, where all the non-reservation expenses (*e.g.*, meals, taxis, etc.) are also added. Upon completion of this process, the preparer can sign the TA on the traveler's behalf and send it to the authorizer, who would look to see that the trip is justified and all expenses are reasonable. After the trip is reviewed and approved by the authorizer, it is sent to the funder to allocate funding and to ensure that the appropriate justifications are included. For the EPA Administrator, once his trip is approved by the authorizer, his reservations will be ticketed and he can conduct his official business travel.

Once the traveler returns from the official business trip, the traveler hands all the expense receipts from the trip to the travel preparer. The preparer then creates a voucher based on the receipts, adjusting the estimates from the TA to match the actual incurred cost. When the voucher is complete, it must be reviewed and signed by the traveler before moving to the next step in the process. The traveler's signature attests that all expenses are accurate to their knowledge and justified for official travel. After the traveler signs the voucher, it would go to the authorizer for review and approval. The authorizer would ensure all costs are reasonable, match the receipts provided, and all expenses are justified. Once it is signed by the authorizer, the voucher is sent to EPA's payment office. The payment office verifies that expenses match receipts; approvals are attached for any exceptional expenses, and pays the voucher.

Enclosed please find supplemental information and documentation responsive to your request for official air travel of the Administrator, including airfare and other travel information.

Sincerely,

Jeanne Conklin

Jeanne Conklin
Controller

Enclosures

cc: Eric Baptist
Holly Greaves
David Bloom
Kevin Minoli
Henry Barnet
Elise Packard
RobinH Richardson
Susan Bodine
Meshell Jones-Peeler
Marcella Burke
Jessica Taylor

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
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CC: Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: FINAL Gowdy
Attachments: Gowdy Air Travel (03.20.2018)MLSGTL Edits.docx Ex. 5 - Deliberative Process
Importance: High

I have coordinate with Sarah. Please see the final version that has been approved by SP per Sarah.

Please let me know if there are concerns—we will notify everyone BEFORE this goes live.

From: Greenwalt, Sarah
Sent: Tuesday, March 20, 2018 4:10 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Re: Gowdy

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 20, 2018, at 4:07 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Sarah— Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Matt— Ex. 5 - Deliberative Process

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 - Personal Privacy (cell)

Message

From: Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]
Sent: 3/20/2018 7:57:20 PM
To: AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]
Subject: News Clips - 20 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Regional Roundtable

Daily Caller - EXCLUSIVE: Scott Pruitt Will End EPA's Use Of 'Secret Science' To Justify Regulations

The Hill - Pruitt to restrict the use of data to craft EPA regulations

Politico - Pruitt plans to change EPA policy on scientific studies

E&E Greenwire - Details lacking as Pruitt attacks 'secret science'

NJ.com - Trump administration plans to force polluters to clean up N.J. Superfund sites

Albuquerque Journal - EPA close to settling claims on mine spill

National Leadership Summit

E&E Greenwire - EPA plans summit on politically toxic nonstick chemicals

AP - EPA pledges new plan on contaminant from non-stick coatings

Administrator Pruitt's Travel

Washington Post - Travel costs for EPA chief's security detail topped $30,000 on Italy trip

The Hill - Cost of Pruitt's Italy trip rises above $84,000

Reuters - EPA chief's security detail on Italy trip cost $30,000: document

Politico - Security for Pruitt's Italy trip cost $31K

AP - New travel costs revealed for EPA head amid ongoing scrutiny

Superfund

Detroit News - Mich. to begin oil refinery cleanup on Muskegon lake

AP - Michigan to begin oil refinery cleanup on Muskegon lake

AP - Feds add a week for comments about Superfund proposal

New Hampshire Public Radio - Seacoast Reps. Sue for Coakley Group Records as Portsmouth Prepares to Release Toxic Waste Documents

EPA Staff

E&E Greenwire - Pruitt aide didn't have to sign Trump ethics pledge

E&E Greenwire - Water chief recuses himself on Pebble, but not Chesapeake Bay

Politico - EPA wants nominees for key air quality advisory panel

Litigation

E&E Greenwire - D.C. Circuit upholds Obama-era haze rule

AP - Company that leases farm land on Navajo agrees to fine

General

Politico - Pruitt proposes changes to refinery rules he says will save millions

E&E Daily - Republicans question Pruitt's Pebble commitment

Politico - GOP lawmakers air 'serious concerns' about Pruitt's Pebble decision

Washington Examiner - EPA to hold national summit on chemicals found in drinking water

Bloomberg - Let Pruitt Do It: EPA Rules Rollback Means Fewer Riders on Bill (*Audio)

BNA - Manufacturers Want Clarity on Chemicals EPA Will Scrutinize

BNA - EPA Action on Fuel Chemical in Drinking Water One Step Closer

E&E Daily - Deal elusive with riders, some funding unsettled

Reuters - Trump administration preparing list of possible biofuels tweaks: sources

Washington Post - Bothered by fragrances? This story will be a breath of fresh air.

+++

Daily Caller
http://dailycaller.com/2018/03/19/epa-scott-pruitt-secret-science/

EXCLUSIVE: Scott Pruitt Will End EPA's Use Of 'Secret Science' To Justify Regulations
By Michael Bastasch, 3/19/18, 9:06 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt will soon end his agency's use of "secret science" to craft regulations.

"We need to make sure their data and methodology are published as part of the record," Pruitt said in an exclusive interview with The Daily Caller News Foundation. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations.

EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public.

"When we do contract that science out, sometimes the findings are published; we make that part of our rule-making processes, but then we don't publish the methodology and data that went into those findings because the third party who did the study won't give it to us," Pruitt added.

"And we've said that's fine — we're changing that as well," Pruitt told TheDCNF.

Conservatives have long criticized EPA for relying on scientific studies that published their findings but not the underlying data. However, Democrats and environmental activists have challenged past attempts to bring transparency to studies used in rule making.

Texas Republican Rep. Lamar Smith pushed legislation to end the use of what he calls "secret science" at EPA. Pruitt instituted another policy in 2017 backed by Smith against EPA-funded scientists serving on agency advisory boards.

"If we use a third party to engage in scientific review or inquiry, and that's the basis of rulemaking, you and every American citizen across the country deserve to know what's the data, what's the methodology that was used to reach that conclusion that was the underpinning of what — rules that were adopted by this agency," Pruitt explained.

Pruitt's pending science transparency policy mirrors Smith's HONEST Act, which passed the House in March 2017. Smith's office was pleased to hear Pruitt was adopting another policy the House Committee on Science, Space and Technology chairman championed.

"The chairman has long worked toward a more open and transparent rule-making process at EPA, and he looks forward to any announcement from Administrator Pruitt that would achieve that goal," committee spokeswoman Thea McDonald told TheDCNF.

Junk science crusader Steve Milloy also called on EPA to end its use of "secret science" in rule making, especially when it comes to studies on the toxicity of fine particulates in the air.

EPA has primarily relied on two 1990s studies linking fine particulate pollution to premature death. Neither studies have made their data public, but EPA used their findings to justify sweeping air quality regulations.

Reported benefits from EPA rules are "mostly attributable to the reduction in public exposure to fine particulate matter," according to the White House Office of Management and Budget report. That's equivalent to billions of dollars.

In fact, one of EPA's most expensive regulation on the books, called MATS, derived most of its estimated benefits from reducing particulates not from reducing mercury, which the rule was ostensibly crafted to address.

EPA estimated MATS would cost $8.2 billion but yield between $28 billion to $77 billion in public health benefits. It's a similar story for the Clean Power Plan, which EPA estimated would cost $8.4 billion and yield from $14 billion to $34 billion in health and climate benefits.

Democrats and environmentalists have largely opposed attempts to require EPA rely on transparent scientific data. Said data would restrict the amount of studies EPA can use, but a major objection is making data public would reveal confidential patient data, opponents argue.

"A lot of the data that EPA uses to protect public health and ensure that we have clean air and clean water relies on data that cannot be publicly released," Union of Concerned Scientists representative Yogin Kothari told E&E News.

"It really hamstrings the ability of the EPA to do anything, to fulfill its mission," Kothari said.

Milloy, however, countered and argued it's a "red herring" to claim that forcing regulators to use public science data would harm patient privacy.

"The availability of such data sets is nothing new," said Milloy, publisher of JunkScience.com and senior fellow at the Energy and Environmental Legal Institute.

"The state of California, for example, makes such data available under the moniker, 'Public Use Death Files,'" Milloy said. "We used such data in the form of over two million anonymized death certificates in our recent California study on particulates and death."

"Opponents of data transparency are just trying to hide the data from independent scrutiny," Milloy added. "But the studies that use this data are taxpayer-financed, and they are used to regulate the public."

The Hill
http://thehill.com/policy/energy-environment/379276-pruitt-to-restrict-the-use-of-data-to-craft-epa-regulations
Pruitt to restrict the use of data to craft EPA regulations
By Timothy Cama, 3/20/18, 9:53 AM

The Trump administration is planning to put new restrictions on the kind of scientific studies and data that the Environmental Protection Agency (EPA) can use to craft its regulations.

The EPA wants to stop using scientific findings whose data and methodologies are not public or cannot be replicated, the Daily Caller reported Tuesday.

It aligns in part with a years-long effort by House Science, Space and Technology Committee Chairman Lamar Smith (R-Texas) to stop the use of "secret science" at the EPA.

Critics have said the effort could hamper the use of health studies for which privacy is a concern, or external studies for which the EPA does not own the data.

"We need to make sure their data and methodology are published as part of the record," Pruitt told the Daily Caller. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

Pruitt said studies completed outside of the EPA could be particularly impacted, but the EPA's own research might also need to change.

"If we use a third party to engage in scientific review or inquiry, and that's the basis of rulemaking, you and every American citizen across the country deserve to know what's the data, what's the methodology that was used to reach that conclusion that was the underpinning of what — rules that were adopted by this agency," he told the Daily Caller.

E&E News first reported Pruitt's intentions Friday, based on a closed-door speech he gave to the conservative Heritage Foundation recently.

Yogin Kothari of the Union of Concerned Scientists said Pruitt's forthcoming policy is merely an effort to restrict the EPA's ability to regulate.

"A lot of the data that EPA uses to protect public health and ensure that we have clean air and clean water relies on data that cannot be publicly released," he told E&E.

"If EPA doesn't have data to move forward with a public protection for a safeguard, it doesn't have to do that at all," Kothari said. "It really hamstrings the ability of the EPA to do anything, to fulfill its mission."

Smith's "secret science" legislation consistently passed the House, but ran into veto threats by former President Obama. It also failed to garner the needed 60 votes to pass the Senate.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-plans-to-change-epa-policy-on-scientific-studies-843621
Pruitt plans to change EPA policy on scientific studies
By Alex Guillen, 3/20/18, 10:38 AM

EPA Administrator Scott Pruitt plans to change how the agency considers scientific information when writing regulations in a way that likely will exclude certain studies, he told the Daily Caller.

Pruitt told the news site he will reverse longtime agency policy to require that any studies used to support regulations make their raw data available for review and replication by independent scientists.

"We need to make sure their data and methodology are published as part of the record," Pruitt said. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

The changes are in line with legislation that House Science Chairman Lamar Smith (R-Texas) has pushed for years, but which was never been passed by the Senate. Democrats, environmentalists and scientific groups have long criticized that legislation as an attempt to cherry-pick data friendly to industry from the voluminous body of epidemiological science. And EPA already releases significant amounts of this data, they said.

CBO said last year the changes "would significantly reduce the number of studies that the agency relies on." And although EPA said it could make the changes at little to no cost, CBO estimated it would spend $5 million from 2018 through 2022. EPA previously told CBO it would have to spend $250 million a year scrubbing information from thousands of studies "to ensure the transparency of information and data supporting some covered actions."

WHAT'S NEXT: Pruitt did not say when he will issue a formal directive changing EPA's science policy.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076849/search?keyword=EPA
Details lacking as Pruitt attacks 'secret science'
By Scott Waldman, 3/20/18

U.S. EPA is not releasing details of its plan to make science at the agency more transparent.

EPA will require that data and methodology from studies used to craft regulations be made public. In addition, studies that receive EPA funding must make data public.

EPA spokesman Jahan Wilcox would not release additional information about the plan and referenced Administrator Scott Pruitt's comments to the conservative news organization The Daily Caller. The agency sent that publication the article as a press release but did not otherwise lay out any details.

"We need to make sure their data and methodology are published as part of the record," Pruitt told the outlet. "Otherwise, it's not transparent. It's not objectively measured, and that's important."

E&E News first reported on the plan to restrict science on Friday (Climatewire, March 16). The plan has long been on the wish list of industry leaders as well as conservative think tanks and lawmakers. It is based on a bill, the "Honest and Open New EPA Science Treatment (HONEST} Act" (H.R. 1430), pushed by Rep. Lamar Smith (R-Texas), who routinely accuses federal climate scientists of conspiracy and biased results. Smith has been unable to advance his bill through the GOP-controlled Senate.

"If we use a third party to engage in scientific review or inquiry, and that's the basis of rulemaking, you and every American citizen across the country deserve to know what's the data, what's the methodology that was used to reach that conclusion that was the underpinning of what — rules that were adopted by this agency," Pruitt told The Daily Caller.

Critics say Pruitt's efforts are designed to restrict rulemaking at the agency and would prioritize industry research over academic and independent science (Climatewire, March 19). Scientists have pointed out that the data in a number of groundbreaking public health studies may not be available.

In crafting regulations, EPA relies on a wide variety of studies, some of which were conducted decades ago. In some cases, the researchers are now dead. In others, releasing data could violate public health disclosure laws. In addition, gathering data and publicizing it can be an extensive process and one that researchers may not be willing to disclose.

The directive is designed to allow industry researchers a chance to tear down studies, said Bernard Goldstein, dean emeritus of the University of Pittsburgh Graduate School of Public Health and the Reagan-era EPA assistant administrator for research and development.

"What's going to happen with an 'HONEST Act' approach is that industry will take data out of context," he said. "They will get people who are being paid by industry to nitpick that data, and they will come out and say, 'Aha, they get it all wrong.'"

The danger of the directive is that it could quickly spread to other agencies, such as the Food and Drug Administration, where industry is trying to weaken studies that undergird regulations, Goldstein said.

A significant question is whether the agency would apply the directive to regulations now in place or only to new regulations. Career staff at the agency have estimated the cost of implementing the plan could be $250 million annually for the first few years. Pruitt's EPA has pushed back on that estimate, saying it would be effectively zero and implying that the agency would not take up new regulations.

Publicizing the data in some EPA actions, which often come after years of research, could be extensive. For example, risk assessments for certain chemicals sometimes cite hundreds or even thousands of studies, all of which would have to be tracked down for data collection, according to the EPA career staff analysis of the "HONEST Act." Requiring data transparency would cost hundreds of millions of dollars because it would require EPA staff to track down data from study authors and create an online management system to store and present that data, the analysis found. In addition, EPA staff would have to spend time redacting personally identifiable information in the studies, and study authors would likely require payments for preparing and sending their data, which can take a significant amount of time.

Pruitt is now reviewing the Clean Power Plan, which would restrict pollution from power plants, and the new directive could have significant implications for that rule. In addition, the agency must review the Clean Air Act, which protects the public from air pollution, and the new rule could dramatically limit the research used in that rule.

The new EPA policy is the second science-based initiative Pruitt adapted from bills that Smith, the outgoing chairman of the House Science, Space and Technology Committee, could not get passed through Congress. Last year, Pruitt declared that the agency's science advisers could not receive grants from the agency, which restricted a number of academic researchers who were then replaced by industry-friendly scientists.

NJ.com
http://www.nj.com/politics/index.ssf/2018/03/how_the_trump_administration_plans_to_clean_up_nj.html
Trump administration plans to force polluters to clean up N.J. Superfund sites
By Jonathan D. Salant, 3/20/18, 8:18 AM

WASHINGTON -- The Environmental Protection Administration plans to step up efforts to get the companies who dumped toxic waste at New Jersey's Superfund sites to pay to clean them up, administrator Scott Pruitt said.

Pruitt on Monday blamed a lack of urgency, not a lack of funding, for the lack of progress in cleaning up the sites. New Jersey has 114 designated Superfund sites, the most in the nation, including three of Pruitt's 21 highest-priority locations.

"I'm going to get accountability with whomever it is on these Superfund sites and we will use every means of enforcement to do so," Pruitt told a group of Washington-based reporters from local news outlets, including NJ Advance Media. "I don't think we've done it as well as we should have historically and we're going to do better going forward."

While President Donald Trump has proposed cutting EPA's budget, Pruitt said the agency will have the money it needs by ensuring that the companies responsible for the contamination clean it up.

"Most of our sites across the country have a responsible party," Pruitt said. "We have very few orphan sites."

The three high-priority sites in New Jersey, again more than any other state, are in Bridgewater, Bergen County and Newark.

"I don't think we've been as aggressive in using our strength and our authority to get accountability at some of these sites and, moreover, to get it done timely," Pruitt said. "The New Jersey sites, we have several of those and we're going to work hard and diligently to get accountability into those areas."

Environmentalists, though, said they're concerned that the EPA won't really force companies to pay to clean up the sites.

"Will he go after them sue them and compel them to clean, or will be just do clean up on paper and just get them off the list," said Jeff Tittel, director of the New Jersey Sierra Club. "We think he wants to take them off the list without having the sites cleaned up."

Tittel, who said Pruitt is undercounting the orphan sites, said companies responsible for the pollution fight EPA's efforts to make them pay, and it remains to be seen what the agency will do to force them to open their wallets.

"The responsible parties drag their feet because they don't want to spend a lot of money," Tittel said. "The question becomes: What will they do to make them spend their money?"

The company responsible for some of New Jersey's Superfund sites is Dow Chemical. Dow's senior attorney, Peter Wright, has been nominated to run the EPA Office of Land and Emergency Management, the agency the oversees Superfund cleanups.

Pruitt said that career employees are responsible for determining whether an EPA official must recuse himself from particular projects.

The administrator also called for renewed efforts to replace pipes that are leaching lead into water supplies. A report last year said 300 schools in 95 New Jersey districts had fountains with lead exceeding federal standards.

Pruitt said states and localities, with some federal help, need to borrow money for repairs. Pruitt said Trump's proposed infrastructure plan, which includes $200 billion in federal funds, could supply some financial assistance, though the plan caps the U.S. share at 20 percent.

"It's going to require investment in infrastructure," Pruitt said. "We know what needs to be done. We need to replace those service lines, corrosion control measures. This is infrsturcture at its core. There needs to be an investment made by these states and cities across the country."

The cost of replacing all those lines now leaching lead is $40 billion to $45 billion over 10 years, Pruitt said.

"We can truly eradicate lead from our drinking water if we want to invest that kind of money," he said. "It's a clear and present danger to our citizens and we need to act urgently to address it."

Albuquerque Journal
https://www.abqjournal.com/1148066
EPA close to settling claims on mine spill
By Michael Coleman, 3/19/18, 11:32 PM

WASHINGTON – Environmental Protection Agency Administrator Scott Pruitt said Monday that the federal government is close to finishing its assessment of roughly 400 claims for financial damages stemming from the 2015 Gold King Mine spill, which dumped toxic chemicals into waters in New Mexico, Colorado and Utah, and final recommendations could be ready by the end of the month.

Former EPA Administrator Gina McCarthy, an Obama-era appointee, announced toward the end of her tenure in 2016 that the government would not pay any damages to farmers and others harmed by the toxic spill, arguing it was not allowed under the Governmental Tort Claims Act. But after President Donald Trump appointed Pruitt in early 2017, the former Oklahoma attorney general vowed to re-examine the issue.

"We've been working diligently since last summer to go through each of those (claims), and we are close to finishing," Pruitt said in response to a question from the Journal during a meeting with a small group of reporters in his office Monday.

The August 2015 mine spill occurred when a crew hired by the EPA to mitigate leakage from an old mine site accidentally punctured a containment wall, sending a plume of toxic orange waste out of the defunct Gold King Mine, north of Silverton, Colo. The sludge flowed from the Animas River into the San Juan River, which flows into northern New Mexico and to Utah. Claims totaling more than $1.2 billion have been filed by members of the Navajo Nation and others.

"This agency contributed to a release of toxic materials into the water supply and the Animas River and then walked away," Pruitt said Monday. "It was a de facto, universal, categorical denial of claims. The defenses that have been deployed under the Governmental Tort Claims Act to deny liability, I don't think are there based upon the facts I've reviewed. I think the people of each of those respective states deserve to have their claims processed and if the (toxic) release caused harm and damages, how much? It's fair and right for us to deal with those and make a determination."

Pruitt noted that any claim in excess of $2,500 must be adjudicated by the Department of Justice, but claims below $2,500 can be settled directly by the EPA. He said the 400 claims range from "a couple hundred dollars to more than $10 million."

About 400 private parties submitted requests for a total $318 million, according to EPA documents reviewed by The Associated Press. The claims cited lost wages and business income, ruined vacations, property damage, loss of property value and health problems.

"The last I heard is it's imminent," Pruitt said of the EPA's settlement recommendations, although EPA officials aren't sure when actual payments to claimants could be made. "You've got to determine if it's legitimate or not and then make a decision."

Parties who have filed lawsuits against the EPA in connection with the spill must have their claims adjudicated by the courts, not the EPA.

New Mexico sued the EPA and is seeking at least $130 million in damages.

Spending investigation

In unrelated news, Pruitt told the Journal he would cooperate with a federal General Accountability Office inquiry into the EPA's spending on a "privacy booth" to secure communications in his office.

On Monday, Sen. Tom Udall, D-N.M., wrote Pruitt asking him to comply with the inquiry, noting that the GAO sent its first request of several seeking information to the EPA on Dec. 21, 2017, but the EPA has not responded.

Under section 710 of the Consolidated Appropriations Act of 2017, the administration can't spend more than $5,000 to furnish, redecorate, or make improvements to the office of a presidential appointee without first notifying the House and Senate appropriations committees, according to Udall's office. Published reports have said the booth may have cost more than $43,000.

"I am concerned that the agency may be misleading the committee and the public about the function of the privacy booth while also inappropriately classifying the expense as related to national security in order to avoid proper notification under section 710," Udall, a member of the Senate Appropriations Committee, wrote to Pruitt. "The American people deserve an open and transparent budget process."

Pruitt told the Journal his office would comply with the GAO inquiry, but he declined to discuss the matter further.

"We'll provide whatever information is necessary, and we'll let it speak for that when we send it," Pruitt said. "We'll just respond to the GAO and deal with that in due course."

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076861/search?keyword=EPA
EPA plans summit on politically toxic nonstick chemicals
By Corbin Hiar, 3/20/18

U.S. EPA Administrator Scott Pruitt has invited governors from every state and territory to a two-day meeting on a class of stain- and water-resistant chemicals after concerns about their health effects sank the nomination of his chemical safety adviser.

The National Leadership Summit, as EPA is referring to it, will take place in Washington on May 22 and 23. Governors or their representatives will share information on ongoing efforts to evaluate and respond to contamination from per- and polyfluoroalkyl substances, or PFAS.

"EPA's leadership summit will bring together stakeholders from across the country to build on the steps we are already taking and to identify immediate actions to protect public health," Pruitt said in a news release. "Through this event, we are providing critical national leadership, while ensuring that our state, tribal, and local partners have the opportunity to help shape our path forward."

Using information gathered at the summit and in state visits that will follow it, EPA plans to develop a "PFAS Management Plan" later this year.

The agency currently has no drinking water standards for PFAS, which have been used since the 1940s to make products like Teflon.

But in May 2016 the agency issued health advisories for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), two types of PFAS that U.S. manufacturers had voluntarily phased out the prior year.

"Studies indicate that exposure to PFOA and PFOS over certain levels may result in adverse health effects," EPA said in a Federal Register notice announcing the advisories. Those include testicular and kidney cancer, liver tissue damage, weakened immune systems and increased cholesterol, and developmental problems like low birth weight, accelerated puberty and skeletal variations, the notice said.

To avoid those dangers, EPA advised federal, state and local officials to keep PFOA and PFOS levels below 70 parts per trillion in drinking water.

The advisory, however, is not legally enforceable.

Partially as a result, there are currently 11 states with "site-specific PFAS challenges and problems," according to EPA: These include Colorado, Delaware, Maine, Michigan, New Hampshire, New Jersey, Ohio, Vermont and West Virginia.

The biggest PFAS problems have arguably occurred in Hoosick Falls, N.Y., and the Cape Fear River area of North Carolina.

Last year, EPA declared a plastics manufacturing facility in Hoosick Falls a Superfund site, a designation reserved for the nation's most polluted areas. The agency found the Saint-Gobain Performance Plastics site had contaminated the village's groundwater with dangerous levels of PFOA, trichloroethylene and vinyl chloride (Greenwire, July 31, 2017).

North Carolina regulators are currently battling Chemours Co. over its decision to dump GenX, a newer type of PFAS, into the Cape Fear River.

Dourson derailed by PFAS
The PFAS contamination in New York and North Carolina has already had consequences for Pruitt and EPA.

During the confirmation hearing of Michael Dourson, President Trump's ill-fated pick to lead EPA's chemical safety program, Sen. Kirsten Gillibrand (D-N.Y.), pointing to Hoosick Falls community members in attendance, asked him if he would promise not to weaken the drinking water standard for PFOA. He didn't offer any specifics (E&E Daily, Oct. 5, 2017).

Then Sen. Richard Burr (R-N.C.) cited "the current GenX water issues" as one of his reasons for opposing Dourson. Before briefly working as an adviser to Pruitt, the nominee often did industry-funded research on chemicals like GenX that consistently found them to be safer than government standards recommended (Greenwire, Nov. 16, 2017).

Unified Democratic opposition, along with concerns from Burr and fellow North Carolina Republican Sen. Thom Tillis, ultimately derailed Dourson's confirmation for that post.

The chemical industry welcomed the summit but claimed that GenX and other types of PFAS on the market today are safe.

"We are fully supportive of EPA's efforts to closely evaluate these chemicals," said Jessica Bowman, executive director at the FluoroCouncil, a PFAS industry group administered by the broader American Chemistry Council trade association. Chemours is a FloroCouncil member.

"It is important for everyone to understand that PFAS is a diverse group of chemicals, and the ones that are currently on the market have been thoroughly reviewed by regulators who have relied on a robust body of scientific data supporting the safety of these products for their intended uses," Bowman added. "So we look forward to contributing to this effort and sharing the science-based information on these chemistries with EPA."

AP
https://apnews.com/837c6f17bbfa4fa292650d1419a01ffd/EPA-pledges-new-plan-on-contaminant-from-non-stick-coatings
EPA pledges new plan on contaminant from non-stick coatings
3/19/18

WASHINGTON (AP) — Federal environmental regulators say they'll consult with states on managing contamination from a range of long-used non-stick coatings.

The U.S. Environmental Protection Agency said Monday it would hold a May summit with state officials. The session will focus on a family of industrial chemicals used for decades in everything from non-stick pans to food wrappers to bags for microwaveable popcorn. The chemicals are known as perfluoralkyls and polyfluoralkyls, or PFAs. Studies now link long-term exposure to the industrial chemicals to increased risks of cancer, hormone changes and other disturbances.

Researchers say water supplies serving millions of Americans show potentially dangerous levels of the contaminants.

The EPA says it will use input from state officials to develop a new management plan for the chemicals this year.

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/03/20/on-italy-trip-travel-costs-for-epa-chiefs-security-detail-topped-30000/?utm_term=.15a73ad1b12f

Travel costs for EPA chief's security detail topped $30,000 on Italy trip

By Juliet Eilperin and Brady Dennis, 3/20/18, 2:59 PM

The travel costs for Scott Pruitt's round-the-clock security detail exceeded $30,000 during the Environmental Protection Agency administrator's trip to Italy in June, according to documents released by the agency.

The precise breakdown of what Pruitt's security contingent spent on flights and lodging remains unclear because the agency released only a single, almost totally redacted page, showing that the detail's travel expenses for June 5 to 12 came to $30,553.98. The Environmental Integrity Project, an advocacy group, obtained the records under the Freedom of Information Act.

The latest figures shed new light on how much taxpayers spent to send Pruitt and a coterie of aides to Italy, where they got private tours of the Vatican, met with papal officials and business executives in Rome and briefly attended a conference of environmental ministers in Bologna. The Washington Post previously reported that the trip had cost nearly $90,000, including $36,000 for use of a military jet to catch a flight in New York and a $7,000 premium-class ticket for Pruitt on the transatlantic flight.

The tab for the trip, which also included seven political appointees and two career officials, now appears closer to $120,000.

"That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter," Eric Schaeffer, director of the Environmental Integrity Project, said in a statement Tuesday. "And it doesn't even include salary costs for everyone who signed up for this tour. Maybe next time he should just send his regrets."

EPA officials pushed back, saying the security measures were in line with those for past EPA administrators.

"Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson and Gina McCarthy's trips to Italy," agency spokesman Jahan Wilcox said in an email. "EPA's security procedures have not deviated over the past 14 years."

However, the amount of security has escalated significantly under the current administration because of Pruitt's 24/7 protection since shortly after taking office. He and his aides say the heightened security is necessary given the increased threat level he faces, including vulgar online comments and verbal confrontations during his public appearances. The incidents have included "some very personal, ugly threats," Patrick Sullivan, the EPA assistant inspector general for investigations, told The Post last year.

Henry Barnet, who directs the EPA's Office of Criminal Enforcement, Forensics and Training, said last month that the head of Pruitt's security detail recommended in May he fly in first or business class to provide "a buffer" between him and the public. The memo by Pasquale "Nino" Perrotta was prompted by an incident that month when a person approached Pruitt "with threatening language" that was "vulgar," Barnet said.

Separately Tuesday, Sen. Sheldon Whitehouse (D-R.I.) asked the EPA's inspector general to investigate whether the agency's spending on Pruitt's security detail is "excessive or inappropriate and whether it detracts from the agency's ability to investigate environmental crimes."

Whitehouse's letter cites various instances in which Pruitt's detail accompanied him around the clock even when he was not conducting official business, including when he attended the Rose Bowl game in January and later took his family to

Disneyland. Whitehouse asked investigators about costs associated with such trips, namely how much taxpayers are responsible for.

"While I consider matters of personal security to be extremely serious," the senator wrote, "personal security should never be used as a pretext to obtain special treatment."

The Hill
http://thehill.com/policy/energy-environment/379295-pruitts-security-detail-cost-30000-for-italy-trip
Cost of Pruitt's Italy trip rises above $84,000
By Timothy Cama, 3/20/18, 11:37 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt spent more than $30,000 on security related expenses during his travel to Italy last summer, official documents show.

New EPA travel documents show Pruitt's personal security detail racked up $30,553.80 in travel expenses between June 5 and 12 of last year. Added to previously disclosed costs, the documents put the total taxpayer cost of the trip above $84,000.

During that time period, Pruitt was visiting Italy for meetings at the Vatican and to meet with international energy ministers at a summit. The administrator heavily photographed and tweeted about his time abroad.

Travel vouchers previously obtained by the Environmental Integrity Project (EIP) put the cost to taxpayers above $53,000 for the Italy trip, but did not include costs for his 24-hour security detail.

EPA spokesman Jahan Wilcox said the cost for Pruitt's security detail followed protocol.

"Administrator Pruitt's security detail followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years," Wilcox said.

Pruitt's own first-class tickets for the trip cost more than $7,000 and included a return flight on Emirates, an airline that boasts one of the most luxurious first-class services in the world.

An EPA spokesperson previously said the first-class travel was approved through a waiver.

The EIP first obtained the new travel documents Monday after filing a lawsuit against the EPA in September to compel a response to a Freedom of Information Act (FOIA) request. Their initial FOIA request, filed in August, requested "records of expenditures for all travel outside of Washington, DC by Administrator Pruitt, as well as any EPA staff that accompanied Administrator Pruitt" on his Italy trip.

"That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos, and tell his European counterparts that global warming doesn't matter. And it doesn't even include salary costs for everyone who signed up for this tour," said Eric Schaeffer, the EIP's director and former director of the EPA's Office of Enforcement, in a statement.

The new documents come after significant scrutiny and criticism of Pruitt for his travel costs. The EPA's Office of Inspector General has a number of probes into Pruitt's travel, including his use of a round-the-clock security team.

Pruitt is the first EPA administrator to have a 24-hour detail, a decision he said was made by security officials. The detail cost more than $830,000 in his first three months in office, E&E News reported.

The administrator has also faced criticism for flying luxury class during business travel. During much of his tenure at the EPA, Pruitt has only flown first or business class, which the agency argued was necessary for security purposes.

"The quantity and type of threats that I face are unprecedented. They wanted me on a position on the plane to be able to exit expeditiously if an incident arose, and that's why the change arose," Pruitt said of his security detail in an interview last month with CBS News's Major Garrett.

Pruitt has joined numerous Cabinet secretaries in attracting criticism for their use of taxpayer money.

Interior Secretary Ryan Zinke, Veterans Affairs Secretary David Shulkin and Housing and Urban Development Secretary Ben Carson have each had spending-related controversies, while former Health and Human Services Secretary Tom Price resigned due to a scandal regarding his use of charter planes.

Reuters
https://www.reuters.com/article/us-usa-epa-spending/epa-chiefs-security-detail-on-italy-trip-cost-30000-document-idUSKBN1GW29H
EPA chief's security detail on Italy trip cost $30,000: document
3/20/18, 1:21 PM

(Reuters) - The U.S. government spent over $30,000 on personal security for Environmental Protection Agency chief Scott Pruitt during his trip last year to Italy, according to documents obtained by a watchdog group that said the spending was irresponsible at a time of budget cuts.

According to the document, obtained by the Environmental Integrity Project through a Freedom of Information Act request and shown to Reuters, Pruitt's personal security detail racked up $30,553.88 in travel costs from June 5 through June 12, 2017, when Pruitt was in Italy for meetings at the Vatican and to attend a summit of foreign energy ministers.

Previous documents released by EIP showed the cost of Pruitt's trip to Italy at $43,000, not including the security detail. The new documents, which include airfare and expenses for Pruitt, his career and political staff, and his security detail, put the cost over $80,000, EIP calculated.

"Mr. Pruitt's trip to Rome last summer cost the taxpayers over $84,000," said Eric Schaeffer, EIP's director. "That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos, and tell his European counterparts that global warming doesn't matter," he said.

Spending by top officials in the Trump administration has come under more scrutiny by critics at a time when federal agencies have been making sharp budget cuts. Lawmakers have also criticized Pruitt for frequently flying first-class, and for spending tens of thousands of dollars on a secure sound-proof telephone booth for his office.

EPA spokesman Jahan Wilcox said the security detail "followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years."

It was unclear from looking at the document how many members were in the security detail, and no breakdown of the spending was provided.

EIP has been critical of Pruitt's statements questioning the causes of global climate change and his efforts to roll back environmental protections.

EPA has said Pruitt has flown first-class as a security measure, and that the administrator does not make decisions relating to his security detail.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/security-for-pruitts-italy-trip-cost-31k-844666
Security for Pruitt's Italy trip cost $31K
By Emily Holden, 3/20/18, 11:57 AM

The cost for the security team to accompany EPA Administrator Scott Pruitt on a trip to Italy for international meetings in June totaled nearly $31,000, bringing the price tag for Pruitt's trip to at least $120,000, according to public records released to the Environmental Integrity Project under a lawsuit.

The additional expenditures include airline fare, lodging and accommodations for Pruitt's security guards, EIP said. EPA would not disclose whether any security staff flew first or business class alongside Pruitt, the group said.

Information obtained by EIP last month showed the four-day trip by Pruitt and his staffers cost about $53,000 in expenses. Pruitt also spent $36,000 on a military flight to New York to catch a plane to Rome for meetings ahead of the G-7 Environment Ministerial in Bologna, after attending an infrastructure event with the president in Cincinnati.

Pruitt appeared briefly at the G-7 talks before returning to Washington for a Cabinet meeting.

AP
https://apnews.com/7c35a9f631344fa0ba87b09b28ee5927/New-travel-costs-revealed-for-EPA-head-amid-ongoing-scrutiny
New travel costs revealed for EPA head amid ongoing scrutiny
By Michael Biesecker, 3/20/18

WASHINGTON (AP) — Environmental Protection Agency Administrator Scott Pruitt spent more than $120,000 in taxpayer funds last summer for a trip to Italy that included a meeting of G-7 ministers and a private tour of the Vatican.

The known cost of Pruitt's previously reported trip grew this week after the agency disclosed a highly redacted document showing expenses for Pruitt's security detail cost more than $30,500. That's on top of nearly $90,000 spent for food, hotels, commercial airfare and a military jet used by Pruitt and his staff.

Pruitt has defended his frequent travel, the full cost of which hasn't been publicly revealed. That includes sitting in first class, which he described as a security precaution.

Spokesman Jahan Wilcox said the security procedures for Pruitt were the same as for prior EPA chiefs.

The Detroit News
https://www.detroitnews.com/story/news/local/michigan/2018/03/19/mich-begin-oil-refinery-cleanup-muskegon-lake/33081455/
Mich. to begin oil refinery cleanup on Muskegon lake
3/19/18, 12:17 PM

North Muskegon – Officials will soon begin cleaning up lead and petroleum contamination from a former oil refinery in western Michigan.

The Muskegon Chronicle reports that the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality hope to make significant progress this year at the former Zephyr Oil Refinery site in Muskegon Township.

Sara Pearson is a unit supervisor for the DEQ's remediation and redevelopment division. She said Thursday the effort aims to remove 44,000 cubic yards (33,600 cubic meters) of contaminated soil and sediments from the site and nearby wetlands.

Cleanup crews will inject a liquid chemical agent in the soil at the site. The compound will break down the harmful underground petroleum deposits. A hydraulic vacuum truck will suck up leftover chemicals and un-oxidized soil.

AP
https://apnews.com/72b0b0c0320f43b482df02683bca0fc4/Michigan-to-begin-oil-refinery-cleanup-on-Muskegon-lake
Michigan to begin oil refinery cleanup on Muskegon lake
3/19/18

NORTH MUSKEGON, Mich. (AP) — Officials will soon begin cleaning up lead and petroleum contamination from a former oil refinery in western Michigan.

The U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality hope to make significant progress this year at the former Zephyr Oil Refinery site in Muskegon Township, the Muskegon Chronicle reported .

The effort aims to remove 44,000 cubic yards of contaminated soil and sediments from the site and nearby wetlands, said Sara Pearson with the DEQ's remediation and redevelopment division.

"Our beautiful beach sand is black, it smells awful and is full of petroleum, so we needed to get it out," Pearson said.

An estimated 150,000 gallons of petroleum percolated underground and spread once it hit the water table, she said.

"The ground water helped it move," Pearson said. "It was most unfortunate then that the refinery has a groundwater divide underneath. That made the problem spread to about 100 acres."

The Muskegon River's strong current helped pull contaminants away from drinking wells, she said.

Cleanup crews will inject a liquid chemical agent in the soil at the site. The persulfate oxidizer compound will break down the harmful underground petroleum deposits. A hydraulic vacuum truck will suck up leftover chemicals and un-oxidized soil. Crews will begin in the middle of the site and work outward.

"We know where the heavy spots are and where to target," Pearson said. "We're working in one grid at a time, and we have other wells out there that we can monitor and see how much we're influencing. If we haven't influenced enough or got enough out, we will 'wash, rinse and repeat.'"

The EPA and the DEQ will monitor the site to watch for deposits that may have been overlooked, she said.

Muskegon Lake is one of 43 toxic hotspots the United States and Canada have identified along the Great Lakes basin.

AP
https://apnews.com/26a11609ab144d1d93a19c1a360ba519/Feds-add-a-week-for-comments-about-Superfund-proposal
Feds add a week for comments about Superfund proposal
3/19/18

GRENADA, Miss. (AP) — Federal officials are giving people another week to comment about whether a polluted Mississippi industrial site should go on the national Superfund cleanup list.

Listing the Rockwell International Wheel & Trim site in Grenada would make it eligible for long-term cleanup money.

Forty-two comments had been submitted as of Monday, when the comment period was scheduled to end.

The U.S. Environmental Protection Agency extended it until March 26.

Ohio-based Ice Industries now operates part of the 40-acre complex as Grenada Stamping.

The industrial solvent trichloroethene was used there in manufacturing and chrome plating. It's been found on site, in an adjacent neighborhood, in a creek and at a dump site. Residents of the Eastern Heights neighborhood have long complained about contamination.

New Hampshire Public Radio
http://nhpr.org/post/seacoast-reps-sue-coakley-group-records-portsmouth-prepares-release-toxic-waste-documents#stream/0
Seacoast Reps. Sue for Coakley Group Records as Portsmouth Prepares to Release Toxic Waste Documents
By Annie Ropeik, 3/19/18

The city of Portsmouth says it expects to release a trove of documents about toxic waste cleanup at Coakley Landfill Superfund Site around the end of this month.

It comes as a group of Seacoast lawmakers files suit to get records from the entities responsible for that pollution, known together as the Coakley Landfill Group.

When the landfill first became a Superfund site in the 1990s, an Environmental Protection Agency settlement laid out who belongs in that group and what share of the overall environmental damage each is responsible for.

Almost two-thirds of that damage is attributed to municipalities – primarily Portsmouth, as well as the towns of Newington and North Hampton. The rest is split among more than two dozen private businesses.

But some state representatives argue the Coakley Group's communications and financial records still constitute public information.

On Friday, Rockingham County Reps. Mindi Messmer, Renny Cushing, Phillip Bean, Henry Marsh and Mike Edgar, along with former Portsmouth Assistant Mayor James Splaine, sued in Superior Court to get those records. (Read a draft of the lawsuit.)

Earlier this year, those plaintiffs filed requests under the state's Right-to-Know law with the Coakley Group, as well as with Portsmouth, Newington and North Hampton.

Coakley Group chair and Portsmouth city attorney Robert Sullivan responded in early February. He said the city of Portsmouth hoped to fill its part of the request within six weeks, but the Coakley Group could not.

"Who do they report to? What kind of entity are they? It's all very murky to us."
"Because the Coakley Landfill Group is a voluntary association of parties and not a governmental entity the Right-to-Know law would not apply to the Coakley Landfill Group," Sullivan wrote. (Read his entire letter.)

Messmer disagrees, but says Coakley's parameters as a public-private entity aren't clear.

"Who do they report to? What kind of entity are they? Who do they have to tell where their expenditures are going? It's all very murky to us," she says.

Her new lawsuit seeks records on how the Coakley Group handled at least $10 million in public funds. Some of that money was initially supposed to fund a comprehensive treatment system for contamination at the Superfund site.

"We just want to get to where all this money went, why was the system never installed, and try and work toward finding a solution right now that works for the communities of the Seacoast," Messmer says.

The goal, she says, is making that erstwhile treatment system a reality, and preventing potential leaching of contamination from Coakley into surrounding towns' drinking and groundwater.

Messmer also sponsored legislation in the State House this session that would have spurred the release of Coakley documents. She says the issue is currently on track for interim study.

Messmer did get House approval for another Coakley bill, which would compel the state Department of Environmental Services to get money from the Coakley Group for remediation. That proposal goes next to the Senate.

Meanwhile, a hearing on the public records suit is set for April 12 in Rockingham Superior Court.

It's unclear whether Portsmouth's documents will answer the questions lawmakers have raised.
But Robert Sullivan says Messmer and her colleagues may get some of the answers they're looking for before then, when Portsmouth fills its part of their records request.

Sullivan says they're preparing to release reams of paper files spanning the 26-year history of the Coakley Group and the Superfund site.

"The completion of that calls for assembling a tremendous number of documents – certainly over a hundred thousand pages," Sullivan says.

He expects that work to be complete, and the documents available for public review, "on or about March 28."

It's unclear whether the city of Portsmouth's documents will overlap enough with Coakley Landfill Group records to answer the questions lawmakers have raised.

Sullivan says he views some of those issues, such as the spending of federal money on the landfill, "as a matter of public record." He says he expects to produce documents about them as part of this month's release.

Messmer remains skeptical.

“The city of Portsmouth was not the only responsible party in this, and so we don’t know that we’ll get the types of things that we’re looking for,” she says. “There’s going to be a whole set of records that we will not be able to access through just the city.”

And she’s not optimistic the answers lie in any EPA records. The agency manages the settlement that formed the Coakley Group, but Messmer says federal officials don't have much oversight of the group’s finances.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076851/search?keyword=EPA
Pruitt aide didn't have to sign Trump ethics pledge
By Kevin Bogardus and Amanda Reilly, 3/20/18

One of U.S. EPA Administrator Scott Pruitt's top aides wasn't required to sign President Trump's ethics pledge.

Byron Brown, deputy chief of staff for policy, was hired in an "administratively determined" position — a unique hiring authority held by the agency under the Safe Drinking Water Act. Consequently, Brown was not designated as a political appointee and didn't have to abide by the pledge.

"Because I am in an Administratively Determined position, I have been advised by [Office of General Counsel]/Ethics that I am not considered an appointee for the purposes of Executive Order 13770 and therefore not required to sign the Trump Ethics Pledge," Brown said in his recusal statement, obtained by E&E News under the Freedom of Information Act.

Brown did note that as an executive branch employee, he was subject to federal impartiality standards and that he had a "covered relationship" with his spouse's employer, Hess Corp. According to his statement, dated last Sept. 26, Brown has recused himself from matters that would have an impact on Hess — even issues of "general applicability" that are focused on oil and gas exploration and production as well as oil and gas processing and transportation.

Brown's recusal lasts until his spouse is no longer employed by Hess. But he is not recused from "broad policy deliberations" related to "diverse interests," such as EPA's risk management plan rulemaking, which was specifically cited by the EPA official.

The Obama-era regulation would require chemical plants to draft plans to prepare for potential disasters. It was originally scheduled to be implemented in March 2017, but Trump's EPA has since delayed the rule for nearly two more years, a decision that is being challenged in court.

Brown is one of several former aides to Sen. Jim Inhofe (R-Okla.) to join EPA under Pruitt. Last year, he was picked to serve on the agency's regulatory reform task force, which was tasked with identifying rules for repeal or modification.

EPA press officials didn't respond to a request for comment from E&E News, including to a question on whether Brown planned to sign the Trump ethics pledge.

Other senior officials have avoided signing the president's ethics pledge.

Nancy Beck, deputy assistant administrator in EPA's chemicals office, was also brought on in an administratively determined slot and didn't sign the pledge. That attracted scrutiny due to her prior job before joining the agency as a top executive with the American Chemistry Council (Greenwire, Aug. 8, 2017).

EPA can hire up to 30 employees in administratively determined positions under the Safe Drinking Water Act. The specific provision for that hiring authority was added in the law's 1977 amendments. It allows the administrator to bring on new staff "without regard to the civil service laws."

Last year, Democrats on Capitol Hill took notice of the agency's use of the hiring authority and called for probes to see whether it was used to avoid ethics rules. That led to both the EPA inspector general and the Government Accountability Office committing to investigate the matter (Greenwire, Jan. 9).

Jennifer Kaplan, an EPA IG spokeswoman, confirmed to E&E News that the watchdog office's audit of EPA's use of administratively determined positions is still ongoing. Meanwhile, GAO spokesman Chuck Young said the agency's probe is "on hold" because the EPA IG audit is underway and GAO doesn't want to overlap with that investigation.

"We don't want to duplicate efforts," Young said. "We will make a determination on whether there are still questions for GAO to examine once the IG work is completed."

Lobbyists pledge not to lobby

Like Beck, other top EPA officials have grabbed attention for industry ties. Democratic senators questioned the hire of Tate Bennett at the agency last year due to her previous lobbying work for the National Rural Electric Cooperative Association, a powerful utility trade group (Greenwire, May 16, 2017).

Bennett, who leads EPA's public engagement office, said in a recusal statement dated last November that she is prohibited from participating in "any particular matter" involving NRECA. Her recusal lasts until March 19 next year — two years after she joined government service.

She also noted that she "personally lobbied" on matters that might arise at EPA, but only in her "final months" on the job with the utility trade group — specifically the Clean Power Plan, ozone standards and coal combustion residual issues. Bennett said she wouldn't participate in discussions about those issues, although she can be involved in "logistical matters," such as setting up meetings. She will seek guidance from ethics officials if she is asked to participate "in a more substantive role" in those issues.

Other records obtained under FOIA show that Bennett has signed Trump's ethics pledge, as well. So did Pruitt, just a few days after he was confirmed as EPA administrator by the Senate in February 2017.

Like Bennett, other top EPA officials have pledged to stay away from their prior employers.

Troy Lyons, who leads EPA's congressional and intergovernmental relations office, was a Hess lobbyist before coming to the agency. Before he worked at Hess, he had lobbied for BP PLC.

In his recusal statement, Lyons said he was banned from being involved in matters with Hess and BP. His recusal will expire in April 2019.

He noted that during the previous two years, he had lobbied Congress on the renewable fuel standard, crude oil exports, offshore air emissions and methane emissions — issues that are before EPA. Yet as head of congressional affairs, Lyons said, he wouldn't be involved in the "strategy, development or implementation" of those matters, although he would consult with ethics officials if he did become more involved.

Henry Darwin, assistant deputy administrator at EPA, said in his recusal statement that he would abide by an "one-year cooling off period" with his former employer, the state of Arizona. His recusal lasts until July 4 this year and doesn't extend to matters of "general applicability," like rulemaking.

Darwin joined EPA last year as its chief of operations after serving as a top aide to Arizona Gov. Doug Ducey (R). He also has been director of the Arizona Department of Environmental Quality.

Darwin also said in his statement that he was recusing himself from "any award, promotion, or any other personnel or administrative matter" that involves his wife, Veronica, who works at EPA, as well.

Veronica Darwin, a senior adviser in EPA's Office of Land and Emergency Management, also has an one-year cooling off period with the state of Arizona, her previous employer, which ends this June, according to her recusal statement.

Richard Yamada, a deputy assistant administrator in EPA's Office of Research and Development, has owned stock in companies like ConocoPhillips, Exxon Mobil Corp. and Statoil ASA, all valued in the range of $1,001 to $15,000, according to his financial disclosure report, dated last October.

But Yamada has a sizable investment in Berkshire Hathaway Inc., the sprawling conglomerate whose holdings include PacifiCorp, the Oregon-based electricity producer, and several other utility and energy companies.

Because of that "current level of [Yamada's] financial ownership" in the company — reported in the range of $100,001 to $250,000 — Yamada said he is recused from any matter that will have a direct effect on Berkshire Hathaway, "including any particular matter of general applicability that is focused on sectors in which" the company and its subsidiaries operate. Those encompass pipelines, renewable fuels, alternative fuels, natural gas and electricity, Yamada wrote.

While EPA ethics officials don't expect that his work with the research office will likely "have a direct and predictable financial effect" on Berkshire Hathaway, Yamada said he would first consult with them "prior to participation" if any such situation should arise.

Other senior political appointees have pledged to stay away from certain issues. Dave Ross, head of EPA's water office, has recused himself from participating in the agency's deliberations regarding the Pebble mine project in Bristol Bay, Alaska (see related story).

Legal team's recusals

Several members of the Trump administration's legal team at EPA have ties to companies and entities that have been closely involved in environmental policy or battled with the agency during the Obama administration. Because of those ties, Trump officials have been recused from a number of matters in front of the agency, according to documents obtained through FOIA.

Matt Leopold, the top lawyer at the agency, has several potential conflicts due to his past work for the state of Florida.

Leopold served as general counsel to the state Department of Environmental Protection until March 2015. Leopold continued to provide legal services to the state until June 30, 2017. He was sworn in as general counsel at EPA on Jan. 8.

In a Jan. 10 impartiality determination, principal deputy general counsel Kevin Minoli granted Leopold permission to participate as general counsel in matters that involve Florida, though he wrote that Leopold is required to recuse himself from any matters in which he participated "personally and substantially" as a lawyer for the state. In a Feb. 1 recusal statement, Leopold wrote that he would not participate in any matters involving Okaloosa County, Fla.

In his statement, Leopold noted that several former industry clients, including AT&T Inc., BASF Corp., Ford Motor Co., Siemens Corp., and the Republican National Committee may have environmental interests that conflict with his work at EPA. He is barred from working on matters involving those entities until Jan. 7, 2020.

Leopold also recused himself from litigation brought by the federal government against the South Florida Water Management District and the Florida Department of Environmental Protection regarding phosphorus pollution at Loxahatchee National Wildlife Refuge and Everglades National Park. Leopold also wrote that he would not participate in BASF's challenge to pollution loads for northern Florida's Ochlockonee Basin.

Erik Baptist, EPA's senior deputy general counsel, was a senior counsel and a lobbyist for the American Petroleum Institute prior to joining the agency. He was registered to lobby for four years up until 2016, and his portfolio included working on legislation dealing with the renewable fuel standard program.

Last year, Baptist received a limited waiver from Trump's ethics pledge to participate in discussions involving the RFS.

In an October memo, Baptist recused himself from other issues in which API is a party and said he would not participate in litigation that the oil and gas group filed or was involved in against EPA during the Obama administration. The recusal statement expires June 18, 2019.

The long list of cases from which Baptist is recused includes challenges to the 2015 ozone standard and Obama-era methane limits for the oil and gas industry. Baptist also said he would not participate in the ongoing litigation filed by opponents of the Trump administration over Pruitt's decision to delay safety and emergency response rules for chemical plants.

Baptist also agreed to not participate in matters involving the George Washington University Law School alumni association, Alphabet Inc. or U.S. Bancorp.

Deputy general counsels at EPA have also recused themselves from matters in front of the agency.

David Fotouhi, who joined EPA in March 2017, wrote that he would not participate in matters involving several clients he represented while an attorney at Gibson, Dunn & Crutcher LLP, including the Association of American Railroads, Carnival Corp., Daimler AG, General Electric Co., Lockheed Martin Corp., Tesoro Corp. (now known as Andeavor) and Trout Unlimited. The recusal period ends March 26, 2019.

Justin Schwab, who was part of the Trump administration's "beachhead" team before joining EPA permanently, pledged to not take part in matters involving law firm Baker and Hostetler LLP, his former employer. His list of former clients includes the American Fuel & Petrochemical Manufacturers, Caterpillar Inc., Chevron Corp., Southern Co. and Valero Renewable Fuels Co. LLC.

Schwab also said he wouldn't participate in legal issues where the state of Oklahoma or the Virginia House of Delegates is a party. Those recusal periods have already ended — Sept. 23 last year for Oklahoma and Aug. 31 for Virginia (E&E News PM, March 1).

Other top officials' past legal work has led them to recuse themselves from issues before EPA.

Sarah Greenwalt, the agency's senior adviser for water and cross-cutting initiatives, came to EPA after serving as general counsel at the Oklahoma attorney general's office during Pruitt's tenure there.

In November 2017, Greenwalt submitted a recusal statement stating she would not participate in any cases in which Oklahoma is a party, petitioner or intervenor. The 15 listed cases included challenges to the Obama administration's Clean Water Rule, its Clean Power Plan and various air rules, including methane standards and a rule setting requirements for industrial facilities during periods of startup and shutdown.

Greenwalt also said she would not participate in the litigation against Volkswagen AG over the German automaker's diesel emissions cheating scandal.

The recusal period lasted until March 2. Greenwalt was not barred from working on cases in which Oklahoma participated only as an amicus and not directly as a party.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076825/search?keyword=EPA
Water chief recuses himself on Pebble, but not Chesapeake Bay
By Ariel Wittenberg and Dylan Brown, 3/20/18

The head of U.S. EPA's Office of Water will not be involved in any decisions tied to the Pebble mine project in southwestern Alaska.

David Ross, who represented mining company Pebble LP during his time at Washington, D.C., law firm Crowell & Moring LLP, withdrew himself from all matters related to the contentious copper and gold mining proposal.

A recusal statement, obtained by E&E News under the Freedom of Information Act, says the decision was made out of "an abundance of caution to avoid even the appearance of an ethical or professional responsibility concern."

But Ross has not recused himself from other cases he worked on before leaving Crowell & Moring in 2013 to join another D.C. law firm, including EPA's effort to clean up the Chesapeake Bay.

Ross was "an essential part of the team" that represented Pebble, said Richard Schwartz, who led the effort for Crowell & Moring.

In 2013, for example, Ross was one of four attorneys to file comments on behalf of the mining firm regarding EPA's draft assessment of the potential impacts of mining on Bristol Bay.

The analysis backstopped the agency's 2014 decision to propose pre-emptive limits on mining in Bristol Bay's headwaters to protect the world's largest sockeye salmon fishery.

Crowell & Moring's comments thoroughly rejected EPA's conclusions, arguing that the mine's impact on salmon would be "minimal."

"By ignoring modern mining practices, EPA has created exaggerated risk scenarios," the attorneys wrote.

After Ross' departure, Crowell & Moring continued to represent Pebble, including in the first lawsuit the company filed against EPA in 2014 (Greenwire, May 29, 2015).

That case was dismissed by a federal appeals court, but another of Pebble's three lawsuits tied up the mine in court until President Trump took office.

In 2017, days after EPA Administrator Scott Pruitt met with Pebble executives, the Trump administration brokered a settlement resolving all Pebble litigation and paving the way for the mine application the company submitted in December.

In January, Pruitt took observers by surprise when he reversed his order to withdraw the proposed restrictions, but Pebble permitting continues (Greenwire, Jan. 30).

Schwartz said Crowell & Moring is not currently working for Pebble, but Ross has decided not to participate in "any associated litigation, settlement agreement, and permitting."

"I am obliged to protect the confidences of my former clients," his statement says. "I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially" without obtaining a waiver from EPA's Ethics Office.

With Ross stepping back, decisions about Pebble now fall to Office of Water Deputy Assistant Administrator Lee Forsgren. Forsgren, the second highest-ranking political appointee in the office, did not have to be confirmed by the Senate.

He also has professional experience in Alaska, having worked as a staffer for Rep. Don Young (R-Alaska) in the 1990s.

While Young has not come out for or against the mine itself, he staunchly opposed the pre-emptive limits, saying last year that they "sent a chilling message to any and all future development in Alaska" (Greenwire, May 17, 2017).

Chesapeake Bay
While Ross won't be working on any Pebble-related matters, he has not recused himself from EPA's cleanup of the Chesapeake Bay.

That's despite his former work on a team of Crowell & Moring lawyers representing the American Farm Bureau Federation in a lawsuit against EPA's setting of a "pollution diet" for the bay. The Farm Bureau argued that the Clean Water Act did not allow for such measures, and that EPA's total maximum daily load (TMDL) for pollutants washing off land effectively asserted federal control over local land use and was unconstitutional.

Ross slammed EPA modeling that helped set the pollution limits in oral arguments before the U.S. District Court for the Middle District of Pennsylvania. Mid-Atlantic weekly farming newspaper Lancaster Farming described Ross as criticizing the standard as flawed because it couldn't accurately measure nutrient loadings at the local level.

Ross left Crowell & Moring in 2013 to join another firm before the case went to the court of appeals. There, the 3rd U.S. Circuit Court of Appeals ruled against the Farm Bureau, calling its argument "long on swagger, but short on specificity."

Still, the Chesapeake Bay cleanup remains a point of contention between Congress and the Trump administration, which has proposed drastic budget cuts to the program two years in a row. In fiscal 2018, the administration proposed eliminating the program altogether, and in fiscal 2019, the administration proposed a 90 percent cut, which would eliminate funding to help state and local governments reduce pollution in the bay.

EPA did not respond to questions about why Ross recused himself from one case he worked on in 2013 and not another.

In addition to Pebble, Ross has recused himself from all litigation challenging the Obama administration's Clean Water Rule. Ross sued EPA over that regulation as a senior assistant attorney general in Wyoming's Water and Natural Resources Division in 2015. He has not recused himself from lawsuits relating to the Trump administration's delay or rewrite of the regulation. He is also not recused from rulemaking related to the definition of the waters of the U.S.

Other EPA officials have similarly recused themselves from litigation they worked on at their previous posts (see related story).

EPA's designated agency ethics official has issued an impartiality decision for Ross, who served as director of the Wisconsin Department of Justice's Environmental Protection Unit just before joining EPA. Under that determination, Ross can participate in matters that involve Wisconsin, but not in specific matters he worked on while there.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/epa-wants-nominees-for-key-air-quality-advisory-panel-844413
EPA wants nominees for key air quality advisory panel
By Alex Guillen, 3/20/18, 10:51 AM

EPA is looking for nominees to its Clean Air Scientific Advisory Board, which provides expert advice to Administrator Scott Pruitt on the National Ambient Air Quality Standards.

In a Federal Register notice to be published Wednesday, EPA says it is "especially interested" in experts "who have knowledge and experience relating to criteria pollutants," including ozone and particulate matter.

The terms of four of CASAC's seven members expire at the end of September, according to a federal database. Those four scientists could seek re-appointment, although Pruitt has shown an interest in bringing new members onto his advisory panels.

Asked to confirm EPA will need to fill four spots on CASAC, a spokesman said only that Pruitt "is looking to appoint the most qualified candidates to provide independent counsel to the Agency to further our core mission."

Pruitt last year appointed three new members to fill CASAC's other seats, including Denver-based researcher Tony Cox as the new chairman. Cox testified in 2015 that EPA's tightened ozone standard was based on health benefits that he called "unwarranted and exaggerated."

WHAT'S NEXT: EPA will take nominations for 30 days, and later will take public comment on the nominees for 21 days.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076857/search?keyword=EPA
D.C. Circuit upholds Obama-era haze rule
By Amanda Reilly, 3/20/18

A federal court today upheld an Obama-era air pollution rule, rejecting petitions filed by environmentalists, states and industry.

The U.S. Court of Appeals for the District of Columbia Circuit found that U.S. EPA properly used a program for reducing cross-state emissions to satisfy the Clean Air Act's regional haze requirements.

"Because we find no merit in the conservation petitioners' arguments and can afford no relief to the state and industry petitioners, the petitions are denied," Senior Judge Stephen Williams, a Reagan appointee, wrote for a three-judge panel of the court.

The Clean Air Act's regional haze program is meant to improve visibility at national parks and wilderness areas. Under it, states are supposed to impose "best available retrofit technology," or BART, requirements on certain stationary air pollution sources, typically power plants.

In a 2012 rule, EPA found its cross-state air pollution rule for reducing pollution in the eastern United States was stringent enough to satisfy those technology requirements, thus excusing states that are part of the program from compliance with BART itself.

EPA in the same rule also disapproved of certain state implementation plans under the regional haze program because they had relied on the cross-state rule's George W. Bush-era predecessor.

The National Parks Conservation Association and Sierra Club challenged the first part of the rule, arguing it let power plants avoid having to install haze-reducing controls.

"What we really want is for BART to be well-applied at each individual source," said Earthjustice attorney Charles McPhedran at oral arguments in November in front of Williams and Judges Cornelia Pillard and Thomas Griffith (Greenwire, Nov. 16, 2017).

The Utility Air Regulatory Group, power companies, Texas and the Louisiana Department of Environmental Quality, on the other hand, challenged the latter part of the rule, arguing the plans EPA disapproved offered "far better improvement" in visibility.

In today's 15-page opinion, Williams wrote part of the environmental groups' challenge was moot because it appeared to be aimed at a decision EPA made more than a decade ago to allow categorywide information to be used to meet regional haze requirements. He wrote the D.C. Circuit had also previously upheld similar EPA interpretations of the regional haze program.

Williams also rejected the environmentalists' concerns about averaging pollution emissions. The greens had argued the cross-state pollution rule, which deals with average air pollution, wasn't enough to satisfy the regional haze program's goal of improving visibility at specific locations. The groups said that EPA's rule left 14 national parks and wilderness areas with worse visibility.

"It is in the nature of averages that some particular sites may underperform while others overperform," Williams wrote. EPA's rule requiring aggregate average improvement "was reasonable," he added.

The industry challenges met a similar fate.

Williams wrote that the court couldn't order EPA to consider the Bush-era Clean Air Interstate Rule (CAIR) as an alternative to reducing regional haze because the rule was "already stricken and ordered to be vacated."

In short, the Obama-era cross-state program overrules the Bush version.

"Without CAIR — which all parties agree is dead and beyond revival — there is no legal basis for a requirement that states control their sources at CAIR levels," Williams wrote.

Click here to read the court's opinion.

AP
https://apnews.com/ef9fe81b94d14dcdabb0a408f7edee49/Company-that-leases-farm-land-on-Navajo-agrees-to-fine
Company that leases farm land on Navajo agrees to fine
3/19/18

FARMINGTON, N.M. (AP) — An Idaho-based company that leases farm land on the Navajo Nation has been fined for failing to post information on pesticides and ensuring protective gear properly fits workers.

The U.S. Environmental Protection Agency says Navajo Mesa Farms agreed to pay about $6,000 to settle four violations from 2013 and 2016.

The company has an office in Farmington and grows potatoes on tribal land.

The EPA says the company didn’t post pesticide safety information for workers or indicate a buffer zone for fumigants that would keep bystanders from the area.

The agency says the company also didn’t check that workers’ respirators fit properly.

The settlement agreement was finalized late last month.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-proposes-changes-to-refinery-rules-he-says-will-save-millions-849177
Pruitt proposes changes to refinery rules he says will save millions
By Alex Guillen, 3/20/18, 2:25 PM

EPA Administrator Scott Pruitt today signed a proposal to make various technical changes to a trio of refinery emissions rules that he says will save refiners millions of dollars.

The changes touch on several requirements related to maintenance vents, operations of steam-assisted flares, fenceline monitor placement, pressure relief devices, work practice standards and recordkeeping and reporting rules, according to EPA.

The agency estimated the changes would save refiners from an initial capital investment of $77 million and annual costs of $11.5 million. EPA also said that "none of the proposed amendments are projected to appreciably impact the emissions reductions associated with these standards."

Click for the prepublication notice and an agency fact sheet.

EPA's proposal also makes a number of typographical fixes to the rules that were published in December 2015. EPA frequently issues such typo fixes for its regulations.

The American Petroleum Institute and American Fuel & Petrochemical Manufacturers, which petitioned EPA for the changes, quickly praised the proposal, saying it will "reduce uncertainty."

WHAT'S NEXT: EPA will take public comment for 45 days once the proposal is published in the Federal Register.

E&E Daily
https://www.eenews.net/eedaily/stories/1060076795/search?keyword=EPA
Republicans question Pruitt's Pebble commitment
By Dylan Brown, 3/20/18

Republican leaders checked this month with U.S. EPA Administrator Scott Pruitt after his reversal on proposed restrictions for the Pebble mine venture in Alaska.

The House Science, Space and Technology Committee published a letter yesterday to Pruitt from Chairman Lamar Smith (R-Texas), House Natural Resources Chairman Rob Bishop (R-Utah) and Congressional Western Caucus Chairman Paul Gosar (R-Ariz.)

The March 7 message came after Pruitt withdrew his own request to eliminate the Obama administration's pre-emptive limits on mining, which undercut Pebble LP's plans for a major copper and gold project in the headwaters of Bristol Bay (Greenwire, Jan. 30).

Pruitt said his action "neither deters nor derails" Army Corps of Engineers permitting that began in December, but the Republicans, who applauded Pruitt initially, now have "serious concerns about the commitment to this goal."

Smith and Bishop's committees held a slew of hearings on the Obama team's decision to use EPA's Clean Water Act veto authority to restrict a large-scale mine in southwestern Alaska to protect Bristol Bay's massive salmon fishery (E&E Daily, April 29, 2016).

Republicans decried the "unprecedented" pre-emptive use of a power EPA has invoked only 13 times, accusing officials of colluding with anti-mining activists on a "questionable scientific assessment."

The Obama administration and EPA Region 10, which was in charge of the science, steadfastly defended their work.

Now, Smith, Bishop and Gosar gave Pruitt a "specific course of action" to stick with the typical permitting process.

The letter states Region 10 officials should monitor the scoping process, but if the Army Corps' environmental impact statement addresses all the issues, Pruitt should withdraw the 2014 proposed determination.

That, the letter states, "establishes a commitment to regulatory certainty and environmental protection while advancing the Administration's commitment to streamlining the permitting process based on sound science."

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/gop-lawmakers-air-serious-concerns-about-pruitts-pebble-decision-837916
GOP lawmakers air 'serious concerns' about Pruitt's Pebble decision
By Alex Guillen, 3/19/18, 4:21 PM

Key House Republicans told EPA Administrator Scott Pruitt earlier this month that they have "serious concerns" about his surprise announcement in January that the proposed Pebble Mine would likely pose an unacceptable risk to Alaskan resources, especially the Bristol Bay salmon fishery.

Pruitt's decision to suspend the EPA's proposed withdrawal of Obama-era restrictions was "unfortunate," wrote House Natural Resources Chairman Rob Bishop (R-Utah), House Science Chairman Lamar Smith (R-Texas) and Rep. Paul Gosar (R-Ariz.), chairman of the Congressional Western Caucus. The newly posted letter is dated March 7.

"Despite this decision by the EPA, the Committees believe that the agency can continue to uphold the principles of due process and the rule of law by proceeding with a specific course of action," the lawmakers added.

The mine's Clean Water Act permit application is being processed by the Army Corps of Engineers, and EPA has said it will hold off on taking action until that process is complete. In the meantime, the lawmakers suggest, Pruitt should closely watch the Corps' process and later "make a final informed decision on the status of the proposed determination."

WHAT'S NEXT: The Army Corps permitting process is expected to take until 2019.

Washington Examiner

https://www.washingtonexaminer.com/policy/energy/epa-to-hold-national-summit-on-chemicals-found-in-drinking-water

EPA to hold national summit on chemicals found in drinking water

By John Siciliano, 3/19/18, 7:41 PM

The Environmental Protection Agency said Monday that it will hold a two-day summit in May to address a chemical that has been seen as a drinking water contaminant.

"EPA's leadership summit will bring together stakeholders from across the country to build on the steps we are already taking and to identify immediate actions to protect public health," EPA Administrator Scott Pruitt said in a statement. The summit will be held to address perfluoroalkyl and polyfluoroalkyl, which have been turning up in the water supplies of many states.

The chemicals provide the nonstick properties found in everything from kitchenware to food packaging. Studies are being conducted on the effects of the chemicals on humans, including by the Centers for Disease Control and Prevention.

The administration formed a task force to address safety concerns in November 2017.

The two-day summit, which will be held May 23 to 24 in Washington, will be used to provide "critical national leadership," while ensuring state, tribal, and local governments that they will be able "to help shape our path forward," Pruitt said. He announced the summit in a letter sent Monday to governors of all 50 states, tribal leaders and the leaders of U.S. territories.

Michigan Gov. Rick Snyder, a Republican, released a joint statement with Pruitt in announcing the summit. Snyder was at the center of the years-long lead water crisis in Flint, Mich.

"We need a national effort to review the expanding scientific research on these contaminants, as well as possible responses and remediation," Snyder said. "Having a national dialogue on this growing concern could be instrumental in establishing standards, protocols and best practices that will allow all state and federal partners to comprehensively address these contaminants across the country."

The Environmental Council of the States, the main trade group representing state environmental regulators, also provided a statement. "Many states cannot take action on PFAS [perfluoroalkyl and polyfluoroalkyl substances] issues until EPA makes a regulatory determination, and all states would like to see continued federal research and leadership in this area," said the council's executive director, Sambhav Sankar.

President Trump has said that his environmental policy calls for "crystal clear" drinking water. The EPA and other agency announcements this month may be the first steps in what that water policy looks like.

A day after meeting with Trump last week, Energy Secretary Rick Perry announced a new competition with the private sector to address a range of water issues, including drinking water concerns.

"That includes increasing alternative water supplies, reducing costs to treat drinking water and wastewater, using water more efficiently, and advancing market-based solutions that incentivize innovation and cooperation," Perry said. "It is my hope that today is the beginning of a process that will result in bringing water to those in need."

Bloomberg

https://www.bloomberg.com/news/audio/2018-03-19/let-pruitt-do-it-epa-rules-rollback-means-fewer-riders-on-bill

Let Pruitt Do It: EPA Rules Rollback Means Fewer Riders on Bill (*Audio)

3/19/18, 3:03 PM

EPA Administrator Scott Pruitt's rollback of Obama-era Environmental Protection Agency rules is taking some of the steam out of Republican efforts to load up the fiscal 2018 omnibus spending bill with policy riders. Bloomberg Government's Jack Fitzpatrick discusses it with Nancy Lyons in the Bloomberg

99.1 Washington newsroom.

Radio +1-212-617-5560

Running time 05:47

Audio discussion link: https://link.bloomberg.fm/BLM8726974078

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130071229&item=408&prod=deln&cat=AGENCY
Manufacturers Want Clarity on Chemicals EPA Will Scrutinize
By Pat Rizzuto, 3/20/18

Chemical makers want the EPA to give clear signals about the types of substances it will sift through to decide which get scrutinized for possible regulation and which get off the regulatory radar—at least temporarily.

The most effective time for companies to urge the Environmental Protection Agency to investigate or not investigate a chemical is over the next few months before the agency releases its first "prioritization" list of chemicals, and before it announces future prioritization decisions in years to come, Mark Duvall, a Beveridge & Diamond PC attorney, told Bloomberg Environment.

The agency will prioritize more chemicals in future years, but it is unlikely to sift through as many at one time as the Toxic Substances Control Act amendments require it to do in 2019.

The agency must release its first prioritization list of 40 chemicals by early 2019—at the latest—to meet a statutory deadline to classify them as high or low priorities for risk evaluation, Jeffery Morris, director of the agency's chemicals office, said during a recent chemical regulations conference.

Half of those chemicals must come from the EPA's work plan that it created before Congress' 2016 overhaul of TSCA.

The list may also include compounds that have provoked public controversy such as lead or per- and polyfluoroalkyl (PFAS) chemicals, due to alarm about their presence in water supplies, airfields, and elsewhere, according to industry consultants.

Some chemical manufacturers would like the EPA to give them a heads up by naming candidate chemicals it might prioritize before it selects the 40 TSCA requires. Once the agency releases the list, the law gives it only nine to 12 months to decide whether a chemical is a high- or low-priority for risk review.

Information by July
The agency must begin to evaluate the risks of high-priority chemicals as soon as they get that classification. If the multiyear risk evaluation shows a chemical poses an unreasonable risk of harming people or the environment, the EPA must regulate or take other steps to reduce that risk.

A low-priority designation means the agency sets the chemical aside because it has information showing the molecule does not have many hazards, exposures to it are not high, or the chemical is already well controlled, Duvall said. New information can prompt the agency to reexamine a chemical it previously classified as a low priority.

By early July, the EPA will announce details and accept comments on the procedures it will use to identify the 40 chemicals it will screen and classify, Morris said.

State Laws

Most chemical manufacturers will be less interested in the general procedures the EPA will unveil, said Duvall, who advises the American Chemistry Council and other trade associations. They want information to help them determine whether a chemical they make is likely to be included in the list of 40, he said.

For example, the EPA could identify types of chemicals or chemical properties that it plans to focus on, said Paul DeLeo, a principal with Integral Consulting Inc. It also could clearly articulate the types of information that would help it determine whether a chemical is a high- or low-priority, he said.

Chemical manufacturers may want the agency to examine their molecule as either a potential high- or low-priority substance, Duvall said.

If, for example, multiple states are considering regulating a particular chemical, it might benefit manufacturers to have the agency evaluate it. A low-priority designation would not prevent states from regulating, but could provide evidence that controls aren't needed.

In 2017, state legislatures introduced 248 bills to control the hazards of just one chemical, lead, the National Conference of State Legislatures said in a February analysis. In 2016, 33 states enacted 69 laws addressing lead and other chemicals, it said.

Benefits of Early Data

Providing the EPA disposal, recycling, or workplace control details—or offering it chemical exposure or toxicity data—could help companies support their position that a chemical warrants a certain designation, Duvall said.

Steve Owens, an attorney with Squire Patton Boggs, said it's important for the EPA to have data early in its selection process.

Having information before the prioritization process begins means the agency may not have to require new information, said Owens, who served as EPA's assistant administrator for chemical safety and pollution prevention during the Obama administration.

Having data on hand could prevent additional requests for data the agency may not need.

Regardless of whether it's a valid concern, chemical makers are worried the EPA will require a lot of testing and then stick the lab results in a drawer for a long time, Owens said.

The agency can avoid that by clearly signaling to the EPA what data it's really going to need, said Owens and DeLeo.

60 Chemicals

Liz Hitchcock, acting director of Safer Chemicals Healthy Families—a coalition of environmental, labor and other non-profit groups—said the EPA should focus on those with the greatest hazards and highest exposures.

The Safer Chemicals coalition recommends the agency identify 60 chemical candidates—instead of 40—for prioritization and systematically gather toxicity and exposure information.

The agency's data gathering should include both voluntary and mandatory efforts, she said. Since 2016, EPA has not issued testing orders requiring companies to submit new data under TSCA.

Possible Chemicals

Companies should not wait for the EPA to release its prioritization list or even candidates for such a list, DeLeo said. They should take time now to analyze their chances of being selected and start working with their suppliers and customers to gather information, he said.

The EPA already is evaluating the risks of 10 of the approximately 90 chemicals on the agency's work plan, he said. That leaves about 80 chemicals, of which about 20 could be selected as high-priority chemicals, DeLeo said.

If a company makes one of those 80 chemicals, there's a roughly one-in-four chance the EPA will select its product, DeLeo said.

That probability increases if a chemical—such as lead—is of high interest, he said.

The chances also increase if the agency has recently invested time studying the chemical, DeLeo said.

Working With the Great White North

For example, the EPA and Canadian regulators recently developed case studies evaluating the risks of five chemicals: 4-tert-octylphenol, triphenyl phosphate, phthalic anhydride, cyanide compounds, and molybdenum compounds.

The agencies' work, carried out through the Regulatory Cooperation Council, is not designed to reach conclusions about those chemicals' risks. Instead the agencies are identifying similarities and differences in their risk assessment strategies.

Yet, the EPA may have gathered information about or become more familiar with these chemicals, DeLeo said. Familiarity could increase the chance the agency would select one or more for prioritization.

States' interest in the roughly 3,000 PFAS compounds—produced for the heat-, stick-, and grease-resistance properties they can impart—could prompt the agency to select some of them for prioritization even though they aren't on the work plan list, DeLeo said. Those compounds have been made by 3M, the Chemours Co., Clariant, Daikin Industries Ltd., DuPont, and other chemical manufacturers.

Increasingly states are detecting them in the environment and drinking water sources. The most well-known members of this group are perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

PFAS are such a "hot topic," that "I would not be surprised to see them picked up," DeLeo said.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130071227&item=408&prod=deln&cat=AGENCY

EPA Action on Fuel Chemical in Drinking Water One Step Closer

By Tiffany Stecker, 3/20/18

The EPA is close to finishing a report on a chemical best known as a rocket fuel ingredient, in another step toward regulating the substance's presence in drinking water sources around the country.

The agency is under a consent decree to regulate perchlorate in drinking water after years of failing to do so. Perchlorate affects thyroid function and can disrupt normal development in fetuses and children, according to the EPA.

"We're close to getting a final peer review report," Peter Grevatt, director of the Environmental Protection Agency's Office of Ground Water and Drinking Water, told attendees at the Association of Metropolitan Water Agencies' policy conference March 19. "We're on a tight schedule and we are going to keep moving forward on that progress."

Under the settlement between the EPA and environmental advocacy group Natural Resources Defense Council, the agency is required to adopt a regulation by Dec. 17, 2019, and propose a maximum contaminant level goal for the chemical by Oct. 31. The NRDC sued the agency in 2016 for missing deadlines to regulate perchlorate.

The NRDC didn't immediately respond to Bloomberg Environment's request for comment on the announcement.

The peer-reviewed report will analyze the EPA's model assessing how ingesting perchlorate affects human bodies, particularly children in the months before and after birth. It would allow regulators to assess how vulnerable populations respond to the chemical.

Perchlorate can occur naturally but has also been used for fuel and in food packaging to reduce static. The Food and Drug Administration denied a petition to ban the chemical in packaging, saying the justification for restricting it was based on outdated practices in the food industry.

E&E Daily
https://www.eenews.net/eedaily/stories/1060076797/search?keyword=EPA
Deal elusive with riders, some funding unsettled
By George Cahlink and Geof Koss, 3/20/18

Congressional leaders are hoping to wrap up negotiations regarding a $1.3 trillion fiscal 2018 omnibus spending package today, after a handful of unresolved policy and funding issues kept them from finalizing it overnight.

"I would hope that would meet our obligation, which would be [to pass it] at the end of the week," said Sen. Richard Shelby (R-Ala.), a senior appropriator, yesterday.

Lawmakers need to have the bill sent to the president by Friday when existing funding for federal agencies expires.

"There's still a lot of outstanding issues that they're working on," said Rep. Mike Simpson (R-Idaho), chairman of the House Energy-Water Appropriations Subcommittee.

Simpson stressed that the Energy-Water spending bill had been settled and he did not believe any issues on the measure were still being haggled over by House and Senate leaders. He declined to offer specifics.

Lawmakers suggested the unresolved issues include $1.6 billion in funding for work on a U.S.-Mexico border wall and $900 million in funding proposed for a series of rail and transit projects linking New York and New Jersey, known as the Gateway project.

The White House has made border wall funding a top priority, while saying it would veto the measure if the Gateway dollars are attached.

Several unspecified environmental riders are also being negotiated by party leaders.

Rep. Ken Calvert (R-Calif.), chairman of the House Interior-EPA spending panel, took a hard line yesterday on the need to attach riders that would scrap the Waters of the U.S. (WOTUS) rule and delay U.S. EPA ozone attainment standards.

Calvert suggested last week those add-ons may not be needed because EPA could make those changes administratively. But he said yesterday Congress should take action because it will take EPA longer to make the changes.

"We need time, so we have to keep these riders in place in order to unwind WOTUS and make sure this ozone top line is brought down to a reasonable number," said Calvert, who suggested leaders were negotiating those provisions.

The Congressional Western Caucus, along with the U.S. Chamber of Commerce and American Petroleum Institute, continued to press yesterday for several policy priorities in the package, including eliminating the WOTUS and ozone rules, easing of the the Endangered Species Act and forest management reforms.

Karen Alderman Harbert, president and CEO of the U.S. Chamber of Commerce's Global Energy Institute, specifically called for scrapping the 2015 ozone regulation, saying it is a "tremendous barrier" to economic growth.

Calvert, meanwhile, declined to confirm potential cuts in EPA staff but said the bill would give EPA Administrator Scott Pruitt "flexibility" to manage the agency.

House Natural Resources Chairman Rob Bishop (R-Utah) said there are a handful of environmental and land-related provisions he hoped might still make the package.

He expressed frustration, however, that so many were already dropped from negotiations with almost no input from the authorizing committees.

"The process sucks," he said.

Bishop also brushed off frustrations raised by environmentalists that lawmakers are using a spending bill to make significant policy changes.

"Tell the environmental groups if they'd quit suing everybody there'd be no riders in play," Bishop added.

New Mexico Sen. Tom Udall, the top Democrat on the Interior-EPA Appropriations Subcommittee who has pressed to strip most environmental riders, said "quite a few are in play."

He said he was concerned that a bipartisan fix for wildfire funding accounts may not make the final legislation because Republicans were seeking to tie it to more partisan riders.

"The riders overall are interfering with coming to agreement. They don't belong on an appropriations bill, in particular they don't belong when the Republicans control the Congress and the executive branch," Udall said.

As negotiations continued, lawmakers and aides brushed off questions about missing Friday's deadline and perhaps needing to pass a short-term funding measure or work into the weekend.

They suggested as long as the bill was posted by today, it could still move through the House on Thursday and then the Senate on Friday.

Reuters
https://www.reuters.com/article/us-usa-biofuels-trump/trump-administration-preparing-list-of-possible-biofuels-tweaks-sources-idUSKBN1GV2S4
Trump administration preparing list of possible biofuels tweaks: sources
By Jarrett Renshaw, 3/19/18, 4:57 PM

NEW YORK (Reuters) - The heads of the U.S. Environmental Protection Agency and Agriculture Department are scheduled to meet on Tuesday to winnow down proposals to lower the cost of the nation's biofuels policy to oil refiners, according to two sources familiar with the matter.

The meeting in Washington marks the latest development in the Trump administration's efforts to find common ground between the rival oil and corn industries over the future of the Renewable Fuel Standard, a law requiring refiners to blend biofuels like ethanol into the nation's gasoline and diesel.

The program has created a vast new market for Midwest corn farmers, but refiners have complained the regulation costs them hundreds of millions of dollars a year - creating a rift between two of Trump's key electoral constituencies.

EPA chief Scott Pruitt and Agriculture Secretary Sonny Perdue will draft a list of options for President Donald Trump to choose from during their meeting on Tuesday, according to the sources, who asked not to be named discussing the confidential matter. It is unclear whether the list will include a broad range of options mooted by both sides during recent negotiations hosted by the White House, or whether it will provide narrower recommendations, the sources said.

Officials for the EPA and Agriculture Department did not respond to requests for comment.

The RFS requires refiners to blend increasing amounts of biofuels into their fuel each year, or buy credits, known as RINs, from those that do. As biofuels volumes have increased, the price of RINs has too. Merchant refiners such as Valero and bankrupt Philadelphia Energy Solutions say the costs have become too burdensome.

Trump told lawmakers and industry officials in a closed-door meeting earlier this month that he supported a temporary cap on the price of RINs at 10 cents each, according to a source who attended but asked not to be named.

But a group of corn-state lawmakers told Trump in a letter last week that a cap would have "severe and immediate" consequences to farmers and the biofuels industry, by reducing incentives for blending.

Trump also said he supported expanding sales of high-ethanol gasoline year-round – a tweak long sought by ethanol producers, according to the source.

Credit costs have fallen roughly 40 percent in the past three weeks amid the political uncertainty, trading at 40 cents each on Monday, traders said.

Washington Post
https://www.washingtonpost.com/lifestyle/home/bothered-by-fragrances-this-story-will-be-a-breath-of-fresh-air/2018/03/19/ace83e8a-26cd-11e8-b79d-f3d931db7f68_story.html?utm_term=.924dc512df12
Bothered by fragrances? This story will be a breath of fresh air.
By Elisabeth Leamy, 3/20/18, 7:00 AM

"More and more, I walk into homes, stores and businesses and am greeted with an immediate blast of perfumed air. . . . And what is added scent but a chemical? Why breathe that in constantly"

When a Washington Post reader wrote the comments above and implored me to write an article about how to avoid scented products, I was an easy sell. I find artificially perfumed products so distracting that I have trouble concentrating in their presence. I can't stand to have certain brands of dryer sheets in my house, even in an unopened box in the basement. And I confess that I once sneaked an air freshener out of an Uber and tossed it in the trash!

A growing stink

Despite negative reactions from some consumers, scented products seem to be gaining popularity. For example, plastic garbage bags never used to be scented, but an industry blog says that many now are and that "the market is a fiercely competitive one, so the battle to win the noses of consumers is on."

As manufacturers make more of their products smell, consumers are putting up more of a stink. Dozens of blogs rail against scented products, including one called "Fragrance Free Living" and another called "Think Before You Stink." These citizen bloggers call fragrance "the new secondhand smoke." They're not crazy. The Environmental Protection Agency says indoor air pollution is real, partly because of fragrances, and that our homes and offices "can be more seriously polluted than the outdoor air in even the largest and most industrialized cities."

The people who suffer the most from fragrances are those with multiple chemical sensitivity, or MCS. "Fragrances rank high among the chemical exposures I find problematic," said Alison Johnson, who has MCS and founded the Chemical Sensitivity Foundation. "One thing that alarms me is that in the last few years, the phone calls and emails I'm receiving are now predominantly from people in a panic because exposure to fragrances in the workplace is making it impossible for them to keep a job." Johnson produced an educational video and is lobbying lawmakers to mandate fragrance-free workplaces.

But artificial fragrances aren't just a problem for certain groups. More than a third of Americans surveyed reported experiencing health problems when exposed to them, according to a study by Anne Steinemann of the University of Melbourne. "All fragranced products that I tested . . . emitted chemicals classified as hazardous air pollutants," Steinemann said in an email. "You may not realize you're being affected until it's too late."

The Canadian Center for Occupational Health and Safety lists the following possible symptoms of exposure to fragrances: "headaches, dizziness, nausea, fatigue, weakness, insomnia, numbness, upper respiratory symptoms, shortness of breath, skin irritation, malaise, confusion and difficulty with concentration."

Labeling confusion

If you're allergic to nuts or sensitive to gluten, you can read the ingredients on a food package and steer clear. By contrast, fragrances have long been considered trade secrets, so the federal government doesn't require manufacturers to print what's in them. The Food and Drug Administration requires manufacturers to list the ingredients in personal-care products, but they are allowed to just state "fragrance" as an ingredient, rather than spelling out what chemicals are in the fragrance.

Federal regulations for household cleaning products are even looser. Manufacturers are not required to list any of these products' ingredients. A few big companies have begun disclosing their ingredients voluntarily, including SC Johnson, Clorox and Reckitt Benckiser, maker of Lysol. Two states, California and New York, recently took matters into their own hands, passing laws requiring manufacturers to divulge the ingredients in their cleaning products.

Here's another confusing labeling issue involving fragrances: The terms "unscented" and "fragrance-free" sound the same but are totally different. Unscented means that a product doesn't have a detectable odor — but it does not mean that it contains no artificial scents. Manufacturers are allowed to use artificial scents in "unscented" products if they are there to cover up the smell of other ingredients.

By contrast, "fragrance-free" is the label to look for if you are bothered by chemical fragrances, as it means no artificial smells have been added to a product. You can double-check this claim, if there are ingredients listed, by looking for the words "perfume," "parfum" or "fragrance" on the list.

Resources for consumers

Here are some resources for finding fragrance-free products.

EPA Safer Choice-certified products: The EPA scrutinizes product ingredients for safety and certifies those that meet its criteria. When you search the Safer Choice database, you can check a box to look for fragrance-free products only. I

found 860 of them when I looked. You can also look for the Safer Choice label on products at the store. Those that have no chemical scents are marked “fragrance free” in the upper left-hand corner of the label.

Environmental Working Group guides: The EWG provides easy-to-use online databases where you can search for what it deems healthy cleaners and healthy personal-care products. You can then check those products’ ingredients, if provided, to see whether “fragrance” or “perfume” is listed.

New York state’s asthma-friendly guide : Because people with asthma suffer more than most from exposure to chemicals and fragrances, New York created a list of green cleaning products for them that could be useful to you, too. If you type “fragrance free” into the keyword box, the site returns a page full of options.

DIY cleaning product recipes: Women’s Voices for the Earth has been working for better cleaning-product disclosures. Meanwhile, the group provides several recipes to make your own cleaning products. Note: The essential oils used as fragrance are considered more natural but still bother some people. If they bother you, skip them!

Non-perfumed magazines: If the perfume inserts in magazines you’ve subscribed to bother you, contact the publisher. Most large publishers have programs in place to send you magazines without the scented pages.

Message

From: Leopold, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 3/20/2018 6:59:02 PM
To: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: RE: Gowdy
Attachments: Gowdy Air Travel (03.20.2018).docx

Ex. 5 - Deliberative Process

Here's the revised letter. Let me know if you need anything else.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Greenwalt, Sarah
Sent: Tuesday, March 20, 2018 2:57 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Gowdy

Sounds good. Electronic or should I come review a hard-copy with you, Troy?

Sarah A. Greenwalt

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: Ex. 6 - Personal Privacy
Greenwalt.Sarah@epa.gov

From: Lyons, Troy
Sent: Tuesday, March 20, 2018 2:56 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Gowdy

I spoke with the Administrator on our response—he wants to get it out tonight. Once edits have been made, please have Sarah review. I assume we will need one last review by the Admin before we send.

Sound good?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 - Personal Privacy (cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 3/20/2018 5:29:14 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: Re: URGENT-Response to Gowdy

Ex. 5 - Deliberative Process

By Emily Holden

03/20/2018 11:57 AM EDT

The cost for the security team to accompany EPA Administrator Scott Pruitt on a trip to Italy for international meetings in June totaled nearly $31,000, bringing the price tag for Pruitt's trip to at least $120,000, according to public recordsreleased to the Environmental Integrity Project under a lawsuit.

The additional expenditures include airline fare, lodging and accommodations for Pruitt's security guards, EIP said. EPA would not disclose whether any security staff flew first or business class alongside Pruitt, the group said.

Information obtained by EIP last month showed the four-day trip by Pruitt and his staffers cost about $53,000 in expenses. Pruitt also spent $36,000 on a military flight to New York to catch a plane to Rome for meetings ahead of the G-7 Environment Ministerial in Bologna, after attending an infrastructure event with the president in Cincinnati.

Pruitt appeared briefly at the G-7 talks before returning to Washington for a Cabinet meeting.

To view online:
https://www.politicopro.com/energy/whiteboard/2018/03/security-for-pruitts-italy-trip-cost-31k-844666

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This email was sent to cory.preston@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Sent from my iPhone

On Mar 20, 2018, at 11:42 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Any update on a final draft?
>
> Sent from my iPhone
>
>> On Mar 19, 2018, at 7:12 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> I hope. Tomorrow for sure.
>>
>> -----Original Message-----
>> From: Lyons, Troy
>> Sent: Monday, March 19, 2018 7:11 PM
>> To: Jackson, Ryan <jackson.ryan@epa.gov>
>> Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
>> Subject: Re: URGENT-Response to Gowdy
>>
>> Will we be able to meet the deadline?
>>
>> Sent from my iPhone
>>
>>> On Mar 19, 2018, at 7:02 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>
>>> Ok.
>>>
>>> -----Original Message-----
>>> From: Lyons, Troy
>>> Sent: Monday, March 19, 2018 7:02 PM
>>> To: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz

<Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>

Subject: URGENT-Response to Gowdy

Something has changed since the last time (this morning) we spoke w OGR staff.

Ex. 5 - Deliberative Process

Sent from my iPhone

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 6/25/2018 5:13:12 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]
Subject: HEC AO QFRs

Ryan, per your email to Troy below are the QFR's that need to be answered at the AO level. There are a couple on first class travel that we can pull the data for that shouldn't be too much of a problem Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The Honorable Frank Pallone, Jr.

During your appearance on April 26th, you stated that purchasing real estate through a Limited Liability Corporation, or LLC, is "normally how you buy real estate in Oklahoma." Your ownership stake in that LLC was not included in your financial disclosures at the time.

1. How often have you purchased real estate through an LLC?

2. Do you currently own property through an LLC or have a stake in an LLC that owns property?

3. Please list all property you have purchased and/or owned a stake in through an LLC.

4. Please explain why your ownership stake in Capital House, LLC was not listed in your financial disclosures at the time.

Also at the April 26th hearing, you disavowed knowledge of whether you had paid taxes on the income from your ownership stake in Capital House LLC. You said "you provide information to your accountant, they determine what you pay."

5. Did you sign your tax filings for the years in question? Do you take responsibility for the accuracy of the information contained therein?

Extensive questions have been raised about your tax liability for the expenses of your security detail when they accompanied you on personal travel, including to Disney World and the Rose Bowl.

6. Did you pay taxes on that benefit?

It has been revealed that the EPA reimbursed your former landlord, Vicki Hart, for the repair of a door at your residence.

7. Did you reimburse the EPA for that expense?

8. If not, did you pay taxes on that income?

The Honorable Diana DeGette

1. I questioned you about your legally dubious real estate transactions, but further information is needed in light of your incomplete answers and troubling new developments.

In your testimony before the Subcommittee, you failed to disclose significant details concerning your 2003 purchase of a luxury home in Oklahoma City. According to a recent report in the *New York Times*, you purchased the home with Justin Whitefield, a registered lobbyist who, at the time, was pursuing business-friendly changes to Oklahoma's workers' compensation rules, which you allegedly helped negotiate.[1] Mr. Whitefield, yourself, and four other owners reportedly used a limited liability company, Capitol House L.L.C. (Capitol House), to purchase the home.[2] The seller, Marsha Lindsey, was a telecommunications lobbyist for SBC Oklahoma, and sold the property at a significant discount of approximately $100,000.[3] SBC Oklahoma reportedly offset this amount in Ms. Lindsey's retirement package.[4]

Your incomplete testimony leaves key questions unanswered concerning this transaction. You allegedly paid for one-sixth of the purchase price, and according to reports, you purchased the home with Kenneth Wagner, who now serves as a political appointee at EPA and previously served as treasurer of your political action committee,[5] as well as health care executive Jon Jiles.[6] However, the identity of two additional owners remains unknown.

You also apparently failed to disclose your interest in Capitol House in your financial disclosure filings, and in your testimony could not confirm whether you paid taxes on rental income received for a room on the property rented to another Republican lawmaker.[7]

Given your history of real estate transactions with lobbyists both in Oklahoma during your tenure as a state legislator and in Washington, D.C. while serving as EPA Administrator, and in light of these troubling developments, I ask that you respond to the following requests:

a. Please provide the names and corresponding ownership share of all owners of Capitol House.

b. Please provide documentation of your payment for and purchase of an ownership share in Capitol House, including the terms of the payment and the individual or entity who received the payment.

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[1] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[2] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[3] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[4] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[5] *Pruitt's Friend Joins Agency as Senior Adviser*, E&E News (Apr. 13, 2017).

[6] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[7] *Scott Pruitt Before the EPA: Fancy Homes, a Shell Company and Friends with Money*, New York Times (Apr. 21, 2018).

c. Please provide copies of your financial disclosures disclosing your ownership interest in Capitol House.

d. Please provide the name of the individual(s) who arranged for cash purchase of the Oklahoma City property and subsequent transfer of ownership to Capitol House.

e. Please provide the name of the individual(s) who requested or arranged for Spirit Bank, where former EPA appointee Albert Kelly was chief executive, to approve a mortgage in the name of Capitol House.

f. Please provide documentation demonstrating you paid taxes on all rental income received from Jim Dunlap or any other tenant who rented space on the property, including, but not limited to, Schedule K-1 tax forms.

g. Please provide documentation of any proceeds you received for the 2005 sale of the property, including the amount and date received.

The Honorable Janice D. Schakowsky

1. **Speeches:** Please provide the date, location, name of event, and text for all speeches you have given to industry associations (e.g. Louisiana Chemical Association) in your capacity as EPA Administrator.

2. **Official vehicle:** During the hearing, you stated that EPA staff "just asked for consultation" on the selection of your official vehicle. During this consultation, did you or people responding on your behalf express a preference for a larger vehicle, leather interior, bucket seats, Wifi, GPS navigation, or any other luxury features that were ultimately included in the vehicle selected?

3. **Samantha Dravis:**

   a. At any time during Samantha Dravis's employment at EPA, was she employed or compensated using authority under the Safe Drinking Water Act?

   b. How much was Samantha Dravis compensated during the three months from November 2017 to January 2018?

   c. According to the EPA's own spokesperson, Ms. Dravis was a "senior leader at the EPA." Do you have record of meetings attended in person or substantial projects completed by Samantha Dravis during the three months from November 2017 to January 2018? If so, please summarize. Please provide all records of meetings attended in person or substantial projects completed, as well as any emails between Administrator Pruitt and Ms. Dravis concerning her attendance or departure from the EPA.

   d. Was Samantha Dravis approved for first class travel to or from Morocco in December 2017? If so, who at EPA approved first class travel and on what date?

The Honorable Paul Tonko

3. The Frank R. Lautenberg Chemical Safety for the 21st Century Act Implementation

   b. In November, Administrator Pruitt and EPA staff attended an American Chemistry Council board meeting on South Carolina's Kiawah Island. The Administrator's schedule contains no

details of that weekend. Please provide a list of all companies or lobbyists that met with the Administrator in South Carolina.

c. Please provide a list of all chemicals specifically discussed at meetings attended by the Administrator at this event.

9. Freedom of Information Act

a. It has been reported that political appointees' role in reviewing documents requested under the Freedom of Information Act has increased significantly during Administrator Pruitt's tenure. Please describe the process for "awareness reviews" or "senior management reviews" conducted by political appointees before EPA releases documents involving Administrator Pruitt, including the names and titles of all EPA political appointees who participate.

b. Please explain EPA Chief of Staff Ryan Jackson's role in conducting awareness reviews. How many FOIA awareness reviews has Mr. Jackson completed, and in how many instances did Mr. Jackson instruct that information be withheld, redacted, or altered prior to public release?

c. Have any other political appointees ever sought to alter, redact, or withhold portions of a FOIA disclosure following an awareness review?

d. Please provide the start date, end date, and length of review for all awareness reviews conducted during Administrator Pruitt's tenure at EPA.

e. Have any of these reviews resulted in a missed FOIA deadline to release documents? If so, please provide details for each instance.

f. Please explain the rational for moving the National FOIA office into the Office of General Counsel.

g. Please explain the role of EPA political appointees Matthew Leopold, Eric Baptist, Marcella Burke, David Fatouhi, and Justin Schwab in the FOIA review process, including any instance where any of these individuals withheld, delayed, redacted, or altered prior to public release?

10. International Travel

a. According to EPA emails released under a Freedom of Information Act request, on July 10, 2017, Mr. Matthew Freedman was involved in the planning of the Administrator's potential trip to Australia. Mr. Freedman wrote to EPA staff, "[Richard Smotkin] and I will attend and will be present but will not be listed as members of the delegation." It has been reported that Mr. Richard Smotkin was also involved in the planning of the Administrator's December trip to Morocco. Did Mr. Smotkin meet with Administrator Pruitt or any EPA staff, in official meetings or otherwise, during the Administrator's trip to Morocco?

b. If so, please provide a full list of meetings between Mr. Smotkin and any EPA officials in Morocco, including any meetings with EPA officials and Moroccan government officials, during official business or otherwise.

c. Please provide a list of all attendees for any meeting identified in (b).

d. Recent press accounts indicated Administrator Pruitt and EPA staff missed their connecting flight to Morocco because his security detail's equipment and other gear could not be transferred to the connecting flight in time. This differs from earlier explanations from EPA that the connecting flight was missed due to weather. Please explain why Administrator Pruitt and EPA staff missed their connecting flight.

11. Security

o. On May 1, 2017, Mr. Perrotta sent a memorandum requesting Administrator Pruitt be seated in first or business class on official travel. On how many instances before this memorandum did the Administrator travel in first or business class on official travel?

OCIR CAN PULL THIS INFO

p. On how many instances after this memorandum did the Administrator travel in first or business class on official travel?

OCIR CAN PULL THIS INFO

q. How many times and on what dates did EPA security officials travel with the Administrator for nonofficial business, where the Administrator paid for his own travel expenses?

Ex. 5 - Deliberative Process

r. What was the total cost for security officials' airfare, hotel, and per diem for each of these instances?

Ex. 5 - Deliberative Process

s. Which EPA employee(s) approved the EPA payment to Mrs. Vicki Hart to compensate for a broken door at her condo?

Ex. 5 - Deliberative Process

t. Was Administrator Pruitt involved with or notified about that payment?

u. It has been reported that EPA entered into a new vehicle lease for a Chevrolet Suburban at $10,200 annually. This lease was reportedly for a more upscale LT model, instead of the LS model typically leased and included monthly charges of $300 for luxury upgrades. What were the terms and rate of the previous vehicle used by the Administrator, and what was the rationale for these upgrades?

12. The Administrator's Housing Arrangement

a. It has been reported that the Administrator's original lease with Mrs. Vicki Hart ended at the end of April 2017, but he did not move out of that condo until later in the year. What were the terms of extending the lease?

b. On what date did Administrator Pruitt move out of the condo owned by Mrs. Hart?

The Honorable Joseph Kennedy, III

1. What precipitated the need for a secure phone booth inside of your office? You repeatedly have placed blame at the feet of your staff for the exorbitant $43,000 cost of the phone booth, but it was you yourself who instructed your staff to find a way to create a secure communications line in your office in the first place. Why do you need that secure line? What is the nature of the phone calls you are making that require an additional "secure" phone line while already in the privacy of your own office? If your office does not provide sufficient privacy, why is one of the two Secure Compartmented Information Facilities (SCIFs) inside the EPA headquarters not sufficient?

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

Message

From: Hassell, Emily [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24C1350E0DF84A3CA1F5852C0FEB971B-HASSELL, EM]
Sent: 4/27/2018 8:37:33 PM
To: AO OPA OMR CLIPS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=427e98d7c5d74c5fb1d469a061371223-AO OPA OMR]
Subject: News Clips - 27 April 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt Coverage

Mother Jones - House Republicans on Scott Pruitt: We're With Him

Washington Examiner - Republicans mostly hold their fire on Scott Pruitt, stand by him in nod to Trump

Politico - Inhofe 'reassured' by Pruitt's congressional testimony

Washington Examiner - Scott Pruitt says courts 'struck down' climate rules he is repealing

Politico - EPA delivers first batch of travel documents to Gowdy's panel

E&E News PM - First-class travel became 'distraction' — Pruitt

Wall Street Journal - Pruitt Says Attacks Are Driven by Opposition to Trump

Politico - 'Embarrassment' or 'McCarthyism': Key moments as Pruitt faces lawmakers

Reuters - Grilled by U.S. lawmakers, Trump's EPA chief calls ethics scandals lies

New York Times - Scott Pruitt, on Capitol Hill, Deflects Blame for Ethical Lapses

Washington Post - Scott Pruitt admits little culpability in EPA controversies, mostly blames aides and staff

AP - At hearings, EPA chief seeks to divert blame for ethics woes

Bloomberg - Pruitt's Capitol Hill Defense: Don't Blame Me

Politico - EPA prepping documents in response to Oversight probe

Daily Caller - SCOOP: EPA Memo Suggests Pruitt Did Not Lie To Fox News About Staff Raises

Politico - Documents: EPA reversed raises one day after Pruitt's Fox interview

Politico - EPA says chief of staff had authority to raise salaries without Pruitt's review

Politico - McCollum questions Pruitt justification for security costs

Politico - Pruitt distances himself from LNG promotion on Morocco trip

Washington Examiner - Scott Pruitt blames ambassador for talking up energy exports in Morocco

The Hill - IG: Threat memo cited by Pruitt isn't from IG

ABC News - Highlights from Pruitt's marathon day on Capitol Hill

The Hill - Five takeaways from Pruitt's big testimony

The Hill - Christine Todd Whitman: Scott Pruitt is unfit to run the EPA (*Op-Ed)

Washington Post - Scott Pruitt's feisty defense of himself may have been good enough to save his job of destroying the earth! (*Op-Ed)

Washington Post - Robert Redford: The biggest Scott Pruitt scandal is the one right in front of us

General

Daily Caller - Pruitt Points Out 'An Inconvenient Truth' About Obama's Attempts To Regulate Carbon Emissions

E&E Greenwire - New Source Review rulemaking possible — Pruitt

BNA - EPA Working on Legal Basis for Year-Round Biofuels Sales: Pruitt

Politico - Pruitt leaves door open to Lake Erie TMDL

BNA - Pruitt and His Air Chief Diverge on Industrial Expansion Permits

Daily Signal - Scott Pruitt's Effort to Expose 'Secret Science' Has Environmentalists Scared Stiff

E&E Greenwire - OMB backdates completion date for 'secret science' review

The Hill - EPA approved aide to work for GOP firm, Florida lawmaker

E&E Daily - Pruitt aide approved to work for GOP firm, Fla. lawmaker

Daily Caller - Free Market Groups Call For Clean Power Plan To End

Los Angeles Times - Trump administration aims to block California on fuel economy targets

The Hill - Dem AGs renew call for Pruitt to recuse himself from climate rule repeal process

The Hill - New York threatens to sue Trump over EPA climate rule repeal

The Hill - EPA removes 'international priorities' page from site

AP - Smoke from Wisconsin refinery explosion poses health risk

Bloomberg - Tesla's Foe in Fight Over Electric Vehicle Rebate: Utilities

Politico - Ronny Jackson drama overshadows Pompeo success for White House

Washington Times - Rep. Steve King: Democrats raised the standards too high for Cabinet appointments

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Mother Jones
https://www.motherjones.com/environment/2018/04/house-republicans-on-scott-pruitt-were-with-him/
House Republicans on Scott Pruitt: We're With Him
By Rebecca Leber, 4/26/18, 4:18 PM

One of the reasons Scott Pruitt has probably survived this long at the Environmental Protection Agency is that he still has key Republican support in Congress. It was clear Thursday that House Republicans were still willing to defend him, when Pruitt appeared before the House Energy and Commerce and the House Appropriations subcommittees.

The hearings followed a pattern. Democrats grilled Pruitt on the ethical problems surrounding his administration—or spent their remaining time with monologues about his actions. Republicans were less interested in getting answers from Pruitt on what subcommittee chair Rep. John Shimkus (R-Ill.) called his "stewardship" of the agency, and spent more time focusing on the "policy" they agreed with. Despite Pruitt's innumerable and well-documented ethical violations and questionable spending patterns, many Republicans in the hearing used their time to offer support for the embattled EPA head.

"It's shameful today that this hearing has turned into a personal attack hearing and a shameful attempt to denigrate the work that's being done at the EPA," Rep. Bill Johnson (R-Ohio) said.

Rep. Gregg Harper, (R-Miss.) complained of the "political bloodsport to destroy anyone who is affiliated with this administration."

Rep. Joe Barton (R-Texas) called Pruitt a "victim" of Washington politics. "If you can't debate the policies in Washington, you attack the personality. And that's what's happening to you."

"I apologize for the abrasiveness of some of my colleagues who would rather tarnish your reputation than address the problems facing the nation," Rep. Jeff Duncan (R-S.C.) said after a heated line of questioning from the other side of the aisle.

And as the Huffington Post pointed out, Rep. David McKinley called the criticism a "classic display of innuendo and McCarthyism."

"I have, high, high, high confidence in his personal integrity," Rep. Tom Cole (R-Ok), who comes from Pruitt's home state, added in the second hearing of the day.

In between the hearings, Shimkus told reporters Pruitt's answers were "a little vague" but maintained that only the White House had the power to decide the EPA administrator's fate.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/republicans-mostly-hold-their-fire-on-scott-pruitt-stand-by-him-in-nod-to-trump
Republicans mostly hold their fire on Scott Pruitt, stand by him in nod to Trump
By Josh Siegel, 4/26/18, 6:40 PM

One Republican apologized to embattled Environmental Protection Agency Administrator Scott Pruitt.

“I apologize for the abrasiveness of some of my colleagues trying to tarnish your image,” said Rep. Jeff Duncan, R-S.C., a conservative in the House Freedom Caucus.

Another cleared him of wrongdoing, as more than 10 federal investigations into Pruitt's spending and ethics continue.

“The greatest sin you have committed is you have actually done what President Trump ran on,” said Rep. Kevin Cramer, R-N.D., who is running for Senate in his red state and who was Trump's energy adviser during his presidential campaign.

More than a few GOP lawmakers described Pruitt as a victim, blaming his critics for his problems.

“You’re not the first person to be a victim of Washington politics,” said Rep. Joe Barton, R-Texas. “That is what is happening to you.”

An old friend from back home was chummy, reflecting on their shared history.

“I have known the administrator for over 20 years and I have high, high confidence in his personal integrity and ability, and certainly if a mistake was made, I'm sure it will be acknowledged and corrected because I’ve seen you do it over and over again over the course of a long and very distinguished career of public service,” said Rep. Tom Cole, R-Okla.

And many others thanked Pruitt for his work on "saving" coal jobs, rolling back former President Barack Obama's Clean Power Plan and the Waters of the U.S. rule, and promoting "transparency" with his "secret science" rule.

Republicans who questioned Pruitt Thursday during his first testimony on Capitol Hill since a swirl of scandals put his job in jeopardy showed again why the EPA administrator may survive.

Even as some Republicans question Pruitt’s fiscal integrity and judgment, his die-hard supporters — who share the constituents that form Trump’s base — stand by him because he is carrying out Trump's deregulatory agenda.

Perhaps Rep. Evan Jenkins, a Republican from the coal state of West Virginia, best exemplified the competing impulses of a GOP party that prides itself on fiscal discipline but also abhors government regulations that harm industry.

Jenkins, seated next to Pruitt at a conference table in the more intimate setting of the second of two House subcommittee hearings, swiveled his body right and looked the EPA administrator in the eye, thanking him for beginning to roll back Obama-era environmental rules targeting coal-fired power plants.

“Your administration is restoring hope to the people of West Virginia,” Jenkins said during an afternoon hearing held by the House Appropriations interior subcommittee. “I’m not apologizing for any of the actions you have taken with regards to secure communications or travel. Those are issues you will have to be held accountable for and address. The litany of misdeeds [by the prior administration] put us out of business in West Virginia. Today, we are back in business because of this administration. I appreciate the fact you are respecting the rule of law.”

To be sure, Pruitt did not emerge unbruised from his hearings.

“Did he pay a price today? Half the questions were about his stewardship [of the EPA],” Rep. John Shimkus, R-Ill., who is chairman of the House Energy and Commerce subcommittee that hosted the first hearing, said in a huddle with reporters after it ended.

Shimkus noted that some of Pruitt’s answers to questions were "a little vague."

"It’s never a good idea to blame your staff," he said.

Pruitt opened his morning testimony vowing to "take responsibility" for various ethics and spending accusations, assuring lawmakers he will “make changes.”

But he ended up downplaying his role, often blaming career staff for acting without his knowledge or approval.

The roster of issues under federal investigation include Pruitt’s $50-per-night condo rental deal with the wife of an energy lobbyist who had business before the EPA, his spending of more than $3 million on security, his $43,000 secure phone booth, frequent first-class travel, and allegations that he retaliated against employees who questioned his judgment.

Those problems drew criticism from several Republicans.

“You have not demonstrated the requisite good judgment of an elected official,” said Rep. Ryan Costello, R-Pa., specifically referring to Pruitt’s use of EPA security for personal travel.

“When folks read about trips to Disney or the Rose Bowl, and a security detail related to that, that doesn’t sit well with a lot of people.”

Rep. Leonard Lance, R-N.J., challenged Pruitt about the EPA’s purchase of the $43,000 phone booth for his office, which the Government Accountability Office said violated federal law.

“I do not think it was appropriate, and I think it was a waste of funds,” Lance said. “I am concerned about what I believe is overspending.”

Pruitt replied that he agreed the spending was excessive, but said he did not approve the purchase. He said he would have stopped the transaction if he knew about it.

The EPA administrator later said there is "no truth" to the reports that some EPA employees have faced retaliation after disagreeing with his spending or management decisions.

"I’m not aware of that ever happening," he said.

One Republican was not happy with that answer.

“Even the implication of retaliation can harm morale [at the EPA],” said Rep. Gregg Harper, R-Miss.

When Pruitt’s full day of reckoning was nearly over, Rep. Betty McCollum, D-Minn., ended her questioning as several Democrats before her had, telling Pruitt he should resign.

The few Republicans left sitting around Pruitt at the conference table could be seen chuckling at that unlikely prospect.

Politico
https://www.politicopro.com/energy/whiteboard/2018/04/inhofe-reassured-by-pruitts-congressional-testimony-1127258
Inhofe 'reassured' by Pruitt's congressional testimony
By Anthony Adragna, 4/27/18, 12:27 PM

Sen. Jim Inhofe (R-Okla.) said in a statement today he feels "reassured" about EPA Administrator Scott Pruitt's behavior following the two congressional hearings held on Thursday.

"After a full day of mudslinging and partisan questioning from the Democratic members of the committees, it is clear that the only fault they could find with Scott Pruitt is that he's successfully ending the EPA's history of overreach and overregulation," Inhofe said in a statement.

Inhofe, along with multiple other colleagues on the Senate Environment and Public Works Committee, said they favored holding a hearing with Pruitt after a report in the New York Times alleging the EPA chief got a sweetheart deal on an Oklahoma City home while serving in the state legislature. Those allegations were not discussed at length during Thursday's congressional hearings.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/scott-pruitt-says-courts-struck-down-climate-rules-he-is-repealing
Scott Pruitt says courts 'struck down' climate rules he is repealing
By John Siciliano, 4/26/18, 6:28 PM

Environmental Protection Agency chief Scott Pruitt said Thursday that the courts had struck down President Barack Obama-era climate rules for coal power plants, despite a midnight Thursday deadline for filing comments on the agency's proposal to repeal those very rules.

"There were two efforts made by the previous administration to regulate CO2, and both of them were struck down by the courts," Pruitt said at an afternoon hearing of the House Appropriations Committee's interior subcommittee.

Rep. Chellie Pingree, D-Maine, fired back, thinking he was talking about fuel efficiency and greenhouse gas rules for cars, known as the CAFE standards.

"CAFE standards were not struck down by the courts," Pingree said.

"That's not the issue we're talking about here," Pruitt said. "The tailoring rule that the previous administration adopted with respect to CO2, and then the Clean Power Plan."

It became clear that Pruitt, Oklahoma's former attorney general, had conflated a Supreme Court stay of the power plan with it actually being struck down. The Clean Power Plan was "stayed by the U.S. Supreme Court," which "was unprecedented," he said.

Although Pruitt and others had read the February 2016 stay as a victory on the merits of the case, the Supreme Court's action did not address any of their arguments. It is still up to the lower D.C. Circuit Court of Appeals to address the actual legal arguments made by 28 states, including Oklahoma.

The D.C. Circuit agreed to hold its ruling in abeyance as Pruitt moves forward with his plan to repeal the regulation, which the EPA is looking to replace with a yet-to-be-determined new rule.

The deadline for submitting comments on the proposed repeal of the plan ends at midnight. Both proponents of repeal and defenders of the climate plan have dumped tens of thousands of comments into the EPA's online docket.

Pingree said the legal status of the rules "doesn't allow us to say we're not going to deal with this issue."

Pruitt fired back, "I haven't said that," explaining that he "can only take the steps that Congress authorizes me to take." He said the fault of the Obama administration was it tried to get around Congress and decide the climate strategy for the U.S. through regulation.

“I have actually introduced an advanced notice of proposed rulemaking in the marketplace to solicit comment on our authority to regulate [greenhouse gas emissions],” he said.

Pruitt will seek to craft a rule through a narrow interpretation of section 111(d) of the Clean Air Act, which governs existing power plant emissions. The Obama EPA used the section to regulate emissions on a state-by-state basis, instead of a plant-by-plant basis. Oklahoma and other states argued in the D.C. Circuit that the interpretation of the law was an illegal overreach. None of that has been settled by the courts.

Politico
https://www.politicopro.com/energy/whiteboard/2018/04/epa-delivers-first-batch-of-travel-documents-to-gowdys-panel-1126819
EPA delivers first batch of travel documents to Gowdy's panel
By Anthony Adragna, 4/27/18, 11:48 AM

EPA has delivered copies of travel vouchers of the EPA employees who took overseas trips with Administrator Scott Pruitt to the House Oversight Committee, which expects a second production of documents later today, according to a committee spokeswoman.

EPA is expected to give the panel a "much larger batch of documents" responding to Chairman Trey Gowdy's (R-S.C.) April 13 request later today, spokeswoman Amanda Gonzalez told POLITICO.

Not included in the agency's initial response were travel records for Pruitt's security detail that came along on the trips to Italy and Morocco, though EPA "said they will allow Committee staff to review those documents at EPA, as they are security sensitive," according to Gonzalez.

A senior agency official told POLITICO on Thursday the agency's response to Gowdy's request would show the allegations made by former senior EPA aide Kevin Chmielewski contained "exaggerations" that might mitigate the need for transcribed interviews with four senior EPA aides. Gowdy had requested those aides sit for interviews in his April 13 letter.

Gowdy has been the Republican most aggressively looking into a host of allegations of lavish spending and unethical behavior dogging Pruitt. He requested the documents be provided and interviews scheduled no later than today.

In the most recent letter, Gowdy demanded records related to the decision to increase Pruitt's security to round-the-clock protection, contracts to sweep Pruitt’s office for electronic surveillance, his trips to Italy and Morocco and the hiring of an Italian security firm, among others. He's also been investigating Pruitt's prior first-class travel arrangements and $50-a-night Capitol Hill condo agreement with a Washington lobbyist couple.

E&E News PM
https://www.eenews.net/eenewspm/2018/04/26/stories/1060080243
First-class travel became 'distraction' — Pruitt
By Kevin Bogardus, 4/26/18

EPA Administrator Scott Pruitt tried to win lawmakers' confidence today with assurances that he's already made changes in response to allegations of pricey travel and security expenses.

Appearing before the House Environment, Interior and Related Agencies Appropriations Subcommittee this afternoon, Pruitt went through a litany of stories about his time at EPA. Asked by Chairman Ken Calvert (R-Calif.) to respond to the charges, Pruitt addressed many directly, saying he wanted to make sure that process is followed at the agency.

"I commit to make those changes prospectively to ensure they are followed in the future," Pruitt said.

The EPA chief said he's no longer looking to fly first class and noted he was flying coach early in his time at the agency. Given the number of threats against him, it was recommended he sit in the front of the plane when he travels.

"That was something that was predicated on a security assessment," Pruitt said on why he flew first class. "That dictated changes in my travel."

The administrator said the media focus on his more expensive flights had become "a distraction" and it was better to return to economy class.

"I recently made changes to that because I felt like from an optics and perception standpoint, it was creating a distraction, and I thought it was best to go in another direction," Pruitt said.

The administrator also said he has taken back pay raises given to two of his aides that attracted scrutiny. Pruitt also said he would have not have gone forward with the installation of a secure phone booth in his office if he was aware of the cost.

"The expenditure of $43,000 on secure communication should not have been made, and I would not have made the decision if I was aware of it," he said.

As he did in this morning's hearing before the House Energy and Commerce Environment Subcommittee, Pruitt again faced criticism from Democrats over various alleged ethical lapses at EPA (Greenwire, April 26).

"Your decisions and actions have displayed a disregard for the ethical standards to which all public officials should adhere," said Rep. Betty McCollum (D-Minn.), the subcommittee's ranking member.

Rep. Nita Lowey (D-N.Y.), the full committee's ranking member, took issue with President Trump's fiscal 2019 budget plan for EPA of $6.15 billion, which would be a nearly $2 billion cut from the agency's fiscal 2018 funds. She said in turn Pruitt had upped his own costs while looking to cut EPA's budget.

"It is shocking to me that you're not sparing any expense to spend on yourself," said Lowey on his first-class travel and "a glorified phone booth."

Several Republicans stuck to policy questions for this afternoon's hearing. Some, like Rep. Tom Cole (R-Okla.), praised Pruitt for his work at EPA.

Cole said he had high confidence in the administrator.

"I'm sure if a mistake was made that you will correct it accordingly, which you have done over a long and distinguished career," Cole said.

Wall Street Journal
https://www.wsj.com/articles/pruitt-says-attacks-are-driven-by-opposition-to-trump-1524754373?mod=searchresults&page=1&pos=2

Pruitt Says Attacks Are Driven by Opposition to Trump
By Heidi Vogt and Louise Radnofsky, 4/26/18, 6:52 PM

WASHINGTON— Scott Pruitt, the head of the Environmental Protection Agency, fought back Thursday against Democratic criticism of his spending and policies, asserting that the attacks were driven by opposition to President Donald Trump's agenda.

In largely partisan House subcommittees hearings, Mr. Pruitt said he recognized the "very troubling reports" on his travel, housing and personnel actions, but that much of what had been reported was twisted. "Let me be clear, I have nothing to hide," he said.

The EPA administrator is under investigation for his spending on office furnishings, personnel moves, travel costs and destinations, security practices and the link between his rental housing in Washington and a lobbyist. The White House, inspector general of the EPA, House oversight committee and Government Accountability Office have been looking at the issues.

Mr. Pruitt, who as the Oklahoma attorney general sued the Obama administration over its environmental policies, was tapped for the EPA post to lead the rollback of regulations Republicans deemed burdensome.

On Thursday, Mr. Pruitt said he reversed course on several of the issues now under investigation when he became fully aware of them or if they became a distraction.

On his first-class air travel, he reiterated it had been dictated by security threats—some of which he read aloud— but subsequently opted to stop it after concluding it was creating a distraction for reasons of "optics."

Challenged about a $43,000 secure phone booth he had installed in his office, Mr. Pruitt said that he had simply told staff he needed a method of secure communication. He said it had been agency career staff members who decided to spend the money and made the judgment it wasn't necessary to notify Congress. He said he wouldn't have made the decision if he had been aware of the cost.

He maintained that he was "not at any time aware" of the amounts involved or the process used to award pay raises that now are under scrutiny as they didn't go through the normal approval process by the White House. He added that when found out the details, he rescinded them

Where Mr. Pruitt was unapologetic, Democrats were unforgiving.

"Your actions are an embarrassment to President Trump and distract from the EPA's ability to effectively carry out the president's mission," said Rep. Frank Pallone (D-N.J.) "And if I were the president I wouldn't want your help, I'd just get rid of you."

Rep. Tom Cole, a fellow Oklahoman, said he had high confidence in Mr. Pruitt's integrity and he believed the president's confidence in Mr. Pruitt would remain intact.

"He really performs for the president; that's a presidential decision," Mr. Cole said after the second hearing. "I don't think anything that happened today would undermine that."

Mr. Trump has been supportive of Mr. Pruitt, including publicly, though some administration officials have been more skeptical. On Thursday, an administration official was critical of Mr. Pruitt's performance in the two hearings, but said he probably benefited from attention being directed at Ronny Jackson's withdrawal from the Veterans Affairs secretary nomination and an interview the president gave on Fox News Thursday morning.

"It wasn't necessarily a forest fire—more like a small little burn," the official said of Mr. Pruitt's hearings.

Mr. Pruitt chalked up some of his missteps to a learning curve but said that responsibility for identifying and making changes "rests with me and nobody else," He also said that the criticisms targeted toward him largely stemmed from policies he had pursued.

"They want to attack and derail the president's agenda," he said. "I am simply not going to let that happen."

At both hearings, Republicans came to his defense while Democrats offered sharp-edged critiques of his policy priorities at the agency and Mr. Pruitt's actions.

"You're not sparing any expense on yourself," said Rep. Nita Lowey of New York, who is the top Democrat on the Appropriations Committee. That panel's environment subcommittee questioned Mr. Pruitt later on Thursday.

"You have failed as a steward of American taxpayer dollars and our environment," Mr. Tonko said at the earlier hearing.

But Republican David McKinley of West Virginia decried what he called a "classic display of innuendo and McCarthyism" in criticisms of Mr. Pruitt.

GOP Rep. Joe Barton of Texas also said that he believed Mr. Pruitt was being subjected to ad hominem attacks, "a victim, for lack of a better word, of Washington politics."

Where Republicans did address ethical issues, they did so in a relatively friendly fashion.

Mr. Barton asked Mr. Pruitt if his condo lease in Washington, which critics have said was improperly below market rates and had ties to an energy lobbyist, was cleared by his agency's ethics officer, or if he had done anything illegal by flying first class on commercial airliners. Mr. Pruitt said the housing arrangement had been approved twice, and that his travel was also cleared by two teams at the EPA, but that he had subsequently made changes.

Mr. Pruitt emphasized EPA ethics officials cleared his lease. The ethics office has since said it is revisiting the issue. He compared his spending to numerous Obama administration officials to make the argument he has been thrifty, saying many of them had spent more on international travel than he.

A number of Democratic lawmakers asked Mr. Pruitt about the recently proposed rule to require that any study used in shaping EPA regulation must include raw data. Many scientists have panned the move, saying it would exclude much needed research. "This was an effort to ensure transparency," Mr. Pruitt said.

Mr. Tonko asked whether Mr. Pruitt had confidence in the American Association for the Advancement of Science, which has criticized the rule. "I'm sure their opinion is credible," he said, but "the actions that we take at the agency are different from their responsibilities."

Politico
https://www.politico.com/story/2018/04/26/scott-pruitt-hearing-takeaways-555942
'Embarrassment' or 'McCarthyism': Key moments as Pruitt faces lawmakers
By Quint Forgey, Anthony Adragna, Alex Guillen, and Annie Snider, 4/26/18, 1:40 PM, Updated 5:10 PM

Scott Pruitt, the scandal-ridden administrator of the Environmental Protection Agency, appeared on Capitol Hill on Thursday for back-to-back House committee hearings on his agency's budget request.

But the only spending most lawmakers wanted to discuss were reports of Pruitt's taxpayer-funded air travel, the sweetheart condo lease he secured from a lobbyist, and the numerous other allegations of misappropriating funds and unethical management that have tarred his tenure at the EPA.

Here are key moments from the contentious hearings, held by subcommittees of the House Energy and Commerce and House Appropriations committees:

A defiant Pruitt says he has nothing to hide. The former Oklahoma attorney general argued his critics were simply attempting to undercut the "transformational change" he's making at the agency on behalf of President Donald Trump. "Let's have no illusions about what's really going on here: Those who have attacked the EPA and attacked me are doing so because they want to attack and derail the president's agenda and undermine this administration's priorities," he said at the outside of the day's first hearing, in front of a House Energy and Commerce subcommittee. "I'm simply not going to let that happen." Pruitt maintained had "nothing to hide," and and suggested some of the reports regarding his behavior were inaccurate. "Facts are facts and fiction are fiction," he said. "And a lie doesn't become truth just because it appears on the front page of a newspaper."

Pruitt acknowledged he authorized pay raises for his key aides. But he said he didn't know how much they were, or that his chief of staff — who took the blame for signing off on the salary hikes — circumvented the White House to award them. "I was not aware of the amount, nor was I aware of the bypassing or the [Presidential Personnel Office] process not being respected," Pruitt told lawmakers. Pruitt had earlier said on Fox News that he hadn't known about the raises and that the aides should not have received them. A preliminary report from EPA's inspector general found that chief of staff Ryan Jackson signed off on multiple large raises using Safe Drinking Water Act authority, which allows the agency to move forward without White House sign-off. The raises totaled as much as 72.3 percent.

But he blamed EPA's career staff for his $43,000 privacy booth. He said career employees signed off on the expensive soundproof phone booth installed his office — and maintained he would have refused it if he'd known about the cost. "I did have a phone call that came in of a sensitive nature and I did not have access to secure communication," he said. "I gave direction to my staff to address that and out of that came a $43,000 expenditure that I did not approve." The Government Accountability Office has said the agency violated spending laws by not informing Congress about the booth beforehand. To Pruitt's critics, the booth has come a prominent symbol of his reputation for high-spending and extreme secrecy. Pruitt later said he uses the booth only "rarely," and that "it depends on the nature of the call and how urgent the call is."

Pruitt also had trouble explaining the expensive biometric locks recently installed in his office. They require a code for him to enter, but he wouldn't say whether the locks feature fingerprint scanners or some other type of identification system. When Pruitt said career staffers made the decision to install the locks, Rep. Peter Welch (D-Vt.) wasn't impressed. "It's really starting to seem like there's something on the desk with a motto, 'The buck stops nowhere,'" he quipped.

It's still not clear whether one of Pruitt's top aides came to work for three months. "I'm not aware that she did or did not appear for work. So that's something that is being reviewed at this point," Pruitt said of Samantha Dravis, the associate administrator in charge of EPA's Office of Policy. Sen. Tom Carper (D-Del.) has alleged that Dravis largely did not work the months of November through January, and EPA's inspector general has agreed to review her attendance. Dravis said several weeks ago that she planned to resign, and her last day was reportedly April 20. Pruitt's comments Thursday were a shift from EPA's past statements that the no-show accusation is "completely baseless and absurd."

Democrats pounded him early and often. Those included top Energy and Commerce Democrat Frank Pallone of New Jersey, who said the scandals enveloping Pruitt are "an embarrassment to President Trump and distract from the EPA's ability to effectively carry out the president's mission. And if I were the president, I wouldn't want your help. I'd get rid of you."

Some Republicans also warned Pruitt he needs to answer questions. Environment subcommittee Chairman John Shimkus (R-Ill.) said he considered much of the media narrative surrounding the EPA chief's scandals to be "a distraction," but the committee "cannot ignore" reports of Pruitt's impropriety. "As public servants, our jobs are not based solely on the things we do, or the things we have done, but also on the way we conduct our business," Shimkus said in his opening statement. "It is no secret that there have been many stories in the press about the management and

operations of the agency and your dealings with potentially regulated sectors." And full Energy and Commerce Chairman Greg Walden (R-Ore.) expressed concerns that Pruitt's progress on policy is being "undercut" by the allegations. "These issues are too persistent to ignore," said Walden, a member of House Republican leadership.

But other GOP lawmakers came to his rescue, and one likened the criticism to "McCarthyism." Rep. Joe Barton, a former Energy and Commerce chairman, and Rep. David McKinley (R-W.Va.), a staunch Pruitt ally, blamed Democrats and toxic partisanship for Pruitt's precarious professional standing. "If you can't debate the policies in Washington, you attack the personality, and that's what's happening to you," Barton lamented. McKinley accused Democrats on the panel of not being able to "resist the limelight" and said Pruitt's detractors were simply grandstanding. "I think this has been a lot of classic display of innuendo and McCarthyism that we're seeing too often here in Washington, that I think unfortunately works against civility and respect for people in public office," McKinley said.

Rep. Bill Johnson (R-Ohio) also jumped to shield Pruitt. "I think it's shameful today that this hearing has turned into a personal attack hearing and a shameful attempt to denigrate the work that's being done at the EPA and with this administration," he said. Public officials should have ethical standards "beyond reproach," Johnson said, "but so should members of Congress."

Staffers moved or dismissed under Pruitt weren't being punished, he said. "There's no truth to the assertion that decisions have been made about reassignments or otherwise as far as employment status based upon the things you reference. I'm not aware of that ever happening, and it's something I want to make very, very clear," Pruitt said, vowing he would not retaliate against civil servants who flag wrongdoing. The New York Times reported this month that several top staffers were reassigned or demoted after questioning Pruitt, and POLITICO reported that the agency's deputy homeland security chief was dismissed after signing off on a report questioning Pruitt's security spending.

One Republican ripped into Pruitt with particular gusto. "I think the opprobrium that you've generated on some of these spending decisions is actually warranted," Ryan Costello (R-Pa.), who is retiring from Congress, told the EPA chief. "I've reviewed your answers and I find some of them lacking or insufficient. And I believe you've not demonstrated the requisite good judgment required of an appointed executive branch official on some of these spending items." He went on to ask specifically about reports of retaliation against employees who questioned Pruitt, as well as whether security threats against him were "warranted or credible."

Pruitt: I only took that controversial trip to Morocco because the country's ambassador invited me. "There was a free trade agreement that is in existence with Morocco and the ambassador of Morocco invited me to Morocco to negotiate the environmental chapter on that free trade agreement," Pruitt told lawmakers. The EPA administrator's December jaunt to the North African nation came under intense scrutiny when the agency, in a news release after the fact, described the trip as dual-purpose: to discuss updates to a U.S.-Morocco Free Trade Agreement "and the potential benefit of liquified [sic] natural gas (LNG) imports on Morocco's economy." Later on Thursday, Pruitt attempted to downplay his role in promoting American natural gas exports. "There was a lot of reference made to LNG only because the ambassador [of Morocco] asked me to share that with individuals when I was in country," he said.

Pruitt the leaker? After facing questions about the severity of the threats the EPA chief has faced in office — which the agency has cited to justify his pricey security budget — Pruitt read part of a report from the inspector general's office that documented threats directed at him and his family. Asked whether EPA Inspector General Arthur Elkins Jr. had written the report he cited, Pruitt replied, "I'm looking at the document that says inspector general." But a spokeswoman for the IG's office said Thursday that it came from another official, not Elkins himself. "It was an internal memo from Assistant IG for Investigations Patrick Sullivan," OIG spokeswoman Tia Elbaum said in an email. "It was leaked without authorization. It will be released in the near future as part of an OIG FOIA response."

By the time Pruitt was finished, Shimkus was "just glad he showed up." The Illinois Republican, who chaired Pruitt's first hearing, said he thought the administrator handled himself well and that GOP members were suitably tough in their questioning. "Some of it was accountability for policy, so I don't know what more [critics] want," Shimkus told POLITICO of Pruitt's performance. "I think that he answered the questions in the best way that he could answer them." Shimkus declined to speculate about potential next steps the House Energy and Commerce Committee or the Environment

subcommittee would take, and didn't specifically state whether he thought questions remain unanswered after today's grilling. "I knew it would be painful," he said.

Reuters
https://www.reuters.com/article/us-usa-epa-pruitt/grilled-by-u-s-lawmakers-trumps-epa-chief-calls-ethics-scandals-lies-idUSKBN1HX0GQ
Grilled by U.S. lawmakers, Trump's EPA chief calls ethics scandals lies
By Valerie Volcovici, 4/26/18, 1:07 AM, Updated 8:00 PM

WASHINGTON (Reuters) - U.S. Environmental Protection Agency chief Scott Pruitt on Thursday rejected a litany of ethics complaints against him as lies intended to derail President Donald Trump's agenda, and put much of the blame for any agency missteps on his staff.

During two tense congressional hearings, Pruitt faced tough questions from Democrats and even some fellow Republicans in marathon high-stakes testimony as he seeks to avoid becoming the latest in a long list of Cabinet members and senior White House officials to have either been fired by Trump or quit.

"Facts are facts and fiction is fiction," the embattled agency chief told a House of Representatives panel. "And a lie doesn't become true just because it appears in the front page of the newspaper."

"Those who attack the EPA and attack me are doing so because they want to attack and derail the president's agenda and undermine this administration's priorities," Pruitt testified.

The hearings were scheduled to discuss the EPA budget, but mainly focused on Pruitt's performance.

Trump's inner circle has become frustrated by the torrent of news reports about Pruitt including his costly first-class air travel and around-the-clock security, pay raises given to aides and his rental of a room in a high-end Washington condo linked to an energy lobbyist.

Pruitt remained even-tempered and unapologetic throughout more than five hours of testimony, often avoiding being pinned down on specifics or deflecting responsibility for clear missteps onto his staff - a strategy that drew mixed reviews.

It remains to be seen how Trump will view his performance.

"It's never good to blame your staff. If you do it, do it behind closed doors," said Republican Representative John Shimkus of Illinois after the first hearing.

Democrats were more blunt. "You are unfit to hold public office," Representative Frank Pallone of New Jersey told Pruitt.

Democratic Representative Paul Tonko of New York ripped Pruitt for his "seemingly endless misconduct" and "what appears to be a propensity for grift." Democrats also castigated Pruitt for rolling back environmental regulations the Trump administration has said hinder economic growth.

There are nearly a dozen pending investigations of Pruitt's conduct covering a range of allegations. The Government Accountability Office completed one this month that said the EPA violated two laws by installing a $43,000 soundproof phone booth for his office without telling lawmakers first.

Pruitt testified he requested the secure line, but said his staff never told him the cost and that he would not have made the expenditure had he known.

Pruitt has been among Trump's most controversial Cabinet members. He has drawn praise from conservatives and scorn from environmentalists for rolling back Democratic former President Barack Obama's policy to curb greenhouse gas emissions from power plants and other green regulations opposed by industry.

The tumult in the Trump administration was underscored on Thursday when the president's physician Ronny Jackson withdrew from consideration to head the Department of Veterans Affairs amid allegations of misconduct.

Some 170 Democratic lawmakers have demanded Pruitt's resignation. Five Republican lawmakers joined the call in recent days. But several Republicans expressed support for Pruitt at the hearings, praising his EPA accomplishments.

Representative David McKinley of West Virginia called the criticism of Pruitt a "classic display of innuendo and McCarthyism," a reference to a 1950s-era campaign to root out communists.

Fellow Republican Gregg Harper of Mississippi decried the "political bloodsport" of going after Trump administration officials. But Harper, like several Democrats, raised concerns about reports that whistleblowers who brought some of Pruitt's spending issues to light were removed or reassigned.

"There's no truth to the assertion that positions have been reassigned. I'm not aware of that ever happening," Pruitt said.

Republicans Ryan Costello of Pennsylvania and Leonard Lance of New Jersey quizzed Pruitt on EPA spending for his first-class flights - estimated to have cost taxpayers more than $100,000 - and security team.

"I've reviewed your answers and find some of them have been lacking or insufficient," Costello said.

Pruitt said he recently decided to stop flying first-class despite the EPA previously saying it was a necessary measure to protect him from the public. And he justified his 24-hour security team by reciting some of the personal threats he has received. He said the EPA inspector general's office has documented the threats and deemed them "unprecedented."

Pruitt also deflected a flurry of questions about his role in granting big raises to two of his aides - one of them amounting to more than 50 percent - over objections from the White House. Pruitt said he had given his chief of staff authority hand out salary increases without White House approval under an obscure provision of a clean water regulation, but was unaware of any of the other specifics.

Regarding his $50-per-night condo lease from an energy lobbyist's wife, Pruitt said the arrangement received ethics approval and noted that the EPA inspector general's office had found it to be roughly market rate.

The EPA's inspector general's office has since said its review was based on incomplete information, and did not address the question of whether the lease broke other federal ethics regulations.

During the second hearing, Ohio Democrat Marcy Kaptur raised Pruitt's first-class 2017 travels to Italy and Morocco, and questioned why he declined an invitation to visit Ohio to discuss pollution in Lake Erie.

"Do you know how much a flight to Toledo costs?" Kaptur asked.

New York Times

https://www.nytimes.com/2018/04/26/climate/congress-pruitt-epa-ethics.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection

Scott Pruitt, on Capitol Hill, Deflects Blame for Ethical Lapses

By Coral Davenport and Lisa Friedman, 4/26/18

WASHINGTON — Scott Pruitt, the Environmental Protection Agency chief, had an easier time than expected on Capitol Hill on Thursday as he deflected Democrats' pointed questions about accusations of ethical infractions and lavish personal spending at the taxpayers' expense.

He insisted that the charges were false and that decisions involving illegal actions had been made by his staff members without his knowledge.

"I have nothing to hide," Mr. Pruitt said. Republicans were largely sympathetic.

His performance, supporters said, may have saved his job and his standing with President Trump.

"It's an audience of one, and Pruitt acquitted himself well," said Frank V. Maisano, a principal at the law firm Bracewell, which represents energy companies that lobby the E.P.A.

Mr. Pruitt, whose job security has appeared perilous recently as allegations of ethical improprieties have increased, gave a restrained performance before two House committees. His responses, however, rarely offered direct answers to questions about accusations of excessive spending or conflicts of interest.

While Democrats, who have called for his resignation, sought to force Mr. Pruitt to accept culpability for a variety of ethical missteps, he denied knowledge of or responsibility for the actions in question. Republicans, after briefly chastising Mr. Pruitt in their opening remarks, asked friendly questions that appeared calculated to allow him to talk about his policy proposals.

As reports about Mr. Pruitt have continued to increase, some White House staff members have urged Mr. Trump to fire the E.P.A. chief. Some Republican leaders have called for his resignation, and many in Mr. Pruitt's own party have called for investigations into his actions. But analysts who watched his performance on Thursday said he did well.

Representative Ken Calvert, Republican of California and chairman of the appropriations subcommittee where Mr. Pruitt testified in the afternoon, called the administrator's appearance "very professional."

Asked if Mr. Pruitt should resign he said, "No."

Ultimately, of course, the only opinion about Mr. Pruitt's fate that matters is the president's.

"I think his effort will be well received by the president," Mr. Maisano said. He has more explaining to do, but it was a good effort to mend fences. There were no lethal blows."

Mr. Pruitt is now the subject of 10 federal investigations, including questions about his office's illegal purchase of a secure phone booth, his condominium rental agreement with the wife of an energy lobbyist, and accusations that he demoted or sidelined E.P.A. employees who questioned his actions.

Committee Democrats queried him sharply about the reports of his ethical lapses and pressed Mr. Pruitt on his rollbacks of environmental rules, in particular, a new policy, proposed this week, that would limit the E.P.A.'s use of scientific research in crafting new health and environmental rules. Scientists have deplored the proposed rule, saying that it would significantly limit the agency's use of rigorous science.

“Administrator Pruitt has brought secrecy, conflicts of interest and scandal to the E.P.A.,” said Representative Frank Pallone Jr. of New Jersey, the ranking Democrat on the House Energy and Commerce Committee, where Mr. Pruitt testified Thursday morning. “You are unfit to hold public office and undeserving of the public trust,” he said. “Every indication we have is you really should resign.”

Greg Walden, Republican of Oregon and the chairman of the House Energy committee, offered light criticism before moving on to praising Mr. Pruitt for his efforts to roll back environmental regulations. “I am concerned that the good progress being made on the policy front is being undercut by allegations of your management of the agency and use of its resources,” he said. “These issues are too persistent to ignore.”

Conservative lawmakers from fossil-fuel producing states, who have long pushed for the rollback of E.P.A. regulations, bypassed even slight criticism of Mr. Pruitt, attributing the scrutiny on his actions to a political witch hunt.

Representative David B. McKinley, Republican of West Virginia, told Mr. Pruitt sympathetically that the attacks on him “have an echo of McCarthyism.”

In many ways, the past 14 months of Mr. Pruitt’s tenure has been building to this moment.

As Oklahoma’s attorney general, he made a name for himself aggressively battling the agency he now leads. Mr. Pruitt’s confirmation was fiercely opposed by Democrats, environmentalists and even E.P.A. employees. Since taking the helm of the agency, Mr. Pruitt has worked to strip the E.P.A. of funding, reduce its staff and curb its ability to develop new regulations on fossil fuel pollution.

No E.P.A. director in history has achieved Mr. Pruitt’s level of notoriety. Since the agency was formed, its administrators have been second-tier Washington figures. But Mr. Pruitt’s antagonism toward climate science has made him a nationally-prominent and divisive figure.

Critics said that more than the ethical and spending issues, the real damage to the E.P.A. has been Mr. Pruitt’s systematic weakening of the agency’s ability to protect the environment and public health. While Mr. Pruitt’s performance in Thursday’s hearings may make or break his future within the Trump administration, many said his legacy was already set.

“It’s just been a flagrant, shameless series of calculated decisions to dismantle the country’s most successful domestic enterprise,” William K. Reilly, who led the E.P.A. under the first President George Bush, said of Mr. Pruitt’s leadership. “It’s really a national tragedy,” he said.

At Thursday morning’s hearing, Representative Joe Barton of Texas, who has long denied the overwhelming evidence of human effects on climate change, offered sympathy. “Mr. Pruitt, you’re not the first victim of Washington politics,” he said.

Democrats unsuccessfully sought to pin down Mr. Pruitt on questions about his expenditures, and to force him to accept culpability for some the actions now under investigation.

Representative Tony Cárdenas, a California Democrat, asked about Mr. Pruitt’s soundproof booth, installed in his E.P.A. office at a cost of $43,000. The Government Accountability Office has ruled that the expenditure broke the law.

“I was not aware of the approval of the $43,000,” Mr. Pruitt told him, “and if I had known about it, congressman, I would not have approved it.”

Mr. Cárdenas responded that “if someone was spending $43,000 in my office, I would know about it.”

Representative Diana DeGette, a Colorado Democrat, launched into questions about Mr. Pruitt's involvement in real estate deals in Oklahoma that have been reported in The New York Times, referring to the purchaser of his home as a "shell company."

"It's not a shell company," he said quickly, and added that such financial structures were commonly used to purchase real estate in Oklahoma.

She then asked Mr. Pruitt whether he had paid taxes on rent he received. He said the issue had been handed over to an accountant.

"I'm not doing this to hassle you. I'm doing this as an elected official," Ms. DeGette said as she ended her questions. "Everything we do has to be to the highest ethical standards."

Representative Paul Tonko, the ranking Democrat on the House Energy's subcommittee on the Environment, pressed Mr. Pruitt on his claims that he was unaware that the E.P.A. had used an obscure legal provision to grant hefty raises to political appointees, bypassing approval by the White House. Mr. Pruitt has said the decision was taken by his chief of staff, Ryan Jackson.

"Did you authorize Mr. Jackson to sign those documents for you?" Mr. Tonko asked.

"I was not aware of the amount and I was not aware of the bypassing that was going on," Mr. Pruitt replied.

Even some Republicans criticized Mr. Pruitt for repeatedly blaming his staff.

"If you say give me a phone booth, and your staff does it, you should say, I'm at fault," said Representative John Shimkus, Republican of Illinois, the chairman of the House Energy subcommittee, speaking to reporters after the morning hearing. "It's never good to blame your staff. Or at least do it behind closed doors."

And Representative Anna G. Eshoo, a California Democrat, used her turn at questioning to try to get Mr. Pruitt to accept culpability. "You have a solid record of violating ethics rules from the state level to the federal government," she told Mr. Pruitt. "I think it's an embarrassment." And then she asked, "Do you have any remorse? Yes or no?"

Mr. Pruitt responded: "I think there are changes I've made already. I've made a change from first class to coach travel." Ms. Eshoo returned to her call for a yes-or-no answer, and asked Mr. Pruitt whether he would reimburse the government. He launched into a long response, but she cut him off.

"With all due respect, I may be elected, but I'm not a fool," she said. "This is not 'dodge-question' day."

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/04/26/scott-pruitt-braces-for-tough-questions-at-double-hearings-on-capitol-hill/?utm_term=.3a2ff128b3e1
Scott Pruitt admits little culpability in EPA controversies, mostly blames aides and staff
By Brady Dennis and Juliet Eilperin, 4/26/18, 10:37 PM

Scott Pruitt gave little ground Thursday as he testified before two House panels about controversial spending and management decisions he has made while at the helm of the Environmental Protection Agency, blaming aides for exorbitant spending and saying career officials signed off on other controversial decisions.

Bolstered by Republican lawmakers, who praised his push to unravel Obama-era regulations and cut the agency's workforce, Pruitt suggested that the censure he's faced in recent months stems largely from opponents who want to stall President Trump's environmental policies.

"Those who have attacked the EPA and attacked me are doing so because they want to derail the president's agenda. I'm not going to let that happen," Pruitt told members of the House Energy and Commerce environment subcommittee during the morning. "A lie doesn't become true just because it appears on the front page of the newspaper."

Whether Pruitt's composed performance will be enough to preserve his job remains unclear, but there were few signs Thursday that House Republicans were ready to abandon him. Few GOP lawmakers — among them, Rep. Ryan Costello (Pa.), who is retiring, and Rep. Leonard Lance (N.J.), who is locked in a tough reelection fight — criticized Pruitt during more than five hours of questioning.

Three White House officials said Pruitt's testimony — while "not good," in the words of one — did not deliver a knockout blow to his tenure. The EPA chief has little support among senior aides there, and the president has voiced more concern as allegations and investigations involving Pruitt have accelerated. Multiple probes are underway by the agency's inspector general, as well as by the House Oversight Committee, the Government Accountability Office and the White House itself.

Trump did not watch much of the administrator's testimony live, one official with direct knowledge of his schedule said, but will likely view segments later along with media coverage.

Democratic lawmakers pushed Pruitt hard on several fronts, prompting him to concede that he had known in advance of an aide's pay hike, that he had not sought an ethics ruling on his rental of a condo from a lobbyist and that a costly soundproof phone booth installed in his office did not constitute the kind of secure communications facility commonly used by federal officials for classified discussions.

"I'm not afraid to admit that it has been a learning process," he said.

Pruitt repeatedly faulted staff for spending decisions that have drawn intense heat and denied that he had reassigned or demoted anyone who questioned those expenditures. Several people — including Pruitt's former deputy chief of staff for operations, Kevin Chmielewski — have charged that they faced retaliation after challenging plans to spend taxpayer funds on first-class travel, office upgrades and other perks for him.

The EPA chief insisted there was "no truth" to such reports, adding, "I'm not aware of that ever happening."

He also said he had no idea that his request to install a secure phone line in his office would lead to the customized phone booth costing $43,000. "I was not aware of the approval of the $43,000," Pruitt said at one point, "and if I had known about it, congressman, I would not have approved it."

Midafternoon, Pruitt moved over to a House Appropriations subcommittee and was again pressed on how that phone booth came about. The decision to install it "should not have been made," he said.

Referring more broadly to management and spending missteps at the agency, Pruitt told the panel, "If there are processes that have not been followed internally . . . I commit to make those changes prospectively."

He addressed questions about his first-class travel by saying that, even with ongoing security concerns, he had returned this year to flying coach. "I recently made changes to that because I felt like, from an optics and perception standpoint, it was creating a distraction," he said.

He said he was aware of the move to give agency senior counsel Sarah Greenwalt a raise but did not push for it. She and another staffer received significant raises this spring over the objections of officials in the White House Personnel Office. "I was aware of one of those individuals" receiving a raise, Pruitt told Costello.

Greenwalt got a 52 percent increase last month, while Millan Hupp, director of scheduling and advance, got a 33 percent boost. The Washington Post first reported last week that Greenwalt had emailed a colleague in EPA's human resources department that the raises had been "discussed" with the administrator in advance. Each woman had worked for Pruitt in Oklahoma before coming to Washington.

Earlier, when Rep. Paul Tonko (D-N.Y.) asked Pruitt if he had authorized chief of staff Ryan Jackson to sign the raises, Pruitt had replied, "I was not aware of the amount, nor was I aware of the [Personnel Office] process not being respected." He said he had delegated authority to Jackson to review and approve such personnel actions — a move that was documented by a March 2017 memo the agency released Thursday.

Jackson reversed both raises on April 5, according to EPA documents.

While Costello and Lance bore in on his spending on security and travel, other Republicans lauded his aggressive actions to roll back regulations, most prominently the Obama administration's signature effort to cut carbon emissions from power plants.

"The greatest sin you've committed, if any, is you've actually done what President Trump ran on, won on and what he's commissioned you to do," Rep. Kevin Cramer (R-N.D.) told Pruitt during the first hearing.

Rep. Joe Barton (R-Tex.) mounted a defense on Pruitt's behalf. "You're not the first person to be the victim, for lack of a better term, of Washington politics," the lawmaker told him. Referring to the fact that the administrator frequently traveled in first class during his first year at EPA, Barton inquired, "Is it illegal to fly first class?"

Pruitt said that those tickets had been approved by the agency' travel and security offices, prompting Barton to reply, "But it's not illegal. It may look bad, but it's not illegal."

Rep. David B. McKinley (R-WVa.) described the myriad allegations Pruitt faces as "a classic display of innuendo and McCarthyism," adding that he was disappointed his colleagues across the aisle couldn't restrict their questions to ones about policy. "Some just can't resist the limelight, the opportunity to grandstand," he accused.

The EPA's press office issued a news release shortly before the second hearing, with quotes from Pruitt's congressional supporters, including Cramer's comment: "I never cease to be impressed by the level of detail you know."

But Democrats were unsparing in their criticism. Tonko, the House Energy and Commerce subcommittee's top Democrat, delivered a fusillade as Pruitt looked on impassively. After ticking off several allegations about the administrator's personal financial dealings and professional decisions, the lawmaker said, "In almost all cases, the more we have learned, the worse they get."
He concluded by telling Pruitt, "You have failed as a steward of American taxpayer dollars and of the environment."

Rep. Frank Pallone Jr. (N.J.), the Energy and Commerce's top Democrat, was even harsher. "You are unfit to hold public office, and you are undeserving of the public trust," he told Pruitt.

Pallone pressed Pruitt on whether he had retaliated against employees who questioned some of his spending decisions. "Has it always been your practice to fire people who disagree with you?" he asked.

Pruitt rebutted the charge. "I don't ever recall a conversation to that end," he said.

The administrator did retreat some during an exchange with Rep. Diana DeGette (D-Colo.). Previously, EPA officials had likened the privacy phone booth to a Sensitive Compartmented Information Facility (SCIF) that Pruitt needed for secure conversations with the White House and other officials. A recent GAO report did not assess the booth's security merits but said Pruitt violated federal spending laws by spending more than $5,000 upgrading his office without advance notice to Congress.

The phone booth "is actually not a SCIF," Pruitt said, even as he rejected the GAO's conclusion. He acknowledged that he has only used the booth sparingly. "It's for confidential communications, and it's rare," he added.

At times, he professed to be unfamiliar with some of the technology his aides had installed in his office.

"What is a biometric lock?" Rep. Peter Welch (D-Vt.) asked.

"I don't know," the administrator replied. "I just put a code in."

AP
https://apnews.com/dd43296ebf6c4c3ab851de09dcf78d2e/At-hearings,-EPA-chief-seeks-to-divert-blame-for-ethics-woes
At hearings, EPA chief seeks to divert blame for ethics woes
By Michael Biesecker and Ellen Knickmeyer, 4/27/18

WASHINGTON (AP) — Environmental Protection Agency chief Scott Pruitt, yet another Trump administration official with his job on the line over ethical concerns, took heat from lawmakers over his profligate spending and lobbyist ties and tried to divert responsibility to underlings.

The EPA administrator said "twisted" allegations against him were meant to undermine the administration's anti-regulatory agenda, and he denied knowing details of some of the extraordinary spending done on his behalf at the agency.

The public grilling at back-to-back House hearings on Thursday, convened to consider EPA's budget, came as support has appeared to erode for Pruitt among fellow Republicans after revelations about unusual security spending, first-class flights, a sweetheart condo lease and more. Even Republicans who heartily support Pruitt's policy agenda said his apparent lapses had to be scrutinized.

Democrats excoriated him.

"You are unfit to hold public office," said Rep. Frank Pallone of New Jersey.

"You've become the poster child for the abuse of public trust," said Rep. John Sarbanes of Maryland.

Although most of the Republican lawmakers at the hearings rallied around Pruitt, reviews were mixed. Rep. John Shimkus of Illinois, chairman of the first panel that questioned Pruitt, said afterward the EPA chief was "a little vague," adding, "It's never a good idea to blame your staff in public."

Democratic lawmakers assailed EPA chief Scott Pruitt on Thursday for the ethics and spending scandals that have prompted multiple calls for his ouster. The chairman of the panel that is questioning Pruitt called the allegations a "distraction but one this committee cannot ignore." (April 26)

Asked whether Pruitt should resign, he said that's not his call and suggested it's up to President Donald Trump.

Thursday's hearings were Pruitt's first major appearance since a Fox News interview in early April that was widely considered to be disastrous within the West Wing.

Before Congress, the administrator demonstrated his background as a lawyer, giving clipped answers and sticking to repeating rehearsed talking points.

He visibly bristled as Democrats pressed about the many financial allegations against him, then relaxed when Republicans on the panel gave him openings to expand on his policy steps at EPA.

Mocking Pruitt's opponents, Republican Rep. Kevin Cramer of North Dakota said that as far as the EPA chief's critics were concerned, "I think the greatest sin you've done is you've actually done what President Trump ran on."

"It's shameful that this day has turned into a personal attack," GOP Rep. Bill Johnson of Ohio said.

Trump has stood by his EPA chief, but behind closed doors, White House officials concede Pruitt's job is in serious jeopardy.

Pruitt has faced a steady trickle of revelations involving pricey trips in first-class seats and unusual security spending, including a $43,000 soundproof booth for making private phone calls. He also demanded 24-hour-a-day protection from armed officers, resulting in a 20-member security detail that blew through overtime budgets and racked up expenses approaching $3 million.

The EPA chief acknowledged under sharp questioning that he did, in fact, know something about huge pay raises given to two women on his staff, at least one of them a friend, after insisting weeks ago that he didn't approve the raises and didn't know who did. After his initial denial, documents emerged showing that EPA chief of staff Ryan Jackson signed off on the raises and indicating he had Pruitt's consent.

Pruitt said Thursday he delegated authority to Jackson to give the raises but didn't know the exact amounts. Senior legal counsel Sarah Greenwalt received a raise of more than $66,000, bringing her salary to $164,200, and scheduling director Millian Hupp saw her salary jump from $48,000 to $114,590.

Under questioning, Pruitt appeared to acknowledge that Hupp helped him find accommodations in the capital but said her search apparently did not cost taxpayers. "I'm not aware of any government time being used," he said. "She is a friend."

As he has previously, Pruitt sought to deflect questions about any missteps by blaming subordinates.

—On the communications booth: "I was not involved in the approval of the $43,000, and if I had known about it, Congressman, I would not have approved it."

—On flying first class at taxpayer expense: "Security decisions at the agency are made by law enforcement personnel, and I have heeded their counsel."

—On the pay raises to the two women: "I was not aware of the amount provided or the process that was used in providing that."

At several points, he spoke of decisions made by "career individuals at the agency."

"You're the guy in charge," Democratic Rep. Peter Welch of Vermont countered. "It really seems like there's something on your desk with the motto: 'The buck stops nowhere.'"

Pruitt drew an unusual rebuke from the office of EPA's inspector general, Arthur Elkins, while he was still testifying. A spokesman for Elkins, Kentia Elbaum, said he never signed off on an internal review of security threats that Pruitt cited at the hearing to explain why he needed unusual arrangements for his safety.

Elbaum said the summary was prepared by Patrick Sullivan, an assistant inspector general, and provided to Pruitt's security team but said it was later "leaked without authorization."

Pruitt read aloud from two security threats, one from a man who tweeted that he planned to shoot Pruitt. Investigators determined that the person who wrote the tweet "is currently believed to be living in India."

Democratic Rep. Betty McCollum of Minnesota was unmoved, saying: "We all receive threats on our Facebook page."

The same document Pruitt cited also recounted similar threats against Obama EPA Administrator Gina McCarthy, who routinely flew in coach and didn't require full-time protection.

Pruitt's troubles began in earnest last month, when ABC News first reported he had leased a Capitol Hill condo last year for just $50 a night that was co-owned by the wife of a veteran fossil fuels lobbyist whose firm had sought regulatory rollbacks from EPA.

Both Pruitt and the lobbyist, Steven Hart, denied he had conducted any recent business with EPA. But Hart was forced to admit last week he had met with Pruitt at EPA headquarters last summer after his firm, Williams & Jensen, revealed he had lobbied the agency on a required federal disclosure form.

Asked Thursday whether he had received any other gifts from lobbyists seeking favors from EPA, Pruitt replied, "I'm not aware of any instances."

Bloomberg
https://www.bloomberg.com/news/articles/2018-04-26/pruitt-s-challenge-convince-congress-he-should-keep-epa-job
Pruitt's Capitol Hill Defense: Don't Blame Me
By Jennifer A Dlouhy and Ari Natter, 4/26/18, 4:00 AM, Updated 4/27/18, 4:00 AM

Environmental Protection Agency Administrator Scott Pruitt made it through nearly six hours of grilling on Capitol Hill on Thursday by mostly blaming subordinates for the swirl of ethics allegations that have endangered his tenure.

The EPA chief asserted in back-to-back House hearings that he was not aware of the size of the pay raises that were granted to two top aides over White House objections; didn't ask to fly first-class; and didn't know that the secure phone booth installed in his office was going to cost $43,000.

"If I had known about it, I would not have approved it," Pruitt said when asked about the phone booth.

He stayed calm and lawyerly, managing to avoid any gaffes that could further jeopardize his job. But he didn't appear to win any converts who could aid his political survival. White House officials have cautioned Republican lawmakers and other conservative allies to temper their defense of Pruitt, in a sign administration support for him may be waning.

"It's never good to blame your staff," Illinois Representative John Shimkus, the Republican chairman of the House Energy and Commerce environment subcommittee, told reporters after the hearing. "Or you do it behind closed doors and you talk to them -- but not publicly."

Pruitt, 49, has drawn fire -- and at least nine formal investigations -- for frequent travel to his home state of Oklahoma; questionable spending decisions at the EPA; the raises, which amounted to tens of thousands of dollars; and allegations that some employees were sidelined after questioning his decisions.

Democrats dinged Pruitt for not being able to definitively say whether he had paid taxes on earnings tied to Oklahoma real estate or whether an associate administrator had reliably shown up for work before resigning earlier this month.

"For someone who has been in the job for a year and half, he didn't seem to be in command of a lot of details," Representative Marcy Kaptur, an Ohio Democrat, observed after the afternoon appropriations subcommittee hearing with Pruitt.

Representative Betty McCollum, a Democrat from Minnesota, came right out at the hearing and told him he should resign.

"He could have taken personal responsibility," McCollum said afterward.

Representative Anna Eshoo, a Democrat from California, ticked through the allegations before asking Pruitt: "Do you have any remorse?"

Pruitt cast aside the controversies as "a distraction to our agenda," and called them "half truths, or, at best, stories that are so twisted they do not represent reality."

"Those who attack the EPA and attack me are doing so because they want to attack and derail the president's agenda and undermine this administration's priorities," Pruitt said. "I have nothing to hide with how I ran the agency over the past 16 months."

Pruitt stressed he has made changes in response to some concerns, such as returning to flying coach when his first-class airline travel drew criticism. He said the costlier fares were chosen by security officials concerned about threats against him.

Travel Optics

"I felt like from an optics and perception standpoint it was creating a distraction," Pruitt said, in explaining the downgrade.

Some -- but not all -- Republicans provided a friendlier welcome, with several extolling Pruitt's performance at the EPA, at least one apologizing for colleagues' "abrasive" questions and two casting the deluge of accusations against the administrator as McCarthyism.

"It appears that it has become a political blood sport to try and destroy anybody with the Trump administration," observed Representative Gregg Harper, a Republican from Mississippi.

Representative David McKinley, a West Virginia Republican, said Pruitt had been the target of a "classic display of innuendo and McCarthyism that we're seeing too often here in Washington." Some lawmakers "just can't resist the limelight, the opportunity to grandstand," McKinley said.

Representative Leonard Lance, a Republican from New Jersey, said he was troubled by the allegations of overspending and singled out the phone booth acquisition. The EPA building in Washington already has a secure room where classified information can be shared, so why did we need to spend taxpayer funds on another, Lance asked. "I think it was a waste of funds."

"I gave a simple communication to my leadership team" asking for a secure phone line, Pruitt explained. "It turned into a 40,000-plus expenditure on this phone booth."

From beginning to end, that purchase was handled by EPA career staff, Pruitt said. "Those were all career individuals that were part of that process," Pruitt said.

Some Republicans said Pruitt deftly fielded questions, answering them about as well as he could have. "I think he did fine. I see no reason to change," said Representative Ken Calvert, a California Republican. "We have a committee that is looking into these charges and we'll have a resolution to it."

Politico
https://www.politicopro.com/energy/whiteboard/2018/04/epa-prepping-documents-in-response-to-oversight-probe-1125125
EPA prepping documents in response to Oversight probe
By Anthony Adragna, 4/26/18, 8:11 PM

EPA staff is in the process of providing documents to the House Oversight Committee that it believes will respond to allegations of lavish spending and unethical conduct by Administrator Scott Pruitt and may negate the need for several aides to appear for interviews, according to a senior EPA official.

The agency staffers believe the documents will show former Trump campaign aide Kevin Chmielewski, who served as a senior aide to Pruitt, made a number of "exaggerations" when he spoke with Democratic and Republican lawmakers, according to the official.

Senior staffers at the agency are also willing to sit for interviews with Oversight staff if desired, the official said. Those officials include: Pasquale "Nino" Perrotta, Pruitt's security chief; Ryan Jackson, Pruitt's chief of staff; Millan Hupp, a scheduling and advance aide; and Sarah Greenwalt, a senior counsel to Pruitt.

House Oversight Chairman Trey Gowdy (R-S.C.) expanded his probe into the embattled EPA chief's activities one day after his staff sat down with Chmielewski. In an April 13 letter, Gowdy requested a host of documents and that the interviews be scheduled by April 27.

In addition, an Oversight Committee aide said earlier this week the committee had informally requested on April 16 that Samantha Dravis, formerly one of Pruitt's closest aides, appear for a transcribed interview with committee staff. Dravis had not been included in Gowdy's original letter because it was thought she left the agency, but her resignation was actually effective April 20, according to the aide.

A spokeswoman for the Oversight Committee did not respond to request for comment today.

Daily Caller
http://dailycaller.com/2018/04/27/pruitt-likely-didnt-lie-on-staff-raises/
SCOOP: EPA Memo Suggests Pruitt Did Not Lie To Fox News About Staff Raises
By Michael Bastasch, 4/27/18, 10:43 AM

Environmental Protection Agency Administrator Scott Pruitt told Congress he "delegated" authority over controversial raises to his chief of staff, and some reporters took that as a subtle admission he lied.

However, an EPA memo obtained by The Daily Caller News Foundation shows Pruitt delegated personnel authority to Chief of Staff Ryan Jackson more than one year ago, not around the time of the controversial raises. TheDCNF first revealed the existence of the EPA memo in a Thursday tweet.

Based on the document and Pruitt's testimony, he was not saying he gave Jackson authority to grant the two raises in question.

Democratic lawmakers grilled Pruitt during two hearings on Thursday, including on reports he authorized big salary raises for two close aides over White House objections. Democratic New York Rep. Paul Tonko's exchange with Pruitt got the most attention.

Tonko asked Pruitt for a response to reports in The Atlantic he, or his staff, authorized raises for two staffers who followed the administrator from Oklahoma. The raises were rejected by White House staffers, so EPA used a provision of federal law to go around the oval office.

"Those were delegated to Mr. Jackson and the Inspector General did reference that in his management alert," Pruitt responded to Tonko.

"There were delegations giving him that authority," Pruitt added.

Fox News correspondent John Roberts interpreted Pruitt's delegation of authority to Jackson as "contradicting what he told" Fox's Ed Henry earlier in April.

Pruitt told Henry he'd only found out about the raises given to two staffers when The Atlantic reported on the incident the day before, on April 3. Pruitt also told Henry he did not know who on his staff authorized the pay raises over White House objections.

The Atlantic reported that Pruitt himself approached the White House about the raises for two staffers, the authorized the raises using a provision of the Safe Drinking Water Act after PPO shot him down.

Roberts and others claimed this showed Pruitt changed his story on the raises, essentially lying to Fox News a few weeks earlier.

But the memo obtained by TheDCNF shows he delegated Jackson authority over personnel decisions under the Safe Drinking Water Act in March 2017 — one year before EPA approached the White house about the raises.

The "delegated" authority Pruitt referred to happened months ago, not as the raises for two staffers were being sought, based on the memo.

Jackson later admitted he authorized the pay raises, and EPA's Office of Inspector produced a report showing Jackson did indeed sign off on them "for Scott Pruitt." According to the memo, Pruitt had given Jackson the authority to make such personnel decisions about one year earlier.

Politico
https://www.politicopro.com/energy/whiteboard/2018/04/document-epa-reversed-raises-one-day-after-pruitts-fox-interview-1125002
Documents: EPA reversed raises one day after Pruitt's Fox interview
By Emily Holden and Nick Juliano, 4/26/18, 6:45 PM

EPA reversed raises for two top aides to Administrator Scott Pruitt the day after his interview with Fox News, according to documents shared by the agency today.

Pruitt told Fox his staff had authorized the raises and he had "corrected them." A day later, on April 5, Pruitt's chief of staff, Ryan Jackson, signed personnel forms reverting the aides to their previous pay grades, according to copies of the forms reviewed by POLITICO. Jackson signed the documents "for Scott Pruitt," as he had on forms authorizing the initial pay bumps a few days earlier, according to documents previously released by EPA's inspector general.

Sarah Greenwalt, senior counsel to Pruitt, received a $56,765 increase in her annual salary on April 1, and Millan Hupp, director of scheduling and advance, saw a $28,130 increase that same day, according to the earlier IG documents.

Jackson reversed those moves on April 5, bumping Greenwalt's salary back to $109,900 per year, and Hupp's to $88,450, according to the new documents.

Pruitt signed a memo in March 2017 delegating to Jackson the ability to make hiring and salary decisions using a special section of the Safe Drinking Water Act.

"Administrator Pruitt has consistently said he was not aware of the amount of the raises or the process that was used, as he said both today and in prior interviews," EPA spokesman Jahan Wilcox said in a statement. "He was aware one of the individuals was receiving changes to job responsibilities and might be asking for a raise, but had no further involvement in the discussions, negotiations or approvals, because he had authorized his Chief of Staff and other EPA officials to handle all personnel matters."

Politico
https://www.politicopro.com/energy/whiteboard/2018/04/epa-says-chief-of-staff-had-authority-to-raise-salaries-without-pruitts-review-1123943
EPA says chief of staff had authority to raise salaries without Pruitt's review
By Emily Holden, 4/26/18, 4:18 PM

EPA chief of staff Ryan Jackson has had blanket authorization since the beginning of Administrator Scott Pruitt's tenure to handle hiring and raises under the Safe Drinking Water Act, according to an agency document shared by spokesman Jahan Wilcox.

In a memo dated March 7, 2017, Pruitt delegates to Jackson "the authority to approve all personnel actions for personnel appointed under the Safe Drinking Water Act." According to the memo, Pruitt says he will "retain the right to exercise or withdraw" that authority.

The law has allowed EPA to hire and increase salaries for political appointees without White House consent. Pruitt, under fire after key aides got raises of up to 72 percent, has said he was unaware of the specifics of the salary changes.

He acknowledged to lawmakers on the House Energy and Commerce Environment Subcommittee earlier today that he had delegated authority to Jackson but did not say when.

Pruitt also said staffers were responsible for his $43,000 secure phone booth and biometric locks installed in his office. He said his security team made decisions about his air travel, which has cost at least $163,000, including first-class, charter and military fights.

Politico
https://www.politicopro.com/energy/whiteboard/2018/04/mccollum-questions-pruitt-justification-for-security-costs-1123434
McCollum questions Pruitt justification for security costs
By Alex Guillen, 4/26/18, 4:50 PM

Rep. Betty McCollum (D-Minn.) questioned the severity of the threats EPA Administrator Scott Pruitt has faced in office, which the agency has cited to justify his heavy spending on security.

At a House Energy and Commerce subcommittee hearing this morning, Pruitt cited a report from the inspector general's office that documented threats directed at him and his family in social media posts, emails and letters. The document was first reported earlier this month by CBS.

Later, at Pruitt's second hearing of the day, before a House Appropriations subcommittee, McCollum said the IG's office had disputed Pruitt's characterization of the document and expressed skepticism about the seriousness of its findings.

“We all receive death threats on our Facebook page,” McCollum said after Pruitt read aloud a threat sent to his daughter via social media.

McCollum asked Pruitt whether EPA Inspector General Arthur Elkins Jr. had written the report he cited. "I'm looking at the document that says inspector general," Pruitt replied.

But a spokeswoman for the IG's office said today said it came from another official, not Elkins himself.

“It was an internal memo from Assistant IG for Investigations Patrick Sullivan,” OIG spokeswoman Tia Elbaum said in an email. “It was leaked without authorization. It will be released in the near future as part of an OIG FOIA response.”

After the hearing, McCollum said she was disappointed with Pruitt.

“He could have taken personal responsibility and really meant it," she told reporters. "Instead he messed up in that he got caught up in thinking he needed more security than he needed, and that when employees pushed back on him, he did retaliate.”

Politico
https://www.politicopro.com/energy/whiteboard/2018/04/pruitt-distances-himself-from-lng-promotion-on-morocco-trip-1122333
Pruitt distances himself from LNG promotion on Morocco trip
By Anthony Adragna, 4/26/18, 3:38 PM

EPA Administrator Scott Pruitt today downplayed the role promoting liquefied natural gas exports played in his December trip to Morocco, saying he was there for negotiations over the environmental chapter of a free trade agreement with that country.

While EPA at the time described the purpose of the trip as twofold, Pruitt told members of Congress today that promoting LNG was not his idea.

"There was a lot of reference made to LNG only because the ambassador [of Morocco] asked me to share that with individuals when I was in country,” Pruitt told Rep. Chellie Pingree (D-Maine) at an Appropriations subcommittee hearing, his second appearance on Capitol Hill of the day.

EPA did not announce Pruitt's trip in advance, but a press release announcing it after the fact said he discussed both the trade agreement and "the potential benefit of liquified [sic] natural gas (LNG) imports on Morocco's economy.”

Critics argue the trip fell well-outside the portfolio of the EPA administrator.

"I can’t for the life of me imagine why an EPA administrator would be over there promoting energy sales,” Pingree said. "We have a Department of Energy."

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/scott-pruitt-blames-ambassador-for-talking-up-energy-exports-in-morocco
Scott Pruitt blames ambassador for talking up energy exports in Morocco
By John Siciliano, 4/26/18, 4:17 PM

Environmental Protection Agency chief Scott Pruitt downplayed his trip to Morocco last year, saying the only reason he discussed natural gas exports there was because he was asked to by the Moroccan ambassador to the United States.

The primary purpose of the trip was to hash out the environmental component of a free-trade deal the U.S. finalized with Morocco in February, he said at a hearing Thursday afternoon before the House Appropriations Committee's interior subcommittee.

“There is a free-trade agreement, the ambassador of Morocco actually met with me in advance of the free-trade agreement that was being negotiated and completed in February of this year," Pruitt explained, after being prodded by Democratic Rep. Chellie Pingree of Maine on why an EPA chief would be promoting fossil fuels in another country.

"We were there in December to defend the environmental chapter” of the trade deal, Pruitt said. The EPA inspector general is investigating the trip's costs, which amounted to $40,000.

The inspector general's office added the Morocco trip to a previous investigation it was undertaking on Pruitt's lavish domestic travel and security costs in response to a letter by Sen. Tom Carper of Delaware, the top Democrat on the Environment and Public Works Committee. Carper also asked the EPA watchdog to probe the focus of Pruitt's trip and his focus on liquefied natural gas exports from the United States.

“Well, it's certainly been portrayed in another way and its certainly raised a lot of concerns," Pingree said after hearing Pruitt's response. "I would not like to think that you were promoting fossil fuels or fossil fuel sales outside the country.”

The EPA issued a press release on Dec. 12, after his visit, that stated that he was in Morocco to outline "U.S. environmental priorities for updating the environmental work plan under the U.S.-Morocco Free Trade Agreement and the potential benefit of liquefied natural gas (LNG) imports on Morocco’s economy. "

Some media reports have noted that the energy lobbyist whose wife Pruitt rented a Capitol Hill condo from was a lobbyist for Cheniere Energy, a top exporter of LNG.

The Hill
http://thehill.com/policy/energy-environment/385065-ig-threat-memo-cited-by-pruitt-isnt-from-ig
IG: Threat memo cited by Pruitt isn’t from IG
By Timothy Cama, 4/26/18, 4:13 PM

The Environmental Protection Agency’s (EPA) Office of Inspector General (OIG) pushed back Thursday against EPA head Scott Pruitt, saying he misrepresented a memo about the threats against him in testimony to the House.

In two separate hearings Thursday, Pruitt presented to lawmakers a “threat assessment” that he said came from Inspector General Arthur Elkins detailing various death threats against him.

He used the memo to justify his security costs, including the purchase of first-class airline tickets and the employment of a 24/7 security detail.

But the OIG says the document wasn't from Elkins.

"The memo that he read from was not from Inspector General Elkins. It was an internal memo from Assistant IG for Investigations Patrick Sullivan," OIG spokeswoman Kentia Elbaum said in a statement.

"It was leaked without authorization," Elbaum said, adding that the OIG plans to release it soon in response to a Freedom of Information Act (FOIA) request.

Elbaum's statement described Pruitt as "waving a document he said was from the Inspector General."

At the afternoon hearing with the House Appropriations Committee's subcommittee with authority over the EPA's budget, Rep. Betty McCollum (Minn.), the subpanel's top Democrat, repeatedly asked Pruitt whether the document was from Elkins.

"The document says 'inspector general,'" Pruitt replied. He similarly claimed earlier to the House Energy and Commerce Committee that the inspector general wrote the report.

Sullivan has told multiple news outlets that Pruitt has gotten far more death threats than previous EPA administrators.

"We have at least four times — four to five times the number of threats against Mr. Pruitt than we had against Ms. [Gina] McCarthy," he told CNN.

The New York Times reported this month that Sullivan was spotted drinking at a bar near the EPA's headquarters with Pasquale "Nino" Perrotta, the head of Pruitt's security detail and the impetus behind much of Pruitt's high-level security.

That spurred Citizens for Responsibility and Ethics in Washington to ask that the OIG look into their relationship and whether Sullivan should be involved with investigations involving Pruitt or Perrotta.

ABC News
http://abcnews.go.com/Politics/amid-reports-misconduct-pruitt-faces-house-panels-live/story?id=54747126
Highlights from Pruitt's marathon day on Capitol Hill
By Stephanie Ebbs and Lucien Bruggeman, 4/26/18, 7:53 PM

Environmental Protection Agency chief Scott Pruitt insisted he has "nothing to hide" and shifted blame for some of the agency's spending decisions to staffers during six hours of grilling on Capitol Hill Thursday.

Asked how the White House viewed Pruitt's performance, one administration official told ABC News that he still "has no support in the building except from the president."

Some Republicans defended Pruitt, saying that Democratic critics were trying to shoot the messenger and that he was a victim of "Washington politics" while Pruitt himself said some of the accusations of ethical misconduct were just untrue.

Pruitt faced an array of questions about his decisions to roll back environmental policies since taking over the agency, whether he granted controversial raises to two of his aides and the cost of his security detail and travel.

Pruitt had addressed some of the allegations and ongoing investigations in a Fox News interview that aired earlier this month but Thursday was the first time he was questioned about reports that he retaliated against EPA employees that

expressed concerns about his spending at the agency as well as claims from an EPA whistleblower, described in a letter from Democrats, that his security detail exaggerated threats against him to justify increased spending and first-class seating on flights.

Pruitt appeared before a House Energy and Commerce subcommittee Thursday morning and then before a House Appropriations subcommittee in the afternoon.

Here are some highlights from the two hearings.

A member of the House Appropriations subcommittee raised questions about one of Pruitt's trips abroad, a recent visit to Morocco during which Pruitt promoted U.S. natural gas exports – typically within the Energy Department's purview.

"I can't for the life of me imagine why an EPA administrator would be over there promoting energy sales," Rep. Chellie Pingree, D-Maine, said.

Pruitt defended the trip as a preliminary meeting for the U.S.-Morocco Free Trade Agreement where "there was a lot of reference to LNG" – shorthand for liquefied natural gas – "only because the ambassador asked me to share that with individuals while I was in country."

It wasn't immediately clear which ambassador Pruitt was referring to.

ABC News has previously reported that Pruitt recorded only one meeting on the first day of the costly trip to the Saharan country.

An initial agenda for the trip reviewed by ABC News included four redacted pages.

The afternoon hearing began much in the same way as the Energy and Commerce subcommittee's morning hearing ended, with Democratic ranking member Rep. Betty McCollum, D-Minn., holding Pruitt's feet to the fire about security and travel expenditures.

As Pruitt read aloud threats made against him – referring to a document he says was provided to him by the EPA's inspector general – in an effort to justify higher security costs – McCollum pushed back, telling Pruitt that "we all receive death threats on our Facebook page."

McCollum revealed that the committee reached out to the EPA's inspector general ahead of the hearing and said the inspector general, Arthur Elkins, "disputed" some of Pruitt's claims.

Pruitt insisted the document was from the inspector general, and McCollum asked that the document be submitted for the hearing's official record.

When ABC News reached out to the inspector general's office, a spokesperson confirmed Rep. McCollum's assertion that Elkins disputed Pruitt's claim.

"The memo that [Pruitt] read from was not from Inspector General Elkins," a spokesperson for the inspector general said, adding, "It was an internal memo from Assistant IG for Investigations Patrick Sullivan. It was leaked without authorization. It will be released in the near future as part of an OIG FOIA response."

After nearly four hours of questioning, the House Energy and Commerce subcommittee hearing ended the way it began, with exasperated Democratic lawmakers peppering Pruitt with questions about reports of unethical behavior and lavish spending – and criticizing Republicans on the panel for refraining from doing so.

Asked whether he has any remorse for what Rep. Anna Eshoo, D-Calif., called "excessive spending," Pruitt said he's already made changes, citing his decision to fly in coach after reports emerged that Pruitt flew in first class.

"This is not a dodge question day… I don't really find you forthcoming," Eshoo added.

Vermont Democrat Peter Welch again questioned Pruitt about the purchase of a $43,000 soundproof phone booth, pointing to the two secure spaces already within the EPA to communicate sensitive information.

Pruitt reiterated that his staff coordinated the purchase of the secure phone booth, adding that the two other secure spaces are "not that close to my office."

With regard to his chain of command and delegating the phone booth purchase to staff, Pruitt conceded that "in this instance, the process failed."

In the waning moments of the hearing, Rep. Kathy Castor, D-Fla., expressed disappointment in her Republican colleagues for letting Pruitt "off the hook" by avoiding questions about his conduct.

"It's embarrassing that most of the Republicans refuse to take this committee's oversight responsibility seriously," Castor said.

Pruitt shifted blame onto "career EPA officials" for erecting a private phone booth in the administrator's office that cost more than $43,000.

"I did not have access to secure communications, I gave directions to my staff to address that," Pruitt said, adding that staffers had "made expenditures that I did not approve."

The EPA spent more than $43,000 to install a "secure phone booth" in Pruitt's office last year, according to agency documents obtained by American Oversight, a watchdog group founded by former Obama administration officials.

Pruitt confirmed that the phone booth was not certified as a SCIF – a facility used for secure communications to discuss classified information. The EPA already two SCIFs elsewhere in its headquarters, according to the GAO report.

Earlier this month, the Government Accountability Office found that the EPA violated federal law by failing to notify Congress before spending more than $5,000 on the phone booth.

In a letter to the GAO, the EPA also argued that spending on the booth did not need to comply with the appropriations law because it was not an "aesthetic improvement," but an expense to facilitate agency business. A decision by EPA's general counsel disagreed with that finding, saying that it was a functional improvement and not just aesthetic.

Pruitt said the EPA is investigating that matter internally.

Pruitt told the committee that he gave a top aide permission to give at least two EPA employees big raises, deviating from how he characterized authorization for these raises in the past.

A report from the EPA's internal watchdog found that it was Pruitt's chief of staff, Ryan Jackson, who signed off on raises for 30-year-old senior legal counsel Sarah Greenwalt and 26-year-old scheduling director Millian Hupp under a little-known provision of the Safe Drinking Water Act.

Thursday, Pruitt confirmed that he delegated that authority to Jackson.

In an interview that aired on Fox News earlier this month, Pruitt said he didn't know anything about the raises and that he has taken action to reverse the decision.

ABC News previously reported that two sources confirmed Pruitt pushed for the raises of two staffers but has not confirmed the amounts paid to these employees.

A small number of protesters wielding signs in the hearing room gallery disrupted the hearing.

Environmental subcommittee chairman Rep. John Shimkus stopped a line of hearing to address the protesters, warning them to remain quiet or get kicked out.

Protesters quieted when Capitol Police officers approached the gallery.

The Energy and Commerce Committee's ranking member, Rep. Frank Pallone, D.N.J., called Pruitt's conduct in office "an embarrassment" when referring to reports that Pruitt has acted in retaliation against EPA officials who disagreed with his agenda or questioned the legitimacy of threats against the administrator.

In response to Rep. Pallone's line of questioning, Pruitt said he did not recall taking retaliatory action against aides.

But the committee's vice chairman, Rep. Joe Barton. R-Texas, defended Pruitt, saying that he's a victim of "Washington politics," and Rep. David McKinley, R-W.Va., scolded his Democratic colleagues for "grandstanding" and engaging in "McCarthyism" by attacking Pruitt over news reports.

In the second hearing of the day a Republican from West Virginia, Rep. Evan Jenkins, said that the EPA's decisions under Pruitt and President Donald Trump have brought his state "back to life."

"When you don't like the message, you shoot the messenger," Jenkins said.

Administrator Pruitt addressed the slew of media reports directed at his conduct as agency chief in opening remarks to the committee.

"I recognize there have been very troubling media reports over the last few weeks," Pruitt said, deviating from the prepared remarks released by the Committee on Wednesday. "I promise you that I, more than anyone, want to address the questions surrounding these reports."

Pruitt called the media reports an attack on the administration and an effort to derail the agency's agenda.

"A lie doesn't become truth just because it's on the front page of the newspaper," Pruitt said.

The Hill
http://thehill.com/policy/energy-environment/385105-five-takeaways-from-pruitts-day-of-testimony
Five takeaways from Pruitt's big testimony
By Miranda Green and Timothy Cama, 4/26/18, 7:17 PM

Scott Pruitt, the administrator of the Environmental Protection Agency (EPA), faced a barrage of tough questions from lawmakers Thursday as he testified in front of two House committees.

Pruitt, who has been embroiled in controversy for weeks, fought back aggressively against his critics and dismissed the negative headlines about his tenure as "fiction."

Here are five takeaways from his big day on Capitol Hill.

He escaped disaster.

Pruitt testified for nearly six hours, a grueling task for any Cabinet member, and seemed to mostly escape unscathed.

The hearings lacked fireworks, even as Democrats took turns excoriating the EPA chief and, in some cases, calling for him to resign.

Pruitt came prepared to answer questions about his spending and other ethics controversies. He tackled reports of his costs head-on in his opening statement, blaming the media for taking attention away from his regulatory work.

“Facts are facts and fiction is fiction. A lie doesn't just become the truth because it’s on the front page of a newspaper,” Pruitt said in both of his opening statements.

The former Oklahoma attorney general appeared to have an answer prepared for every question thrown at him, ranging from his use of a privacy booth to his spending on his round-the-clock security team to raises approved for EPA staffers.

Pruitt didn’t once raise his voice or appear to be frazzled by the round of at times rapid-fire questions thrown at him.

But by the final panel, lawmakers appeared to run out of steam, at times referring, and yielding, to answers Pruitt gave at the day’s earlier hearing.

If any lawmakers were expecting apologies or contrition from Pruitt, they didn’t get it.

Pruitt shifted blame for the controversies at the EPA to other people, including for his use of first-class travel, his unauthorized staff raises, his construction of a privacy booth and his use of a 24/7 security detail.

Speaking in the afternoon to lawmakers on the House Appropriations Committee subpanel, Pruitt said he decided to change from flying coach to first-class due to threats against his life.

Pruitt cited two examples written in a leaked memo from the deputy inspector general as to why his around-the-clock security team was necessary. Two members of his security team sat directly behind him in the hearing room during the testimony, one wearing an earpiece.

The administrator suggested that he no longer flies first-class, calling news surrounding it “a distraction.” He said he made a change.

On the agency’s approval to provide substantial pay raises to two EPA staffers who had moved from Oklahoma with Pruitt — one who Pruitt described at the earlier hearing as a “close friend” — the chief said he was not aware of the type or amount of the raises. He admitted, however, that he was aware of the raises, contradicting what he’d previously said in an interview to Fox News.

Pruitt said after media reports surfaced, he directed his chief of staff, Ryan Jackson, to stop the raises. Jackson has previously taken responsibility for the pay increases. The EPA released a document during Pruitt’s hearings that showed the administrator had in March 2017 transferred authority to Jackson to hire employees under the Safe Drinking Water Act.

Pruitt also asserted that he was not aware of the nearly $43,000 cost of a privacy booth installed in his office last year. He said he had mentioned to staff not being able to take a phone call securely, but did not sign off on the booth and blamed “career staffers” who were involved “from the beginning to the end.”

The Government Accountability Office (GAO) last week found that the privacy booth's construction yielded a number of violations.

Pruitt pledged to ensure that the EPA avoids further missteps.

“My objective to speak with you today is to provide confidence, and recognize faults where they have occurred and make sure they don't happen in the future,” he said.

It wasn’t all a walk in the park for Pruitt when it came to questioning from Republican lawmakers. While many focused their questions on policy decisions, others offered up harsh criticism over proposed EPA budget cuts that would gut or severely diminish a number of key programs in their states.

Rep. Ken Calvert (R-Calif.) opened the Appropriations Committee hearing by sharply criticizing Pruitt’s proposal to cut around 25 percent from the EPA’s budget.

“While some reductions may be in order, cuts of this magnitude put important programs at risk,” the chairman of the subcommittee said, pointing to eliminations or cuts the Trump administration is proposing to state grants, programs to clean up major waterways and grants to clean up diesel pollution.

For those lawmakers who did venture to question Pruitt about the controversies, they focused on his spending.

Rep. Ryan Costello (R-Pa.) expressed concerns over the costs of Pruitt’s security detail.

“When folks read about trips to Disneyland, professional basketball games, the Rose Bowl, and the additional security detail related to that, that doesn’t sit well with a lot of people,” Costello said.

Costello, who is leaving Congress after this year, said he thought the EPA chief lacked “good judgment.”

“I believe you’ve not demonstrated the requisite degree of good judgment required of an appointed executive branch official on some of these spending items.”

Rep. Gregg Harper (R-Miss.) asked Pruitt to promise that he would take whistleblower concerns seriously.

“Assure me and employees of EPA that all whistleblower complaints will be taken seriously at EPA,” Harper asked Pruitt.

Pruitt responded: “This is not one of those situations, but absolutely that is something I can commit to you and will commit to you.”

Numerous Republicans rushed to Pruitt’s defense, not just applauding him for his work at the EPA, but portraying him as the victim.

Rep. David McKinley (R-W.Va.) called the Democrats’ rhetoric “a classic display of innuendo and McCarthyism that unfortunately ... I think works against civility and respect.”

“I’m hoping we would be able to stay on policy as much as we could, but some, I see, just can’t resist the limelight, the opportunity to grandstand,” he added.

Rep. Joe Barton (R-Texas) said it was another case of “Washington politics.”

“Republicans do it when it’s a Democratic president, Democrats do it when it’s a Republican president,” he said.

Rep. Jeff Duncan (R-S.C.) apologized to Pruitt.

“I apologize for the abrasiveness of some of my colleagues who would rather tarnish your character than really try to delve into the issues facing this great nation.”

Some of his statements could come back to haunt him

Pruitt made a number of statements that contrasted with his past statements and those of others.

For example, Pruitt testified that he knew about controversial raises given to two close aides, but said he didn't know the amount nor that his chief of staff bypassed White House procedures to approve them.

Pruitt previously told Fox News's Ed Henry during a combative interview that he didn't know about the raises and that it was all done by a member of his staff without his knowledge.

In another instance, defending his security detail, Pruitt quoted the text of a letter that he said was an official "threat assessment" from the inspector general's (IG) office. And he stayed by his claims, despite questioning from Rep. Betty McCollum (D-Minn.) about whether the letter did come directly from EPA Inspector General Arthur Elkins.

Elkins's office has since disputed that, saying the letter Pruitt used was instead from Patrick Sullivan, the assistant inspector general for investigations. The office also said the letter was leaked without authorization.

Pruitt also said he did not sign off on the $43,000 soundproof booth installed in his office, nor did he know its cost.

"Career individuals at the agency took that process through and signed off on it all the way through," Pruitt told Rep. Tony Cárdenas (R-Calif.). "I was not involved in the approval of the $43,000, and if I'd known about it, congressman, I would have refused it."

The White House Office of Management and Budget and the EPA's IG are both looking into the booth purchase.

"If something happens in my office, especially to the degree of $43,000, I know about it before, during and after," Cárdenas said.

The Hill
http://thehill.com/opinion/energy-environment/385134-christine-todd-whitman-scott-pruitt-is-unfit-to-run-the-epa
Christine Todd Whitman: Scott Pruitt is unfit to run the EPA (*Op-Ed)
By Christine Todd Whitman, 4/27/18, 7:30 AM

Scott Pruitt's ethical tone deafness has, ironically, come across loud and clear. The rule he signed this week targeting what he called "secret science" serves as yet further evidence of his inability to run the Environmental Protection Agency (EPA) with ethical integrity. In fact, the new rule is a surefire way to kill science at the agency as it de-incentivizes the private sector to share proprietary studies with the EPA.

This may sound counterintuitive and does not fit within the sound bite media culture in which we currently find ourselves. By touting "transparency" at the agency, the untrained observer might think he was doing something good for the future of the EPA and by extension, human health and the environment. But proprietary studies and scientific data from the private sector act as a balance for the agency's scientific data. The EPA needs these studies to prove or disprove its own hypotheses and establish sound, well-informed regulations.

Regulations from the EPA are not based on politics (though I'd argue that Pruitt's term as administrator has varnished the EPA in political bias). On the contrary, regulations from the EPA are rooted in science, and the agency needs sound scientific data — including proprietary studies — to make informed decisions and enact regulations that protect the environment and human health.

Pruitt's proposed rule — requiring the EPA to publish the underlying scientific data used to support the studies that inform the agency's clean air and clean water regulations — unleashes a host of issues. The rule will compromise patient privacy with regard to medical studies, and private sector companies will be deterred from sharing proprietary studies with the agency.

Most importantly, the EPA won't be able to come forward with new regulations because they won't have enough data. And that's just what the administration wants. No new regulations. This idea of "open science" will actually shut down science. This rule will turn the agency on its head and render it completely ineffective, which poses an extraordinary threat to science, to the environment, and to human health at large. Contrary to what the current administration might like us to believe, the EPA's regulations aren't just red tape for businesses and industries; they're enacted to protect the health of our citizens.

This new rule is just one of the many sound policies that Pruitt has dismantled as administrator of the EPA. He has revised authority for the Clean Water Act — taking what was previously in the hands of regional EPA administrators and consolidating in his office. He rolled back the Clean Power Plan, which was also aiming to reduce the very pollution that harms our most vulnerable citizens in particular. He lifted fuel economy and emissions standards that keep cars from further polluting our air. Pollution kills three times more people than AIDS, malaria and tuberculosis put together and yet Pruitt is making it easier for automakers to pollute and American citizens to get sick.

In addition to his policy dismantling, Pruitt's ethical lapses not only make him a questionable spokesperson, but also a detriment to the agency. His private phone booth creates an atmosphere of distrust. He sequesters himself, interacting only with a select group of people, and he doesn't engage with staff. On one hand, Pruitt touts "open science" and on the other hand he fosters an environment of secrecy and distrust. Even the "secret science" rule was announced while limiting access to reporters and scientists at the event.

Scott Pruitt is unfit to run the EPA because he lacks ethical integrity — a quality that is of the utmost importance when entrusted with protecting the environment and public health.

Christine Todd Whitman is the former administrator of the Environmental Protection Agency under President George W. Bush. She previously served as the governor of New Jersey and now runs her own consulting firm.

Washington Post
https://www.washingtonpost.com/news/opinions/wp/2018/04/27/scott-pruitts-feisty-defense-of-himself-may-have-been-good-enough-to-save-his-job-of-destroying-the-earth/?utm_term=.455af6fd9efe
Scott Pruitt's feisty defense of himself may have been good enough to save his job of destroying the earth! (*Op-Ed)
By Tom Toles, 4/27/18, 8:55 AM

There are times when what you are watching is so far out of line with what is actually happening and what actually matters that you know that somebody is screamingly bonkers.

Watching the testimony of Environmental Protection Agency Executioner Scott Pruitt yesterday was one of those times, although "those times" are just about "all the time" these days. Here you had a hours-long examination of the top environmental official in which the largest environmental crisis of human history is not the subject. The United States has removed the "environ" part of this environmental case, leaving just a mental case.

Pruitt deflected blame. Booyah. Deflected so well he may have saved his job. Huh? Is this really the story? The ceaseless pouring of a gas into the atmosphere that is known and recognized by all the world's scientists to be putting catastrophe squarely in the path of humanity's future, and we're doing a fine calibration of how effectively one of the principal bad actors deflected blame in a minor tawdry bit of official corruption? Hey, Trump likes a combative attitude! Pruitt scored some points for himself! Stop it! Please, just please make this stop!

The United States is pathetic. Just pathetic. The rest of the world watches us the way one watches a multi-car pileup to see our indulgence of infantile, make-believe posturing, diversion, evasion and lies that nobody believes. Foreign leaders come here and see how best to baby-talk to our baby-king. Does he like flattery? Holding hands? Don't make him too angry!

Congress is pathetic. The media, to the degree that we don't headline the climate disaster until we address it, is pathetic.

When does this bad dream end? It's about a half-year now until November.

Tom Toles is the editorial cartoonist for The Post and writes the Tom Toles blog. See all of his cartoons here.

Washington Post
https://www.washingtonpost.com/opinions/robert-redford-the-biggest-scott-pruitt-scandal-is-the-one-right-in-front-of-us/2018/04/26/849085f0-498c-11e8-8b5a-3b1697adcc2a_story.html?utm_term=.6c7b0f200235
Robert Redford: The biggest Scott Pruitt scandal is the one right in front of us
By Robert Redford, 4/26/18, 7:36 PM

Robert Redford is an actor, director, producer and trustee of the Natural Resources Defense Council.

President Trump should follow the suggestion of many — including some within his own party, and reportedly even his chief of staff — and replace Environmental Protection Agency Administrator Scott Pruitt.

Pruitt's conduct as head of the EPA is beyond disappointing; it's disgraceful. The list of indefensible actions grows each week: from sweetheart condo deals with the wife of an energy lobbyist, to unfair raises for favored appointees and apparent punishments for those who defy him, to a $43,000 soundproof phone booth.

These seemingly daily revelations dominate the headlines. But Pruitt's failings in ethics and judgment are only part of a much larger problem: Pruitt has failed at the core responsibility of his job.

He's not protecting the environment. Pruitt has become a one-man public-health risk to the air we breathe, the water we drink and the food we eat. From day one, he has worked to gut the EPA and hamstring its ability to protect the environment and public health. He works on behalf of the fossil-fuel industry and other industrial polluters, not the American people. That's the greatest scandal — and the reason, first and foremost, he's got to go.

And he actively promotes one of the gravest threats to our future — misinformation. To hear Pruitt tell it, the rising seas, widening deserts and raging wildfires Americans are experiencing are reasons to debate the science on climate change, not take action against it.

Pruitt led Trump's charge to withdraw the United States from the 2015 Paris climate accord. I was in Paris when that agreement was reached. It was a triumph of American leadership. We were doing what was best for our country: cutting carbon pollution today so our kids would have a more predictable climate and a better future. The Trump administration has broken our promise to the world by announcing that we will back out of the Paris accords.

Unfortunately, that's not all. Pruitt has been working to weaken standards designed to clean up dirty power plants and to walk back fuel standards for cars. He has put a hold on vital safeguards that would limit the amount of mercury, arsenic, lead and other toxic chemicals that industry can spew into the air or dump into our rivers. Speaking of water, he's working to repeal the clean water rule that ensures protection for wetlands, rivers and streams that provide drinking water to a third of all Americans.

Meanwhile, he has ignored research from scientists at the agency and refused to ban dangerous chemicals, such as the pesticide chlorpyrifos. Instead, he hired a lobbyist connected with one of the manufacturers of the chemical and then reduced fines levied against the company for violating regulations.

He also attacked science itself, proposing policies in the guise of transparency that would limit the research that the agency could use to make decisions.

Americans deserve better. The EPA was established to protect the environment and public health for everyone. It's something America got right, and it is up to us to defend it.

Pruitt should be replaced by a principled leader who will do what the EPA was intended to do: protect America from men such as Pruitt.

Daily Caller
http://dailycaller.com/2018/04/26/scott-pruitt-inconvenient-truth-obama-carbon-emissions/
Pruitt Points Out 'An Inconvenient Truth' About Obama's Attempts To Regulate Carbon Emissions
By Tim Pearce, 4/26/18, 4:51 PM

Environmental Protection Agency Administrator Scott Pruitt pointed out a seldom discussed issue on Wednesday with former-President Barack Obama's climate policy.

Pruitt sat before the House Committee on Appropriations to defend the EPA's 2019 budget Wednesday afternoon after getting grilled in another hearing that morning. Democrat Rep. Chellie Pingree questioned Pruitt's stance on climate change and rebuked the EPA administrator for rolling back regulations intended to cut carbon emissions.

In the debate on carbon regulations, arguments over economics and the fate of the world usually take the forefront. Emissions regulations overly burden businesses and are less effective than market-driven technological advancement, Republicans generally argue. Democrats tend to stress the need for action to combat climate change and protect the Earth from irreparable harm from severe weather events and rising oceans.

During a line of questioning from Pingree, Pruitt took a different tact. He focused on the process through which the EPA enacts regulations and the extent of the EPA's authority.

Early in the exchange, Pingree began reading letters from children in her district lamenting their futures if climate change continues unabated. One child said his family tradition of camping out and eating lobster on one of Maine's islands would soon be impossible because of climate change.

"If the oceans keep warming and pushing lobsters north, there will most likely not be the same island culture that there is today," Pinegree quoted. "Lobster fishermen will be replaced by tourists, and there will be no reason for me to return to the island with my children."

"That might be through the eyes of children; but if you're not going to listen to scientists, who are you going to listen to?" The congresswoman asked.

"What's lost in this discussion is what authority does the EPA have to regulate," Pruitt said.

"There were two efforts made by the previous administration to regulate CO2, and both of them were struck down by the courts," Pruitt continued. "The tailoring rule that the previous administration adopted with respect to CO2 and the

Clean Power Plan was stayed by the U.S. Supreme Court, and it was unprecedented. That had never happened for the U.S. Supreme Court to issue a stay while a case was pending at a lower court level."

"That does not allow us to say we are not going to deal with this issue," Pinegree responded.

"I can only take the steps that Congress authorizes me to take," Pruitt said, faulting the Obama administration for trying to "pinch-hit" for Congress.

The congresswoman followed up, saying what was done in the past is irrelevant to the present, and she wanted action from Pruitt. Pruitt has made statements in the past regarding climate change, she also pointed out and took issue with what those implied about the action(s) he would take to combat it going forward.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060080343/search?keyword=EPA
New Source Review rulemaking possible — Pruitt
By Sean Reilly, 4/27/18

EPA is contemplating an overhaul of its perennially contentious New Source Review permitting program, Administrator Scott Pruitt said yesterday.

"What we want to do is provide clarity," Pruitt told Rep. Bill Johnson (R-Ohio) at the hearing of the House Energy and Commerce Subcommittee on Environment. "Overall, we're looking at a comprehensive rule that will address New Source Review." The purpose, he continued, is to assure companies that they "are not going to face new permitting requirements under the Clean Air Act" as they make investments to reduce pollution.

Pruitt, who also termed New Source Review "one of the greatest issues" facing EPA, did not give a timetable for the undertaking. Late last year, he had announced "an assessment of opportunities" to streamline the program, but stopped short of saying he would attempt a major rewrite.

Asked today for more details, EPA spokeswoman Liz Bowman in an emailed response appeared to hedge: "We are taking a comprehensive look at the program and plan to make a number of targeted changes that, altogether, will produce significant improvement."

The New Source Review (NSR) program, a pillar of the act, requires manufacturers, utilities and other industries to get preconstruction permits before building a new plant or embarking on major changes to an existing facility.

Businesses have long complained that NSR requirements are a drag on economic development and may even discourage efforts to curb emissions. The program "is impeding modernization and growth in the U.S. manufacturing sector," Paul Noe, a top official of the American Forest and Paper Association, said at a February hearing of the same subcommittee.

NSR defenders, pointing to the economy's current health, say major changes could lead to more pollution and that industry in any case is laying out a false choice. Clean air and growth "go hand in hand," George Washington University environmental law professor Emily Hammond said at the February hearing.

Relaxing NSR requirements is also a long-standing priority for EPA air chief Bill Wehrum. After pursuing sweeping changes with mixed success during an earlier stint at the agency during the George W. Bush administration, Wehrum said in December that he planned a more "targeted" strategy.

"Last time around, we swung for the fences," he told EPA's Clean Air Act Advisory Committee, resorting to a baseball analogy. "This time around, what I'd like to do is hit a bunch of singles and maybe a couple of doubles, and if we keep that up, we're going to start scoring some runs."

It was not immediately clear how Wehrum's small-ball game plan would jibe with the broader revamp that Pruitt suggested yesterday is in the works. Environmental groups are already alarmed by two changes to NSR requirements imposed by Pruitt in recent months in guidance memos that sidestepped public notice-and-comment requirements that would accompany a formal rulemaking.

Under the first, EPA no longer challenges the preconstruction estimates of expected emissions increase from a particular project (Greenwire, Dec. 8, 2017). The second condenses the emissions forecasting process for planned plant expansions or other significant changes to a major industrial emitter (E&E News PM, March 13).

Still more contentious has been Wehrum's decision to drop the "once in, always in" policy that — while not directly related to NSR — had maintained strict hazardous air pollutant standards for major pollution sources even after their releases fell below the thresholds that originally triggered those standards (Greenwire, Jan. 26).

The state of California and an array of environmental groups are now suing to reverse Wehrum's decision. In a letter earlier this week, Rep. Debbie Dingell (D-Mich.) and 86 other House Democrats urged Pruitt to reinstate the policy (E&E Daily, April 26).

At yesterday's E&C Environment Subcommittee hearing, Dingell queried Pruitt on whether the agency had done any advance analysis of the potential health effects of the decision to scrap the policy on children, pregnant women and other groups. "That's something we'll have to assess and provide," Pruitt responded.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=132869137&item=408&prod=deln&cat=AGENCY
EPA Working on Legal Basis for Year-Round Biofuels Sales: Pruitt
By Jennifer A Dlouhy, 4/27/18

EPA Administrator Scott Pruitt said the agency is working to justify issuing a waiver that would allow year-round sales of gasoline containing 15 percent ethanol.

The Environmental Protection Agency is “trying to ensure the legal basis is sound, because there will be litigation,” Pruitt told Rep. Dave Loebsack (D-Iowa) in a House Energy and Commerce subcommittee hearing. “I intend to finish that process very soon.”

The EPA regulates the vapor pressure of gasoline sold at retail stations from June 1 to Sept. 15 to reduce emissions and mitigate the effects of ozone-related health problems.

More than 25 waivers have been issued to small refineries exempting them from 2018 renewable fuel quotas so far, Pruitt said.

Applications are still pending in 2018, but “it's over that number for 2018 as I understand it,” he told Loebsack.

Pruitt said he wasn't sure if CVR Energy Inc., a refiner majority owned by billionaire Carl Icahn, sought a waiver exempting any of its refineries.

Under the federal Renewable Fuel Standard, about 38 refineries that use no more than 75,000 barrels of crude a day are eligible for those waivers, regardless of the size of their parent companies; a federal court ruling last year made it easier to get waivers.

Politico
https://www.politicopro.com/agriculture/whiteboard/2018/04/pruitt-leaves-door-open-to-lake-erie-tmdl-1124375
Pruitt leaves door open to Lake Erie TMDL
By Annie Snider, 4/26/18, 5:03 PM

EPA Administrator Scott Pruitt left the door open to issuing a pollution diet for Lake Erie, a controversial step that farmers across the Great Lakes region have fought vehemently.

In response to questioning today from Rep. Marcy Kaptur (D-Ohio), Pruitt said that there has been a commitment to dealing with Lake Erie's phosphorus problem "through cooperation," but admitted that "certain states need to do more." Pruitt was testifying to a House Appropriations subcommittee, his second congressional hearing of the day.

"I think that we have to look at TMDL opportunities to address that if states refuse to take the steps that they're supposed to take," Pruitt said, referring to Total Maximum Daily Loads that would likely place a greater burden on farmers in the watershed to reduce their polluted runoff.

Great Lakes environmental groups have sought a TMDL for Lake Erie akin to the landmark Chesapeake Bay cleanup plan. The lake suffers annual toxic algae blooms, including one in the summer of 2014 that fouled the water intake for the city of Toledo for a full weekend.

The state of Ohio initially refused to list its portion of Lake Erie as impaired, the first step towards drafting a TMDL, but backtracked earlier this year following a lawsuit from environmentalists and pressure from EPA.

Under the Clean Water Act, states are supposed to draft TMDLs for all impaired waters, but because the process is complex and time-consuming, there is a large backlog.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=132869144&item=408&prod=deln&cat=AGENCY
Pruitt and His Air Chief Diverge on Industrial Expansion Permits
By Jennifer Lu, 4/27/18

The EPA is looking at a "comprehensive rule" to address air permits for facilities that plan to expand or upgrade their operations, Administrator Scott Pruitt said April 26.

The EPA chief made the comment during a House Energy and Commerce subcommittee hearing that mainly focused on Pruitt's spending and ethics issues. His emphasis on an air permit rulemaking appears to depart from earlier statements by his air chief who said the agency would be relying on non-binding guidance.

Pruitt didn't elaborate on when or how the Environmental Protection Agency would move forward with a rule on the permitting program, known as New Source Review. The program governs what pollution controls are required when power plants, industrial boilers, and other pollution sources make operational modifications that go beyond routine maintenance.

Changing Tune
His assertion that a rule was planned diverges from earlier statements of his air chief, William Wehrum, who recently told Bloomberg Environment that the agency would rely on guidance to address what are called "preconstruction permits."

"We can provide clear guidance through guidance," Wehrum said in an April 13 interview with Bloomberg Environment. "Our strategy is to tell people sooner rather than later how we think the program should be implemented."

The EPA under Pruitt has changed how facilities tally upgrade-related emissions that trigger new pollution controls under the program.

Costly Controls, Expanded Plants
The permit program requires factories and power plants to install costly new air pollution controls when they expand or make modifications that increase their emissions. Industry groups sought changes that in many cases would exclude them from having to add the controls.

So far, the EPA has made the changes in three non-binding guidance documents released in December, March, and April.

Although relying on guidance can effect changes quickly, another administration can easily reverse them.

Environmental critics have said that making policy through guidance circumvents the public notice and comments process that's required in rulemaking.

If, as Pruitt indicated, the agency does pursue a rulemaking, it could run into obstacles set by legal precedents that reversed some of Wehrum's rulemaking efforts when he served as acting air chief during the George W. Bush administration. The U.S. Court of Appeals for the District of Columbia Circuit revoked most of the changes made during those rulemaking efforts.

The Daily Signal
https://www.dailysignal.com/2018/04/26/scott-pruitts-effort-to-expose-secret-science-has-environmentalists-scared-stiff/
Scott Pruitt's Effort to Expose 'Secret Science' Has Environmentalists Scared Stiff
By Diane Katz, 4/26/18

A proposed rule announced Tuesday by Scott Pruitt, administrator of the Environmental Protection Agency (EPA), is intended to bring much-needed transparency to agency rulemaking.

The environmental lobby is positively apoplectic about the proposal (naturally), even though it aligns perfectly with their long-held commitment to the public's "right to know" principle.

The proposed regulation would require EPA to ensure that the scientific data and research models "pivotal" to significant regulation are "publicly available in a manner sufficient for validation and analysis."

Despite existing rules on government use of scientific research, federal agencies routinely mask politically driven regulations as scientifically based imperatives. The supposed science underlying these rules is often hidden from the general public and unavailable for vetting by experts. But credible science and transparency are necessary elements of sound policy.

The opposition from greens and much of the media greeting Pruitt's announcement is, frankly, hypocritical in the extreme. Opponents claim that EPA's regulatory power would be unduly restricted if the agency is forced to reveal the scientific data and research methodologies used in rulemaking.

But that is precisely the point. The EPA should no longer enjoy free rein to impose major regulations based on studies that are unavailable for public scrutiny.

Their claim that research subjects' privacy would be violated is groundless. Researchers routinely scrub identifying information when aggregating data for analysis. Nor is personal information even relevant in agency rulemaking.

Meanwhile, the EPA and other federal agencies are duty-bound to protect proprietary information.

Transparency in rulemaking is vital to evaluating whether regulation is justified and effective. It is also essential to testing the "reproducibility" of research findings, which is a bedrock principle of the scientific method.

It takes real chutzpah for the champions of environmental "right-to-know" laws to now claim that the EPA should not be required to make public the scientific material on which regulations are based.

The public's "right to know" was their rallying cry in lobbying for a variety of public disclosure requirements on the private sector as well as state and local governments, including informational labeling; emissions reporting; workplace safety warnings; beach advisories; environmental liabilities; and pending enforcement actions, to name a few.

The proposed rule is hardly radical. It aligns with the Data Access Act, which requires federal agencies to ensure that data produced under grants to (and agreements with) universities, hospitals, and non-profit organizations is available to the public through the Freedom of Information Act.

However, the implementation guidance from the Office of Management and Budget has unduly restricted application of the act.

Moreover, the Information Quality Act requires the Office of Management and Budget "to promulgate guidance to agencies ensuring the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies."

However, the act's effectiveness has been limited by a lack of agency accountability. Courts have ruled that the act does not permit judicial review of an agency's compliance with its provisions. The proposed rule is also consistent with the Office of Management and Budget's Information Quality Bulletin for Peer Review.

The proposal also mirrors legislation passed by the House last year to prohibit EPA from "proposing, finalizing, or disseminating a covered action unless all scientific and technical information relied on to support such action is the best available science, specifically identified, and publicly available in a manner sufficient for independent analysis and substantial reproduction of research results."

A Senate companion measure failed to advance to a vote.

EPA regulation has expanded exponentially every decade since the 1970s at tremendous expense to the nation. Secret science underlies some of the most expansive regulatory initiatives.

President Donald Trump has focused significant attention on re-establishing the constitutional and statutory boundaries routinely breached by the agency. The special interests that thrive on gloom and ever-increasing government powers are attempting to block the administration's reforms at every turn.

But their opposition to the proposed transparency rule sets a new low for abject hypocrisy.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060080331/search?keyword=EPA
OMB backdates completion date for 'secret science' review
By Sean Reilly, 4/27/18

The White House has altered an official timeline to show that a required review of a proposed EPA science rule was finished one day before agency Administrator Scott Pruitt signed it this past Tuesday.

The Reginfo.gov site had previously shown that the proposal cleared Office of Management and Budget on Wednesday, indicating Pruitt went forward with the signing before the interagency review was complete.

OMB backdated that to Monday after E&E News reported the discrepancy yesterday (Greenwire, April 26).

Coalter Baker, a spokesman for the budget office, would not provide an on-the-record explanation as to the reason for the change. At EPA, spokeswoman Liz Bowman had earlier said in a statement that the review was finished before the signing, adding that "any questions about the management" of the Reginfo.gov site should be addressed to OMB.

"This is all highly irregular," Paul Billings, senior vice president for advocacy at the American Lung Association, said later in an interview. "Either it speaks to a significant lack of competence at EPA or OMB, or there is some sort of funny business or cover-up going on." The association, which has been critical of the proposal, closely tracks EPA rulemakings related to air quality issues.

The proposed rule, which has already sparked considerable controversy, would effectively bar EPA from using scientific research in crafting new regulations unless the underlying data are made public.

"I think it enhances transparency and the confidence of the American people as we do rulemaking," Pruitt said in the proposal's defense at a hearing yesterday of the House Energy and Commerce Subcommittee on Environment.

Critics say the aim is to keep EPA from tapping studies that could signal the need for tighter pollution regulations.

"The result will be policies and practices that will ignore significant risks to the health of every American," almost 1,000 scientists and technical experts said in a letter to Pruitt earlier this week released by the Union of Concerned Scientists.

Lawmakers on both sides of the aisle quizzed Pruitt on the proposal at yesterday's hearing, with Republicans praising his approach and Democrats panning it. EPA is set to open a 30-day public comment period on the draft rule Monday, according to an upcoming Federal Register notice.

The purpose of the OMB reviews is to get feedback on regulatory proposals from other agencies and outside groups. The Reginfo.gov site serves as a clearinghouse on the status of rulemakings across government.

At a separate hearing two weeks ago, Sen. Maggie Hassan (D-N.H.) had sought to pin down Neomi Rao, head of the Office of Information and Regulatory Affairs, on her views of the appropriate handling of scientific research (E&E Daily, April 13). Asked by Hassan whether she would "generally support agencies changing their procedures in ways that prevent them from using the best available evidence in making these decisions," Rao responded, "No, I would not."

Assuming that the revised completion date on the site is now accurate, however, Rao's office hustled the proposed science rule back to EPA only four days after receiving it on April 19 (Greenwire, April 20.) Under the long-standing executive order that governs the reviews, they can typically last as long as 90 days. Of the half-dozen other EPA

regulatory measures still at OMB, most have been under review for approximately two weeks or more, according to the Reginfo.gov site.

Hassan is "deeply concerned" that Rao signed off so quickly on a draft regulation that "could have far-reaching impacts" on the public and the environment, spokeswoman Ricki Eshman said in a statement yesterday. She "will continue urging Pruitt to reconsider this senseless proposal."

Baker, the OMB spokesman, did not reply to an emailed request for comment.

The Hill
http://thehill.com/policy/energy-environment/385230-epa-approved-aide-to-work-for-gop-consultancy-firm-and-florida
EPA approved aide to work for GOP firm, Florida lawmaker
By Miranda Green, 4/27/18, 2:56 PM

The Environmental Protection Agency (EPA) approved one of Administrator Scott Pruitt's political aides to do outside consulting work for a Republican firm, internal documents obtained in a Freedom of Information Act (FOIA) request show.

EPA ethics officials approved John Konkus to work for Jamestown Associates, a Washington, D.C.-based political consulting firm, and a Florida state representative while he was still employed at the agency, E&E News first reported Friday.

EPA did not release the name of the Florida lawmaker. Jamestown Associates boasts on its website that it helped Donald Trump's presidential campaign win and buoyed Chris Christie's 2013 New Jersey gubernatorial race.

The document dated Aug. 1, 2017, from EPA ethics official Justina Fugh approved Konkus's request to partake in the paid outside work. The letter also acknowledged the Konkus had plans to add additional clients in the "next six months." The letter stated that Konkus could not earn more than $27,765 through outside compensation.

"We have determined that providing consolatory media advice is not a fiduciary role, and you will be providing those services directly as opposed to through any corporation," the letter read.

The ethics office approved Konkus to advise clients about "strategy, mail and media production."

Another internal letter obtained by E&E news found that Konkus never performed outside work in 2017.

In a public financial disclosure report for Konkus's 2017 wages, Fugh wrote a note on April 25, 2018, that read, "Even though Mr. Konkus had sought prior approval of anticipated outside activity, he indicated that he did not in fact engage in any outside activity at all during calendar year 2017. Therefore, he has no outside income or position to report."

Konkus's arrangement was first revealed in a letter the EPA sent in January to Rep. Frank Pallone Jr. (N.J.), the top Democrat on the House Energy and Commerce Committee.

But the agency redacted the names of the clients Konkus was approved to work for.

At the time, Pallone and his Democratic colleagues questioned whether Konkus's outside employment raised a conflict of interest.

"A political appointee cutting millions of dollars in funding to EPA grant recipients on what appears to be a politically motivated basis, while at the same time being authorized to serve as a paid media consultant to unnamed outside

clients, raises serious concerns of potential conflicts of interest," Pallone wrote along with Democratic Reps. Diana DeGette (Colo.), Paul Tonko (N.Y.) and Kathy Castor (Fla.).

E&E Daily
https://www.eenews.net/eedaily/stories/1060080271/search?keyword=konkus
Pruitt aide approved to work for GOP firm, Fla. lawmaker
By Kevin Bogardus, 4/27/18

John Konkus, one of EPA Administrator Scott Pruitt's political aides, was approved by ethics officials to work outside the agency for a Republican political consulting firm and a Florida state representative.

E&E News won a Freedom of Information Act appeal to reveal that Konkus' "two likely clients" were a former employer, Jamestown Associates, and an unnamed state lawmaker from the Sunshine State, according to an unredacted copy of the ethics memo approving his outside activity.

Under the memo dated last August, Konkus, the deputy associate administrator in EPA's public affairs office, was allowed to advise clients about "strategy, mail and media production."

Other EPA records obtained by E&E News, however, indicate that Konkus never did any work for his prospective clients.

"Even though Mr. Konkus had sought prior approval of anticipated outside activity, he indicated that he did not in fact engage in any outside activity at all during calendar year 2017. Therefore, he has no outside income or position to report," reads a note from Justina Fugh, EPA's senior counsel for ethics, on Konkus' financial disclosure report for 2018.

In addition, in an email sent to Konkus last Friday, Fugh memorialized a conversation with him from earlier that day.

"Your report will not include any income from any outside clients because, as we discussed today, you never did engage in any outside activity for any clients in [calendar year] 2017," Fugh said.

"I approved you for the possibility of outside activity, but given the demands of your EPA duties, you never took on any clients at all. What you will be reporting in your [financial disclosure report] is that fact that you never had any clients after all, so have nothing to enter as additional income or outside positions on your financial disclosure report."

In addition, Konkus' approval from EPA to do work outside the agency has now been pulled back.

"You informed me that you simply do not have any time or inclination to consider any outside activity in the future. Thus, this note confirms that you no longer need the prior approval of outside activity. We will consider that approval to be rescinded since it's unnecessary," Fugh said in her April 20 email to Konkus.

EPA spokeswoman Liz Bowman said, "As the EPA ethics officer indicated, John followed the law, and furthermore never did any outside work."

Konkus declined to comment for this story when contacted by E&E News, including when asked who the Florida state representative was as one of his "likely clients."

Barney Keller, a partner with Jamestown Associates, confirmed to E&E News that Konkus has done no work for the firm.

"You're correct that John does no work for Jamestown since joining the Trump administration," Keller said. "As far as the state representative, I can't disclose that. But I am sure he wants to make America great again!"

Keller also told E&E News last month that Konkus had not worked for the firm after leaving it for federal service (Greenwire, March 5).

Also now unredacted in the memo is the name of another firm. Konkus was told not to contact the federal government on its behalf.

"You cannot contact the US government on behalf of Saint Luke Solutions LLC or any of your clients," said the EPA memo, which was also signed by Fugh. Konkus is a registered agent for a Saint Luke Solutions in Palm Harbor, Fla., according to state records.

Konkus' initial redacted memo approving his outside work attracted scrutiny from Democrats on Capitol Hill.

Last month, members of the House Energy and Commerce Committee sent a letter to Pruitt asking the EPA chief for the names of Konkus' clients and questioned whether he could be impartial in his service at EPA.

The lawmakers — Reps. Frank Pallone (D-N.J.), Diana DeGette (D-Colo.), Paul Tonko (D-N.Y.) and Kathy Castor (D-Fla.) — also noted his prior work at Jamestown Associates and noted that President Trump's 2016 campaign was one of the firm's clients.

Konkus, the Florida Panhandle field office manager for Trump's presidential campaign, also served as Pruitt's "media sherpa" for the incoming administration's transition team. Konkus joined EPA and in an unusual move for a political appointee was put in charge of reviewing its grant solicitations.

EPA, under the Trump administration, has had other financial ties to Republican consulting firms.

Go BIG Media Inc., which has worked on behalf of GOP campaigns and groups, contracted with EPA to help draft the agency's year-end report praising Pruitt.

Definers Corp., a Republican-run public affairs firm, also signed a media clipping services contract with EPA that was canceled after it garnered attention (Greenwire, March 9).

Daily Caller
http://dailycaller.com/2018/04/26/free-market-groups-end-clean-power-plan/
Free Market Groups Call For Clean Power Plan To End
By Jason Hopkins, 4/26/18, 6:24 PM

The Competitive Enterprise Institute, along with a host of other libertarian and free market organizations, came out in strong support of the EPA's bid to repeal the Clean Power Plan, releasing a detailed report Thursday regarding issues the Obama-era regulation has wrought onto the energy industry.

"The Clean Power Plan results in more potential harms than benefits for Americans and should be repealed. By undermining states' authority over their energy markets, the CPP traps Americans under a harmful policy that will raise their electricity bills and eliminate interstate competition that enables citizens to vote with their feet and escape burdensome regulatory and tax policies," wrote CEI senior fellow Marlo Lewis, who served as the report's lead author.

"And for what?" Lewis continued. "The CPP's climate impact is vanishingly small — a hypothetical and likely undetectable 0.018°C reduction in average global temperatures by 2100. Such a small change would make no discernible difference in weather patterns, sea levels, or even polar bear populations by century's end. The climate 'benefits' in 2030 at the end of the CPP compliance period would be even more miniscule."

The 42-page report goes into meticulous detail on why CPP is “unlawful, economically destructive, and attempts to make the EPA into a national climate policy legislator and energy czar.”

CEI was joined by numerous like-minded groups, including Americans for Prosperity, Freedom Works, Americans for Tax Reform, among others. All of their leaders had long sought an end to the Clean Power Plan, but their wishes have come closer to reality with the entrance of President Donald Trump’s administration, where officials have announced they will be undoing it.

The outgoing regulation was a hallmark of former President Obama’s climate legacy. The 44th president first proposed the rule in 2014 and finalized it in 2015. CPP places a limit on the amount of greenhouse gases power plants can emit and aims to reduce carbon dioxide emissions from power plants 32 percent below 2005 levels by 2030. CPP is regarded by the fossil fuel industry as needlessly stringent, placing harsh demands on producers while resulting in negligible environmental gains. Critics have also referred to the rule as a part of Obama’s “war on coal.”

Environmental Protection Agency administrator Scott Pruitt would sign a proposed rule to repeal the CPP, the administrator announced on October 10, 2017. Undoing the rule will save Americans $33 billion in compliance costs, despite the previous administration claiming it would only cost $8.4 billion and save millions through public health benefits, according to EPA estimations.

Although the current administration is moving ahead, the federal regulatory process will likely slow finalization of repeal for a couple of years. The process could take longer if environmental groups successfully block a rollback in court.

Los Angeles Times
http://www.latimes.com/politics/la-na-pol-mileage-20180427-story.html
Trump administration aims to block California on fuel economy targets
By Evan Halper, 4/27/18, 10:20 AM

The Trump administration is speeding toward all-out war with California over fuel economy rules for cars and SUVs, proposing to revoke the state's long-standing authority to enforce its own, tough rules on tailpipe emissions.

The move forms a key part of the Environmental Protection Agency's fuel economy proposal, which the agency plans to submit to the White House for review within days.

The EPA plan would freeze fuel economy targets at the levels required for vehicles sold in 2020, and leave those targets in place through 2026, according to federal officials who have reviewed the plan. That would mark a dramatic retreat from the existing law, which aimed to get the nation's fleet of cars and light trucks to an average fuel economy of 55 miles per gallon by 2025.

The EPA plan remains a draft, and White House officials could decide to back away from a direct fight with California and like-minded states.

EPA spokesperson Liz Bowman declined to comment on the details of the draft plan, which the agency is writing together with the National Highway Transportation Safety Agency.

"The Agency is continuing to work with NHTSA to develop a joint proposed rule and is looking forward to the interagency process," she wrote in an email.

Environmental groups and California officials already have vowed to fight the administration in court. But if the EPA plan prevails, it would be a crippling blow to efforts in California and other states to meet aggressive goals for climate action as well as for cleaning their air.

Under federal law, California has long been allowed to set tougher tailpipe emission rules than the federal government. Other states are allowed to adopt California's standards, and a dozen states currently do. Those states account for more than a third of cars and trucks in the country.

The administration proposal would revoke the ability of any state, including California, to impose rules different from those made in Washington.

The radical rollback of mileage targets the draft document envisions being imposed nationwide goes further even than the auto industry has sought, and it threatens to disrupt their business. The plan would be destined for years of costly litigation, creating uncertainty for carmakers.

"Rather than pursuing a reasonable compromise, the Trump administration is crafting a proposal that is dramatically weaker than any automobile manufacturer has requested and that also deliberately seeks to embark on a legal collision course with the state of California — a scenario that automakers, lawmakers and the state of California have all repeatedly urged the administration to avoid," said Sen. Tom Carper (D-Del.), the ranking member of the Environment and Public Works Committee.

"If enacted, this proposal would be a loss for the environment, a loss for consumers, a loss for the state of California and a loss for the auto industry, which is why all parties must come together immediately to find a workable solution that we know is very much within reach."

The Hill
http://thehill.com/policy/energy-environment/385240-dem-states-say-pruitt-must-recuse-himself-from-climate-rule-repeal
Dem AGs renew call for Pruitt to recuse himself from climate rule repeal process
By Timothy Cama, 4/27/18, 3:10 PM

Democratic state attorneys general are renewing their call for Environmental Protection Agency (EPA) head Scott Pruitt to recuse himself from the process of repealing the agency's climate change rule for power plants.

The group of AGs representing 16 states, cities and counties argue Pruitt has demonstrated that he doesn't have an open mind on the Clean Power Plan, thus violating the expectations of due process and fairness in regulatory proceedings.

"The American people are entitled to an impartial decision-maker. EPA Administrator Pruitt simply cannot be that person," California Attorney General Xavier Becerra (D), who is leading the charge, said in a statement.

"He must be recused from any involvement in the EPA's attempt to repeal the Clean Power Plan."

Before taking the helm of the EPA last year, Pruitt was attorney general of Oklahoma where he led numerous initiatives to fight the Obama administration's EPA, including lawsuits against the Clean Power Plan.

Becerra's coalition previously asked Pruitt to recuse himself in January from the deregulatory process, renewing their call this week for him to do so.

The newest filing, made late Thursday, cites new evidence to back up their claim, like Pruitt saying the EPA "acted outside of rule of law, and they acted outside of the scope of authority given to them by the U.S. Congress" in February and saying just this week that "by repealing and replacing the so-called Clean Power Plan, we are ending a one-size-fits-all regulation on energy providers and restoring the rule of law."

The EPA did not respond to a request for comment.

Thursday marked the deadline for the public and stakeholders to file comments on the EPA's plan to repeal its climate change rule for power plants.

The Hill
http://thehill.com/policy/energy-environment/385163-new-york-threatens-to-sue-trump-over-epa-climate-rule-repeal
New York threatens to sue Trump over EPA climate rule repeal
By Timothy Cama, 4/27/18, 10:29 PM

New York state will sue the Trump administration if it carries out its proposal to repeal the Environmental Protection Agency's (EPA) climate-change rule for power plants.

Eric Schneiderman (D), New York's attorney general, led a coalition of 26 Democratic states, cities and counties late Thursday in filing formal comments objecting to EPA head Scott Pruitt's plan to repeal the Clean Power Plan.

"The law and the science are clear. The Trump EPA's efforts to dismantle this vital measure once again demonstrate that they're more committed to pleasing the fossil fuel industry than protecting the health, safety, and wallets of New Yorkers and Americans," Schneiderman said in a statement Friday.

"As we've made clear, if the Trump EPA refuses to protect those they serve and abandons this unlawful and unsupported repeal of the Clean Power Plan, we'll see them in court."

New York and other Democratic states have sued the Trump administration over numerous policy changes.

They have had a number of successes in the energy and environmental policy space, with lawsuits seeking to stop rollbacks or delays of policies on methane emissions, energy efficiency, vehicle fuel efficiency and more.

In the coalition letter filed on Thursday — the deadline for public comments on the EPA's proposal — the states, cities and counties argued that the EPA is obligated to aggressively regulate greenhouse gas emissions from power plants, as it did in the Clean Power Plan.

"The statute requires EPA to set limits on carbon pollution from existing power plants, yet the agency is proposing to repeal the Clean Power Plan without replacing it with any alternative rule, much less a substitute that requires equivalent or greater pollution reductions," they wrote.

In proposing the repeal in October 2017, the EPA argued that the Obama administration exceeded its legal authority when it wrote the original rule.

Pruitt is separately proposing to replace the Clean Power Plan with a more industry-friendly alternative focused on smaller emissions reductions that coal plants could make.

The Hill
http://thehill.com/homenews/administration/385127-epa-removes-international-priorities-page-from-site
EPA removes 'international priorities' page from site
By Julia Manchester, 4/26/18, 10:35 PM

The Environmental Protection Agency (EPA) removed an "international priorities" page from its website in December, according to a report released this week by the Environmental Data & Governance Initiative (EDGI).

The page had listed climate change, clean air, clean water, e-waste, toxic chemicals, and strong environmental institutions among its international priorities.

EDGI also reports the agency removed its “International Grants and Cooperative Agreements” and “International Cooperation” pages.

The "International Cooperation" page said the EPA sought to "promote sustainable development, protect vulnerable populations, facilitate commerce, and engage diplomatically around the world” with “global and bilateral partners.”

An EPA spokesperson told Think Progress that the agency continually updates its website to reflect new initiatives.

“Of course the site will be reflective of the current administration’s priorities – with that said, all the content from the previous administration is still easily accessible and publicly available through the banner across the top of the main page of the site,” the spokesperson said.

This is not the first time the agency has removed references from its website, with the EPA under the Trump administration removing various references to climate change from its website in the past.

AP
https://apnews.com/0f4d70467f0c4ffe967777df355bc757/Smoke-from-Wisconsin-refinery-explosion-poses-health-risk
Smoke from Wisconsin refinery explosion poses health risk
By Matthew Brown, 4/27/18

An explosion and asphalt fire at a Wisconsin oil refinery sent huge plumes of smoke into the air that pollution experts said almost certainly contained large amounts of toxins, posing a serious health risk to those living downwind.

Asphalt is a petroleum product that when burned emits chemicals in gaseous form and small particles that can linger long after the smoke dissipates, said Wilma Subra, a chemist with the Louisiana Environmental Action Network who has examined past refinery accidents.

The gases include so-called volatile organic compounds, or VOCs, which can cause symptoms ranging from dizziness, breathing problems and nausea to liver damage and cancer, depending on the level and length of exposure, according to the U.S. Environmental Protection Agency.

Also present in asphalt smoke are microscopic particles of chemicals that stick together as visible smoke.

Those particles carry cancer-causing benzene and other contaminants that can lodge deep in the lungs when inhaled. From there, they can pass directly into a person’s bloodstream, said Neil Carman, a former refinery inspector for the Texas Commission on Environmental Quality, now with the Sierra Club.

“Anybody breathing that stuff should be very concerned about what’s getting into deep tissue, into the bloodstream,” Carman said. “When you see that kind of smoke, it means you’re getting a lot of unburned hydrocarbons. ... Those particles are loaded with carcinogens.”

Officials ordered an evacuation of a wide area around the Husky Energy refinery to reduce the public's exposure to the plume. The fire Thursday was later put out, and residents were told they could return to their homes. But then authorities announced the evacuation order would remain and be re-evaluated throughout the night.

Government agencies planned to conduct air monitoring tests to gauge the hazard, refinery manager Kollin Schade said during an evening press conference.

The duration and extent of the toxic hazard depends on a variety of factors, such as wind direction and speed, proximity to the refinery and weather events that can trap pollution close to the ground, said Elena Craft, senior health scientist for the Environmental Defense Fund.

Federal officials did not immediately respond to questions about the health risks from the smoke. A spokeswoman for the Wisconsin Department of Health Services referred questions to local officials in Douglas County, who could not be reached for comment.

Bloomberg
https://www.bloomberg.com/news/articles/2018-04-27/tesla-s-foe-in-fight-over-electric-vehicle-rebate-utilities
Tesla's Foe in Fight Over Electric Vehicle Rebate: Utilities
By John Lippert and Mark Chediak, 4/27/18, 7:13 AM

Early adopters of the electric car often band together in what can seem, in the age of Donald Trump and resurgent sport utility vehicles, like a lonely defense of an unloved technology. But today in California, the state doing the most to cultivate emission-free driving through lucrative incentives, the businesses trying to profit from electric vehicles will be fighting each other.

At issue during a California Air Resources Board hearing in Sacramento on Friday will be rebates the state pays to EV buyers using proceeds from the sale of Low Carbon Fuel Standard credits. Under the program, energy producers who fail to meet the state's low-carbon fuel targets buy credits from those who've already complied. Following state guidelines, the sellers use a portion of the proceeds to pay rebates that range from $50 to $599 for each electric vehicle, which are paid out by the utilities who provide electricity for residential and workplace recharging.

Tesla Inc. and Ford Motor Co. have urged the state's powerful emissions regulator to let automakers pay out the rebate at the moment they sell the car, as a way to boost sales, instead of making consumers wait for a check from their utility or a credit on their bill. Ken Morgan, Tesla's director of business development, said the electric carmaker might even boost the rebate beyond what utilities offer.

Tesla's proposal comes as Model 3 production delays are draining its cash and the company is close to exhausting the availability of a $7,500 federal tax credit. But whoever doles out the rebates would be required to use all money earmarked for low-carbon rebates to pay consumers or associated expenses. "This gives us no direct benefit other than to help everybody sell more electric cars," Morgan said in an interview.

Even so, passing out free money is a great way to build brand loyalty, and Tesla and utilities are elbowing each other hard for the privilege. Eileen Tutt, executive director of a trade association whose board includes California utilities, said she's "adamantly opposed" to letting automakers pay out the rebates. She said the utilities should continue doing so, though she's meeting with Tesla and others to discuss possible improvements.

California certainly wants to help Tesla, Ford and other automakers sell EVs—and already levies stiff penalties if they don't. But utilities have also emerged as aggressive advocates of electric transportation, since ratepayer-funded charging stations represent their first big new revenue opportunity in decades.

Tutt said she's opposed to letting automakers pay out the rebates because, for one thing, their financial disclosures are skimpy compared to those of heavily regulated utilities. "The automakers are saying, 'Just trust us,'" said Tutt, executive director of the California Electric Transportation Coalition in Sacramento.

In a report last month, the ARB staff sided with utilities. But Sam Wade, chief of the agency's transport fuels program, said he likes the idea of distributing rebates when people are at showrooms buying cars and hopes to work with Tesla and utilities to make this happen. Eventually, he said, the state's low-carbon rebates for battery-only cars could reach $1,500.

At Friday's meeting, ARB will vote on whether the staff should change direction on this and other issues during a formal rulemaking. A final vote is scheduled for September.

California started on a path toward writing its own clean-air rules in 1972 when Mary Nichols, now the ARB chair, argued the first federal lawsuit to make the U.S. Environmental Protection Agency enforce the Clean Air Act. A dozen other states have opted to model their own clean-air rules after California. This has prompted the current EPA administrator, Scott Pruitt, to warn that California shouldn't be allowed to "dictate" clean air policies for the rest of the nation.

Tesla has been a major beneficiary of California's clean-energy push, which also targets automakers. Since 2008, the company has sold more than $1.3 billion in regulatory credits to other automakers who don't meet the state's requirements for zero-emission vehicles or greenhouse-gas emission reductions.

The debate comes as California prepares its first major update to its low-carbon fuels standard since 2009. Among other things, the state wants to boost the required low-carbon content of its transport fuels to 20 percent by 2030, from 5 percent this year. This would take the state about a tenth of the way toward its legislative mandate of cutting overall carbon dioxide emissions by 40 percent from 1990 levels by 2030.

Companies comply with the standard by blending low-carbon fuels into their existing gasoline or diesel supplies, or by buying credits from those who don't need them. The credits are getting more expensive as California's emission targets get tougher. On March 20, the credits sold for a record $152 per metric ton, about five times more than the price three years earlier, according to ARB data.

By 2030, the program could be generating credits worth $3.75 billion a year, up from $1.4 billion this year, according to Jeremy Martin, an analyst with the Union of Concerned Scientists in Washington, D.C. Since 2009, this potential windfall has helped spark investments worth $2 billion in low-carbon fuels, said Simon Mui, director of clean vehicles and fuels at the Natural Resources Defense Council.

California policies have started changing the state's fuel supply. Renewable sources like biomass and bio-methane now make up about 20 percent of all diesel sales, state figures show. Corn-based ethanol producers are switching to natural gas and other lower-carbon heat sources, and as a result the carbon intensity of this fuel has dropped by 21 percent. Aera Energy LLC and GlassPoint Solar Inc. are building the state's largest solar farm to generate steam for oil extraction near Bakersfield. By 2030, the state plans to triple the amount of low-carbon electricity used as a transport fuel.

Drivers of conventional vehicles have felt the impact. Gasoline costs about $3.60 per gallon in California, or 80 cents more than the national average, according to AAA. The low-carbon credits account for about a dime's worth of this difference, state figures show.

Critics include the Western States Petroleum Association. "These standards are still too aggressive," wrote Catherine Reheis-Boyd, the group's president, in a filing prior to Friday's hearing. Poet LLC, a South Dakota-based ethanol producer, has been battling the low-carbon credits in court for years, accusing the state of undercounting nitrogen oxide emissions from low-carbon diesel. As a result, the state plans to delay further increases in the diesel portion of the requirement for about a year.

The rest of the state's low-carbon regime will get tougher, though, even as President Trump attacks what he calls California's "out of control" state policies. California Governor Jerry Brown will wrap up his final term in January, and his replacement will be left with the task of overseeing regulations for low-carbon jet fuel and for carbon capture and storage at ethanol plants—measures that would be new even in California, which is at the vanguard of U.S. environmental policy.

With the EPA currently sidelined by Trump's anti-regulatory agenda, California will play an even greater role in providing a model to other states such as Oregon—and even countries such as Canada and Brazil—that are now writing their own low-carbon fuel mandates, Martin said.

Politico
https://www.politico.com/story/2018/04/26/trump-chaos-pompeo-jackson-macron-557053
Ronny Jackson drama overshadows Pompeo success for White House
By Nancy Cook, 4/26/18, 6:05 PM

White House aides were reveling in the pomp of French President Emmanuel Macron's state visit, viewing it as a welcome reprieve from the chaos of Cabinet confirmations, an intensifying Russia probe and a boss with a short fuse. Then reality hit.

President Donald Trump's pick for Veterans Affairs Secretary Ronny Jackson finally withdrew from the confirmation process amid escalating allegations of misconduct, and Trump called into the TV show Fox and Friends to deliver an unscripted interview touching on everything from the Russia probe and the investigation of his personal attorney Michael Cohen to fan-tweets from Kanye West—all before 10 a.m.

The day also included the confirmation of Mike Pompeo, previously Trump's CIA director, as secretary of state—an unexpectedly hard-fought victory that was overshadowed by routine House hearings featuring testimony from EPA Administrator Scott Pruitt, who has been accused of a string of ethics violations.

"The state visit was cool for folks in the White House and fun distraction for one hour from stories about Scott Pruitt or Michael Cohen before everyone got back to the shitshow," said one former White House official.

The president often publicly frames these hectic junctures as a White House unduly under siege from the press or other opponents. About Jackson's nomination, Trump said on Thursday: "He's a great man, and he got treated very, very unfairly. He got treated really unfairly. And he's a hell of a man."

The lack of vetting and Trump's tendency to name top-level nominees with little scrutiny dates back to the presidential transition in the fall of 2016. It's a pattern that surprises few insiders, even as it creates headaches for the White House and the nominees.

"Generally, White House aides are blaming the president from shooting from the hip and without giving it any thought, but this is how every decision he has made has gone," said the former White House official.

On Wednesday, the night before Jackson dropped out of consideration, a number of administration aides and Republicans close to the White House gathered at the Trump International Hotel for after-work drinks—and a few aides kept hoping aloud that Jackson would announce he was dropping out on TV, so no one would have to run back to the White House and everyone could keep drinking, according to one attendee.

The biggest beneficiary of this week's chaos was Pruitt, who started out the week under great scrutiny and disdain from several disparate circles of White House staffers and then ultimately skated through his two Capitol Hill hearings with

little incident. Earlier in the week, those hearings were seen as a make-or-break moment for the EPA Administrator and ones that the president would pay attention to.

"As long as his explanations hold and there are no crazy discrepancies or smoking gun or anything like that, I don't think that creates any red flags for Pruitt," said one Republican close to the White House, who predicted Pruitt would survive the scrutiny.

What helps Pruitt and other Cabinet nominees who frustrate the White House or Trump is the math in the Senate. The Republicans do not have a large or cohesive enough majority to easily confirm new Cabinet secretaries , and the drama surrounding Jackson's departure puts a damper on creating any new vacancies to fill.

"In the ideal situation, the only headlines coming out of the agencies are the policy decisions advancing the president's agenda," said one senior administration aide, speaking about the spate of bad headlines surrounding Pruitt's leadership at the EPA. "That is the clear direction from the top, and we've communicated that."

But many White House officials—and the president himself—have adopted the view that the administration is unfairly maligned, no matter what it does.

Many aides were surprised that Pompeo's confirmation process seemed so shaky at certain points, given the White House's huge, upcoming foreign policy decisions on meeting with North Korea, keeping troops in Syria, and deciding the fate of the U.S.'s role in the Iran deal. The White House's Director of Legislative Affairs Marc Short devoted most of his time over the past few weeks to ensuring Pompeo got confirmed.

"We can only pick so many battles, and Pompeo has got to get done as quickly as possible," said one White House official.

Washington Times
https://www.washingtontimes.com/news/2018/apr/27/steve-king-democrats-raised-the-standards-too-high/
Rep. Steve King: Democrats raised the standards too high for Cabinet appointments
By Sally Persons, 4/27/18

Rep. Steve King said Friday that Democrats have raised the standards too high for Cabinet appointments.

"The standards have been raised to a place here that I would say to the Democrats you better remember how you're conducting yourselves today because one day you might well be back in the majority and trying to confirm and sustain appointments to the Cabinet for a Democrat president," Mr. King, Iowa Republican, said on CNN.

He was referring to Environmental Protection Agency Administrator Scott Pruitt who appeared on Capitol Hill on Thursday. Mr. Pruitt answered questions for his behavior including pay raises for friends of his in the department.

Mr. King said Mr. Pruitt did not come out of the hearing "unseared," but he said Democrats ought to keep in mind that they are setting the standard for future Cabinet appointments and secretaries.

"If these standards are applied to the next president, it's going to be really hard to get anybody to serve in the next administration," Mr. King said.

Mr. Pruitt has also faced questions about his housing arrangement in Washington, where he was renting a nightly room from an energy lobbyist, and his travel expenses.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 2/14/2018 10:40:54 PM
To: Greaves, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abcb6428b3df40a9a78b059a8ba59707-Greaves, Ho]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Hanson, Paige (Catherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95adc1b2ac3b40ab9dc591801d594df8-Hanson, Cat]
Subject: Re: Briefing on Administrator's Travelj

Of course.

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA
(Ex. 6 - Personal Privacy

On Feb 14, 2018, at 4:44 PM, Greaves, Holly <greaves.holly@epa.gov> wrote:

Thanks Ex. 5 - Deliberative Process

I can reach out to our attorneys and cc you.

On Feb 14, 2018, at 4:29 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6 - Personal Privacy

On Feb 14, 2018, at 4:24 PM, Greaves, Holly <greaves.holly@epa.gov> wrote:

Ryan/Troy,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,
Holly

From: Walsh, Ed
Sent: Wednesday, February 14, 2018 4:16 PM
To: Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>
Subject: Fwd: Briefing on Administrator's Travelj

Hi Holly, Paige. Can I ask your help ...with the right person to call on this request.

Thanks

Ed

Begin forwarded message:

> **From:** "Zimmerman, Melissa (Appropriations)" <Melissa_Zimmerman@appro.senate.gov>
> **Date:** February 14, 2018 at 3:45:08 PM EST
> **To:** Ed Walsh <walsh.ed26@gmail.com>, "Walsh, Ed" <Walsh.Ed@epa.gov>
> **Subject: FW: Briefing on Administrator's Travel**
>
> One from earlier...
>
> ---
>
> **From:** Zimmerman, Melissa (Appropriations)
> **Sent:** Wednesday, February 14, 2018 12:04 PM
> **To:** Walsh, Ed <Walsh.Ed@epa.gov>
> **Subject:** Briefing on Administrator's Travel
>
> Hi Ed,
> I would like a briefing on the "blanket waiver" that Administrator Pruitt has been given for first class/business class/etc. travel. This would include both the security justification and the legal background on such a "waiver". I have a clearance if needed. Could we set that up please?
>
> Thank you!
> Melissa
>
> Melissa Zimmerman
> Clerk, Subcommittee on the Legislative Branch
> Professional Staff, Subcommittee on Interior & Environment
> Committee on Appropriations
> United States Senate
> (202) 224-9722