May 21, 2018

*VIA FOIAONLINE.REGULATIONS.GOV*
U.S. Environmental Protection Agency

Re: Freedom of Information Act Request: EPA Year in Review

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, *as amended* ("FOIA"), from the Center for Biological Diversity ("Center"), a non-profit organization that works to secure a future for all species hovering on the brink of extinction through science, law, and creative media, and to fulfill the continuing educational goals of its membership and the general public in the process.

## REQUESTED RECORDS

The Center requests the following records from the U.S. Environmental Protection Agency ("EPA") Headquarters, from January 1 2017 to the date EPA conducts this search:

1. The records generated in connection with the creation of and funding for the attached document, EPA Year in Review 2017-2018. Attachment A (EPA Year in Review 2017-2018);

2. The name and contact information of the entity responsible for creation of the EPA Year in Review 2017-2018; and

3. The amount EPA paid the contractor to create and/or produce the EPA Year in Review 2017-2018.

For this request, the term "records" refers to, but is not limited to, any and all documents, correspondence (including, but not limited to, inter and/or intra-agency correspondence as well as correspondence with entities or individuals outside the federal government), emails, letters, notes, recordings, telephone records, voicemails, telephone notes, telephone logs, text messages, chat messages, minutes, memoranda, comments, files, presentations, consultations, biological opinions, assessments, evaluations, schedules, papers published and/or unpublished, reports, studies, photographs and other images, data (including raw data, GPS or GIS data, UTM, LiDAR, etc.), maps, and/or all other responsive records, in draft or final form.

This request is not meant to exclude any other records that, although not specially requested, are reasonably related to the subject matter of this request. If you or your office have destroyed or

determine to withhold any records that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

Under the FOIA Improvement Act of 2016, agencies are prohibited from denying requests for information under FOIA unless the agency reasonably believes release of the information will harm an interest that is protected by the exemption. FOIA Improvement Act of 2016 (Public Law No. 114-185), codified at 5 U.S.C. § 552(a)(8)(A).

If you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and

2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

If you determine that portions of the records requested are exempt from disclosure, we request that you segregate the exempt portions and mail the non-exempt portions of such records to my attention at the address below within the statutory time limit. 5 U.S.C. § 552(b).

The Center is willing to receive records on a rolling basis.

Finally, FOIA's "frequently requested record" provision was enacted as part of the 1996 Electronic Freedom of Information Act Amendments, and requires all federal agencies to give "reading room" treatment to any FOIA-processed records that, "because of the nature of their subject matter, the agency determines have become the subject of subsequent requests for substantially the same records." *See* 5 U.S.C. § 552(a)(2)(D)(ii)(I). Also, enacted as part of the 2016 FOIA Improvement Act, FOIA's Rule of 3 requires all federal agencies to proactively "make available for public inspection in an electronic format" "copies of records, regardless of form or format … that have been released to any person … and … that have been requested 3 or more times." 5 U.S.C. § 552(a)(2)(D)(ii)(II). Therefore, we respectfully request that you make available online any records that the agency determines will become the subject of subsequent requests for substantially the same records, and records that have been requested three or more times.

## FORMAT OF REQUESTED RECORDS

Under FOIA, you are obligated to provide records in a readily accessible electronic format and in the format requested. *See, e.g.,* 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.").

"Readily accessible" means text-searchable and OCR-formatted. *See* 5 U.S.C. § 552(a)(3)(B). Pursuant to this requirement, we hereby request that you produce all records in an electronic format and in their native file formats. Additionally, please provide the records in a load-ready format with a CSV file index or Excel spreadsheet. If you produce files in .PDF format, then please omit any "portfolios" or "embedded files." Portfolios and embedded files within files are not readily accessible. Please do not provide the records in a single, or "batched," .PDF file. We appreciate the inclusion of an index.

If you should seek to withhold or redact any responsive records, we request that you: (1) identify each such record with specificity (including date, author, recipient, and parties copied); (2) explain in full the basis for withholding responsive material; and (3) provide all segregable portions of the records for which you claim a specific exemption. 5 U.S.C. § 552(b). Please correlate any redactions with specific exemptions under FOIA.

## RECORD DELIVERY

We appreciate your help in expeditiously obtaining a determination on the requested records. As mandated in FOIA, we anticipate a reply within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i). Failure to comply within the statutory timeframe may result in the Center taking additional steps to ensure timely receipt of the requested materials. Please provide a complete reply as expeditiously as possible. You may email or mail copies of the requested records to:

Ann K. Brown
Center for Biological Diversity
P.O. Box 11374
Portland, OR 97211
foia@biologicaldiversity.org

If you find that this request is unclear, or if the responsive records are voluminous, please email me to discuss the scope of this request.

## REQUEST FOR FEE WAIVER

FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." *NARA v. Favish*, 541 U.S. 157, 171 (2004) quoting *U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA's fee waiver requirement is "liberally construed." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as the Center access to government records without the payment of fees. Indeed, FOIA's

fee waiver provision was intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and *non-profit public interest groups*." *Ettlinger v. FBI*, 596 F.Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated, "[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information ... ." 132 Cong. Rec. S. 14298 (statement of Senator Leahy).

## I. The Center Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). EPA's regulations at 40 C.F.R. § 2.107(l)(1)-(3) establish the same standard.

Thus, EPA must consider four factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "the operations or activities of the Federal government," (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "will contribute to public understanding" of a reasonably broad audience of persons interested in the subject, and (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. 40 C.F.R. § 2.107(1)(2). As shown below, the Center meets each of these factors.

### A. The Subject of This Request Concerns "The Operations and Activities of the Government."

The subject matter of this request concerns the operations and activities of the EPA. This request asks for from January 1 2017 to the date EPA conducts this search: (1) the records generated in connection with the creation of and funding for the attached document, EPA Year in Review 2017-2018. Attachment A; (2) the name and contact information of the entity responsible for creation of the EPA Year in Review 2017-2018; and (3) the amount EPA paid the contractor to create and/or produce the EPA Year in Review 2017-2018.

This FOIA will provide the Center and the public with crucial insight into the production of EPA's Year in Review 2017-2018. It is clear that a federal agency's publication is a specific and identifiable activity of the government, in this case the executive branch agency, the EPA. *Judicial Watch*, 326 F.3d at 1313 ("[R]easonable specificity is all that FOIA requires with regard to this factor") (internal quotations omitted). Thus, the Center meets this factor.

### B. Disclosure is "Likely to Contribute" to an Understanding of Government Operations or Activities.

The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public.

Disclosure of the requested records will allow the Center to convey to the public information about who may be funding publications like the EPA Year in Review, and what entity or individual might be exerting influence on and through EPA. Once the information is made available, the Center will analyze it and present it to its 1.6 million members and online activists and the general public in a manner that will meaningfully enhance the public's understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of EPA operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons' Understanding of EPA's Year in Review

The requested records will contribute to public understanding of how EPA's actions are consistent with their mission to "protect human health and the environment."[1] As explained above, the records will contribute to public understanding of this topic.

Activities of EPA generally, and specifically who funding and produced the agency's Year in Review are areas of interest to a reasonably broad segment of the public. The Center will use the information it obtains from the disclosed records to educate the public at large about this subject matter. *See W. Watersheds Proj. v. Brown*, 318 F.Supp.2d 1036, 1040 (D. Idaho 2004) ("... find[ing] that WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and also how … management strategies employed by the BLM may adversely affect the environment.").

Through the Center's synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained in and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter. *Ettlinger v. FBI*, 596 F.Supp. at 876 (benefit to a population group of some size distinct from the requester alone is sufficient); *Carney v. Dep't of Justice*, 19 F.3d 807, 815 (2d Cir. 1994), *cert. denied*, 513 U.S. 823 (1994) (applying "public" to require a sufficient "breadth of benefit" beyond the requester's own interests); *Cmty. Legal Servs. v. Dep't of Hous. & Urban Dev.*, 405 F.Supp.2d 553, 557 (E.D. Pa. 2005) (in granting fee waiver to community legal group, court noted that while the requester's "work by its nature is unlikely to reach a very general audience," "there is a segment of the public that is interested in its work").

Indeed, the public does not currently have an ability to easily evaluate the requested records that are not currently in the public domain, which concern EPA's Year in Review. *See Cmty. Legal Servs. v. HUD*, 405 F.Supp.2d 553, 560 (D. Pa. 2005) (because requested records "clarify important facts" about agency policy, "the CLS request would likely shed light on information that is new to the interested public."). As the Ninth Circuit observed in *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987), "[FOIA] legislative history

[1] EPA, *Our Mission and What We Do*, https://www.epa.gov/aboutepa/our-mission-and-what-we-do (last visited May 21, 2018).

suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations… ."[2]

Disclosure of these records is not only "likely to contribute," but is certain to contribute, to public understanding of who is responsible for creating and funding EPA's Year in Review. The public is always well served when it knows how the government conducts its activities, particularly matters touching on legal questions. Hence, there can be no dispute that disclosure of the requested records to the public will educate the public about this topic.

D. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

The Center is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public's understanding of the extent to which industry influences EPA, as compared to the level of public understanding that exists prior to the disclosure. Indeed, public understanding will be *significantly* increased as a result of disclosure because the requested records will help reveal more about what outside entities are affecting EPA decision-making.

The records are also certain to shed light on EPA's compliance with its own mission.[3] Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Thus, the Center meets this factor as well.

II. The Center has a Demonstrated Ability to Disseminate the Requested Information Broadly.

The Center is a non-profit organization that informs, educates, and counsels the public regarding environmental issues, policies, and laws relating to environmental issues. The Center has been substantially involved in the activities of numerous government agencies for over 25 years, and has consistently displayed its ability to disseminate information granted to it through FOIA.

In consistently granting the Center's fee waivers, agencies have recognized: (1) that the information requested by the Center contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that the Center possesses the expertise to explain the requested information to the public; (4) that the Center possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes the Center as an established expert in the field of imperiled species, biodiversity, and impacts on protected species. The Center's track record of active participation in oversight of governmental activities and decision making, and its consistent contribution to the public's

[2] In this connection, it is immaterial whether any portion of the Center's request may currently be in the public domain because the Center requests considerably more than any piece of information that may currently be available to other individuals. *See Judicial Watch*, 326 F.3d at 1315.

[3] *See supra* note 1.

understanding of those activities as compared to the level of public understanding prior to disclosure are well established.

The Center intends to use the records requested here similarly. The Center's work appears in more than 2,500 news stories online and in print, radio and TV per month, including regular reporting in such important outlets as *The New York Times*, *Washington Post*, *The Guardian*, and *Los Angeles Times*. Many media outlets have reported on the priorities of EPA under the Trump administration utilizing information obtained by the Center from federal agencies. In 2017, more than 2.7 million people visited the Center's extensive website, and viewed pages a total of 5.7 million times. The Center sends out more than 277 email newsletters and action alerts per year to more than 1.6 million members and supporters. Three times a year, the Center sends printed newsletters to more than 63,000 members. More than 304,800 people have "liked" the Center on Facebook, and there are regular postings regarding environmental health and protection. The Center also regularly tweets to more than 57,900 followers on Twitter. The Center intends to use any or all of these far-reaching media outlets to share with the public information obtained as a result of this request.

Public oversight and enhanced understanding of EPA's duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney v U.S. Dept. of Justice*, 19 F.3d 807 (2nd Cir. 1994). The Center need not show how it intends to distribute the information, because "[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity." *Judicial Watch*, 326 F.3d at 1314. It is sufficient for the Center to show how it distributes information to the public generally. *Id.*

## III. Obtaining the Requested Records is of No Commercial Interest to the Center.

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to the Center's role of educating the general public. Founded in 1994, the Center is a 501(c)(3) nonprofit conservation organization (EIN: 27-3943866) with more than 1.6 million members and online activists dedicated to the protection of endangered and threatened species and wild places. The Center has no commercial interest and will realize no commercial benefit from the release of the requested records.

## IV. Conclusion

For all of the foregoing reasons, the Center qualifies for a full fee waiver. We hope that EPA will immediately grant this fee waiver request and begin to search and disclose the requested records without any unnecessary delays.

If you have any questions, please contact me at foia@biologicaldiversity.org. All records and any related correspondence should be sent to my attention at the address below.

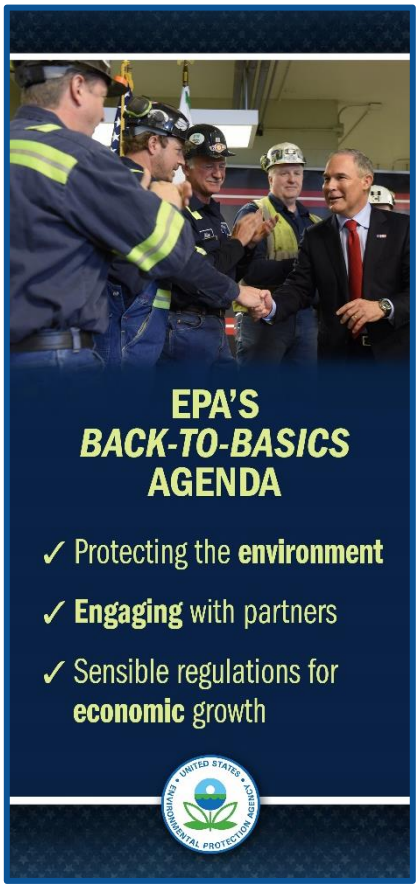
Sincerely,

Ann K. Brown
Open Government Coordinator
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 11374
Portland, OR 97211-0374
foia@biologicaldiversity.org

Attachment

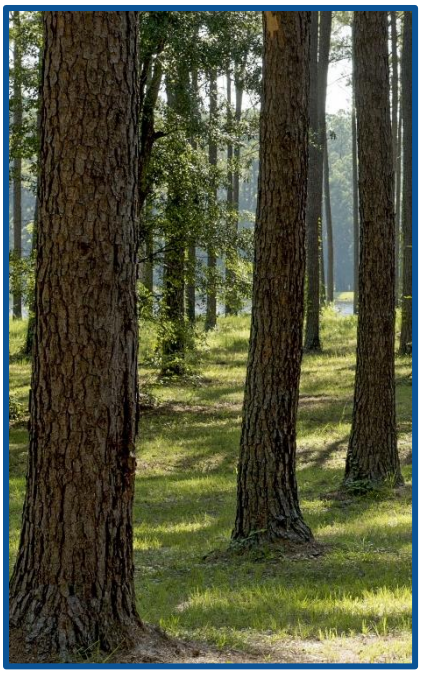
Attachment A (EPA Year in Review 2017-2018)

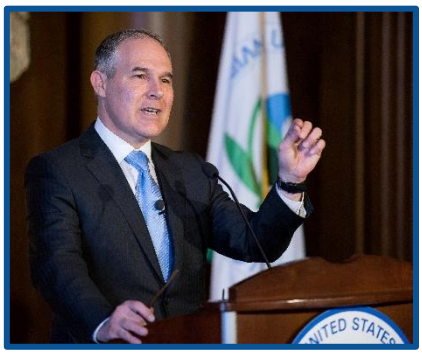
**Attachment A**

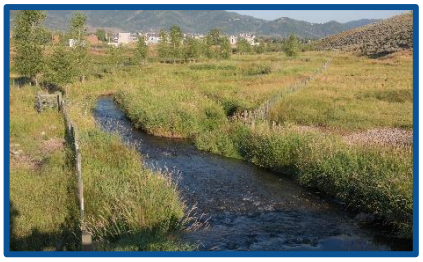



# EPA Year in Review

# 2017-2018







E. Scott Pruitt
Administrator

Friends and Colleagues –

We have been hard at work enacting President Donald Trump's agenda during my first year as EPA Administrator. His courage and leadership have been key to our success. From his decision to exit the Paris Accord to his executive order empowering EPA to review and rescind the Clean Power Plan, the President is delivering on his promises and getting results for the American people.

We are following his lead. Days after being sworn in, I addressed EPA's employees and committed to listening and working cooperatively with states and stakeholders to tackle today's environmental challenges. In my first year, I traveled to 30 states and U.S. territories and met with 34 bipartisan governors and over 350 stakeholder groups. We are taking important actions in collaboration with – not opposition to – the states.

I committed to refocusing the Agency on its core mission. Today, we are focusing on cleaning up contaminated lands, improving air quality and rebuilding America's water infrastructure. Finally, I promised that we would restore the rule of law. We are rescinding and replacing the burdensome Waters of the U.S. rule, and we ended the harmful and wrongful practice of "sue and settle."

These are just a few examples of my commitment to fulfilling these promises. This report details EPA's accomplishments and what they mean for the American people and the environment. The sum of these actions is monumental: **In year one, EPA finalized 22 deregulatory actions, saving Americans more than $1 billion in regulatory costs.**

We have made tremendous progress in year one to implement the President's vision. EPA today is more efficient, more effective and more transparent in carrying out its all-important task of protecting human health and the environment. Much work remains to be done though. We will help repair our nation's crumbling water infrastructure; we will continue to clean up and revitalize more Superfund sites; and we will work with states to continue to improve air quality. Thanks to our reforms and improvements in year one, we now have the framework and policies in place to tackle these problems head on.

I look forward to working together to accomplish even more progress in 2018.

Sincerely,

E. Scott Pruitt

1200 Pennsylvania Ave. NW • Mail Code 1101A • Washington, DC 20460 • (202) 564-4700 • Fax: (202) 501-1450

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# Contents


Accomplishments ..... 5
Introduction ..... 6
Core Mission ..... 6
AIR: Improve Air Quality ..... 7
Clean Power Plan ..... 7
Ozone ..... 7
State Implementation Plans ..... 7
Renewable Fuel Standard ..... 8
Permitting Reform for New Source Review ..... 8
"Once In Always In" Is Out ..... 8
National Program for Greenhouse Gas Emissions and Fuel Economy Standards ..... 9
Carbon Neutrality for Biomass ..... 9
WATER: Provide for Clean and Safe Water ..... 10
Waters of the United States (WOTUS) ..... 10
Water Infrastructure ..... 10
Stream Electric Effluent Limitations Guidelines Rule ..... 11
LAND: Revitalize Land for Reuse ..... 12
Superfund ..... 12
CERCLA Hardrock Mining ..... 13
Coal Ash ..... 13
CHEMICALS: Ensure Safety of Chemicals ..... 14
Implemented the Updated Toxic Substances Control Act ..... 14
Chlorpyrifos ..... 14
Dicamba ..... 14
ENFORCEMENT ..... 15
Cooperative Federalism and Public Participation ..... 16
Enhanced Shared Accountability ..... 16
Stakeholder Engagement ..... 17
Smart Sectors ..... 17
Grants ..... 17
Natural Disaster Preparedness, Response and Recovery ..... 18
Rule of Law ..... 19
Agency Reform ..... 19

Sue and Settle ..... 19
Advisory Committees ..... 19
Media Highlights ..... 20
WHAT THEY'RE SAYING ..... 31

## Accomplishments

- ✓ Halted Job-Killing, Burdensome, Duplicative Regulations
- ✓ Eliminated Agency Backlogs, Improved Efficiency
- ✓ Increased Transparency, Accountability
- ✓ Returned to Cooperative Federalism
- ✓ Restored the Rule of Law, Process
- ✓ Improved Compliance and Assistance

In one year, EPA Administrator Scott Pruitt spearheaded 22 deregulatory actions that could save the American people more than $1 billion in regulatory costs.

By the Numbers:

- ✓ IMPLEMENTING EXECUTIVE ORDERS (E.O.): EPA quickly acted on President Donald Trump's E.O. to review the 2015 definition of "Waters of the U.S.;" President Trump's Energy Independence E.O. to propose a repeal of the so-called "Clean Power Plan;" and President Trump's "Regulatory Reform" E.O. 13777 by finalizing two deregulatory actions for each regulatory action – with ZERO net costs to the U.S. economy.
- ✓ REGULATORY REFORM: 22 deregulatory actions were finalized, which could save more than $1 billion in regulatory costs; EPA also initiated work on an additional 44 deregulatory actions and announced the reconsideration of over a dozen overreaching and burdensome regulations.
- ✓ OUTREACH: Administrator Pruitt consulted with 95 bipartisan members of Congress, 34 bipartisan governors, visited 30 states and U.S. territories, and met with over 350 stakeholder groups.
- ✓ AIR: EPA acted on 322 State Implementation Plans (SIPs) and turned one Federal Implementation Plan (FIP) into a SIP each month since March 1, 2017.
- ✓ WATER: 3,000 Total Maximum Daily Loads were approved and EPA focused on the priority water bodies selected by states. EPA also: cut the amount of time it took to review state water quality standards in half (from 120 days to 60); committed $25 million in water infrastructure loans; disbursed $8.9 billion in State Revolving Funds to improve our nation's water quality; and awarded $100 million to Flint, Michigan for water infrastructure upgrades.
- ✓ LAND: Seven contaminated sites were eliminated, substantially or entirely, from the National Priorities List (NPL) of contaminated sites; only two sites were removed the previous year. EPA also awarded $60 million in Brownfields cleanup grants to local communities.
- ✓ CHEMICALS: 600 new chemical submissions were stuck in the Agency's backlog as of January 2017; EPA cleared the backlog and ensured that all new chemicals coming to market received a safety determination within about 90 days.
- ✓ ENFORCEMENT: In FY17, $1.6 billion was collected in administrative and civil judicial penalties, higher than any of the previous ten years, other than FY16, which included one $5.7 billion action taken. EPA also celebrated an increase in the value of commitments by private parties to clean up land to more than $1.2 billion, an increase in the total of criminal fines, restitution and mitigation to $2.98 billion, and an increase in the value of actions to improve compliance to nearly $20 billion.

## Introduction

U.S. Environmental Protection Agency (EPA) plays a vital role in American society. It is a role that is clearly defined by Congress, its statutes, and – from time to time – the courts. EPA most-effectively protects the environment and human health when it operates within the bounds of its authority. However, when EPA strays outside that role, it encumbers both environmental protections and economic growth.

At the outset of EPA Administrator Scott Pruitt's tenure, he set forth a "back-to-basics agenda" centered on returning EPA to its proper role via three objectives:

1) **Refocusing the Agency back to its core mission**
2) **Restoring power to the states through cooperative federalism**
3) **Adhering to the rule of law and improving Agency processes**

In one year, EPA has made tremendous environmental progress in line with these goals, and it shows that the Agency can be both pro-environment and pro-growth.

The combination of a refocused Agency, cooperative federalism, and rule of law has unleashed new optimism throughout the nation. Americans can trust that environmental hazards will be addressed quickly and thoroughly; states and industry will be treated as partners, not opponents; and regulations will provide clarity, not confusion. The results are a cleaner, safer, and stronger America for all.

## Core Mission

The first of the three pillars of Administrator Pruitt's "back-to-basics agenda" is to refocus the Agency on its core mission: clean air, land, and water. EPA was founded in 1970 in order to consolidate the federal government's environmental efforts under one roof and better enforce the environmental laws passed by Congress. In recent years, however, EPA expanded its authority and jurisdiction into areas outside its core mission. In the process, central responsibilities of the Agency took a backseat to ideological crusades, allowing some environmental threats – like cleaning up toxic land – to go unaddressed. Administrator Pruitt returned the Agency to its core mission and prioritized issues at the heart of EPA's purpose: ensuring access to clean air and water, cleaning up contaminated lands and returning them to communities for reuse, improving water infrastructure, and ensuring chemicals entering the marketplace are reviewed for safety. In just one year, EPA made immense progress on these fronts, and the American people have seen real, tangible results.

## AIR: Improve Air Quality

### Clean Power Plan

The Clean Power Plan (CPP) appears to have far exceeded the Agency's statutory authority, while imposing massive regulatory burdens on affordable energy for hardworking American families. The U.S. Supreme Court issued an unprecedented stay of the rule in 2016. After calls for a review in President Trump's Energy Independence Executive Order, Administrator Pruitt proposed a repeal of the CPP on October 10, 2017. EPA's proposed action on CPP is estimated to save the U.S. economy up to $33 billion in avoided compliance costs.

As part of the ongoing repeal process, the Agency heard directly from stakeholders and citizens most impacted by the rule, including a listening session in Charleston, West Virginia – the heart of coal country. Three additional listening sessions took place in Kansas City, Missouri; San Francisco, California; and Gillette, Wyoming.

> **"Consistent with our commitment to the rule of law, we've already set in motion an assessment of the previous administration's questionable legal basis in our proposed repeal of the Clean Power Plan. With a clean slate, we can now move forward to provide regulatory certainty. It ensures adequate and early opportunity for public comment from all stakeholders about next steps the Agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress."**
>
> **- EPA Administrator Scott Pruitt**

In a separate but related action, EPA issued an Advance Notice of Proposed Rulemaking to solicit information from the public about a potential new rule regulating greenhouse gas emissions from power plants consistent with the Clean Air Act and proper relations between EPA and the states.

### Ozone

EPA is committed to prioritizing air quality improvements and partnering with states to ensure more Americans are living and working in areas that meet our nation's stringent air quality standards. Under current measurements, roughly 40 percent of the nation fails to meet attainment standards set under the National Ambient Air Quality Standards (NAAQS). Under Administrator Pruitt's leadership, EPA is working with states to develop air quality plans and address underlying technical issues. In November 2017, consistent with Administrator Pruitt's pledge to be more responsive to local needs, EPA found that more than 2,600 counties – roughly 85 percent of the U.S. – met the stringent 2015 NAAQS for ground-level ozone. The Agency is now working to finalize designations for the remaining areas. Administrator Pruitt also established an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with ozone standards.

### State Implementation Plans

Rather than work cooperatively with states to implement clean air programs, President Obama's EPA imposed more than 50 FIPs – the equivalent of a top-down mandate – on states. EPA recognizes that states have an enormous role to play in environmental protection and the Agency can improve outcomes through collaboration, not federal dictates. Under Pruitt's leadership, EPA has turned an average of one FIP into a SIP every month. Since March 2017, EPA has worked with states to approve more than 200 SIPs. Under its FY18 – FY19

Agency Priority Goals, EPA, in close collaboration with states, will reduce the number of nonattainment areas by nearly 20 percent.

- During the Obama Administration, more than 50 FIPs were imposed on states, including nearly 20 under the Regional Haze program.
- Under the Trump Administration, with EPA Administrator Pruitt's leadership, EPA has turned at least one FIP into a SIP approximately every month.

## Renewable Fuel Standard

As directed by the Clean Air Act, EPA finalized volume requirements for the Renewable Fuel Standard (RFS) maintaining renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels, and understanding both market realities and consumer demand. Finalizing these volumes consistent with the statutory timeline helped stabilize the renewable fuels program and provide regulatory certainty.

## Permitting Reform for New Source Review

Consistent with President Trump's priorities and under Administrator Pruitt's direction, EPA is taking steps to clarify, revise, and streamline preconstruction requirements under the New Source Review (NSR) permitting program. EPA's permitting requirements will no longer stifle a company's ability to invest in the latest and greatest technologies or make continued improvements to their operations. On December 7, 2017, EPA took an important step to achieving this goal by issuing a guidance memorandum. The memo makes clear that, under current NSR regulations, the Agency is not to "second guess" an owner or operator's analysis, as long as it is done in a manner consistent with NRS requirements. It further clarified that the true environmental impacts of the project – via post-construction actual emissions data – will guide enforcement actions.

## "Once In Always In" Is Out

In a 1995 memo, EPA established a "once in always in" policy that required any facility subject to major source standards for hazardous air pollutants to always remain subject to those standards, even if production processes changed or controls were implemented that eliminated or permanently reduced that facility's potential to emit hazardous air pollutants. This policy served as a disincentive for efforts to improve air quality and was also inconsistent with the Clean Air Act.

> **"This guidance is based on a plain language reading of the statute that is in line with EPA's guidance for other provisions of the Clean Air Act. It will reduce regulatory burden for industries and the states, while continuing to ensure stringent and effective controls on hazardous air pollutants."**
>
> **- EPA's Office of Air and Radiation Assistant Administrator Bill Wehrum**

EPA issued a guidance memorandum in January 2018 withdrawing the "once in always in" policy. The memo from EPA's Office of Air and Radiation Assistant Administrator Bill Wehrum finds that EPA had no statutory authority under the Clean Air Act to place a time limit on when a facility may be determined to be an area source. Under the Clean Air Act, facilities can be reclassified as "area" (minor) sources once their potential to

emit hazardous air pollutants falls below the levels that define major sources. This action represents another major step by EPA to reduce burdens that deterred a core mission: improving air quality.

## National Program for Greenhouse Gas Emissions and Fuel Economy Standards

EPA has taken multiple steps over the past year to review the regulatory overreach of the previous administration in the transportation sector.

Alongside U.S. Department of Transportation (DOT) Secretary Elaine Chao, Administrator Pruitt announced the agencies' intentions to reestablish the original timeline for public input for the Midterm Evaluation (MTE). This process is a key to assessing the appropriateness of the previous administration's standards for greenhouse gases and fuel economy for light-duty vehicles for Model Years 2022-2025. Under Administrator Pruitt's leadership, forward-looking actions will ensure that the program is beneficial for both consumers and the environment.

Administrator Pruitt traveled to Ypsilanti, Mich. with DOT Secretary Chao and President Trump to discuss CAFE standards.

EPA also reviewed, and then issued, a proposal to undo the regulatory overreach of the Phase II Fuel Efficiency Standards for medium- and heavy-duty trucks as applied to the glider industry. Gliders are a specially manufactured type of heavy-duty highway vehicle. Proposing to repeal this provision is a direct result of Administrator Pruitt's commitment to regulate consistent with the rule of law as the previous administration's rule for gliders did not comply with the Clean Air Act.

## Carbon Neutrality for Biomass

As directed by Congress and in conjunction with President Trump's Executive Order "Promoting Energy Independence and Economic Growth," a multi-agency effort has been initiated between EPA, the U.S. Department of Energy, and U.S. Department of Agriculture to establish a mechanism for federal cooperation and consistency on the use of biomass. EPA is working to develop a range of options in accordance with a carbon-neutral policy for biomass from forests and other lands and sectors as part of its ongoing review of the Clean Air Act permitting programs. Incorporating these sources into an "all of the above" energy portfolio will ensure biomass plays a key role in addressing the energy needs of the U.S. in an economically and environmentally beneficial way.

**"For years, the federal government rendered most U.S. forestry producers ineligible for federal procurement projects and created confusion around biomass carbon neutrality. EPA is focused on clarifying regulations that were encumbering the industry."**

**- EPA Administrator Scott Pruitt**

## WATER: Provide for Clean and Safe Water

### Waters of the United States (WOTUS)

On February 28, 2017, President Donald Trump issued an Executive Order directing EPA and the U.S. Army Corps of Engineers (Army Corps) to review this issue. Within a few months, the agencies proposed a rule to rescind the 2015 "Waters of the United States" rule to provide regulatory certainty to American farmers, landowners, and businesses, and put an end to one-size-fits-all regulations from Washington.

> **"We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses. This is the first step in the two-step process to redefine 'Waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent, and collaborative with other agencies and the public."**
>
> **- EPA Administrator Scott Pruitt**

In the interim, EPA and the Army Corps finalized a rule to postpone the applicability date of the 2015 WOTUS rule until February 6, 2020. This postponement provides regulatory certainty, will allow EPA to reevaluate the 2015 rule, and ensure the status quo is maintained until that process is complete.

Administrator Pruitt addresses members of the Tennessee Farm Bureau in Franklin, Tenn.

Administrator Pruitt talks with members of Nevada, Iowa Future Farmers of America.

### Water Infrastructure

Our nation's water infrastructure is in dire need of repair. Roughly 700 water main breaks occur across the U.S. every day – over 200,000 annually. Not surprisingly, the American Society of Civil Engineers gave our nation's drinking water, wastewater, and hazardous waste infrastructure a "D" grade.

Then there's the problem of lead in our drinking water. EPA has taken important steps to support the State of Michigan in Flint's recovery and improve water infrastructure across the nation.

#### *Flint, Michigan*

In March 2017, EPA awarded a $100 million grant to the Michigan Department of Environmental Quality to accelerate and expand its work to replace lead service lines and make other critical infrastructure improvements. Later in the year, EPA completed a periodic review of Michigan's drinking water program and released a report identifying key steps the state should take to ensure they are providing safe and clean drinking water.

In addition, EPA concurred with Michigan's plans to forgive Flint's past drinking water debt. Over the past year, EPA has worked in

partnership with the State of Michigan and the City of Flint to ensure that water quality continues to improve. This partnership has produced one of the most robust drinking water data sets in the country. EPA remains committed to working closely with the State of Michigan, Flint and local partners to protect public health and ensure that Flint's water quality continues to remain safe to drink.

## BY THE NUMBERS:

**$100 Million** grant to Michigan Department of Environmental Quality

**$1 Billion** will be leveraged from WIFIA loans for water infrastructure upgrades

**$5.1 Billion** in total water infrastructure investment estimated to be spurred from EPA grants and loans

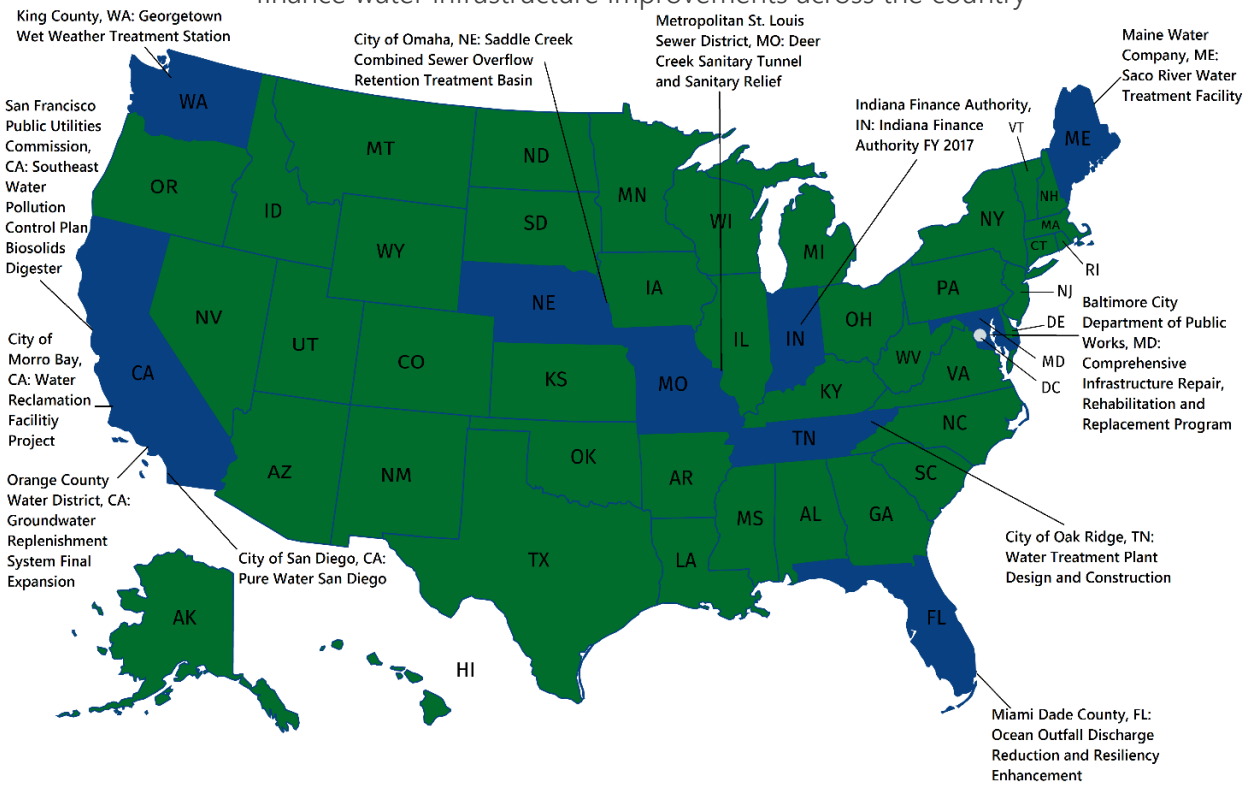
### *WIFIA*

Critical to improving the nation's water infrastructure is the Water Infrastructure Finance and Innovation Act (WIFIA). The selected projects – once finalized – will leverage more than $1 billion in private capital and other funding sources, including EPA's State Revolving Fund (SRF) loans, to help finance a total of $5.1 billion in water infrastructure investments.

### Stream Electric Effluent Limitations Guidelines Rule

After careful reconsideration, EPA finalized a rule postponing certain compliance dates by two years for the effluent limitations guidelines and standards for steam electric power plants under the Clean Water Act. It had been estimated to cost an average of $480 million annually including $1.2 billion annually during the first five years of compliance.

From wastewater and drinking water to storm water and water recycling projects, WIFIA loans will finance water infrastructure improvements across the country



## LAND: Revitalize Land for Reuse

### Superfund

The number of toxic sites being added to EPA's National Priorities List (NPL) has increased under every administration since the first list was released under President Ronald Reagan. By the end of 2018, EPA will be on track to delete from the NPL, in whole or part, over 20 Superfund sites.

Ensuring the Superfund program and EPA's land and water cleanup efforts operate effectively and efficiently is a cornerstone of the Agency's core mission. In elevating EPA's focus on Superfund cleanup, Administrator Pruitt created a Superfund Task Force – comprised of Agency experts from the Office of Land and Emergency Management, Office of Enforcement and Compliance Assurance, Office of General Counsel, and Regional Offices – to streamline and improve the program.

Within a few months, the Superfund Task Force released its report providing 42 specific and detailed recommendations under the following overarching goals:

1. **Expediting Cleanup and Remediation**
2. **Re-Invigorating Responsible Party Cleanup and Reuse**
3. **Encouraging Private Investment**
4. **Promoting Redevelopment and Community Revitalization**
5. **Engaging Partners and Stakeholders**

Following the recommendations of the Superfund Task Force, Administrator Pruitt released two dynamic lists of Superfund sites on the NPL including an initial set of 21 sites targeted for immediate and intense attention and 31 sites with the greatest expected redevelopment and commercial potential.

East Chicago, Indiana:

As one of his first acts in office, Administrator Pruitt visited the USS Lead Superfund Site in East Chicago, Ind., a site that was listed on the NPL in 2009. In meetings with East Chicago residents, and federal, state, and local offices, he pledged improved coordination and communications as cleanup continues. The site is now on Administrator Pruitt's list of sites targeted for immediate and intense action.

West Lake, Missouri:

On February 1, 2018, after decades of inaction, EPA put forth its proposed plan to clean up the West Lake Landfill, a dumping ground for radioactive waste from the Manhattan Project. The plan calls for the removal of a majority of the most radiologically impacted material.

"We've gone without a decision at the site for 10 years, and it's time that we have direction," said Karen Nickel of the Just Moms St. Louis advocacy group. (St. Louis' CBS Radio, 02/01/18)

San Jacinto, Texas:

The cleanup plan to address highly toxic dioxin contamination at the San Jacinto Waste Pits Superfund site in Harris County was approved by Administrator Pruitt in the fall of 2017. By permanently addressing risks posed by the contamination, the plan provides certainty to both people living near the site and economic interests, including the businesses that rely on the San Jacinto River for navigation and the Interstate-10 transportation corridor.

"Not long after Hurricane Harvey battered Houston last summer, Environmental Protection Agency Administrator Scott Pruitt stood on the banks of the San Jacinto River and surveyed a decades-old toxic waste site as divers checked whether the storm had unearthed dangerous chemicals. Days later, he ordered two corporations to spend $115 million to excavate the contamination rather than leaving it covered." (Washington Post, 01/23/18)

The first Superfund list includes sites that will benefit from Administrator Pruitt's direct engagement and have identifiable actions to protect human health and the environment. These are sites requiring timely resolution of specific issues to expedite cleanup and redevelopment efforts. Ultimately, this list is designed to spur action at sites where opportunities exist to act quickly and comprehensively.

Superfund redevelopment will help countless communities reclaim and reuse thousands of acres of formerly contaminated land. The redevelopment list easily directs interested developers and potential owners to some Superfund sites with redevelopment potential.

In 2017, EPA completed deletion activities at seven sites on the Superfund NPL in Administrator Pruitt's first year, up from two in 2016. These sites, spanning from Minnesota and Massachusetts to Wyoming and Nebraska, reflect Administrator Pruitt's commitment to accelerating progress, reducing risks at Superfund sites, and returning sites to productive use.

## CERCLA Hardrock Mining

In January 2017, the previous administration proposed regulations under section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) that would have imposed additional financial responsibility requirements on certain hardrock mining facilities. After careful analysis of nearly 11,000 public comments, EPA announced in December 2017 that it would not finalize the proposed requirements. The risks associated with these facilities' operations are already addressed by existing federal and state programs and requirements and industry practice. Finalizing these requirements would have cost American businesses and the mining industry up to $171 million annually.

**"I urged then President-elect Trump to stop the EPA's overreach into state regulation harming Montana businesses. Instead of threatening the very industries that are a backbone of our Western economies, we need to support American families and American businesses to secure our mineral and energy independence. I am pleased the EPA has taken action."**

**- U.S. Senate Western Caucus Chairman Steve Daines (R-MT)**

## Coal Ash

EPA's core mission reflects the belief that states play an integral role in environmental protection. In keeping with this notion, Administrator Pruitt provided Agency guidance to states for implementing state permitting programs to manage the safe disposal of coal combustion residuals (CCR), also known as "coal ash." The new state permitting authority – included in the Water Infrastructure Improvements for the Nation Act – allows flexibility in individual CCR permits that better reflect their environment and the continued beneficial use of coal ash.

EPA released this guidance to help states develop and submit permit programs that will put more states on track to obtain EPA approval of their CCR permitting program. The guidance outlines a framework of EPA's expected approval process and also provides checklists to aid states as they develop their programs.

## CHEMICALS: Ensure Safety of Chemicals

### Implemented the Updated Toxic Substances Control Act

EPA is working diligently to properly implement the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amended the Toxic Substances Control Act (TSCA), and ensure that the most modern and safe chemicals get to market quickly in order to provide regulatory certainty for manufacturers and confidence for American consumers.

Under the Lautenberg Chemical Safety Act – the first major update to an environmental statute in 20 years – EPA is responsible for reviewing and approving the safety of new chemicals intent on entering the U.S. marketplace. When Administrator Pruitt was confirmed, over 600 new chemicals were stuck in review. Within four months of being confirmed, EPA halved the backlog of new chemical submissions being reviewed under TSCA, and by August, Administrator Pruitt effectively eliminated the backlog.

In addition, EPA exceeded expectations and met its statutory responsibilities under TSCA on time and the one-year anniversary of the Lautenberg Chemical Safety Act. This included issuing three new framework rules, providing a guidance document for external parties, and releasing the scoping documents for the first 10 risk evaluations, under a reformed TSCA.

### Chlorpyrifos

In 2007, EPA received a petition asking the Agency to revoke the tolerances for the pesticide chlorpyrifos. In March 2017, EPA denied the petition citing that: the Ninth Circuit would not provide additional time to review the issue; there were divergent views from cabinet departments; and the scheduled FIFRA pesticide review process would be transparent, and allow more time to further evaluate the science.

On July 18, 2017, the Ninth Circuit ruled in EPA's favor, refusing to short-circuit the process established by Congress to challenge a denial of a petition to revoke a tolerance, affording EPA additional time to conduct a proper evaluation of the science and the studies on chlorpyrifos and provide greater certainty about the pesticide's safety to the American people.

### Dicamba

On October 13, 2017, EPA reached an agreement with manufacturers on measures to further minimize the potential for dicamba drift to damage neighboring crops. New requirements for the use of dicamba "over the top" (application to growing plants) will allow farmers to make informed choices for seed purchases for the 2018 growing season. EPA worked cooperatively with states, land-grant universities, and pesticide manufacturers to examine the underlying causes of recent crop damage in certain regions and reach an agreement that will provide regulatory certainty for farmers.

**TSCA MILESTONES:**

- ✓ Swiftly implemented the Lautenberg Chemical Safety Act updates to TSCA
- ✓ Finalized 3 new framework rules
- ✓ Released scoping documents for first 10 risk evaluations
- ✓ Provided guidance on risk evaluation process
- ✓ Proposed final framework rule on TSCA fees

## ENFORCEMENT

Enforcement of environmental protection laws is sustained by collaborative efforts of states, businesses, private citizens, and federal agencies like EPA. Within the last year, Administrator Pruitt implemented a two-pronged approach to enforcement: 1) ensuring the regulated community understands and complies with the law, and 2) vigorously holding bad actors accountable. This was achieved through a wide range of enforcement tools, including: compliance assistance, civil actions, administrative actions, informal actions, work-sharing with states, criminal fines, and incarceration where appropriate.

**The Seattle Times**

Amazon, EPA Reach $1.2 Million Settlement Over Online Sales of Illegal Pesticides

*"Seattle-based Amazon has agreed to pay more than $1.2 million in administrative penalties as part of an agreement with the U.S. Environmental Protection Agency that the agency says will protect consumers from hazards of illegal and misbranded pesticides sold by the online retail giant …*

*"The penalty was one of the largest ever of its kind by the agency …*

*"[A]s a result of the settlement, Amazon has indicated it is now 'committed to closely monitoring and removing illegal pesticides from its website,' [EPA Region 10 Administrator Chris] Hladick said in the agency's news release."*

## BY THE NUMBERS:

From January 20, 2017 through the end of FY17, EPA and the U.S. Department of Justice imposed:

- ✓ More than $1.72 billion in civil penalties, cost recovery, natural resource damages, and other monetary recoveries;
- ✓ More than $2.91 billion in criminal fines, restitution, and other assessments; and
- ✓ More than $3.13 billion in injunctive relief and environmental mitigation projects.

Enforcement Actions Announced Since Close of FY17:

- ✓ ExxonMobil: $300 million air pollution settlement with Exxon, 10/31/17
- ✓ PDC Energy: EPA, Colorado reached $21 million-plus settlement with PDC, 10/31/17
- ✓ Indiana Harbor Coke Company: Settled with EPA and agreed to reduce annual emissions of pollutants from their coke ovens by 2,075 tons, 1/25/18
- ✓ Superfunds: In one case, EPA held 40 parties responsible to finance and perform a $51.5 million EPA-approved cleanup, 10/13/17
- ✓ Silver Bow Creek Butte Area Superfund site: Reached an agreement in principle with responsible parties after languishing on the NPL for more than 35 years, 1/26/18
- ✓ Middletown, Ohio: EPA entered into agreement with the city to address the discharge of millions of gallons untreated sewage into the Great Miami River and Hydraulic Canal, 2/12/18

## Cooperative Federalism and Public Participation

Under Administrator Pruitt's leadership, states are once again being treated as partners in efforts to protect the environment. In his first year, Administrator Pruitt worked to empower state and local partners to develop regulations that achieve positive environmental outcomes. Putting his words into action, Administrator Pruitt got out of Washington and heard directly from stakeholders in 30 states and territories.

### Enhanced Shared Accountability

Governor Steve Bullock (D-MT): "The change in the federal administration offers us as governors the opportunity to develop new relationships and to build stronger state and federal relationships."

Administrator Pruitt meets with the bipartisan Western Governors Association with U.S. Department of Labor Secretary Alexander Acosta and U.S. Department of the Interior Secretary Ryan Zinke.

Governor Rick Scott (R-FL): "It is great to have a partner in Administrator Pruitt and the Trump Administration and I am glad to see their focus on protecting Florida's environment for future generations."

Governor Mark Dayton (D-MN): "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour."

Governor Kim Reynolds (R-IA): "The governor said Pruitt indicated the new regulations would define what areas are not under federal jurisdiction. A court suspended the 'Waters of the U.S.' rules written by the Obama Administration before they took effect, but Reynolds said farmers delayed conservation measures and other land improvements because of the uncertainty about what might come next, which 'Dramatically had an impact on our ability to move forward with conservation practices for not only water quality, for soil health,' she said."

Leader Mitch McConnell (R-KY): "It's great to have an administrator of the EPA," McConnell said as he introduced Pruitt, "who's not afraid to come to Kentucky."

Administrator Pruitt hosts U.S. Department of Housing and Urban Development Secretary Ben Carson, U.S. Department of Labor Secretary Alexander Acosta, U.S. Department of Health and Human Services Deputy Secretary Eric Hargan and other members of the *President's Task Force on Environmental Risks and Safety Risks to Children* to address childhood lead exposure.

## Stakeholder Engagement

### Smart Sectors

In October 2017, EPA launched Smart Sectors, a voluntary partnership program between the Agency and regulated sectors that takes a collaborative approach to consider more forward-thinking ways to protect the environment and provide regulatory certainty. Since the program's official launch, the Smart Sectors team met with over 80 trade associations, companies, or stakeholder groups. The team conducted seven informational site visits with a variety of sectors including ports, iron and steel, oil and gas, chemical manufacturing, and agriculture and has many site visits planned for 2018. The Smart Sectors program maintains open dialogue with these partners and their environmental committees and is developing reports that profile the impact of each sector on the environment and the economy.

SMART SECTORS
A PROGRAM OF U.S. EPA

**"The American Wood Council supports a smarter, more sensible and cost-effective regulatory process, such as the approach taken by EPA's Smart Sectors Program."**

**- Robert Glowinski, President and CEO of the American Wood Council**

### Grants

EPA awards over $4 billion grants annually to states, tribes, and local communities. In FY17:

- ✓ $20.2 million was provided through National Estuary Program grants to 32 communities
- ✓ $56.8 million in Brownfields grants to 172 communities for revitalizing land
- ✓ $33 million Clean Diesel Program grants to 72 communities

## HEADLINES & HIGHLIGHTS

- ✓ EPA awarded $1.2 million in competitive grants to 36 local-based community and tribal organizations for community-driven solutions to local health and environmental issues in minority, low-income, and tribal communities.
- ✓ EPA Announces $7.2 Million in Brownfields Grants to Promote Economic Redevelopment Across the Pacific Southwest
- ✓ EPA Awards $2.6 Million to Cut Diesel Emissions in New York and New Jersey
- ✓ EPA Awards $4.4 Million to Restore Lake Champlain and Protect Against Harmful Algal Blooms
- ✓ EPA Awards $173.5 million for California Drinking Water and Wastewater Projects
- ✓ EPA Awards $32 Million for Tribal Environmental Programs in Alaska and the Pacific Northwest

## Natural Disaster Preparedness, Response and Recovery

Throughout 2017, EPA worked closely with states and territories to prepare for and respond to a number of natural disasters including: Hurricanes Harvey, Irma, and Maria, and catastrophic wildfires in the West.

As a result of the continuing impacts on Gulf Coast-area refineries and disruption to the fuel distribution system caused by the 2017 hurricanes, Administrator Pruitt acted quickly to exercise EPA's emergency fuel waiver authority to help ensure adequate supply of fuel throughout the country by approving emergency fuel waivers for 38 states, Washington, D.C., and Puerto Rico. Governors across the country praised EPA's quick actions, which ensured there was no disruption in the fuel supply for power generators, evacuations and emergency response efforts.

Administrator Pruitt traveled to Houston, Texas to review the Agency's response efforts and meet with stakeholders monitoring cleanup efforts at the San Jacinto Waste Pits Superfund site (pictured above).

In the aftermath of Hurricane Maria, Administrator Pruitt joined President Trump in Puerto Rico to review the Agency's response efforts. EPA focused its efforts on environmental impacts and potential threats to human health in the affected areas by coordinating with local governments in Puerto Rico and U.S. Virgin Islands (USVI) to assess the conditions of drinking water, which includes sampling, analysis and lab support, and getting wastewater treatment systems up and running.

## STATS AT A GLANCE

Hurricane Harvey:

- ✓ Conducted on-site assessments at approximately 625 drinking water and 440 wastewater treatment facilities
- ✓ Collected more than 1,000 orphan containers, which included drums and tanks found floated in or washed up near waterways
- ✓ Safely disposed of over 20 million cubic yards of debris

Hurricane Irma:

- ✓ Reviewed and secured 23 Superfund sites in Puerto Rico and USVI and 80 sites from Miami to North Carolina
- ✓ Extended fuel waiver for 38 states and D.C.

Hurricane Maria:

- ✓ Completed over 1,000 drinking water assessments in USVI
- ✓ Collected more than 225,000 items of household hazardous waste, goods and electronic waste in Puerto Rico and USVI
- ✓ Assessed close to 400 vessels in Puerto Rico and 500 in USVI with the U.S. Coast Guard

# Rule of Law

## Agency Reform

### Sue and Settle

Over the years, special interest groups skirted the regulatory process by using lawsuits that seek to force federal agencies – especially EPA – to issue regulations that advance their interests and priorities, on their specified timeframe. During this process, known as "sue and settle," EPA would get sued by an outside party that asked the court to compel the Agency to take certain steps, either through change in a statutory duty or enforcing timelines set by the law, and then EPA would acquiesce through a consent decree or settlement agreement, affecting the Agency's obligations under the statute.

> **"The days of regulation through litigation are over. We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."**
>
> **- EPA Administrator Scott Pruitt**

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Pruitt issued an Agency-wide directive in October 2017 designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA litigation, in addition to consent decrees and settlement agreements.

### Advisory Committees

EPA's Federal Advisory Committees (FACs) provide invaluable, independent scientific advice to the Agency. However, according to EPA calculations, in just three years, members of three of EPA's FACs – the Science Advisory Board (SAB), Clean Air Scientific Advisory Committee (CASAC), and the Board of Scientific Counselors (BOSC) – received upwards of $77 million in direct EPA grant funding while concurrently serving on these committees.

Administrator Pruitt's directive ensures that EPA's FACs provide a diverse and independent range of perspectives. Members serving on an EPA FAC shall not simultaneously receive grants from the Agency. In addition, Administrator Pruitt called for more geographic diversity, more frequent rotation in membership, and greater involvement by state, local, and tribal officials. The new membership for SAB, CASAC, and BOSC hails from over 40 states and D.C., compared to the prior total of 30 states and D.C. EPA received more than 700 applications from interested individuals throughout the country to serve on EPA's science boards.

# Media Highlights

## EDITORIALS

The Wall Street Journal: Pruitt's ends sue and settle practices also known as 'extortion by environmental lawsuit.' "Scott Pruitt continues to press reform at the Environmental Protection Agency, this week issuing a directive to curb the collusive Washington game of "sue and settle" lawsuits. This is a victory for democratic consent over legal extortion." (10/18/17)

The Wall Street Journal: Pruitt's clean power break. "The Trump Administration is giving the economy a boost with its deregulatory agenda, and the latest example comes Tuesday when Environmental Protection Agency chief Scott Pruitt will propose to repeal the Obama Administration's Clean Power Plan. Ending this power grab will uphold the letter of the law and restore cooperative federalism with the states." (10/08/17)

Washington Examiner: Praise for Pruitt's commitment to the Agency's core mission. "We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment." (09/18/17)

THE Durango HERALD

EPA chief tours Gold King

Denver Post: Pruitt Right to Pursue Funds for Gold King Mine Victims. "Scott Pruitt, head of the Environmental Protection Agency, is doing the right thing in his efforts to make whole the victims of the Gold King Mine spill that spewed 3 million of gallons of toxic water into the Animas River and downstream to New Mexico." (08/18/17)

Tulsa World: Pruitt gets out of Washington and 'talks to ordinary Americans.' "We prefer it when the people at the top of the nation's bureaucratic pyramid get out of the Beltway once in a while to talk to ordinary Americans. If Pruitt is coming home to see his friends, family, neighbors and some of the people he regulates, then good for him. That sounds like the acts of a balanced man who wants to know the thinking of the public, not just the pro-regulation lobbyists." (07/30/17)

The Oklahoman: Pruitt meets with stakeholders, including energy industry. "...the fact Pruitt regularly corresponded and dealt with energy industry officials as attorney general of a state where energy is the No. 1 industry should not be surprising nor should it, by itself, be considered nefarious." (06/21/17)

The Wall Street Journal: Cleaning up the Superfund mess. "One cost of making climate change a religion is that more immediate environmental problems have been ignored—not least by the Environmental Protection Agency. New EPA Administrator Scott Pruitt plans to address that in an underreported effort to clean up toxic waste sites under the so-called Superfund program." (06/12/17)

The Wall Street Journal: Highway from the endangerment zone. "Mr. Pruitt is a natural target for the left, but when conservatives are impugning one of the leaders of President Trump's economic deregulation project as a

sellout, maybe the problem is the critics, not Mr. Pruitt." (04/18/17)

Tulsa World: Congratulations, Scott Pruitt. "Pruitt is a serious, intelligent man who has worked hard for the people of Oklahoma. Like most Oklahomans, he is a genuine conservative. He has taken seriously his promises to voters that he would resist federal intrusions on state authority and personal freedom, and anyone who is surprised by that must not have been paying attention." (02/21/17)

## ADMINISTRATOR PRUITT'S OP-EDs

USA Today: Clean air, land and water: Time for the EPA to start keeping its promises. "A few months ago, I promised the people of Missouri that I would make a decision and propose a cleanup plan for the West Lake Landfill. Recently, I made good on that commitment. On Feb. 1, the Environmental Protection Agency put forth its plan to clean up the West Lake Landfill … In less than a year, this administration will solve a problem that previous administrations could not fix in the years since 1990, when the site was added to the Superfund priorities list." (02/14/18)

STARTING TODAY:

HOUSTON CHRONICLE

Home sales snap back

EPA OKs plan to rid toxics from waste pits

The Washington Times: Paving the path to U.S. energy dominance. "An energy-dominant America will export to markets around the world, increasing our global leadership and influence. Becoming energy dominant means that we are getting government out of the way so that we can share our energy wealth with developing nations. For years, Washington stood in the way of our energy dominance. That changes now." (06/26/17)

The Washington Times: EPA is putting American workers first. "Americans who want a healthy and clean environment expect lawful, effective and economically sound regulation — the Clean Power Plan failed on all three counts. EPA can and should now focus on getting real results in the fight for clean air, land and water." (05/01/17)

USA Today: We're protecting jobs and the environment. "There's a phrase I've used often over the past several weeks — 'The future ain't what it used to be.' After my first full month serving as administrator to the Environmental Protection Agency, there's no question times are changing…" (03/20/17)

## NATIONAL TV

Christian Broadcast Network: Unraveling the 'Weaponization' of the EPA is Top Priority for Scott Pruitt. "'Actions taken by the executive branch were really actions that the legislative branch should have been taking or addressing and it impacted liberty,' said Pruitt. 'When you declare a 'war on coal' from a regulatory perspective, the question has to be asked: where's that in the statute? Where did Congress empower the EPA to declare a war on coal? … There's a role for the EPA. There's a very important role for the agency. The problem is in the last several years that role has been morphed into something it's not,' he added." (02/26/18)

Fox News' Justice with Judge Jeanine: Scott Pruitt talks changes to the EPA under Trump. "When you think about the last year, $8 billion in cost savings with the deregulatory effort

Administration-wide. In our agency alone, $1 billion of cost savings." (02/24/18)

CBS Evening News: Pruitt discussed the role of the EPA. "We should be about administering the statutes we're required to administer, but we shouldn't come in and say that the way forward in environmental protection is prohibition vs. stewardship. We can feed the world and we can power the world, and we should do that." (01/18/18)

Reuters TV: Trump's EPA aims to replace Obama-era climate, water regulations in 2018. "[Pruitt] said the agency was also planning to rewrite the Waters of the United States rule, another Obama-era regulation, this one defining which U.S. waterways are protected under federal law. Pruitt and Trump have said the rule marked an overreach by including streams that are shallow, narrow, or sometimes completely dry - and was choking off energy development." (01/08/18)

MSNBC's Morning Joe: Pruitt said the Paris agreement put our economy at a disadvantage. "When you look at what was agreed to in Paris, it put this country, our country, at a disadvantage economically." (06/07/17)

NBC's Meet the Press: Scott Pruitt: American carbon reductions predate Paris Climate Deal. "Paris is a bad deal for this country." (06/05/17)

ABC's This Week: Pruitt discussed how small businesses across the country are celebrating President Trump's decision to pull out of the Paris agreement. "Well, when you look at, even *The New York Times* had an article, I think, within the last couple of days that talked about small business celebrating, euphoria with respect to the president's decision." (06/04/17)

Fox News Sunday: Pruitt explained how the U.S. is the energy technology leader of the world. "'If China and India want to reduce their CO2 footprint, they should learn from us,' Pruitt told Fox News' Chris Wallace." (06/04/17)

CNBC: EPA takes aim at CAFE standards. "We can be both pro-growth, pro-jobs and pro-environment, says Scott Pruitt, EPA administrator, discussing the agency's new agenda and plans to roll back regulations and tackle fuel standards." (03/09/17)

## NATIONAL PRINT

GQ Magazine: The 50 Most Powerful People in Trump's Washington. "#5 EPA Administrator Scott Pruitt: In a Cabinet that doesn't get much done, Pruitt has been dangerously effective." (02/22/18)

Wall Street Journal: Pruitt said West Lake sends a results-driven message. "'This sends a message that we're actually going to get results,' Mr. Pruitt said. 'Frankly it's just what we ought to be doing.'" (02/01/18)

Washington Examiner: EPA's Scott Pruitt declares 'war on lead.' "EPA Administrator Scott Pruitt has begun an effort to 'eradicate' lead poisoning from drinking water, more than three years after the crisis in Flint, Michigan, started. Pruitt hosted a meeting Jan. 8 for state and local officials at agency headquarters in Washington to obtain feedback on ways to update the 1991 Lead and Copper Rule … It has not been revised in more than a decade." (01/23/18)

Wall Street Journal: Pruitt aims to accelerate his efforts to remake the EPA. "Environmental Protection Agency chief Scott Pruitt plans to use his second year on the job to accelerate efforts to remake the agency, saying he wants to speed its permitting processes and

transform a culture he says is bureaucratic." (01/17/18)

E&E News: Pruitt Meets with Moms Clean Air Force. Dominique Browning … co-founder and senior director of Moms Clean Air Force, along with other officials from her organization, met last week with Pruitt and three members of his staff at EPA's Washington, D.C., headquarters … "Browning said her impression of Pruitt was that he is 'determined' as well as 'intense, aggressive and focused. And the other thing on my impression is [he is] really, really smart,' she added." (1/15/18)

The Hill: EPA staffing falls to Reagan-era levels. "EPA's staffing is now lower than it was in former President Reagan's final year in office. An EPA spokeswoman said Tuesday that, as of Jan. 3, the agency had 14,162 employees, down from about 15,000 at the beginning of last year. That's even lower than the 14,400 employees the agency had in fiscal year 1988, Reagan's final year." (01/09/18)

National Review: Scott Pruitt's Reformation. "*Stewardship*, Pruitt says, is making responsible use of our national blessings, including our natural resources: 'Feed the world and fuel the world,' he says, over and over. But the Left — and the EPA, which has long been dominated by it — is not interested in stewardship. It's interested in prohibition, in a lot of Thou shalt and a whole heck of a lot more Thou shalt not. 'You have two different approaches, two different worldviews, two very different sets of assumptions,' Pruitt says." (12/31/17)

The Washington Post: How Scott Pruitt turned the EPA into one of Trump's most powerful tools. "… aggressiveness on issues from coal waste to vehicle emissions has made Pruitt one of Trump's most high-profile and consequential Cabinet members. It also has made him one of the most controversial … Yet, allies praise Pruitt for returning more power to individual states while scaling back what they see as the previous administration's regulatory excesses." (12/31/17)

The Weekly Standard: The Man They Love to Hate. "Pruitt lauded the president for his 'unflinching commitment to put America first' and followed with what has become the theme of his EPA tenure. The United States does 'better than anyone in the world in striking the

balance between growing our economy, growing jobs while also being a good steward of our environment,' he said. Between 2000 and 2014, America reduced 'its carbon emissions by 18-plus percent. And this was accomplished not through government mandate, but accomplished through innovation and technology of the American private sector.'" (12/15/17)

Bloomberg: Administrator Pruitt lands on the list of 50 people defining global business in 2017. (11/30/17)

USA Today: Scott Pruitt on a mission to change the climate of the EPA. "He's on a mission to re-engineer the agency's culture by returning power to states and away from the Washington bureaucrats and coastal elites he said have led it astray." (11/26/17)

TIME: Inside Scott Pruitt's Mission to Remake the EPA. "Pruitt has pioneered a radically different approach to environmental regulation, weighing impact on job growth and the concerns of business groups on a level plane with environmental protection when the law allows." (10/26/17)

Bloomberg: EPA's Pruitt Vows to Get Tough on Polluters. "Scott Pruitt, the head of the Environmental Protection Agency, vowed that he will get tough on corporate polluters, dismissing critics who cast him as too cozy with industry. 'They don't know me,' Pruitt said, during an interview with Bloomberg News in his Washington office. 'I've led a grand jury. We are going to do enforcement, to go after bad actors and go after polluters.'" (10/25/17)

The Daily Signal: Trump's EPA Chief Charts a New Course. "My job is to enforce the laws as passed by whom? Congress. They give me my authority. That's the jurisdictional responsibilities that I have, and when litigation is used to regulate…that's abusive. That's wrong." (10/20/17)

TIME: Administrator Pruitt on Enforcement: "I don't spend any time with polluters. I prosecute polluters." (10/20/17)

Talking Points Memo: Pruitt Talks About New 'Sue and Settle' Policy. "Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past. 'This is not particular to one type of plaintiff,' he said. 'There should be no attorneys' fees paid, period, no matter who the plaintiff is.'" (10/16/17)

Fox News: EPA moves to repeal Obama's Clean Power Plan coal regulations. "'That rule really was about picking winners and losers,' Pruitt said. 'The past administration was unapologetic, they were using every bit of power, authority to use the EPA to pick winners and losers on how we pick electricity in this country. That is wrong.'" (10/09/17)

The New York Times: EPA Announces Repeal of Major Obama-era Carbon Emissions Rule. "Mr. Pruitt, who had signaled the move at an event with coal miners in eastern Kentucky on Monday, said in a news release that his predecessors had departed from regulatory norms in writing the Clean Power Plan, which was finalized in 2015 and would have pushed states to move away from coal in favor of sources of electricity that produce fewer carbon emissions." (10/09/17)

Politico Top 50: #9 Scott Pruitt. "Donald Trump's pledge to unravel Barack Obama's climate agenda may be—in the long run—the single most significant action he takes as president. And there's one man tasked with

turning Trump's rhetoric into reality: Scott Pruitt." (09/01/17)

The Daily Caller: EPA's Scott Pruitt: What was so great about Obama's environmental record? "'Everyone looks at the Obama administration as being the environmental savior. Really? He was the environmental savior...Well, he left us with more Superfund sites than when he came in. He had Gold King [the 2015 mine wastewater spill] and Flint, Michigan [drinking water crisis]. He tried to regulate CO2 twice and flunked twice. Struck out. So what's so great about that record? I don't know.'" (09/13/17)

Washington Examiner: Pruitt advances Back-to-Basics agenda. "Few Trump administration agency chiefs have moved as decisively to implement an agenda as Scott Pruitt, the administrator of the Environmental Protection Agency, and he's quite clear about what he wants to do. He calls it a 'back to the basics' agenda, removing the government from what he considers extraneous activity." (09/13/17)

The Washington Free Beacon: EPA workforce approaching lowest levels since Reagan. "We're giving long-serving, hard-working employees the opportunity to retire early," Pruitt said. "We're proud to report that we're reducing the size of government, protecting taxpayer dollars, and staying true to our core mission of protecting the environment and American jobs." (09/06/17)

The Washington Examiner: Scott Pruitt criticizes Obama as 'environmental savior,' moves EPA away from climate change. "Few Trump administration agency chiefs have moved as decisively to implement an agenda as Scott Pruitt, the administrator of the Environmental Protection Agency, and he's quite clear about what he wants to do. He calls it a 'back to the basics' agenda, removing the government from what he considers extraneous activity — namely, the climate change battle taken up by former President Barack Obama, who he questioned as an "environmental savior." (09/13/17)

Reuters: Pruitt gave a wide-ranging interview about protecting the environment and American jobs. "The past administration was all about words. This administration is all about action. Look at the actions this country has taken. We have reduced our greenhouse gas levels to pre-1994 levels primarily through technology and innovation, not through government mandate. We have nothing to be apologetic about with the rest of the world." (07/11/17)

Wall Street Journal: EPA to Unveil New Chemical Testing Rules. "The Environmental Protection Agency on Thursday will release new rules to clarify the agency's process of testing the chemicals used in everyday products and other commerce, a matter of deep importance to manufacturers, consumers and environmental advocates." (06/22/17)

The Daily Caller: Trump Delays One of the Most Expensive EPA Regulations Ever. "The Trump administration announced Tuesday evening it would delay the implementation of a smog rule that's been called one of the costliest clean air regulations ever." (06/07/17)

The Washington Post: EPA head Scott Pruitt defends Paris exit. "When we joined Paris, the

rest of the world applauded … because it put this country at disadvantage… It's a bad deal for this country. We're going to make sure as we make deals we're going to put the interests of America first." (06/04/17)

The Washington Post: Scott Pruitt, outspoken and forceful, moves to the center of power within the Trump administration. "Less than four months ago, Scott Pruitt arrived in Washington with few connections to President Trump's inner circle and took the helm of an agency where many employees were openly hostile to him. But the administrator of the Environmental Protection Agency has emerged as one of the most influential policy architects in the president's Cabinet, a skilled and sometimes brash lawyer who is methodically taking apart a slew of regulations and agreements affecting a range of issues, from manufacturing operations to landfills." (06/02/17)

Need to Know Network: Pruitt promises to put states back in the driver's seat on regulations. "Pruitt said during the interview that the Obama administration used the authority of Washington to walk over the states, and looked at states as mere vessels of federal will." (05/11/17)

Elko Daily
FREE PRESS

2 men jailed for drugs

EPA's Pruitt visits mine

The Hill: EPA seeks governors' input in rewriting Obama water rule. "'EPA is restoring states' important role in the regulation of water,' Pruitt said in a statement. 'Like President Trump, I believe that we need to work with our state governments to understand what they think is the best way to protect their waters, and what actions they are already taking to do so. We want to return to a regulatory partnership, rather than regulate by executive fiat.'" (05/09/17)

The Washington Examiner: EPA Head Pruitt: We hear East Chicago's concerns 'loud and clear.' "Environmental Protection Agency Administrator Scott Pruitt visited East Chicago on Wednesday to assure residents, state and local leaders that Washington is meeting its commitments to protect citizens from lead contamination. 'Their concerns were heard loud and clear, and I am committed to ensuring that the EPA works with our federal, state and local partners to find solutions that protect the health and safety of East Chicago,' Pruitt said." (04/19/17)

The Wall Street Journal: Scott Pruitt's Back-to-Basics Agenda for the EPA. "You might call him an EPA originalist… When Mr. Pruitt sat down Thursday for his first interview since his November nomination, he spent most of the time waxing enthusiastic about all the good his agency can accomplish once he refocuses it on its statutorily defined mission: working cooperatively with the states to improve water and air quality." (02/17/17)

## NATIONAL RADIO & PODCAST

The Daily Signal Podcast: EPA Administrator Scott Pruitt explains how the Agency has changed under President Trump's leadership. "'The weaponization of the Environmental Protection agency is over,' says Administrator Scott Pruitt." (02/26/18

The New York Times' 'The Daily:' Pruitt discusses how he's focused on protecting the environment and human health. "The role of a regulator is to make things regular. To take a statue, to use its authority, to fairly enforce it." (02/02/18)

The Hugh Hewitt Show: EPA Administrator Scott Pruitt on 'so called' Clean Power Plan. "For the first time ever, the EPA took its authority and said we can dictate, really coerce states and utility companies across the country and tell them how to generate electricity. You know, when you look at how we generate electricity in this country, we obviously use multiple energy sources." (10/11/17)

ABC News "Powerhouse Politics Podcast:" Scott Pruitt talks about Hurricane Irma recovery efforts. "There's many issues, from drinking water to Superfund to debris management and landfills, that we're dealing with in this kind of situation." (09/08/17)

Fox News' Brian Kilmeade Show: EPA Chairman Scott Pruitt on potential ramifications of pulling out of the Paris Climate Agreement. "We are leading the world now, we are at pre-1994 levels with our CO-2 footprint, not because of Paris, not because of a government mandate but because of innovation and technology. For those who say we are going to lose our seat at the table, we are the United States, we don't lose our seat at the table." (05/19/17)

The Hugh Hewitt Show: EPA Administrator Scott Pruitt on new direction for science boards at the EPA. "You know, Hugh, as you know, the board of scientific counselors that we have at the EPA, they serve three year terms. And so those are reviewed every three years. Those same individuals can apply through the competitive process. And what's really been emphasized by Congress as I went through the confirmation process is geographical representation, because you want to ensure as you're dealing with rulemaking – air, water, whatever rulemaking we're doing, that the geographical uniqueness of our country as we're patching rules is taken in consideration." (05/11/17)

## REGIONAL MEDIA

Reno KRNV-TV: Pruitt discusses his visit to Nevada. "Administrator of the Environmental Protection Agency Scott Pruitt sat down with News 4's Bill Frankmore on Monday morning to discuss his event with Governor Brian Sandoval at Anaconda Mine in Lyon County regarding future clean-up and his visit with miners at Coeur Rochester Mine in Lovelock." (02/05/18)

ST. LOUIS POST-DISPATCH

EPA DECISION ON WEST LAKE LANDFILL SUPERFUND SITE

PARTIAL REMOVAL

EPA PROPOSAL calls for excavation and cover system

FIVE-YEAR REMEDY is projected to cost $236 million

REACTION ranged from disappointment to relief

The St. Louis Post-Dispatch: Pruitt outlined his course of action to cleanup West Lake. "In a long-awaited decision that appears to be a compromise, the Environmental Protection Agency on Thursday recommended partial excavation of the West Lake Landfill in Bridgeton to remove radioactive waste linked to the Manhattan Project." (02/01/18)

St. Louis KMOX-TV: Just Moms STL was happy with Pruitt's decision regarding West Lake. "Dawn Chapman and Karen Nickel of the Just Moms STL advocacy group say at first, the group was worried a partial removal would mean only 5percent removed. With a 70percent or more removal — they are pleased. 'I can tell you that we are happy with this decision, and what this does for us is it gives us direction,' Nickel says. 'We've gone without a decision at the site for 10 years, and it's time that we have direction.'" (02/01/18)

Cedar Rapids Gazette: Pruitt wants to work hand in hand with states. "'What's important for us in Washington, D.C., to do is to learn and partner and work with folks at the state level to achieve good outcomes together. That just simply has not happened for a number of years,' said EPA Administrator Scott Pruitt, during a stop in Nevada." (12/01/17)

Des Moines Register: Pruitt called farmers the first "conservationists, environmentalists." "Pruitt said the country needed to discuss what 'true environmentalism' means: 'We have been blessed with a bounty of natural resources. And some view that as 'We should simply not use them' — that we should put up fences and not use our natural resources. 'I don't buy that. We, as a country, have an obligation to feed the world and power the world,' he said, getting applause. 'When you have the natural resources like we do, we should use them to benefit our neighbors, our country and world.'" (12/01/17)

Louisville WHAS-TV: Pruitt will have changes to Obama's WOTUS. "The head of the United States Environmental Protection Agency was in Louisville Thursday with a promise of change to one of the most controversial environmental regulations for Kentucky farmers. Administrator Scott Pruitt told the Kentucky Farm Bureau's 98th Annual Meeting that the "Waters of the United States" regulation will be changed forever by mid-2018." (12/01/17)

The Chicago Tribune: Pruitt orders companies blamed for East Chicago contamination to pay for cleanup. "'We continue to make cleaning up East Chicago a priority, to protect the health and well-being of the residents who live in the impacted areas,' said EPA Administrator Scott Pruitt in a statement. The EPA estimated the companies will have to pay $24 million for the remediation, according to the announcement, and $2.25 million for the indoor dust cleaning." (10/18/17)

UNDERMINING 'OBAMACARE'

The Clarion-Ledger

EPA head addresses energy issues

The Clarion Ledger: Pruitt addressed energy issues in Mississippi. "U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan." (10/13/17)

Houston Chronicle: After Harvey, Pruitt vows bold response to polluted sites around Houston. "Environmental Protection Agency Administrator Scott Pruitt, who has visited Texas twice since Hurricane Harvey, vowed Thursday to have 'an answer' by next month for a permanent solution to clean up the San Jacinto River Waste Pits." (09/22/17)

Des Moines WHO-TV: EPA chief, a former baseball exec, wants 'world, world series.' "I think baseball is one of those sports we can actually truly have a world series, we can have a world competition. We've seen it in other instances and I think that's an opportunity that we need to be pursuing." (08/14/17)

Administrator Pruitt stands for the National Anthem at the Congressional Baseball game on June 15, 2017.

Des Moines WHO-TV: EPA Head Agrees That Des Moines Superfund Site Needs to Develop, But When? "Political Director Dave Price talked to Environmental Protection Agency Administrator Scott Pruitt about efforts to redevelop superfund sites, like Des Moines, all over the country." (08/08/17)

Radio Iowa: Pruitt visits Iowa to discuss WOTUS. "Pruitt said his goal is to provide 'regulatory clarity' with a new rule, so property owners will know where federal jurisdiction begins and ends. 'If you want to build a pond on your land,' Pruitt said, 'if you have natural springs on your land and you want to want to water your livestock and build (a retention) pond…and you're not really sure whether if you do that you're going to be subject to $37,000-plus a day in fines if you don't get a permit and you find it out five years from now, what does that mean? You don't build the pond or you don't build the subdivision or you don't use your land the way you want.'" (08/08/17)

Denver KDVR-TV: Pruitt Gold King Mine on 2-Year Anniversary of Spill Caused by Agency. "Environmental Protection Agency Administrator Scott Pruitt and Colorado leaders will tour the site of the Gold King mine spill on Friday to mark the second anniversary of the spill that dumped 3 million gallons of tainted wastewater into the Animas River." (08/04/17)

Arkansas Democrat Gazette: Pruitt discusses WOTUS in Arkansas. "EPA Administrator Scott Pruitt visited with Arkansas Cabinet officials and agriculture representatives Thursday about changes they would like to see made to the nation's definition of protected water bodies." (07/21/17)

Minneapolis Star Tribune: Pruitt Signals Welcome Support for Great Lakes Restoration Project. "Environmental Protection Agency Secretary Scott Pruitt's visit to Minnesota last week yielded an unexpected boon for those who care about clean water. In an interview with a Star Tribune reporter, Pruitt affirmed his support for federal funding of the Great Lakes Restoration Initiative, which provides landmark protections for Lakes Huron, Erie, Michigan, Ontario and, most treasured by Minnesotans, Superior." (07/21/17)

Minneapolis Star-Tribune: Pruitt is working hard to protect the Great Lakes. "Scott Pruitt, the nation's top environmental officer, said Wednesday he endorses continued federal funding for a landmark cleanup of the Great Lakes… 'It's a continuing need, and we have to see that it's adequately funded.'" (07/20/17)

Twin Cities WCCO-TV: Pruitt gave an in-depth interview about the EPA's Back-To-Basics Agenda. "EPA Administrator Scott Pruitt was in studio for an exclusive interview while he was in the state to meet with Gov. Mark Dayton. He's is in Minnesota as part of his Back-To-Basics tour and talked about rolling back regulations." (07/19/17)

Deseret News: Pruitt visited Utah and talked about WOTUS. "EPA Administrator Scott Pruitt visited Utah as part of multistate tour to get input on how the agency can be more responsive to states' needs in general and in specific how the controversial Waters of the United States rule should be retooled." (07/18/17)

Salt Lake City KTVX-TV: Pruitt discusses his Back-To-Basics agenda. "EPA Administrator Scott Pruitt made his first stop on the State Action Tour here in Utah. This morning he sat down with Glen Mills on Good Morning Utah exclusively to talk about the tour." (07/18/17)

Tulsa World: EPA Chief Scott Pruitt says he's 'determined to prioritize Superfund cleanups.' "'It's important that we address state and tribal rights when protecting the environment and natural resources,' Pruitt said upon announcement of a new grant awarded the Quapaw Tribe." (05/31/17)

Tulsa World: EPA's Pruitt: Agency is 'doing what it's supposed to do' at Osage pollution site. ""This is just leadership," Pruitt said. "It's our agency doing what it's supposed to do, coming in, finding out what the source of the problem is, getting it corrected." (05/28/17)

Minot Daily News: Governor Burgum says Pruitt is good for North Dakota. "Burgum said he feels Scott Pruitt, the new administrator of the Environmental Protection Agency, will have the biggest single impact on North Dakota. Pruitt, an attorney, is a Republican politician from Oklahoma. He has been a leading advocate against the EPA's activist agenda, including suing the EPA to block its Clean Power Plan and Waters of the United States rule." (05/01/17)

The Bismarck Tribune

Doing more with less

High school baseball

Regulating CO2 storage wells

# WHAT THEY'RE SAYING

## Air

Senator Tom Cotton, (R-Ark.): "It's decisions like this one that are slowly but surely rebuilding trust between rural America and the EPA. I'm glad to see the EPA focus on concrete problems, like haze and other forms of pollution, and also show respect for our state officials' authority. It's a much-needed corrective to the heavy-handed ways of the previous administration, and I look forward to our state developing its own implementation plan, working in cooperation with—not under the thumb of—the EPA." (01/29/18)

Becky Keogh, director, Arkansas Department of Environmental Quality: "Today we are pleased to accept an EPA grant to drive further innovative, cost-effective solutions and continuous improvement in Arkansas's air, which is critical for healthy communities and economic progress. Through cooperative efforts, Arkansas's state of air quality is one of the best in the nation—achieving all national air quality standards. Our progress is most effectively achieved through actions and support from local, state, and federal partners." (01/29/18)

Todd Sax, head, California Air Resources Board Enforcement Division: "California Air Resources Board rules are designed to protect public health by ensuring all Californians breathe clean air. We appreciate our partners at U.S. EPA who are helping to achieve federal air quality standards throughout the State." (11/29/17)

Denise Koch, director, Alaska Department of Environmental Conservation Division of Air Quality: "We are encouraged by the Borough's efforts to work with the community to reduce emissions and appreciate EPA's approval of the moderate area plan. This will enable us to focus our efforts on developing the serious area plan and improving air quality in the area. The improved local ordinance, long running changeout program to provide funding to upgrade wood stoves and hydronic heaters to cleaner heating appliances, and the annual Fairbanks Clear the Air Forum and Expo are providing the local community with the information and tools needed to solve the air quality problem locally." (08/29/17)

Bryan Shaw, Ph.D., chairman, Texas Commission of Environmental Quality: "We are pleased with the improvement in air quality, and the Texas Commission on Environmental Quality will continue to monitor during on-going remediation activities to make sure compliance with federal standards continues." (06/29/17)

## Chemicals and Pesticides

Angela Logomasini, Ph.D., senior fellow, Competitive Enterprise Institute: "Pruitt's action [to deny chlorpyrifos ban] sets an important pro-science approach to regulation that the agency should continue to follow." (08/10/17)

Cal Dooley, president and chief executive officer, American Chemistry Council: "We commend Administrator Pruitt for his attention to improving the efficiency of new chemical review under an amended TSCA. U.S. businesses, jobs, and competitiveness depend on a functioning new chemicals program. In just the last month, significant progress has been made to relieve the backlog, and we welcome the Administrator's commitment to have the program functioning smoothly again by the end of July." (06/05/17)

Mike Witt, corporate director of health and environmental research, Dow Chemical: "Administrator Pruitt and his team at the EPA have made great progress over a very short

period of time to accelerate new chemical reviews, providing American manufacturers with new and safe materials that will help drive innovation and manufacturing growth." (06/05/17)

The California Cotton Ginners and Growers Association: "EPA's denial of [the petition to ban chlorpyrifos] is based off of the foundation in which EPA was created on, relying on sound-science and a transparent process. EPA will now direct its efforts to updating and revising its human health assessment for chlorpyrifos under the standard procedures of the ongoing registration review process, scheduled for completion on October 1, 2022. This is great news for producers and shows the EPA's redirection towards supporting a scientific process!" (03/30/17)

## Clean Power Plan

Senator John Barrasso (R-Wyo.), chairman, U.S. Senate Committee on Environment and Public Works: "The Trump administration is listening to the people of Wyoming. Today's announcement that the EPA will hold a listening session in Gillette, on the impacts of the so-called 'Clean Power Plan,' demonstrates the administration's commitment to hear directly from the people who would have been hurt most by this punishing regulation. The Clean Power Plan would have meant lost jobs for energy workers in Gillette and across Wyoming. I am thankful to EPA Administrator Scott Pruitt for his leadership on this important issue." (12/06/17)

Paul Bailey, president and chief executive officer, The American Coalition for Clean Coal Electricity: "The Clean Power Plan is the poster child for bad regulation. It is illegal, expensive, and ineffective, and we commend Administrator Pruitt for repealing it." (10/10/17)

Congressman Paul A. Gosar (R-Ariz.), chairman, Congressional Western Caucus: "The so-called 'Clean Power Plan…picked winners and losers at the expense of American job creators. I applaud Administrator and the Trump Administration for acting to rollback the unconstitutional and fundamentally-flawed Obama mandate." (10/10/17)

Jay Timmons, president and chief executive officer, National Association of Manufacturers: "Manufacturing workers can feel a tremendous sense of relief today. The Trump administration has made the right decision and ended a policy that threatened manufacturers' access to affordable, reliable energy and did not even adhere to existing law." (10/10/17)

Chrissy Harbin, vice president of external affairs, Americans for Prosperity: "This is a welcome departure from the Washington-first, Americans-last approach that characterized energy and environmental policy under the previous administration. The Clean Power Plan (CPP) was an overreach of executive power… It's great to see President Trump and EPA Administrator Pruitt rein in this sweeping mandate." (10/09/17)

Hal Quinn, president and chief executive officer, National Mining Association: "Administrator Pruitt will signal a decisive break with past policies that have used regulation of doubtful legality to circumvent the will of Congress, usurp States' authority and raise costs on American consumers. Repealing this Obama-era rule would close a chapter of regulatory overreach that set standards without regard to the steep costs or availability of technology necessary to meet them. The Clean Power Plan represented an unlawful attempt to transform the nation's power grid." (10/06/17)

Jim Matheson, chief executive officer, National Rural Electric Cooperative Association: "Affordable and reliable power is fundamental to a successful economy. We appreciate the Trump administration working to protect American families and businesses from the potentially devastating impacts of the Clean Power Plan." (03/28/17)

## Cooperative Federalism

Amanda Bowen, executive director, Manufacturers Association of Florida: "The Manufacturers Association of Florida commends EPA Administrator Scott Pruitt's laser focus on ensuring the protection and conservation of Florida's unique natural resources and ecosystems, while also maintaining sustainable and economically productive communities." (02/05/18)

John L. Hoblick, president, Florida Farm Bureau: "I applaud Administrator Pruitt's visit to Florida and his willingness to listen to the concerns of our growers. These concerns often stem from an oppressive regulatory environment, and the EPA has taken encouraging steps to curb federal overreach, such as rescinding the 2015 'Waters of the Unites States' rule." (02/05/18)

Brian Kraft, owner, Alaska Sportsman's Lodge: "This is an encouraging step for many Alaskan businesses and families that depend on Bristol Bay salmon. The EPA made the right decision by listening to local people, dozens of Alaskan business owners, and sportsmen and women around the country." (01/26/18)

Chris Blankenship, commissioner, Alabama Department of Conservation and Natural Resources: "The State of Alabama welcomes EPA as the new Chairperson of the RESTORE Council. Alabama strongly supports the collaborative nature of the RESTORE Council between the five Gulf States and our federal partners which is so foundational to restoration of the Alabama coast resulting from the impacts of the Deepwater Horizon oil disaster, as well as the cumulative effects of hurricanes on the sustainability of our important coastal resources and the people that rely on them." (12/06/17)

Mark Haney, president, Kentucky Farm Bureau: "We appreciate the EPA Administrator visiting our annual meeting to listen to farmers about their conservation efforts and concerns related to their operations. Administrator Pruitt, a fellow Kentuckian, knows the hard work our farmers put in on a daily basis to keep our farms financially and environmentally sustainable." (11/30/17)

Governor Phil Bryant, (R-Miss.): "Mississippi farmers are the original conservationists. I am grateful for Administrator Pruitt's commitment to working with us to develop strategies that will strengthen agriculture in Mississippi while protecting our environment." (10/12/17)

Evaristo Cruz, chairman, National Tribal Caucus: "The 1984 EPA Indian Policy is a critical instrument that provides both the EPA and Native American tribes with principles that illustrate the federal trust relationship. On behalf of the National Tribal Caucus we would like to thank Administrator Pruitt for upholding and honoring this legacy that EPA has instituted." (10/11/17)

## Disaster Relief

Julia M. Nazario Fuentes, Mayor of Loíza: "This work in conjunction with the EPA is a great example of how our administration is building partnerships with federal, state and nonprofit organizations. It is important that our citizens follow the instructions provided by the EPA and our Recycling Office, so that we can keep Loíza clean. Our thanks to the EPA staff for the

speed with which we have worked on this project." (01/12/18)

Governor Greg Abbott, (R-Texas): "Both the EPA and the state are working closely and collaboratively [to monitor the Texas sites and make sure the public health is not imperiled]." (09/05/17)

Bob Dinneen, president and chief executive officer, Renewable Fuels Association: "The RFA applauds the EPA's decision to waive certain fuel regulations for 12 states and D.C. due to the fuel supply emergency caused by Hurricane Harvey. We believe the waiver has the potential to provide much-needed relief to consumers in these areas facing gasoline supply shortages and price spikes." (08/10/17)

## Forestry

Bob Cleaves, president and chief executive officer, Biomass Power Association: "The biomass industry greatly appreciates Administrator Pruitt's strong commitment to create regulatory certainty for biomass power producers and all contributors to the wood supply chain." (02/14/18)

Jason Stock, executive director, New Hampshire Timberland Owners Association: "The New Hampshire Timberland Owners Association is pleased Administrator Pruitt took the time to come to New Hampshire to meet with timberland owners, and members of the forest products industry. As the second most forested state in the nation, New Hampshire's forests are an important part of our heritage, culture, and economy. Having a regulatory environment that promotes the growing, management and processing of timber will ensure this legacy continues." (02/14/18)

## Fuel Economy Standards

Mitch Bainwol, president and chief executive officer, The Auto Alliance: "With this announcement, the Administration is fulfilling its commitment to reinstate the midterm evaluation of future vehicle fuel economy and greenhouse gas standards. This review is important to consumers nationwide who want government to rely on the facts to drive improvements in fuel economy. We're delighted to see the two federal agencies align and coordinate their programs, and we thank Secretary Chao and Administrator Pruitt for working closely together to harmonize a review driven by the most current data, consumer preferences and marketplace realities. (8/10/17)

Peter Welch, president and chief executive officer, National Automobile Dealers Association: "NADA applauds the Trump Administration for reaffirming our shared commitment to a transparent, fair and data-driven midterm review of fuel-economy standards." (03/15/17)

## International Cooperation

Gian Luca Galletti, Italian Minister of the Environment: "The protection of the environment and public health 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." (06/11/17)

Brad Wall, Premier of Saskatchewan, Canada: "I was grateful for the chance to meet with Administrator Pruitt. Canada and the U.S. can work together on a continental approach to energy and the environment that focuses on technological innovation like CCS and clean coal initiatives without tax and regulatory policies that cost jobs." (04/04/17)

## Regulatory Reform

Barry Hart, executive vice president and chief executive officer, Association of Missouri Electric Cooperatives: "We are encouraged to see that the Trump Administration understands the concerns of people in rural America and is committed to bringing the change they want. We look forward to working with Administrator Pruitt and other administration officials as they work to ensure Washington regulations don't harm the people who can least afford it — our members — and help rural communities create jobs." (04/20/17)

Mike Jackson, chief executive officer, Auto Nation: The Trump Administration is "absolutely doing the right thing" when it comes to rolling back environmental regulations from the Obama Administration. (02/16/17)

Senator Mitch McConnell (R-Ky.), U.S. Senate Majority Leader: "I applaud Administrator Scott Pruitt for his decision to delay this Obama Administration issued regulation. [The 2015 Ozone Standards were] yet another attack on the Middle Class by the Obama Administration and was forced through despite significant concern from communities across the country. Today's postponement will give states and municipalities relief in the interim while EPA continues to review NAAQS levels." (06/06/17)

## Scientific Advisory Board Reforms

Howard Feldman, senior director for regulatory and scientific affairs, American Petroleum Institute: "Smart, science-based regulations are essential to our nation meeting its energy and environmental needs well into the future. Administrator Pruitt's actions today advance the administration's commitment to promoting American energy production, transportation, refining, and use while protecting the environment." (10/31/17)

Senator Jim Inhofe (R-Okla.), senior member, U.S. Senate Committee on Environment and Public Works: "Administrator Pruitt's directive to increase transparency and impartiality at the EPA is welcome news… The reforms implemented today will restore integrity to the science advisory boards and demonstrate a commitment to ensuring that diverse voices are heard from the scientific community and increasing participation from state, local and tribal governments." (10/31/17)

Congressman Lamar Smith (R- Tex.), chairman, U.S. House of Representatives Science, Space, and Technology Committee: "Today's announcement shows that we have an administrator with common sense, commitment and courage. Administrator Pruitt is restoring the EPA advisory boards to their original purpose – to provide the administrator objective advice on science and technology policies." (10/31/17)

## Smart Sectors

Michael D. Bellaman, president and chief executive officer, Associated Builders and Contractors: "The Smart Sectors Program shows it's a new day at EPA—and that's good news for the environment and the economy. The nation's construction industry welcomes the opportunity to collaborate with regulators to ensure that environmental protection is streamlined and cost effective. That's the way government can help industry be more productive, create more jobs and grow the economy." (10/03/17)

John McKnight, senior vice president of government relations, National Marine Manufacturers Association: "We are thrilled to be part of the EPA's launch of its Smart Sectors Program and are proud to represent an industry that's always first in line when it comes

to partnering with EPA to improve its processes and benefits." (10/03/17)

## Sue and Settle

Tom Donohue, president and chief executive officer, U.S. Chamber of Commerce: "The U.S. Chamber of Commerce applauded Administrator Pruitt's announcement that he would end the so-called sue and settle scheme, which allowed special interest groups to sue EPA in an attempt to force it to take action on their pet issues." (11/13/17)

American Farm Bureau Federation: "In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive designed to end 'sue and settle' practice with the Agency, providing an unprecedented of level of public participation and transparency in EPA consent decrees and settlement agreements." (10/16/17)

Richard Guebert, Jr., president, Illinois Farm Bureau: "We're pleased to see the U.S. EPA move away from the previous administration's closed-door dealings which directed agency policy and into a more transparent form of revisions and rule-making…We would like to thank EPA Administrator Scott Pruitt for working to increase transparency in the regulatory process and helping ensure that all stakeholders have a voice when new environmental rules are developed." (10/16/17)

Steve Milloy, senior policy fellow, Energy and Environmental Legal Institute: "By ending the Environmental Protection Agency's (EPA) 'Sue and Settle' practice as well as improving transparency in consent decrees and settlement agreements, EPA Administrator Scott Pruitt is following through on President Trump's promise to 'drain the swamp.'" (10/16/17)

William Yeatman, senior fellow, Competitive Enterprise Institute: "We agree with Administrator Pruitt's goal of ensuring that the agency—and not special interests—establish federal policymaking priorities." (10/16/17)

## Superfund

Governor Brian Sandoval (R-Nev.): "The State of Nevada has secured a path forward to restore and reclaim the full Anaconda mine site on a predictable and transparent timeline…it was an honor to host Administrator Scott Pruitt in Weed Heights for this special announcement. This is a landmark day for those who have worked to accomplish a path toward achieving our shared goal of cleaning up the mine site and I am grateful for the trust of the EPA to defer management of the process to Nevada and the incredible partnership with Atlantic Richfield Company." (02/09/18)

Dawn Chapman, co-founder, Just Moms St. Louis: "We consider 70-plus percent removal of the waste [at the West Lake Landfill] a victory and step in the right direction. Our goals, along with relocating the residents, have always been getting the radioactive waste out of the Missouri River floodplain and away from the threat of the underground fire." (02/01/18)

Congresswoman Ann Wagner (R-Mo.): "After years of broken promises and inaction by previous administrations, Administrator Pruitt and the EPA are proposing a viable, permanent solution for cleaning up the West Lake Landfill. I commend them for delivering on this promise to our community and prioritizing Missourians who have lived in fear and uncertainty for too long." (02/01/18)

Maritza Lopez, East Chicago resident: "Administrator Pruitt recognized that the USS Lead Superfund site was important enough to serve as the first Superfund site that he visited.

His continued attention is appreciated. This should be the standard at all sites where residents are exposed to hazardous contamination." (05/31/17)

## WOTUS

Michael Turner, president, Dallas Builders Association: "The Dallas Builders Association commends EPA Administrator Pruitt for holding this roundtable in Dallas to get direct feedback from home builders and developers who are affected by burdensome regulations that raise the cost of housing and harm small businesses. The nation's home builders support the administrator's efforts to enact a revised waters of the U.S. rule that will protect the environment without adding unnecessary regulatory burdens that will hurt housing and other industries in Texas that rely on a predictable permitting process." (08/10/17)

Senator Chuck Grassley (R-Iowa), chairman, Senate Judiciary Committee: "The federal government works for the people of Iowa and the rest of the United States. Administrator Pruitt is right to come to Iowa and hear firsthand how the WOTUS rule and other regulations affect the farmers on the ground who are good stewards of the land while feeding the world." (08/08/17)

Leslie Rutledge, Attorney General, Ark.: "Administrator Pruitt's decision last month to completely re-evaluate the WOTUS rule, minimizing the regulatory burden on countless landowners, demonstrates his commitment to building stronger relationships with state partners." (07/20/17)