Message

From: Munoz, Charles [munoz.charles@epa.gov]
Sent: 1/4/2018 3:03:09 PM
To: Allen, Reginald [Allen.Reginald@epa.gov]; Barnett, Howard [Barnett.Howard@epa.gov]; Lesperance, Twanna [Lesperance.Twanna@epa.gov]; Miles, Ramona [Miles.Ramona@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Peppins, Felicia [Peppins.Felicia@epa.gov]
Subject: Greenwalt/McMurray
Attachments: Greenwalt_Sarah_SC_Binder.pdf; McMurray_Forrest_UPDATED_Binder.pdf

All,

I've been asked to change Sarah Greenwalt's title to, "Senior Counsel to the Administrator". We won't be changing her salary and will be keeping her a Schedule C appointee.

Also, attached is a binder for Forrest McMurray. On top of a salary and title change, we need to convert Forrest from a Schedule C to an AD appointee.

Please let me know of any questions.

Thank you,

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Sarah Greenwalt
- **WORK PHONE:**
- **WORK EMAIL:** Greenwalt.Sarah@epa.gov
- **PLACE OF BIRTH:** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Advisor to the Administrator for Water and Cross-Cutting Initiatives
- **Is position being backfilled (Y/N/TBD):** N

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Counsel to the Administrator
- **JOB DESCRIPTION:** PDF attached

SENIOR COUNSEL TO THE ADMINISTRATOR

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent will serve as the Senior Counsel to the Administrator. The incumbent has a variety of special and ongoing responsibilities with an emphasis on assisting the Administrator in evaluating climate science that drives Agency policy initiatives and programs.

SUPERVISORY CONTROLS

Receives general direction and broad policy guidance from the Administrator/Deputy Administrator. Within this broad framework, duties are performed with maximum independence subject to review only for attainment of overall objectives and compliance with policies.

MAJOR DUTIES AND RESPONSIBILITIES

1. Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.

2. Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator. Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.

3. Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.

4. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

5. Represents the Administrator and the Agency at all levels of government including Federal, State, municipal and county agencies and at private industry and citizen groups; provides

information and advice on the Agency's innovation activities and programs and interprets existing and proposed plans and policies; and applies a broad comprehensive knowledge of problems involved in effective relationships between various government levels, private industry and citizenry in striving to promote plans and programs of special significance to the national environmental protection efforts. The incumbent stimulates interests, elicits support, works out agreements at all these levels and advises the Administrator on courses of action which should be taken.

6. Keeps alert and informed on current policies, programs and procedures of the Agency, and Congress. Prepares status reports and studies which pertain to problems of unusual breadth and intensity not normally within the purview of a specific statute or authority. Projects are generally far-reaching in impact, unique and require distinct and definite approaches. Makes recommendations to the Administrator/Deputy Administrator on comprehensive proposals for increasing the Agency's regulatory flexibility.

7. Exercises continuing responsibility to effectively support the Equal Employment Opportunity Affirmative Action Plan and communicating this support to subordinates, taking positive actions which will motivate and give opportunity to all personnel.

8. Performs other duties as assigned.

LIMITATION OF AUTHORITY

The incumbent's duties will not extend to issuing legal opinions or final decisions regarding the legal sufficiency of an EPA action, or the interpretation of a statute, regulation, Executive Order, agreement, or contract.

The incumbent is responsible for coordinating legal advice with the EPA Office of General Counsel (OGC) and assuring that such legal advice is consistent with OGC policies, opinions, and interpretations.

The incumbent is responsible for coordinating legal enforcement advice with the EPA Office of Enforcement and Compliance Assurance (OECA) and assuring that such legal enforcement advice is consistent with OECA policies, opinions, and interpretations.

The incumbent is not authorized to identify himself/herself in any internal or external document, communication, correspondence, filing, or the like in a manner that creates the appearance that the incumbent represents EPA in a legal capacity, unless authorized by the General Counsel or his/her designee.

SARAH GREENWALT

Personal Matters / Ex. 6

EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctor — May 2013

Honors: Order of the Barristers
Academic Achievement Award – Legal Research and Writing
Dean's Honor Roll
Cole E. Adwon Scholarship for Excellence in Moot Court Competitions

Moot Court: Top Speaker Award in Intra-school Moot Court Competition
Chicago Bar Association Moot Court Competition; Chicago, Illinois
First Amendment Moot Court Competition; Washington, D.C.

Activities: Federalist Society
Organization for the Advancement of Women in Law
Volunteer Income Tax Assistance (VITA)

University of Oklahoma — Norman, OK
Bachelor of Arts, Psychology — May 2010

Honors: President's Honor Roll
Dean's Honor Roll
OU Foundation Scholar, given to selected Honors College students

PROFESSIONAL EXPERIENCE

Office of the Oklahoma Attorney General — Oklahoma City, OK
General Counsel to the Attorney General and *Deputy General Counsel to the Attorney General* — August 2016-Present

- Provided legal counsel to the Attorney General, members of the Legislature, agency directors, and the Governor's office regarding a variety of confidential and complicated issues.
- Facilitated the Attorney General's Opinion process by composing and overseeing other attorneys in the drafting of official Opinions on a range of state and federal law questions.
- Reviewed and revised draft ballot title language for state questions and defended the Attorney General's language in the Oklahoma Supreme Court.

Assistant Solicitor General and *Law Clerk* — May 2012- August 2016

- Defended the constitutionality of state statutes by briefing and arguing original jurisdiction actions before the Oklahoma Supreme Court; briefed and argued high profile cases before state district and appellate courts, including issues regarding abortion regulations, school vouchers, and workers' compensation reform.
- Brought challenges on behalf of the State against federal regulations, including challenges to the EPA's "Waters of the United States" Rule and the IRS's Final Rule regarding tax credits under the Affordable Care Act.
- Drafted Petition for Certiorari and amicus brief in United States Supreme Court cases.

U.S. Department of Veterans Affairs — Oklahoma City, OK
Law Clerk for the Office of Regional Counsel for Veterans Affairs Medical Center of OKC — May 2012-Aug. 2012

- Prepared training materials on the EEOC's final regulations regarding the Americans with Disabilities Act Amendments Act of 2008 and the Privacy and HIPPA regulations of the Department of Veterans Affairs.
- Gained a practical understanding of both Administrative and Health Law.

University of Oklahoma College of Law — Norman, OK
Research Assistant to Professor Joseph Thai — May 2011-Sept. 2011

- Drafted substantive materials for utilization in legal texts such as "John Paul Stevens: In His Own Words" and a Supreme Court sourcebook, which discussed the inner workings of the United States Supreme Court.
- Performed legal research on criminal and constitutional law issues including United States Supreme Court death penalty jurisprudence and the role of supreme courts in a democratic society.

14 POINTS MEMO: Personnel Change Approval Request

AGENCY:

APPOINTEE INFORMATION

- **NAME:** Forrest McMurray
- **WORK PHONE:**
- **WORK EMAIL:** McMurray.Forrest@epa.gov
- **PLACE OF BIRTH** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C
- **OFFICE:** OA
- **SUBOFFICE:** Operations
- **POSITION TITLE:** Senior Advance Associate
- **Is position being backfilled (Y/N/TBD): TBD**

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD (GS 10-1)
- **OFFICE:** AO
- **SUBOFFICE:** Operations
- **POSITION TITLE:** Senior Advance Associate
- **JOB DESCRIPTION:** PDF Attached

REQUESTED EFFECTIVE DATE: 1/16/18

SENIOR ADVANCE ASSSOCIATE

INTRODUCTION

This position is located in the Operations Staff, Office of the Administrator. In this capacity, the incumbent serves as the Senior Advance Associate, with the responsibility for providing advice and oversight in the area of advance, event production and management, logistical support for national and international conferences and meetings involving the Administrator.

MAJOR DUTIES AND RESPONSIBILITIES

1. Provides advice and support to the Director and Deputy Director of Scheduling and Advance through technical oversight to the Scheduling Staff, in coordinating the strategic schedule of the Administrator with the Office of the Administrator's Scheduling Staff and Advance Staff, the Office of Public Affairs, and the Office of Policy.

2. Tasked with coordinating all logistics surrounding events like town hall meetings. That includes travel arrangements, day-of schedule, sometimes connecting the Administrator with the media, and ensuring an appropriate level of security.

3. Responsible for coordinating all scheduling activities with the Director and Deputy Director of Scheduling and Advance or assigned staff. The incumbent meets with key officials to ensure all logistical matters are arranged. As a result of these briefings, provides substantive briefing materials for the Administrator concerning Agency, political, and other issues. Incumbent keeps alert and informed on all pertinent proposals, policies, etc.; and must anticipate which issues may be particularly controversial to ensure that the Administrator has the necessary background information prior to conferences/meetings.

4. Maintains ongoing liaison with the organizations within EPA, the White House, other Federal agencies, and key officials in state and local governments to exchange information and promote a cooperative interchange of concepts and ideas. Acts as a source of information to keep the Administrator informed of significant happenings and trends.

5. Advises and provides assistance to the Director and Deputy Director of Scheduling and Advance Staff in the planning and coordination of the Administrator's schedule, including all meetings, conferences and travel. This involves contact with key program officials in the Agency, as well as throughout the Executive and Legislative Branches of Government, public interest groups, etc.

6. Works with representatives of other Federal Agencies, State and local governments and private sector groups to ensure the coordination and logistical support is provided in meetings, conferences and appearances involving the Administrator with entities outside of the Agency.

7. Performs other duties of a strictly confidential nature, as assigned.

Forrest W. McMurray

Personal Matters / Ex. 6

OBJECTIVE
To utilize my previous campaign and work experience to be a part of a team and gain valuable knowledge in the
political process.

HIGHLIGHTS OF QUALIFICATIONS
• Fast to learn and listen to others
• Excellent independent and team worker
• Problem-solving skills and attention to detail
• Positive attitude and hard-working
• Excellent people skills

EDUCATION
University of Oklahoma, Norman, OK Graduated May 2016

Bachelor of Arts in Political Science
Minor in Constitutional Studies

PROFESSIONAL EXPERIENCE

Campaign Account Specialist, Tulsa, OK February 2017-Current
Tulsa Area United Way
• Managed volunteers with campaign assignments in analyzing, organizing, and executing campaign effort.
• Served as liaison between Workplace Campaign and Marketing/Communications in development of campaign branding.
• *Develop* and execute yearly work plans for assigned campaign responsibilities.

Loaned Executive, Tulsa, OK August 2016-November 2016
Tulsa Area United Way
• *Fundraised* over $405,000 within twelve weeks.
• Developed new accounts and managed over 300 existing company-giving campaigns.
• Acquired marketing experience through specialized training including modern marketing platforms.
• Gained experience in developing complex procedural elements of market rollout plans.

Field Representative, Tulsa, OK January 2014- July 2014
Friends of John Doak for State Insurance Commissioner Campaign
• *Planned and coordinated* speaking engagements for the candidate
• Attended and assisted in organizing events, fundraisers, and rallies
• Worked on campaign operations such as door knocking, cold calling, and fundraising
• Planned and coordinated speaking engagements for the candidate

Board Member, Oklahoma May 2012-May 2014
"Freedom Rises" Oklahoma Statewide Political Event
• An event to bring Col. Oliver North to Tulsa

• Recruited sponsors for event
• Managed speaker relations in preparation of event
• Coordinated with board members and staff on day of event

Personal Aide, Tulsa, OK May 2012-September 2012
Bill Christiansen, Tulsa Mayoral Candidate
• Created a media release and press packet
• Worked as candidate's shadow for speaking engagements, events, and fundraisers.
• Planned and coordinated speaking events for the candidate
• Designed, packaged, and implemented the delivery of an effective direct mailer

REFERENCES
Gary "Doc" Blevins – Pastor, FCA Leader, Mentor
Personal Matters / Ex. 6

John Doak – Insurance Commissioner for the State of Oklahoma
Personal Matters / Ex. 6

Josh McFarland – Business Owner
Personal Matters / Ex. 6

John Hewitt – President and CEO of Matrix Service Company, 2017 Chairman for the Tulsa Area United Way
Personal Matters / Ex. 6

Message

From: Munoz, Charles [munoz.charles@epa.gov]
Sent: 12/14/2017 3:43:56 PM
To: Allen, Reginald [Allen.Reginald@epa.gov]; Barnett, Howard [Barnett.Howard@epa.gov]; Lesperance, Twanna [Lesperance.Twanna@epa.gov]; Miles, Ramona [Miles.Ramona@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Peppins, Felicia [Peppins.Felicia@epa.gov]; Willis, Sharnett [Willis.Sharnett@epa.gov]
Subject: Brittany Bolen - Conversion to Principal DAA OP
Attachments: Bolen_Brittany_Updated_Binder.pdf

All,

Attached is the updated binder for Brittany Bolen. Brittany will be converted to the Principal DAA for the Office of Policy. Please let me know of any questions and when I can pick up the required documents for signature.

Thanks,

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

13 POINTS MEMO: New Hire Approval Request

AGENCY: Environmental Protection Agency

CANDIDATE INFORMATION (To be completed by applicant)

- **Name:** Christian Robert Palich
- **Phone:** Ex. 6
- **Email:** Ex. 6
- **Date of Birth:** Ex. 6
- **Place of Birth**
- **Current Addres** Ex. 6
- **Social Security Number:** Ex. 6
- **5 Year Salary History:**
  - **2016:**
  - **2015:**
  - **2014:** Personal Matters / Ex. 6
  - **2013:**
  - **2012:**

Resume Required (Disregard if already submitted)

PROPOSED POSITION (To be completed by the White House Liaison)

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C (GS-15 / Step 2)
- **OFFICE:** OA
- **SUBOFFICE:** OCIR
- **POSITION TITLE:** Deputy Associate Administrator for Congressional Affairs
- **REQUESTED EFFECTIVE DATE:** 4/24/17
- **JOB DESCRIPTION:** PDF Attached

The White House
Presidential Personnel Office

SKC/SES BIO SHEET

This information is necessary to begin the clearance process. Return to White House Liaison when completed.

PART I: PERSONAL INFORMATION (TO BE COMPLETED BY THE CANDIDATE)

1. FULL NAME (Last, First, Middle):	2. SOCIAL SECURITY NUMBER:

3. CURRENT RESIDENTIAL ADDRESS (Number, Street, City, State, ZIP Code)

4. VOTING ADDRESS IN 2016 (Number, Street, City, State, ZIP Code, if different than current address)

5. PLACE OF BIRTH (City, State; if not U.S., state, country)	6. GENDER	7. DATE OF BIRTH
8. ETHNIC HERITAGE	9. RACE	10. POLITICAL PARTY

11. HOME PHONE	12. CELL PHONE	13. WORK PHONE

14. PERSONAL EMAIL	15. WORK EMAIL
16. CURRENT POSITION (Title, Company)	17. WORK ADDRESS (Number, Street, City, State, Zip)

18. PLEASE LIST ALL SOCIAL MEDIA ACCOUNTS (Or say none if you have none)

19. EDUCATION (Degree, Institution, Year)	20. AWARDS
21. MILITARY SERVICE (Rank, Branch, Years)	22. PREVIOUS PRESIDENTIAL APPOINTMENTS

PART II: POSITION INFORMATION (TO BE COMPLETED BY WHITE HOUSE LIAISON)

1. POSITION TITLE	2. AGENCY

2. APPOINTMENT TYPE	3. GRADE	4. OPM NUMBER
5. WH LIAISON NAME	6. WH LIAISON PHONE	7. WH LIAISON EMAIL

CHRISTIAN R. PALICH

Ex. 6

EDUCATION

Kent State University Kent, Ohio
Major: B.A. Political Science; Minor: History *Degree Conferred 2009*

PROFESSIONAL EXPERIENCE

President, Ohio Coal Association *9/2014-Present*

- President of large, state-wide trade association representing members in the coal mining energy industry sector. Advocates Association interests before state and federal lawmakers, regulatory agencies, executive agencies, media, industry groups and communities.
- Represents Association in matters involving legislative, policy or regulatory issues affecting the coal industry and/or broader energy industry. Actively promotes Association interests in print, television, and radio media. Has appeared on Fox News and Fox Business as well as state wide television.
- Drafts articles, press releases and op-eds on issues affecting Association members. Provides live interviews to local, state and national press outlets and presents testimony to regulatory and legislative bodies on issues affecting Association members and the energy industry.
- Manages annual budget of $500k. Establishes operating, marketing and fundraising targets; recruits, trains and supervises Association staff; liaises with legal counsel on issues affecting the Association.
- Coordinates meetings with public officials, industry conferences and Association events. Procures commitments from high-profile public officials to speak at Association events and to meet with Association members.
- Managed Ohio Coal Political Action Committee both on budget, fundraising, and political strategy of financial support for both State and Federal candidates.
- Honored in January 2016 as one of "20 People to Know in Energy" by Columbus Business Journal.

Manager, Government Affairs, Ohio Coal Association *9/2013-9/2014*

- Communicated Association and coal mining industry concerns and issues before state and federal lawmakers, regulatory agencies and executive agencies.
- Served as point of contact for media outlets, including local, state and national media. Provided on-the-record, live interviews to several national media establishments.
- Monitored daily updates and status of complex energy legislation, rulemakings and budget issues affecting Association members and/or the broader energy industry. Prepared white papers and position statements for use in advocating Association and industry interests.

Political Director, Bill Johnson for Congress (OH-6) *5/2012-7/2013*

- Served as Political Director for U.S. Congressman Bill Johnson whose district includes Ohio's crucial energy corridor (mining, oil and gas).

- Senior Staff on Congressman Johnson's successful re-election campaign, which was specially targeted by the Democratic National Committee as a "Red to Blue" race. Oversaw campaign strategy which resulted in an increased margin-of-victory in the District over previous reelection campaign.
- Developed and executed strategy for targeted campaigning and accompanied Congressman Johnson to all campaign events.
- Researched issues critical to the District constituency and prepared talking points and speeches on various topics, policies and legislation.

District/Outreach Director, Congressman Bill Johnson (OH-6) *1/2011-5/2012*

- Served in capacity as both District Director and Outreach Director for Congressman Bill Johnson. Acted as surrogate for Congressman at campaign and community events, including speaking commitments and community events.
- Served as District Policy Liaison and coordinated with Congressman Johnson's Washington D.C. Office on critical District and policy issues. Educated District Staff on important policy and legislative issues and coordinated communication strategies with constituents. Assisted in the formulation and execution of an effective communication strategy for the overall District and constituents.

Transition Director, Congressman-Elect Bill Johnson (OH-6) *11/2010-1/2011*

- Served as Transition Director after Congressman-Elect Bill Johnson's successful campaign.
- Determined strategic placement of Congressional field offices and managed the transition from campaign organization to Congressional Office for the first-time Congressman.
- Coordinated and scheduled all transition meetings and activities.

Political Director, Bill Johnson for Congress (OH-6) *12/2009-11/2010*

- Served as Political Director during Bill Johnson's successful, inaugural candidacy for the U.S. House of Representatives against well-known incumbent, Charlie Wilson.
- Maintained busy campaign schedule, coordinated all travel and logistics and accompanied candidate to campaign events.
- Served as surrogate for Candidate Johnson at numerous campaign and community events including many speaking engagements.
- Participated in the development of general campaign strategy and constituency outreach.
- Coordinated with campaign Communications team and advisors in managing constituent messaging, preparing for debates and developing policy talking points.

REFERENCES

Available upon request.

DEPUTY ASSOCIATE ADMINISTRATOR
OFFICE OF CONGRESSIONAL AFFAIRS

INTRODUCTION

This position is located in the Office of the Administrator, and the Office of Congressional and Intergovernmental Relations (OCIR)/Office of Congressional Affairs (OCA). The incumbent serves as the Deputy Associate Administrator for the Office of Congressional Affairs (OCA) and reports directly to the Associate Administrator for OCIR. OCA serves as the Administrator's principal point of contact for Congress on all Agency matters. The office serves as a liaison for these parties to the Office of the Administrator and senior Agency officials and facilitates communications between EPA Headquarters and Regions and elected officials in coordination with the Office of Intergovernmental Relations in OCIR.

The incumbent of the position requested for Schedule C exception will not be able to adequately perform his/her duties without being privy to the political, personal, and management philosophies of the Administrator and Deputy Associate Administrator. A confidential relationship of a Schedule C nature is imperative since the incumbent will speak for the Administrator and Deputy Associate Administrator and, as such, will be expected to reflect his/her philosophies in conversation with leading figures of government, business, and other groups. The incumbent will also be obliged to present the views of the Administrator or Deputy Associate Administrator in correspondence and other communications with the Agency manager and program officials.

MAJOR DUTIES AND RESPONSIBILITIES

1. Oversees the development of Agency policy pertaining to Congressional and legislative affairs programs of the EPA. This requires close collaboration with internal and external partners including Congressional members and their staffs, the Agency's Administrator, Deputy Administrator, Federal departments and agencies, e.g., the Office of Management and Budget, EPA program and Regional offices, states, private organizations, and academia, and OCIR's program implementation, communication and outreach activities. Develops program plans for the operation of the office.

2. Establishes and maintains working relationships with stakeholders within the Agency and those outside the Agency to keep abreast of thinking and plans which affect Agency programs. Works with all appropriate parties, as required, to implement the Agency's programs on emerging issues, concerns and regulations. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with Members of Congress and their staffs. Works with the Office of General Counsel to encourage the adoption of methods for dealing effectively with other federal agencies and

OMB to ensure that they are brought to bear in the development of specific EPA policy and program initiatives.

3. Provides expert advice to the Associate Administrator, Principal Deputy Associate Administrator and Deputy Associate Administrator for OCIR on congressional legislation, represents the Agency at intra-agency, inter-agency, national meetings involving congressional legislation issues; coordinates quick turn-around Congressional inquiries, and serves as technical point of contact between OCIR and EPA program offices, EPA regional offices, and other Federal agencies, states, the Congress, non-governmental organizations and industry on matters pertaining to appropriations and cross-cutting environmental threats. The incumbent reviews briefing material prepared by staff for the Associate Administrator and Principal Deputy Associate Administrator, Deputy Associate Administrator on environmental issues.

4. May represent the Agency at the White House or before Congressional and interagency conferences. Carries out special assignments to explain the Agency's legislative mission and objectives. As required, briefs the Associate Administrator and other key officials regarding congressional issues.

5. Coordinates the Agency's appearances at Congressional hearings. This includes coordinating the drafting of testimony and obtaining Agency concurrence on testimony; clearance of testimony through OMB; preparation of Agency witnesses; summarizing the hearings for senior management and coordination of responses to questions presented at Congressional hearings.

6. Keeps currently informed on Congressional activities affecting the Agency and briefs and consults with key staff in the Headquarters and the Regional Offices on developments in Congress that may affect Agency programs. Reviews prepared status reports and studies for the Associate Administrator. These assignments are generally far reaching in impact, unique, and of special depth or intensity and require imaginative and novel approaches. Makes recommendations to the Associate Administrator for possible courses of action.

7. Performs technical direction and workflow management for priority OCA projects. This will constitute a major duty occupying at least 50% of the incumbent's time. Such responsibilities include reviewing work on a daily, weekly, and monthly basis as assigned and prioritized by the Associate Administrator.

8. Coordinates, as assigned, OCA's strategic planning, budgeting, administrative systems work projects and other internal activities necessary for coordinating implementation of OCIR's priority programs and projects.

9. Works closely with subordinate supervisory staff and management to gain knowledge, exchange information, resolve issues, and/or discover opportunities that can assist in the implementation of the office's mission and objectives.

10. Exercises management responsibility over staff members, making assignments and determining duties and priorities, evaluating employee performance, recommending incentives, initiating corrective actions, assuring safety, keeping employees informed at all times, counseling employee, etc.

11. Exercise continuing responsibility to effectively support EEO/Affirmative Action Plan and communicating this support to subordinates, taking positive actions which will motivate and give opportunity to all personnel.

12. Performs other duties of a strictly confidential nature, as assigned.

13 POINTS MEMO: New Hire Approval Request

AGENCY: Environmental Protection Agency

CANDIDATE INFORMATION (To be completed by applicant)

- **Name:** Aaron Ellis Ringel
- **Phone:** Ex. 6
- **Email:**
- **Date of Birth:** Ex. 6
- **Place of Birth**
- **Current Address:** Ex. 6
- **Social Security N**
- **5 Year Salary History:** Ex. 6

Resume Required (Disregard if already submitted)

PROPOSED POSITION (To be completed by the White House Liaison)

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C (GS-14 / Step 3)
- **OFFICE:** OA
- **SUBOFFICE:** OCIR
- **POSITION TITLE:** Deputy Associate Administrator for the Office of Congressional and Intergovernmental Relations
- **REQUESTED EFFECTIVE DATE:** 4/17/17
- **JOB DESCRIPTION:** PDF Attached

The White House
Presidential Personnel Office

SKC/SES BIO SHEET

This information is necessary to begin the clearance process. Return to White House Liaison when completed.

PART I: PERSONAL INFORMATION (TO BE COMPLETED BY THE CANDIDATE)

1. FULL NAME (Last, First, Middle):	2. SOCIAL SECURITY NUMBER:
Ringel, Aaron, Ellis	Ex. 6

3. CURRENT RESIDENTIAL ADDRESS (Number, Street, City, State, ZIP Code)
Ex. 6

4. VOTING ADDRESS IN 2016 (Number, Street, City, State, ZIP Code, if different than current address)
SAME AS CURRENT

5. PLACE OF BIRTH (City, State; if not U.S., state, country)	6. GENDER	7. DATE OF BIRTH
Ex. 6		

8. ETHNIC HERITAGE	9. RACE	10. POLITICAL PARTY
Ex. 6		

11. HOME PHONE	12. CELL PHONE	13. WORK PHONE
Ex. 6		(202) 225-3715

14. PERSONAL EMAIL	15. WORK EMAIL
Ex. 6	aaron.ringel@mail.house.gov

16. CURRENT POSITION (Title, Company)	17. WORK ADDRESS (Number, Street, City, State, Zip)
Deputy Chief of Staff, Rep. Richard Hudson (NC08)	429 Cannon House Office Building, Washington D.C. 20515

18. PLEASE LIST ALL SOCIAL MEDIA ACCOUNTS (Or say none if you have none)
Facebook, Instagram, Twitter, Snapchat

19. EDUCATION (Degree, Institution, Year)	20. AWARDS
MA, American University, 2008 BA, University of Kansas, 2004 AA, New Mexico Military Institute, 2000	Certificate of Commendation, USMC

21. MILITARY SERVICE (Rank, Branch, Years)	22. PREVIOUS PRESIDENTIAL APPOINTMENTS
Sergeant, USMCR, 2001-2009	NA

PART II: POSITION INFORMATION (TO BE COMPLETED BY WHITE HOUSE LIAISON)

1. POSITION TITLE	2. AGENCY
Deputy Associate Administrator for OCIR	Environmental Protection Agency

2. APPOINTMENT TYPE	3. GRADE	4. OPM NUMBER
Schedule C	GS-14 / Step 3	

5. WH LIAISON NAME	6. WH LIAISON PHONE	7. WH LIAISON EMAIL
Charles Munoz	202-564-3097	Munoz.Charles@epa.gov

AARON E. RINGEL

Ex. 6

PROFESSIONAL EXPERIENCE

Congressman Richard Hudson (NC-08)
Deputy Chief of Staff (February 2017 – Present) Washington, D.C.

- Chief policy advisor on legislative matters, with specific focus on handling all work related to Rep. Hudson's position on the House Committee on Energy and Commerce, Subcommittees on Energy and Environment
- Crafted detailed legislative strategy and managed all legislative staff in the execution of the Congressman's work related to his position as Deputy Republican Whip and member of the House Steering Committee

Congressman Mike Pompeo (KS-04)
Legislative Director (April 2014 – February 2017) Washington, D.C.

- Chief policy advisor on legislative matters, with specific focus on handling all work related to Rep. Pompeo's position on the House Committee on Energy and Commerce, Subcommittees on Energy and Power and Communication and Technology
- Crafted legislative strategy that led to the Congressman's "Natural Gas Pipeline Permitting Reform Act" being passed by a bi-partisan majority of the House within the first month of the 114th Congress
- Directly manage legislative staff to execute the Congressman's agenda and work related to his position on the House Permanent Select Committee Intelligence

Congressman Michael Grimm (NY-13/11)
Legislative Director (January 2011 – April 2014) Washington, D.C.

- Chief policy advisor on all legislative matters with specific focus on Energy, Environment, Labor, Transportation, Taxes, Trade, and Appropriations as well as Rep. Grimm's work as co-chair of the Congressional Maritime and Public Transportation Caucuses
- Successfully crafted and executed bi-partisan legislative campaign that led to passage of "The New York City Natural Gas Supply Enhancement Act" in the House and Senate, which the President signed into law
- Designed and implemented a legislative strategy for the 112th Congress that directly led to the Congressman passing and having signed into law the most legislation of any first term member of Congress

Michael Grimm for Congress
Campaign Manager, NY-13 (2010) & NY-11 (2012) Staten Island, N.Y.

- Managed primary and general election campaigns to elect Michael Grimm (R) to New York's 13th & 11th Congressional District and his successful re-election in 2012
- Directed all aspects of the campaign, including over $1.5 million in expenditures for both 2010 & 2012, staff hiring and oversight, volunteer training, policy development, fundraising, strategy and preparation for all direct mail, research, budgeting, internal/external polling, and voter outreach
- Won both a contested primary and general election versus a well-funded incumbent and challenger

Dynetics, Inc.
Congressional Analyst (July 2009 – June 2010) Arlington, V.A.

- Produced and guided Congressional engagement and funding strategies for DoD clients with program appropriations totaling over $8 billion in the FY10 defense spending bill
- Leveraged professional contacts on Capitol Hill to obtain both information and Congressional products regarding current and future legislation impacting client programs

Congressman Vito Fossella (NY-13)
Legislative Assistant (January 2008 – January 2009) Washington, D.C.

- Provided analysis and legislative guidance on issue relating to Energy, Climate Change, Environment Defense, International Relations, Homeland Security, and Intelligence
- Lead all work related to Rep. Fossella's position on the House Committee on Energy and Commerce related to oil and natural gas supply and distribution

Bracewell & Giuliani LLP
Legislative Assistant, Government Relations (May 2006 – January 2008) Washington, D.C.

- Provided detailed legislative planning and research regarding energy, oil and gas supply and generation, climate change, environment, and appropriations
- Composed op-ed pieces, coalition newsletters, press research, media monitoring and web site development for several major oil and gas as well as electric generation coalitions

United States Marine Corps Reserve (May 2001 – January 2009)
Platoon Sergeant, Surgical Company Bravo, Bolling Air Force Base, Washington, D.C.

- Established and organized the training of a combined Navy/Marine Corps Platoon while also ensuring proper leadership growth and development of the Marines under my command

Arabic Linguist, C Company 2nd Military Police Battalion Ar Ramadi, Iraq

- Responsible for ensuring mission success by conducting Company and Platoon level liaison support with Iraqi citizens and foreign contractors on a daily basis
- Conducted meetings between U.S./Iraqi Police training teams and local military and civilian leadership

EDUCATION

M.A., U.S. Foreign Policy (U.S. Energy Security) *magna cum laude* (December 2008)
American University, School of International Service, Washington, D.C.

B.A., Political Science & International Studies (May 2004)
The University of Kansas, Lawrence, K.S.

A.A., Political Science (May 2000)
New Mexico Military Institute, Roswell, N.M.

AWARDS AND SKILLS

- Received a Fulbright grant to lecture on American campaign strategy at Masaryk University, Brno, Czech Republic (2010)
- Certificate of Commendation (U.S. Marine Corps)
- Able to read/write/converse in Arabic (Iraqi dialect) and Hebrew

DEPUTY ASSOCIATE ADMINISTRATOR
OFFICE OF CONGRESSIONAL AFFAIRS

INTRODUCTION

This posi tion is located in the Office of the Admi nistrator, and the Office of Congressional and Intergovernmental Relations (OCIR)/Office of Congressional Affairs (OCA). The incumbent serves as the Deputy Associate Administrator for the Office of Congressional Affairs (OCA) and reports directly to the Associate Admi nistrator for OCIR. OCA serves as the Administrator 's princi pal point of contact for Congress on all Agency matters. The office serves as a liaison for these parties to the Office of the Admi nistrator and senior Agency officials and facilitates communications between EPA Headquarters and Regions and elected officials in coordination with the Office of Intergovernmental Relations in OCIR.

The incumbent of the position requested for Schedule C exception will not be able to adequately perform his/her duties without being privy to the political, personal, and management philosophies of the Administrator and Deputy Associate Admi nistrator. A confidential relationshi p of a Schedule C nature is imperative since the incu mbent will speak for the Administrator and Deputy Associate Administrator and, as such, will be expected to reflect his/her phi losophies in conversation with leading figures of government, busi ness, and other groups. The incumbent will also be obliged to present the views of the Administrator or Deputy Associate Administrator in correspondence and other communications with the Agency manager and program officials.

MAJOR DUTIES AND RESPONSIBILITIES

1. Oversees the development of Agency pol icy pertaining to Congressiona l and legislative affairs programs of the EPA. This requires close collaboration with internal and external partners including Congressional members and thei r staffs, the Agency's Administrator, Deputy Admi nistrator, Federal departments and agencies, e.g., the Office of Management and Budget, EPA program and Regional offices, states, pri vate organizations, and academia, and OCIR's program implementation , communication and outreach activities. Develops program plans for the operation of the office.

2. Establishes and maintains worki ng relat ionships with stakeholders withi n the Agency and those outside the Agency to keep abreast of thinking and plans which affect Agency programs. Works with all appropriate parties, as required , to implement the Agency 's programs on emerging issues, concerns and regulations. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with Members of Congress and thei r staffs. Works with the Office of General Counsel to encourage the adoption of methods for dealing effectivel y with other federal agencies and

0MB to ensure that they are brought to bear in the development of specific EPA policy and program initiatives.

3. Provides expert advice to the Associate Administrator, Principal Deputy Associate Administrator and Deputy Associate Administrator for OCIR on congressional legislation, represents the Agency at intra-agency , inter-agency, national meetings involving congressional legislation issues; coordinates quick tum-around Congressional inquiries, and serves as technical point of contact between OCIR and EPA program offices, EPA regional offices, and other Federal agencies, states, the Congress, non-governmental organizations and industry on matters pertaining to appropriations and cross-cutting environmental threats. The incumbent reviews briefing material preparedby staff for the Associate Administrator and Principal Deputy Associate Administrator , Deputy Associate Administrator on environmenta l issues.

4. May represent the Agency at the White House or before Congressional and interagency conferences. Carries out special assignments to explain the Agency 's legislative mission and objectives. As required, briefs the Associate Administrator and other key officials regarding congressional issues.

5. Coord inates the Agency's appearances at Congressional hearings. This includes coordinating the drafting of testimony and obtaining Agency concurrence on testimony; clearance of testimony through 0MB; preparation of Agency witnesses; summarizing the hearings for senior management and coordination of responses to questions presented at Congressiona l hearings.

6. Keeps currentl y informed on Congressional activities affecting the Agency and briefs and consults with key staff in the Headquarters and the Regional Offices on developments in Congress that may affect Agency programs. Reviews prepared status reports and studies for the Associate Administrator. These assignments are generally far reaching in impact, unique, and of special depth or intensity and require imaginative and novel approaches. Makes recommendations to the Associate Administrator for possi ble courses of action.

7. Performs technical direction and workflow management for priority OCA projects. This will constitute a major duty occupying at least 50% of the incurnben t's time. Such responsibilities include reviewing work on a daily, weekly, and monthly basis as assigned and prioritized by the Associate Administrator.

8. Coordinates, as assigned, OCA's strategic planning, budgeting, administrative systems work projects and other internal activities necessary for coordinating implementation of OCIR's priority programs and projects.

9. Works closely with subordinate supervisory staff and management to gain knowledge, exchange information, resolve issues, and/or discover opportunities that can assist in the implementation of the office's mission and objecti ves.

10. Exercises management responsi bili ty over staff members, making assignments and determining duties and priorities, evaluating employee performance, recommendi ng incentives, initiating corrective actions, assuring safety, keeping employees informed at all times, counseli ng employee, etc.

11. Exercise continuing responsibility to effectively support EEO/Affirmative Action Plan and communicating this support to subordinates, taking positive actions which willmotivate and give opportunity to all personnel.

12. Performs other duties of a strictly confidential nature, as assigned.

Message

From: Munoz, Charles [munoz.charles@epa.gov]
Sent: 2/21/2017 12:41:39 PM
To: Allen, Reginald [Allen.Reginald@epa.gov]; Barnett, Howard [Barnett.Howard@epa.gov]
CC: Lesperance, Twanna [Lesperance.Twanna@epa.gov]; Miles, Ramona [Miles.Ramona@epa.gov]; Roberts, Suzanne [Roberts.Suzanne@epa.gov]
Subject: Samantha Dravis - PPO Approved
Attachments: Dravis Binder.pdf

All,

Attached is the binder for Samantha Dravis, she has been PPO approved and Administrator Pruitt has requested her paperwork be moved to the front of the line with her being able to fill out any paperwork sometime today. Her title will be Senior Policy Counsel and Associate Administrator for Policy as NCSES Level 3.

Please let me know of any questions. Thank you.

Charles Munoz
White House Liaison
Environmental Protection Agency

13 POINTS MEMO: New Hire Approval Request

AGENCY: Environmental Protection Agency

CANDIDATE INFORMATION

- **NAME:** SAMANTHA KATHLEEN DAVIS
- **PHONE:** Ex. 6
- **EMAIL:** Ex. 6
- **PLACE OF BIRTH:** Ex. 6 - Personal Privacy
- **DATE OF BIRTH:**
- **Social Security Number:** Ex. 6
- **5 Year Average of Salaries:** PDF Included

Resume Required

PROPOSED POSITION

- **APPT TYPE: NC-SES – LEVEL 3**
- **OFFICE:** OA
- **SUBOFFICE:** Policy
- **POSITION TITLE:** Senior Policy Counsel to the Administrator and Associate Administrator for Policy
- **JOB DESCRIPTION:** PDF Included

REQUESTED EFFECTIVE DATE: 2/21/17

Samantha Kathleen Dravis

Ex. 6

WORK EXPERIENCE

Republican Attorneys General Association Salary: Ex. 6 Washington DC
Policy Director/General Counsel 2015-Present

- Brief attorneys general and advise their staffs on state and federal policy issues, multistate litigation, amicus brief requests, coordinate coalition responses and messaging
- Manage all compliance and legal issues for organization
- Serve as President of affiliated 501(c)(4) organization, Rule of Law Defense Fund

Freedom Partners Chamber of Commerce Salary: Ex. 6 Arlington, VA
Legal Counsel 2013-2015

- Conduct due diligence, ensure compliance with FEC rules and IRS regulations for tax exempt organization
- Approve broadcast television and digital advertisements, grassroots lobbying and other issue advocacy activity
- Write and execute contracts, agreements, policies and training materials for organization
- Advise on public policy initiatives and priorities for organization

Taft, Stettinius & Hollister LLP Salary: Ex. 6 Indianapolis, IN
Associate Attorney 2012-2013

- Represented clients in firm's litigation and intellectual property practice groups
- Write briefs, pleadings and client memos; attend trials and depositions; served as Summer Associate in 2011

Romney for President 2012 Lansing, MI
Michigan Election Day Operations Director 2012

- Managed all election day operations in Michigan; supervised high profile projects in other states, including a major ballot duplication process in Palm Beach, Fla.
- Advised Romney for President headquarters on state election law issues
- Recruited, trained, and managed a team of hundreds of volunteer attorneys and staff for election day
- Oversaw the preparation of election day and post-election day litigation plans and strategies

The White House Washington, DC
Associate Director, Office of Political Affairs 2007-2008

- Drafted briefings and memos for the President, First Lady, Vice President, and other senior White House officials
- Conducted strategic research on legislative and domestic policy issues for Director
- Assisted the President's personnel office with appointments to Presidential boards and commissions
- Planned and executed State Arrival of Pope Benedict XVI, other dignitaries with White House Social Office

John McCain for President 2008 Arlington, VA
Regional Political Coordinator and Director of Surrogate Operations 2007

- Developed grassroots political organization and organized delegate recruitment in California, Nevada and Utah
- Worked with campaign attorneys to facilitate placement of John McCain on the ballot in key primary states

Office of U.S. Representative Daniel Lungren (R-CA) Washington, DC
Executive Assistant/Legislative Assistant 2006-2007

- Manage legislative portfolio and advise Congressman on issues including national defense, social security and labor issues
- Handled Congressman's calendar, speaking engagements, correspondence, and other administrative matters

EDUCATION

University of Notre Dame Law School Notre Dame, IN
Juris Doctor, cum laude May 2012
Executive Solicitation Editor, *The Notre Dame Journal of Law, Ethics, and Public Policy;* Legal Internships: Pacific Legal Foundation; U.S. District Court for the Eastern District of Michigan; U.S. Attorney for the District of Kansas

University of Kansas Lawrence, KS
Bachelor of Arts, Political Science May 2005
James and Alice Phelps Memorial Scholarship Recipient; Intern, Office of U.S. Senator Sam Brownback (R-KS)

Associate Administrator
For Office of Policy
ES-0340

INTRODUCTION

The Associate Administrator for Office of Policy, Office of the Administrator, serves as the principal advisor to the Administrator for coordination of Agency wide policies and economics that promote innovative approaches to protecting public health and the environment with responsibility for overseeing the testing of new and innovative approaches to environmental protection and related policy changes.

SUPERVISORY CONTROLS

Receives general direction and broad policy guidance from the Administrator/Deputy Administrator. Within this broad framework, duties are performed with maximum independence subject to review only for attainment of overall objectives and compliance with policies.

MAJOR DUTIES AND RESPONSIBILITIES

1. Serves as Counselor to the Administrator and Associate Administrator for the Office of Policy on all matters pertaining to environmental protection policy, and economic and innovative approaches to protecting public health and the environment. Serves as the primary link between the Administrator/Deputy Administrator and the regulated community on innovation policies and practices. Assures Agency wide integration of policies, strategic framework, new practices and approaches for innovation which result in increased achievements in environmental protection.

2. Serves as the point of contact for affecting the coordination of matters pertaining to policies and economics that promote innovative approaches to protecting public health and the environment.

3. Oversees the Agency's implementation of innovative activities to ensure new approaches and related policies are identified, designed, and tested by supporting program-specific approaches by other EPA offices. Identifies advantages and disadvantages, risks, and benefits associated with particular proposals; evaluates the various methods of implementing policy and program initiatives; and provides the Administrator/Deputy Administrator with authoritative analyses and recommendations. Provides advice and counsel on the need for change in the methods, procedures, and policies to strengthen the Agency's regulated authority. Recommendations are based on personal and group assessments, analyses, reports, general information, and other sources as supplemented by a continuous awareness of administrative or management policies, issues and programs.

4. Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.

5. Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator. Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.

6. Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.

7. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

8. Represents the Administrator and the Agency at all levels of government including Federal, State, municipal and county agencies and at private industry and citizen groups; provides information and advice on the Agency's innovation activities and programs and interprets existing and proposed plans and policies; and applies a broad comprehensive knowledge of problems involved in effective relationships between various government levels, private industry and citizenry in striving to promote plans and programs of special significance to the national environmental protection efforts. The incumbent stimulates interests, elicits support, works out agreements at all these levels and advises the Administrator on courses of action which should be taken.

9. Keeps alert and informed on current policies, programs and procedures of the Agency, and Congress. Prepares status reports and studies which pertain to problems of unusual breadth and intensity not normally within the purview of a specific statute or authority. Projects are generally far-reaching in impact, unique and require distinct and definite approaches. Makes recommendations to the Administrator/Deputy Administrator on comprehensive proposals for increasing the Agency's regulatory flexibility.

10. Exercises management responsibility over staff members, making assignments and determining duties and priorities, evaluating employee performance, recommending incentives, initiating corrective actions, assuring safety, keeping employees informed at all times, counseling employees, etc.

11. Exercises continuing responsibility to effectively support the Equal Employment Opportunity Affirmative Action Plan and communicating this support to subordinates, taking positive actions which will motivate and give opportunity to all personnel.

12. Performs other duties as assigned.

Message

From: Lesperance, Twanna [Lesperance.Twanna@epa.gov]
Sent: 12/22/2017 1:37:07 AM
To: Miles, Ramona [Miles.Ramona@epa.gov]
CC: Allen, Reginald [Allen.Reginald@epa.gov]
Subject: FW: Brittany Bolen - Conversion to Principal DAA OP
Attachments: Bolen_Brittany_Updated_Binder.pdf

Hello Ramona,

Hopefully you completed this request. For some reason it was bothering me since I could not recall being involved in any follow up discussions. Thanks if you did it already and, thanks in advance, if this is a reminder.

Take care & Merry Christmas!

Twanna Lesperance, Assistant Director, AMS, PMO
Office of Administrative and Executive Services
Office of the Administrator, EPA
202-564-0419 (Desk)
lesperance.twanna@epa.gov

From: Munoz, Charles
Sent: Thursday, December 14, 2017 10:44 AM
To: Allen, Reginald <Allen.Reginald@epa.gov>; Barnett, Howard <Barnett.Howard@epa.gov>; Lesperance, Twanna <Lesperance.Twanna@epa.gov>; Miles, Ramona <Miles.Ramona@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Peppins, Felicia <Peppins.Felicia@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>
Subject: Brittany Bolen - Conversion to Principal DAA OP

All,

Attached is the updated binder for Brittany Bolen. Brittany will be converted to the Principal DAA for the Office of Policy. Please let me know of any questions and when I can pick up the required documents for signature.

Thanks,

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

13 POINTS MEMO: New Hire Approval Request

AGENCY: Environmental Protection Agency

CANDIDATE INFORMATION (To be completed by applicant)

- **Name:** Brittany Bolen
- **Phone:** Personal Matters / Ex. 6
- **Email:**
- **Date of Birth:** Personal Matters / Ex. 6
- **Place of Birth:**
- **Current Addre**
- **Social Security**
- **5 Year Salary History:**
  - Personal Matters / Ex. 6

Resume Required (Disregard if already submitted)

PROPOSED POSITION (To be completed by the White House Liaison)

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** NC-SES Level 4 $161,900
- **OFFICE:**
- **SUBOFFICE:** Policy
- **POSITION TITLE:** Principle Deputy Associate Administrator for Policy
- **REQUESTED EFFECTIVE DATE:** 12/26/17
- **JOB DESCRIPTION:** PDF Attached

PRINCIPLE DEPUTY ASSOCIATE ADMINISTRATOR FOR THE IMMEDIATE OFFICE OF POLICY

INTRODUCTION

The Principal Deputy Assistant Administrator serves under the Associate Administrator for Policy. The incumbent has a variety of special and ongoing responsibilities relating to the coordination of policy, regulations, and communications.

OP supports EPA's mission by promoting innovation that achieves greater and more cost effective public health and environmental protection. The Office, in consultation with its different internal and external stakeholders and partners, supports and oversees the testing of new and innovative approaches to environmental protection and related policy changes. OP is the focal point for regulatory analyses, policy development and economic analyses necessary to support EPA's regulatory development process and changes in today's business conditions. In concert with other Agency Offices, OP has a lead role in building capacity for program evaluation and other program management tools at EPA as it pertains to assisting the Deputy Administrator in analyzing program effectiveness and promoting best practices and innovation. OP works across all of EPA's programs and regions.

A confidential relationship of a NC-SES nature is imperative since the incumbent will speak for the Associate Administrator and Administrator, as such, will be expected to reflect their philosophies in conversation with leading figures of government, business, and other groups. The incumbent will also be obliged to present the views of the Administrator in correspondence and other communications with Agency managers and program officials.

DUTIES AND RESPONSIBILITIES

The incumbent of this position serves as the Principle Deputy Associate Administrator for Policy and assists the Associate Administrator in fulfilling his/her duties and serves as the Acting Associate Administrator when needed: In this capacity, the incumbent, assumes the full duties and responsibilities to direct and manage the Office of Policy through subordinate staff.

Serves as the Deputy Associate Administrator and provides advice and counsel on policy development, coordination and liaison relating to evolving environmental issues, Agency programs and proposed environmental legislation. Performs special assignments for the Associate Administrator on matters of special concern to the Office. Develops assignments on own initiative or in response to requests by the Associate Administrator. Assignments are broad-based, touching upon wide programs areas or activities within the Agency, relationships with other levels of government, interest groups, and other outside organization. Establishes contacts at the highest official levels for this purpose. Completed assignments include findings, conclusions and specific recommendations for actions.

Directs the formulation, implementation, administration and management of policies and programs designed to inform the public and targeted audiences concerning the aims, progress results and background of various environmental policy programs and related actions conducted by the Agency. Develops agency guidance and the activities, programs, and staff assigned to the Office of Policy.

Develops complex policy innovation strategies to inform and address external stakeholders on/and matters of special concern to the Administrator, Deputy Administrator, and Associate Administrator. Performs duties that involve planning and conducting program evaluation, analyzing and interpreting data, and resolving problems by applying the relevant performance management frameworks, tools and methodologies used by Agency offices. Provides advice and recommendations on strategic policy development, planning and coordination relating to policies and economics.

Represents the Associate Administrator in providing advice and information to the Administrator/Deputy Administrator on policy innovations aspects of the Agency's activities and programs. Assures that the policy of openness in all information matters as set by the Associate Administrator/Administrator, is honored in all aspects.

Represents the Associate Administrator with respect to policy innovations at other Federal Agencies, Congress, private industry, community organizations and environmental and public interest groups. Works with EPA regional offices, and directs staff liaison with those regional offices, to keep constituency groups fully informed of EPA policies and operations.

Oversees the development of policies and economics to inform the general public with major EPA programs and activities and informational materials for internal EPA use, in Headquarters, Regions, laboratories, and field offices.

Provides policy direction for and coordination and oversight of EPA's relations with constituency groups. Oversees EPA efforts to inform and educate citizens at-large and in school settings, and responds to their concerns about all environmental issues. Assures there are opportunities for public involvement in resolution of problems.

Represents the Associate Administrator, the Administrator/Deputy Administrator in meetings or conferences with other government agencies, Congress, White House staff, business and citizen groups, and interprets existing and proposed plans and issues regarding communications programs. Stimulates interest, elicits support, works out agreements at all levels, and advises on what courses of actions should be taken.

Attends conferences for and with the Associate Administrator, assesses the impact and subsequent relevance of all matters discussed, and suggests to the Associate Administrator possible avenues of approach. Follows up by conferring with the OP Office Directors and/or their offices and staffs, discussing these issues and providing them with information developed through personal contacts. Suggests the direction which offices may take in formulating and improving new and existing programs.

Keeps informed of important developments affecting the legislation, policies, programs and operations of the policy innovation. Advises the Associate Administrator of significant observations and presents background information, personal opinions, and advice concerning areas of interest. Provides and/or leads staff support in the analysis of action memoranda reaching the Associate Administrator's office.

Maintains ongoing liaison with officials from EPA Headquarters and Regional Offices, the White House, OMB, other Federal agencies, and key officials in State and local governments to assure continuous harmonized relationships and to promote a cooperative interchange of concepts and ideas. Acts as a source of information to keep the Associate Administrator informed of significant happenings and trends.

The White House
Presidential Personnel Office
SKC/SES BIO SHEET

This information is necessary to begin the clearance process. Return to White House Liaison when completed.

PART I: PERSONAL INFORMATION (TO BE COMPLETED BY THE CANDIDATE)

1. FULL NAME (Last, First, Middle):	2. SOCIAL SECURITY NUMBER:
Bolen, Brittany, Ann	Personal Matters / Ex. 6

3. CURRENT RESIDENTIAL ADDRESS (Number, Street, City, State, ZIP

Personal Matters / Ex. 6

4. VOTING ADDRESS IN 2016 (Number, Street, City, State, ZIP Code, if different than current address)

5. PLACE OF BIRTH (City, State; if not U.S., state, country)	6. GENDER	7. DATE OF BIRTH

Personal Matters / Ex. 6

16. CURRENT POSITION (Title, Company)	17. WORK ADDRESS (Number, Street, City, State, Zip)
Policy Counsel, U.S. Senate Republican Policy Committee	347 Russell Senate Office Building, Washington, DC 20510

18. PLEASE LIST ALL SOCIAL MEDIA ACCOUNTS (Or say none if you have none)

Facebook: Brittany Bolen; Instagram: brittanyabolen; Twitter: @brittanyabolen; LinkedIn (inactive): Brittany Bolen

19. EDUCATION (Degree, Institution, Year)	20. AWARDS
J.D., George Mason University Antonin Scalia Law School, 2013; B.A. Political Science and Criminology, University of Florida, 2010	University of Florida Anderson Scholar
21. MILITARY SERVICE (Rank, Branch, Years)	22. PREVIOUS PRESIDENTIAL APPOINTMENTS
N/A	N/A

PART II: POSITION INFORMATION (TO BE COMPLETED BY WHITE HOUSE LIAISON)

1. POSITION TITLE	2. AGENCY
Principle Dep. Associate Admin for Policy	Environmental Protection Agency

2. APPOINTMENT TYPE	3. GRADE	4. OPM NUMBER
NC-SES	Level 4	

5. WH LIAISON NAME	6. WH LIAISON PHONE	7. WH LIAISON EMAIL
Charles Munoz	202-564-3097	Munoz.Charles@epa.gov

Brittany A. Bolen

Personal Matters / Ex. 6

EXPERIENCE:

U.S. Senate Republican Policy Committee

Policy Counsel, Chairman John Barrasso (R-Wyo.) ***Jan. 2017-Present***

- Responsible for providing in-depth analysis, strategic guidance, and policy resources related to energy, environment, agriculture and regulatory reform issues as a function of the Senate Republican leadership
- Authored policy papers on presidential nominees and regulatory issues; promoted Republican legislative priorities

U.S. Senate Committee on Environment and Public Works

Majority Counsel, Chairman James M. Inhofe (R-Okla.) ***Jan. 2015-Jan. 2017***

- Developed policy and conducted oversight on cross-cutting environmental, economic, and regulatory matters
- Advanced expertise in the Clean Air Act, Administrative Procedure Act, Information Quality Act, Regulatory Flexibility Act, and the Environmental Research, Development, and Demonstration Authorization Act
- Worked on the consideration of several presidential nominees for the Environmental Protection Agency (EPA)
- Responsible for the preparation of Committee hearings on EPA's science, risk assessments and advisory panels; litigation activities; cost-benefit tools; approach to cooperative federalism; consultation with small businesses; unfunded mandates; enforcement actions; and unimplemented IG and GAO recommendations
- Co-author and researcher of the following comprehensive Committee staff reports:
  - *Obama's Carbon Mandate: An Account of Collusion, Cutting Corners, and Costing Americans Billions*
  - *Forecast for COP-21: Senate Predicts Obama Climate Promises to Come Up Short Again*
  - *Lessons from Kyoto: Paris Agreement Will Fail National Economies and the Climate*

Republican Counsel, Ranking Member David Vitter (R-La.) ***Jan. 2013-Dec. 2014***

- Conducted oversight of and investigations into EPA management, regulatory and litigation activities, and grants
- Contributed to the consideration of presidential nominees for EPA Administrator, General Counsel, Chief Financial Officer, and Offices of Air and Radiation, Research and Development, and Environmental Information
- Co-author and primary researcher of the following comprehensive Committee staff oversight reports:
  - *A Call for Sunshine: EPA's FOIA and Federal Records Failures Uncovered*
  - *EPA's Playbook Unveiled: A Story of Fraud, Deceit, and Secret Science*
  - *The Chain of Environmental Command: How a Club of Billionaires and Their Foundations Control the Environmental Movement and Obama's EPA*
  - *Setting the Record Straight: Hydraulic Fracturing and America's Energy Revolution*

U.S. House of Representatives Committee on the Judiciary

Legal Fellow, Chairman Lamar Smith (R-Tex.) ***Sept. 2012-Dec. 2012***

- Worked exclusively with the Subcommittee on Courts, Commercial and Administrative Law
- Contributed to regulatory reform efforts and oversight of agencies' compliance with regulatory process
- Researched, drafted, and revised Subcommittee letters, legislative materials, memoranda, and hearing questions

U.S. House of Representatives Committee on Oversight and Government Reform

Legal Intern, Chairman Darrell Issa (R-Calif.) ***Jan. 2012-Aug. 2012***

- Worked with the Committee's oversight team and specialized in its energy and regulatory affairs portfolio
- Contributed to Member briefings, witness outreach, memoranda, and questions for Committee hearings
- Researched, drafted, and revised Committee letters and sections of the following Committee staff reports:
  - *Continuing Oversight of Regulatory Impediments to Job Creation: Job Creators Still Buried by Red Tape*
  - *The Department of Energy's Weatherization Program: Taxpayer Money Spent, Taxpayer Money Lost*
  - *Government Motors: A Preliminary Report on the Effects of Bailouts and Politics on the Obama Administration's Ability to Protect American Consumers*

EDUCATION:

George Mason University Antonin Scalia Law School, J.D. ***May 2013***

- Mason Law Scholarship Recipient; completed coursework within the Regulatory Law Concentration

University of Florida, B.A. Political Science and Criminology ***May 2010***

- *Cum Laude* Distinction; University of Florida Anderson Scholar; Certificate in Public Affairs

BAR ADMISSION: State of Florida ***Oct. 2013***

Message

From: Allen, Reginald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=799C3B0558E14130B17C66B2533548BA-ALLEN, REGI]
Sent: 1/4/2018 4:39:08 PM
To: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: FW: Greenwalt/McMurray
Attachments: Greenwalt_Sarah_SC_Binder.pdf; McMurray_Forrest_UPDATED_Binder.pdf

FYI

Reginald E. Allen, SES
Assistant Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct 202-564-1029
Cell Ex. 6

From: Munoz, Charles
Sent: Thursday, January 4, 2018 10:03 AM
To: Allen, Reginald <Allen.Reginald@epa.gov>; Barnett, Howard <Barnett.Howard@epa.gov>; Lesperance, Twanna <Lesperance.Twanna@epa.gov>; Miles, Ramona <Miles.Ramona@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Peppins, Felicia <Peppins.Felicia@epa.gov>
Subject: Greenwalt/McMurray

All,

I've been asked to change Sarah Greenwalt's title to, "Senior Counsel to the Administrator". We won't be changing her salary and will be keeping her a Schedule C appointee.

Also, attached is a binder for Forrest McMurray. On top of a salary and title change, we need to convert Forrest from a Schedule C to an AD appointee.

Please let me know of any questions.

Thank you,

Charles Munoz
White House Liaison
Environmental Protection Agency
Ex. 6

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Sarah Greenwalt
- **WORK PHONE:**
- **WORK EMAIL:** Greenwalt.Sarah@epa.gov
- **PLACE OF BIRTH** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Advisor to the Administrator for Water and Cross-Cutting Initiatives
- **Is position being backfilled (Y/N/TBD):** N

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Counsel to the Administrator
- **JOB DESCRIPTION:** PDF attached

SENIOR COUNSEL TO THE ADMINISTRATOR

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent will serve as the Senior Counsel to the Administrator. The incumbent has a variety of special and ongoing responsibilities with an emphasis on assisting the Administrator in evaluating climate science that drives Agency policy initiatives and programs.

SUPERVISORY CONTROLS

Receives general direction and broad policy guidance from the Administrator/Deputy Administrator. Within this broad framework, duties are performed with maximum independence subject to review only for attainment of overall objectives and compliance with policies.

MAJOR DUTIES AND RESPONSIBILITIES

1. Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.

2. Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator. Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.

3. Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.

4. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

5. Represents the Administrator and the Agency at all levels of government including Federal, State, municipal and county agencies and at private industry and citizen groups; provides

information and advice on the Agency's innovation activities and programs and interprets existing and proposed plans and policies; and applies a broad comprehensive knowledge of problems involved in effective relationships between various government levels, private industry and citizenry in striving to promote plans and programs of special significance to the national environmental protection efforts. The incumbent stimulates interests, elicits support, works out agreements at all these levels and advises the Administrator on courses of action which should be taken.

6. Keeps alert and informed on current policies, programs and procedures of the Agency, and Congress. Prepares status reports and studies which pertain to problems of unusual breadth and intensity not normally within the purview of a specific statute or authority. Projects are generally far-reaching in impact, unique and require distinct and definite approaches. Makes recommendations to the Administrator/Deputy Administrator on comprehensive proposals for increasing the Agency's regulatory flexibility.

7. Exercises continuing responsibility to effectively support the Equal Employment Opportunity Affirmative Action Plan and communicating this support to subordinates, taking positive actions which will motivate and give opportunity to all personnel.

8. Performs other duties as assigned.

LIMITATION OF AUTHORITY

The incumbent's duties will not extend to issuing legal opinions or final decisions regarding the legal sufficiency of an EPA action, or the interpretation of a statute, regulation, Executive Order, agreement, or contract.

The incumbent is responsible for coordinating legal advice with the EPA Office of General Counsel (OGC) and assuring that such legal advice is consistent with OGC policies, opinions, and interpretations.

The incumbent is responsible for coordinating legal enforcement advice with the EPA Office of Enforcement and Compliance Assurance (OECA) and assuring that such legal enforcement advice is consistent with OECA policies, opinions, and interpretations.

The incumbent is not authorized to identify himself/herself in any internal or external document, communication, correspondence, filing, or the like in a manner that creates the appearance that the incumbent represents EPA in a legal capacity, unless authorized by the General Counsel or his/her designee.

SARAH GREENWALT

Personal Matters / Ex. 6

EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctor — May 2013

Honors: Order of the Barristers
Academic Achievement Award – Legal Research and Writing
Dean's Honor Roll
Cole E. Adwon Scholarship for Excellence in Moot Court Competitions

Moot Court: Top Speaker Award in Intra-school Moot Court Competition
Chicago Bar Association Moot Court Competition; Chicago, Illinois
First Amendment Moot Court Competition; Washington, D.C.

Activities: Federalist Society
Organization for the Advancement of Women in Law
Volunteer Income Tax Assistance (VITA)

University of Oklahoma — Norman, OK
Bachelor of Arts, Psychology — May 2010

Honors: President's Honor Roll
Dean's Honor Roll
OU Foundation Scholar, given to selected Honors College students

PROFESSIONAL EXPERIENCE

Office of the Oklahoma Attorney General — Oklahoma City, OK
General Counsel to the Attorney General and *Deputy General Counsel to the Attorney General* — August 2016-Present

- Provided legal counsel to the Attorney General, members of the Legislature, agency directors, and the Governor's office regarding a variety of confidential and complicated issues.
- Facilitated the Attorney General's Opinion process by composing and overseeing other attorneys in the drafting of official Opinions on a range of state and federal law questions.
- Reviewed and revised draft ballot title language for state questions and defended the Attorney General's language in the Oklahoma Supreme Court.

Assistant Solicitor General and *Law Clerk* — May 2012- August 2016

- Defended the constitutionality of state statutes by briefing and arguing original jurisdiction actions before the Oklahoma Supreme Court; briefed and argued high profile cases before state district and appellate courts, including issues regarding abortion regulations, school vouchers, and workers' compensation reform.
- Brought challenges on behalf of the State against federal regulations, including challenges to the EPA's "Waters of the United States" Rule and the IRS's Final Rule regarding tax credits under the Affordable Care Act.
- Drafted Petition for Certiorari and amicus brief in United States Supreme Court cases.

U.S. Department of Veterans Affairs — Oklahoma City, OK
Law Clerk for the Office of Regional Counsel for Veterans Affairs Medical Center of OKC — May 2012-Aug. 2012

- Prepared training materials on the EEOC's final regulations regarding the Americans with Disabilities Act Amendments Act of 2008 and the Privacy and HIPPA regulations of the Department of Veterans Affairs.
- Gained a practical understanding of both Administrative and Health Law.

University of Oklahoma College of Law — Norman, OK
Research Assistant to Professor Joseph Thai — May 2011-Sept. 2011

- Drafted substantive materials for utilization in legal texts such as "John Paul Stevens: In His Own Words" and a Supreme Court sourcebook, which discussed the inner workings of the United States Supreme Court.
- Performed legal research on criminal and constitutional law issues including United States Supreme Court death penalty jurisprudence and the role of supreme courts in a democratic society.

14 POINTS MEMO: Personnel Change Approval Request

AGENCY:

APPOINTEE INFORMATION

- **NAME:** Forrest McMurray
- **WORK PHONE:**
- **WORK EMAIL:** McMurray.Forrest@epa.gov
- **PLACE OF BIRTH** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C
- **OFFICE:** OA
- **SUBOFFICE:** Operations
- **POSITION TITLE:** Senior Advance Associate
- **Is position being backfilled (Y/N/TBD): TBD**

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD (GS 10-1)
- **OFFICE:** AO
- **SUBOFFICE:** Operations
- **POSITION TITLE:** Senior Advance Associate
- **JOB DESCRIPTION:** PDF Attached

REQUESTED EFFECTIVE DATE: 1/16/18

SENIOR ADVANCE ASSSOCIATE

INTRODUCTION

This position is located in the Operations Staff, Office of the Administrator. In this capacity, the incumbent serves as the Senior Advance Associate, with the responsibility for providing advice and oversight in the area of advance, event production and management, logistical support for national and international conferences and meetings involving the Administrator.

MAJOR DUTIES AND RESPONSIBILITIES

1. Provides advice and support to the Director and Deputy Director of Scheduling and Advance through technical oversight to the Scheduling Staff, in coordinating the strategic schedule of the Administrator with the Office of the Administrator's Scheduling Staff and Advance Staff, the Office of Public Affairs, and the Office of Policy.

2. Tasked with coordinating all logistics surrounding events like town hall meetings. That includes travel arrangements, day-of schedule, sometimes connecting the Administrator with the media, and ensuring an appropriate level of security.

3. Responsible for coordinating all scheduling activities with the Director and Deputy Director of Scheduling and Advance or assigned staff. The incumbent meets with key officials to ensure all logistical matters are arranged. As a result of these briefings, provides substantive briefing materials for the Administrator concerning Agency, political, and other issues. Incumbent keeps alert and informed on all pertinent proposals, policies, etc.; and must anticipate which issues may be particularly controversial to ensure that the Administrator has the necessary background information prior to conferences/meetings.

4. Maintains ongoing liaison with the organizations within EPA, the White House, other Federal agencies, and key officials in state and local governments to exchange information and promote a cooperative interchange of concepts and ideas. Acts as a source of information to keep the Administrator informed of significant happenings and trends.

5. Advises and provides assistance to the Director and Deputy Director of Scheduling and Advance Staff in the planning and coordination of the Administrator's schedule, including all meetings, conferences and travel. This involves contact with key program officials in the Agency, as well as throughout the Executive and Legislative Branches of Government, public interest groups, etc.

6. Works with representatives of other Federal Agencies, State and local governments and private sector groups to ensure the coordination and logistical support is provided in meetings, conferences and appearances involving the Administrator with entities outside of the Agency.

7. Performs other duties of a strictly confidential nature, as assigned.

Forrest W. McMurray

Personal Matters / Ex. 6

OBJECTIVE
To utilize my previous campaign and work experience to be a part of a team and gain valuable knowledge in the
political process.

HIGHLIGHTS OF QUALIFICATIONS
• Fast to learn and listen to others
• Excellent independent and team worker
• Problem-solving skills and attention to detail
• Positive attitude and hard-working
• Excellent people skills

EDUCATION
University of Oklahoma, Norman, OK Graduated May 2016

Bachelor of Arts in Political Science
Minor in Constitutional Studies

PROFESSIONAL EXPERIENCE

Campaign Account Specialist, Tulsa, OK February 2017-Current
Tulsa Area United Way
• Managed volunteers with campaign assignments in analyzing, organizing, and executing campaign effort.
• Served as liaison between Workplace Campaign and Marketing/Communications in development of campaign branding.
• *Develop* and execute yearly work plans for assigned campaign responsibilities.

Loaned Executive, Tulsa, OK August 2016-November 2016
Tulsa Area United Way
• *Fundraised* over $405,000 within twelve weeks.
• Developed new accounts and managed over 300 existing company-giving campaigns.
• Acquired marketing experience through specialized training including modern marketing platforms.
• Gained experience in developing complex procedural elements of market rollout plans.

Field Representative, Tulsa, OK January 2014- July 2014
Friends of John Doak for State Insurance Commissioner Campaign
• *Planned and coordinated* speaking engagements for the candidate
• Attended and assisted in organizing events, fundraisers, and rallies
• Worked on campaign operations such as door knocking, cold calling, and fundraising
• Planned and coordinated speaking engagements for the candidate

Board Member, Oklahoma May 2012-May 2014
"Freedom Rises" Oklahoma Statewide Political Event
• An event to bring Col. Oliver North to Tulsa

• Recruited sponsors for event
• Managed speaker relations in preparation of event
• Coordinated with board members and staff on day of event

Personal Aide, Tulsa, OK May 2012-September 2012
Bill Christiansen, Tulsa Mayoral Candidate
• Created a media release and press packet
• Worked as candidate's shadow for speaking engagements, events, and fundraisers.
• Planned and coordinated speaking events for the candidate
• Designed, packaged, and implemented the delivery of an effective direct mailer

REFERENCES

Personal Matters / Ex. 6

Message

From: DC-WJCN-2432DD-M@epa.gov [DC-WJCN-2432DD-M@epa.gov]
Sent: 4/3/2018 8:16:09 PM
To: Allen, Reginald [Allen.Reginald@epa.gov]
Attachments: image2018-04-03-161608.pdf

Checklist of Documents Required
For an IPA Assignment

Documents for all IPA's (Required)

✓ Letter Requesting Services of Employee(s)

✓ IPA Assignment Agreement Form

✓ Addendum to IPA Agreement

✓ Cost Benefit Justification Form

✓ Prohibition of Use of Federal Funds Form

✓ Employment Status Certification Form

✓ Concurrence with OGC for Conflict-of-Interest (obtain OGC Ethics

_____ Lawyer signature in Part 10 of the Assignment Agreement Form)

✓ List of Officials who negotiated assignment agreement (including telephone numbers - assignee may not be listed here)

Documents on an "as-needed" basis

_____ Cost Analysis (Per Diem vs relocation)

_____ Supplemental Pay Form

_____ Miscellaneous Obligation Document (If EPA will be financially responsible for any portion of the IPA ONLY for non-federal coming into EPA)

_____ SF-52 (for EPA employee, include both Detail and Termination of Detail)

_____ Concurrence with FMD if finance or travel issues exist

_____ Justification for extension

Documents Due at a Later Time

_____ Progress Report (Due from assignee within 10 workdays following the close of each fiscal year [September 30])

_____ Final Assignment Evaluation (Due from the assignee's IPA supervisor and the assignee within 10 work days following the end of the assignment)

GEORGE MASON UNIVERSITY
4400 University Drive, Fairfax, Virginia 22030
Phone: 703-993-1000; Web: www.gmu.edu

Reginald Allen
Assistant Deputy Chief of Staff
U.S. Environmental Protection Agency
Washington, DC
March 27, 2018

Dear Mr. Allen:

On behalf of the Environmental Science and Policy Department, George Mason University I invite you to share your over 30 years of leadership and management experience and expertise as an Executive in Residence/Affiliate Faculty member within the Environmental Science and Policy Department for the period April 15, 2018 to April 14, 2019.

George Mason University is a comprehensive, baccalaureate and master's degree granting university that offers arts and sciences, professional and business courses and programs to a diverse student population. The Environmental Science and Policy Department is world-renowned for developing academically prepared leaders in government, public service and policy institutions. George Mason University is particularly interested in developing stronger relationships with federal and local governments as a means of broadening student experiences and future career opportunities. To that end, we are asking for your assistance in:

- facilitating the participation of EPA employees in institutional and educational exchanges;
- providing class lectures on opportunities and organization of the EPA;
- support or conduct other research and lectures such as leadership / management, etc. as required;
- help expand the applicant pool for student employment opportunities within EPA; facilitate an EPA/Federal employment career day;
- facilitate grant and contract proposal writing lecture/workshop for faculty;
- coordinate a mentor's program for the department;
- coordinate, organize, and execute "Shadow Days" with the EPA;
- sponsor and support diversity activities at GMU as a senior minority government executive;

- support opportunities and provide "hands-on" learning opportunities for students particularly in understanding the Environmental Protection Agency and future opportunities for students;
- leverage change and performance management experience to conduct general research on performance management;
- planning and organizing events with the department as well as participating in programs, including ones related to the role of the EPA in facilitating environmental progress;
- providing management and faculty support to the Chair of the Environmental Science & Policy Department.

Thank you for your willingness to share your experience and expertise in this position. I am sure your skills and abilities will complement the existing expertise within the Environmental Science and Policy Department and yield mutually beneficial outcomes for the US Environmental Protection Agency and George Mason University.

Sincerely,

A. Alonso Aguirre
Chair, Environmental Science & Policy Department
George Mason University

OF 69 # (REV. 2-89)
U.S. Office of Personnel Management
FPM Chapter 334

Assignment Agreement
Title IV of the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371-3376)

INSTRUCTIONS

This agreement constitutes the written record of the obligations and responsibilities of the parties to a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970.

The term "State or local government," when appearing in this form, also refers to an institution of higher education, and Indian tribal government, and any other eligible organization.

Copies of the completed and signed agreement should be retained by each signatory.

Within 30 days of the effective date of the assignment, two copies of this form must be sent to:

U.S. Office of Personnel Management
Personnel Mobility Program
Staffing Operations Division/CEG
1900 E street, NW
Washington, D.C. 20415

Procedural questions on completing the assignment agreement form or on other aspects relating to the mobility program should be addresses to either mobility program coordinators in each Federal agency or to the staff of the Personnel Mobility Program is the U.S. Office of Personnel Management.

PART 1 - NATURE OF THE ASSIGNMENT AGREEMENT

1. Check Appropriate Box

[X] New Agreement [ ] Modification [ ] Extension

PART 2 - INFORMATION ON PARTICIPATING EMPLOYEE

2. Name (Last, First, Middle): Allen, Reginald E
3. Social Security Number:
4. Home Address (Street, City, State, Zip Code): Ex. 6 Personal Privacy (PP)
5. A. Have you ever been on a mobility assignment? [ ] YES [X] NO
5. B. If "YES", date of each assigement (Month and Year) From To

PART 3 - PARTIES TO THE AGREEMENT

6. Federal Agency (List office, bureau or organizational unit which is party to the agreement): Enviromental Protection Agency
7. State or Local Government (Identify the governmental agency): George Mason University
8. Is assignment being made through a faculty fellows program? If "YES", give name of the program [ ] YES [X] NO

PART 4 - POSITION DATA

A - Position Currently Held

9. Employment Office Name and Address (Street, City, State and ZIP Code): Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460
10. Employee's Position Title: Asst Deputy Chief of Staff
11. Office Telephone Number (Include the Area Code): 2025641029
12. Immediate Supervisor (Name and Title): Michael Flynn, Acting Deputy Administrator

B - Type of Current Appointment

13. Federal Employees (Check appropriate box.)
[X] Career Competitive
[ ] Other (Specify):
Grade Level: Senior Executive Service
14. State and Local Employees
State or Local Annual Salary:
Original Date Employed by the State or Local Government (Month, Day, Year):

C - Position To Which Assignment Will Be Made

15. Employment Office Name and Address (Street, City, State and ZIP Code): George Mason University, Environmental Science and Policy Department, 4400 University Drive, MS 5F2, Fairfax, VA 22030
16. Assignee's Position Title: Executive in Residence
17. Office Telephone Number (Include the Area Code): 7039931043
18. Immediate supervisor (Name and Title): A. Alonso Aguirre, Chair, Environmental Science & Policy Department

Previous edition is usable

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PART 5 - TYPE OF ASSIGNMENT

19. Check Appropriate Boxes

- [x] On detail from a Federal agency
- [ ] On leave c from a Federal agency
- [ ] On detail to a Federal agency
- [ ] On appointment in a Federal agency

- [x] Full Time
- [ ] Part Time
- [ ] Intermittent

20. Period of Assignment (Month, Day, Year)

From	To
04/15/2018	04/14/2019

PART 6 - REASON FOR MOBILITY ASSIGNMENT

21. Indicate the reasons for the mobility assignment and discuss how the work will benefit the participating governments. In addition, indicate how the employee will be utilized at the completion of this assignment.

This IPA Act mobility assignment will benefit the U.S. Environmental Protection Agency (EPA) and George Mason University (GMU) and further partnership and collaboration. This assignment will allow Mr. Allen to apply over 30 years of government leadership and management experience within the Environmental Science & Policy Department (ESP) at GMU to facilitate part of EPA 's core mission to protect public health and the environment which requires establishment of strong working relationships with colleges and universities. These are critical sources for the professional talent EPA needs to build a diverse, high performing workforce. Mr. Allen's research capabilities and collaboration skills will help develop solutions and extend the talent pool for EPA, thereby supporting outcomes that are central to EPA' s environmental protection mission. GMU will benefit from having Mr. Allen's expertise "in house" within ESP. While on assignment, Mr. Allen will help identify and prioritize projects, advising on projects that intersect with EPA' s mission, or could benefit from EPA perspective. At the completion of this agreement, Mr. Allen will return to his position of record as the Asst Deputy Chief of Staff, or a similar level Senior Executive Service position at the EPA. Mr. Allen will provide gain valuable perspectives on EPA from external stakeholders, enhancing his leadership in contributing to EPA's mission.

PART 7 - POSITION DESCRIPTION

22. List the major duties and responsibilities to be performed while on the mobility assignment

George Mason University has requested that Mr. Allen share his extensive management and leadership knowledge to serve as a Resident Executive / Affiliate Faculty within the Environmental Science & Policy Department. The department and the university is particularly interested in developing stronger relationships with the federal government as a means of broadening student experiences and future career opportunities. Specific projects will capitalize on Mr. Allen's extensive leadership and management background. Specific activities include, but are not limited to: facilitating the participation of EPA employees in institutional and educational exchanges; providing class lectures on opportunities and organization of the EPA; support or conduct other research and lectures such as leadership / management, etc. as required; help expand the applicant pool for student employment opportunities within EPA; facilitate an EPA/Federal employment career day; facilitate grant and contract proposal writing lecture/workshop for faculty; coordinate a mentor's program for the department; coordinate and execute "Shadow Days" with the EPA; sponsor and support diversity activities at GMU as a senior minority government executive; planning and organizing events with the department as well as participating in programs, including ones related to the role of the EPA in facilitating environmental progress; providing management and faculty support to the Chair of the Environmental Science & Policy Department. Additionally, Mr. Allen will help in identifying, advising and prioritizing on projects that intersect with EPA' s mission, or could benefit from EPA perspective.

PART 8 - EMPLOYEE BENEFITS

23. Rate of Basic Pay During Assignment	24. Special Pay Conditions *(Indicate any conditions that could increase the assigned employee's compensation during the assignment period)*
Executive Level II - SES	Executive Level II pay is determined by Congress

25. Leave Provisions *(Indicate the annual and sick leave benefits for which employee is eligible. Specify the procedures for reporting, requesting and recording such leave.)*

Employee's leave and benefits are remain unaffected by this IPA. Assignee will be governed by the provisions of EPA annual and sick leave policy. Leave and time will be reported by the assignee to the host and to EPA on a biweekly basis, and with concurrence of the host the reported hours will reflect the hours worked, an email leave and time information will be send to Chair, Environmental Science and Policy and to Acting Deputy Chief of Staff, Acting Director of the Office of Administrative and Executive Services and PMO at EPA for approval through EPA's enterprise payroll processing system (currently "PeoplePlus").

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PART 9 - FISCAL OBLIGATIONS

Identify, where appropriate, the office to which invoices and time and attendance records should be sent.

26. Federal Agency Obligations *(If paying more than 50 percent of a Federal employee's salary beyond a 6-month period, specify rationale for cost-sharing decision.)*

EPA is responsible for employee ' s salary and benefits . See attached EPA cost-benefit rationale

27. State or Local Government agency Obligations

GMU will provide work space, computer, and network and associated services / equipment / supplies, such as paper, printer, as required comparable to GMU staff employees in comparable positions. Any other expenses are subject to the approval of the Chair

PART 10 - CONFLICTS OF INTEREST AND EMPLOYEE CONDUCT

Employee took IPA training JFugh 4/3/18

[X] 28. Applicable Federal, State or local conflict-of-interest laws have been reviewed with the employee to assure that conflict-of-interest situations do not inadvertently arise during this assignment.

[X] 29. The employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on this assignment.

PART 11 - OPTIONS

30. Indicate coverage "N/A" if not applicable

A. Federal Employees Group Life Insurance

[X] Covered [ ] N/A

B. Federal Civil Service Retirement system or federal Employees Retirement System

[X] Covered [ ] N/A

C. Federal employee Health Benefits

[ ] Covered [X] N/A

31. State or Local Agency Benefits (Indicate all State employee benefits that will be related by the State or local agency employee being assigned to a Federal agency. Also include a statement certifying coverage in all State and local employee benefit programs that are elected by Federal employee on leave without pay from the Federal agency to a State or local agency.)

N/A

32. Other Benefits *(Indicate any other employee benefits to be made part of this agreement)*

N/A

PART 12 - TRAVEL AND TRANSPORTATION

33. Indicate: (1) Whether the Federal agency or State or local agency will pay travel and transportation expenses to, from, and during the assignment as specified in Chapter 3344 of the Federal Personnel Manual, and (2) which travel and relocation expenses will be included.

No travel anticipated as part of this IPA. Any other expenses are subject to the approval of the Chair.
EPA will pay assignee' s transit subsidy (i. e , public transportation cost) at a rate defined by EPA' s policy

PART 13 - APPLICABILITY OF RULES, REGULATIONS AND POLICIES

34 Check Appropriate Boxes

- [X] A. The rules and policies governing the internal operation and management of the agency to which my assignment is made under this agreement will be observed by me
- [X] B. I have been informed that my assignment may be terminated at any time at the option of the Federal agency or the State or local government.
- [X] C. I have been informed that any travel and transportation expenses covered from Federal agency appropriations may be recoverable as a debt due the united states, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.
- [X] D. I have been informed of applicable provisions should my position with my permanent employer become subject to a reduction-in-force procedure
- [X] E. I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary) of my assignment. (For Federal Employees only).

PART 14 - CERTIFICATION OF ASSIGNED EMPLOYEE

In signing this agreement, I certify that I understand the terms of this agreement and agree to the rules, regulations and policies as indicated in Part 13 above

35. Location of Assignment (Name of Organization)	36. Date (Month, Day, Year) From	To
George Mason University, Environmental Science & Policy Department	04/15/2018	04/14/2019
37. Signature of Assigned Employee	38. Date of Signature (Month, Day, Year)	
	Mar 29 2018	

PART 15 - CERTIFICATION OF APPROVING OFFICIALS

In signing this agreement, we certify that:

- the description of duties and responsibilities is current and fully and accurately describes those of the assigned employee;
- this assignment is being entered in to to serve a sound, mutual public purpose and not solely for the employee's benefit;
- at the completion of the assignment, the participating employee will be returned to the position he or she occupied at the time this agreement was entered into or a position of like seniority, status pay

State or Local Government Agency	Federal Agency
39. Signature of Authorizing Officer	40. Signature of Authorizing Officer
41. Date of Signature (Month, Day, Year) 4/3/18	42. Date of Signature (Month, Day, Year) 4/2/2018
43. Typed Name and Title Michael Laskofski, Associate VP of Research Operations George Mason University	44. Typed Name and Title Michael Flynn, Acting Deputy Administrator, EPA

PRIVACY ACT STATEMENT

Sections 3373 and 3374, Assignment of Employees To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personal and financial transactions, to identify you when requesting information about you, e.g., from prior employers, educational institutions, or law agencies, or by State, local, or Federal income taxing agencies

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which permitted by use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to prove any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program

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REGINALD ALLEN

ADDENDUM TO IPA AGREEMENT 1

In order to ensure that the detail of this employee does not raise any ethics concerns under 18 U.S.C. §§ 203 and 205, EPA authorizes this employee, as part of the proper discharge of his/her official duties under this Agreement, to act as the host organization's agent and to represent the host organization before any federal department, agency, court, officer, or commission with one exception: when the host organization and the federal government are involved as adversaries in any litigation, including any administrative or judicial enforcement actions, EPA does not authorize this employee to act as the host organization's agent or attorney and does not authorize this employee to represent the host organization before any of the federal entities listed above. Unauthorized representation includes the filing or declarations in court proceedings and participating in status conferences with a court, engaging in negotiations with the federal government in litigation, and participating on conference calls between the parties.

☒ I have read the preceding paragraph and understand the implications.

ADDITIONAL ACKNOWLEDGMENTS BY THE EPA EMPLOYEE:

☒ All rules and policies governing the internal operation and management of the agency to which assignment is made under this agreement will be observed by me. I further understand that, in "partnering with nonprofit, private and government organizations" (see IPA agreement, Part VII, paragraph 22), I must abide by those statutory authorities that allow EPA and its employees to cooperate with non-federal entities.

☒ I understand that I remain a federal employee subject to the federal ethics laws and regulations. I understand that I must fi le a public financial disclosure report, the OGE 278, through INTEGRITY as required by law and continue to be subject to the STOCK Act that requires, among other things, for me to disclose any negotiations for compensated employment to EPA Ethics within 3 business days. I further understand that I cannot seek employment with the gaining organization because doing so will be a
financial conflict of interest.

☒ I have been informed that any travel and transportation expenses covered by my Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.

☒ Before accepting any travel-related expenses from the IPA host organization, including but not limited to airfare, hotel expenses, and per diem, r understand I must obtain EPA approval pursuant to 31 U.S.C. 1353 by submitting an EPA Form 26 10-3 to my appropriate ethics official, unless otherwise directed in writing in advance by my ethics official.

☒ Any research or writing that I do under this IPA is done in my official EPA capacity will consult with EPA's Office of General Counsel in advance of any publication of work associated with this IPA to ensure that I comply with intellectual property and ethics guidelines, including use of any necessary disclaimers.

REGINALD ALLEN

ADDENDUM TO IPA AGREEMENT

☑ Because my salary and benefits will be paid in part or in full with federal funds, I agree not to engage in any indirect lobbying of a member of Congress, a jurisdiction, or an official of any government in support of or in opposition to any legislation, law, ratification, policy, or appropriation. I understand that, under certain circumstances, assisting a non-federal entity or a member of the public in their lobbying efforts (including but not limited to preparing communication materials, analyzing or drafting proposed legislation) may constitute indirect lobbying and to consult with EPA's Office of General Counsel if I have questions. I understand that if I engage in indirect lobbying that violates the Anti-Lobbying Act or appropriation act restrictions on indirect lobbying, I may be subject to civil and/or criminal penalties under the Anti-Lobbying Act and the Anti-Deficiency Act.

☑ I have been informed of applicable provisions should my permanent employer become subject to a reduction in force procedure.

☑ I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary and benefits) of my assignment.

☑ I have been informed that my assignment may be terminated at any time at the option of the Federal Government or the State or local government.

Signature

29 Mar 18
Date

COST/BENEFITS JUSTIFICATION

PLEASE SPECIFY THE RATIONALE FOR THE COST-SHARING DECISION BY ANSWERING THE FOLLOWING:

1. How does the assignment support EPA's mission, or government-wide initiatives?

On December 15, 2015, the White House issued an Executive Order on Strengthening the Senior Executive Service. The EO identified continuous professional development as imperative to an executive's success and ability to gain experiences that will enable them to lead a variety of organizations. The U.S. Office of Personnel Management provided guidance on the section of the EO calling for agencies to increase the number of their SES members who are "rotating" to sharpen their skills. Applicable to the EO, a rotation is "a development process, involving movement to another position or an assignment that broadens the executive's knowledge, skill and experience in order to improve talent development, mission delivery and collaboration." Agency options to help their executives obtain such assignments include providing internal rotations to other departments and supporting external rotations to other agencies and non-Federal partners. The Intergovernmental Personnel Act mobility program provides a means for rotations to State and local governments, colleges and universities, tribal governments and other eligible organizations.

This IPA assignment is responsive to the government-wide objective to develop members of the SES workforce and reflects the EPA's commitment to supporting the professional growth of its senior executives. The assignment will allow Mr. Allen to gain perspectives and experiences outside his current role that will further his ability to collaborate and lead. The IPA is also supportive of goals in OPM's 2016 Government-wide Inclusive Diversity Strategic Plan. Specifically, the goal to "Diversify the Federal Workforce through the Active Engagement of Leadership." Mr. Allen's IPA is designed to benefit both the EPA and George Mason University through projects that focus on enhancing collaboration and institutional exchanges that will support the Agency's mission to protect human health and the environment.

2. How will the assignment strengthen relations with institutions important to the overall environmental mission and "network?"

The EPA seeks to build strong working relationships with academic institutions – critical sources for the professional talent the agency needs to fulfill its mission and build a diverse, high performing workforce. This assignment will further collaboration between EPA and GMU and encourage the participation of GMU students in the nation 's environmental programs. This assignment highlights the EPA's support of students to include minority students and professionals, who comprise a growing component of the Nation's Twenty-first Century workforce. Through outreach and the performance of assigned duties, Mr. Allen will share information with the university's administrators, educators, students and alumni concerning the EPA's environmental mission and range of career opportunities. Mr. Allen will make full use of his network of leaders in government, business, and nongovernmental organizations to enhance project and broaden student and faculty perspectives. The IPA agreement will serve to strengthen those relationships and will allow Mr. Allen to build new partnerships and coalitions that have a common interest in adapting to, supporting, and evolving Federal policy, and in modernizing EPA and the nation's entire environmental protection enterprise. Such engagement and feedback will enhance EPA 's ability to achieve its mission and serve and protect the nation.

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COST/BENEFITS JUSTIFICATION

3. List the specific products derived from this agreement that will be utilized by EPA and/or the federal government.

- providing "hands-on" learning opportunities for students particularly in understanding the Environmental Protection Agency and future opportunities for students – helping to build the bench for EPA;
- provide a valuable perspective on the Agency from an external stakeholder, which will enhance the executives' leadership and engagement abilities and help him contribute more to EPA's mission to meet environmental challenges of the future.
- identifying and prioritizing projects, advising on projects that intersect with EPA' s mission, or could benefit from EPA perspective thereby strengthening the agency's linkage with the academic community
- recommendations on how to build networks/promote contacts between EPA professionals and GMU students, faculty and alumni concerning topics of mutual interest.
- list of speakers from the EPA and GMU who can respectively, address the university community and EPA employees (e.g., during issue focused, diversity and other events).
- facilitating the participation of EPA employees in institutional and educational exchanges, and coordinate, organize, and execute "Shadow Days" with the EPA;
- help expand the applicant pool for student employment opportunities within EPA; facilitate an EPA
- facilitate grant proposal writing lecture/workshop for faculty reducing error rate on proposals to EPA

4. What are the specific factors that will be applied in evaluating the progress of this assignment and the evaluation of cost/benefits achieved?

- development of an action plan that is approved by the Chair of the Environmental Science & Policy Department;
- statements of cooperation by stakeholders partnering in research and analysis reviews;
- for selected projects, approval of a project plan that includes milestones for accomplishments, as required;
- timeliness and effectiveness in achieving the milestones identified in project plan(s);
- written annual progress report summarizing priority activities and accomplishments.
- The delivery of class lectures to GMU students on various topics (e.g., talent acquisition, leadership and workforce diversity).
- Development and implementation of a communication strategy (e.g., presentations, informational and brown bag sessions and organized events) to share information with GMU faculty, students and alumni concerning the EPA's mission and range of career opportunities.
- Outreach and student application for Federal agency internships; and student and alumni application for federal employment.
- coordinate and facilitate a guest lecture program identifying other federal personnel and academics who might serve as guest lecturers.

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Prohibition of Use of Federal Funds

31 U.S.C. § 1352. Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.

(A) (1) None of the funds appropriated by any Act may be expended by the recipient of a federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of congress in connection with any Federal action described in paragraph (2) of this subsection.

(2) The prohibition in paragraph (1) of this subsection applies with respect to the following Federal actions:

(A) The awarding of any Federal contract.
(B) The making of any Federal grant.
(C) The making of any Federal loan.
(D) The entering into of any cooperative agreement
(E) The extension, continuation, renewal. Amendment, or modification of any federal contract, grant, loan, or Cooperative agreement.

I have read the Section 1352 and agree that it applies. I agree to comply with it and recognize that any noncompliance on my part could serve as a basis for terminating the IPA assignment. In accordance with that, I have signed below to signify my agreement. I also acknowledge that I have signed voluntarily and free of any coercion or duress.

Assignee Signature — Date: 29 Mar 18

Home Organization Signature — Date: 4/4/18

Hosting Organization Signature — Date: 4/3/18

Michael Laskofski
Associate VP of Research Operations
George Mason University

EMPLOYMENT STATUS
CERTIFICATION STATEMENT

Authorizing Official for Home Organization:

I hereby certify that REGINALD E ALLEN has permanent status pursuant to the IPA manual Chapter 1, Section 6. I further certify that he was not converted to a different employment authority in the past 180 days for the sole purpose of becoming an eligible participant of the IPA program Furthermore, our organization intends to return this employee to a permanent position upon completion of the IPA assignment. It is not the intent of the Program to hire the assignee to a "like" position while on temporary assignment to the Agency.

Pursuant to Chapter I, Section 12, I further certify that all applicable Federal, State and local conflict of interest and employee conduct laws have been reviewed with this employee.

Michael J. Flynn 4/2/18 — Acting Deputy Administrator

Signature/Date — Title

Federal IPA Assignee:

Upon completion of my IPA assignment, I agree to return to my permanent position of record (or some "like" position). Should I fail to serve the required time (Chapter 2, Section 8), I have been informed that I may be liable to the federal government for all expenses incurred (excluding salary and benefits).

29 Mar 18 — Asst Dep Cof S

Signature/Date — Title

Non-Federal IPA Assignee:

If I fail to complete my assignment (Chapter 2, Section 8), and/or fail to return to my previous employer for the required time, I may be liable for all expenses incurred (excluding salary and benefits).

Signature/Date — Title

List of Officials Who Negotiated Assignment Agreement

1) Michael Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
1201 Constitution Avenue, NW
Washington, DC 20460
Ex. 6 Personal Privacy (PP)

2) A. Alonso Aguirre
George Mason University
Chair, Environmental Science & Policy Department
4400 University Drive, MS 5F2
Fairfax, VA 22030
703-993-1043

Message

From: DC-WJCN-2432DD-M@epa.gov [DC-WJCN-2432DD-M@epa.gov]
Sent: 4/2/2018 7:04:22 PM
To: Allen, Reginald [Allen.Reginald@epa.gov]
Attachments: image2018-04-02-150422.pdf

Message

From: Allen, Reginald [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=799C3B0558E14130B17C66B2533548BA-ALLEN, REGI]
Sent: 4/10/2018 9:38:01 PM
To: Reginald E Allen [reg@theallens.co]
Subject: IPA
Attachments: ALLEN-EPA-GMU-IPA-EPAFinal.pdf

Reginald E. Allen, SES
Senior Advisor to the Acting Deputy Administrator
U.S. Environmental Protection Agency
Direct 202-564-1029
Cell Ex. 6

Reginald Allen
HQ. 613. 18.19

Checklist Of Documents Required For An IPA Assignment

Documents for all IPA's (Required)

✓ Letter Requesting Services of Employee(s)

✓ IPA Assignment Agreement Form

✓ SF-52 for EPA Employees includes Detail, Extension and Termination of Detail (needs to be completed)

✓ Cost Benefit Justification Form

✓ Prohibition of Use of Federal Funds Form

✓ Employment Status Certification Form

✓ Concurrence with OGC for Conflict-of-Interest (obtain OGC **Ethics Lawyer** signature in Part 10 of the Assignment Agreement Form)

✓ List of Officials who negotiated assignment agreement (including telephone numbers – assignee may not be listed here)

Additional Documents as required

_____ Cost Analysis (Per Diem vs relocation)

_____ Supplemental Pay Form

_____ Miscellaneous Obligation Document (If EPA will be financially responsible for any portion of the IPA ONLY for non-federal coming into EPA)

_____ Concurrence with FMD if finance or travel issues exist

_____ Justification for extension

Documents Due at a Later Time

_____ Progress Report (Due from assignee within 10 workdays following the close of each fiscal year [September 30])

_____ Final Assignment Evaluation (Due from the assignee's IPA supervisor and the assignee within 10 work days following the end of the assignment)

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office ***(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)***

1. Action Requested: IPA Assignment NTE 1 Year
2. Request Number:
3. For Additional Information Call *(Name and Telephone Number)*: Tracy Hunt (564-3082)
4. Proposed Effective Date: 04-15-18
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Mike Flynn, Acting Deputy Administrator 4/3/18
6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date)*: M. Flynn, Acting Deputy Administrator 4/3/18

PART B - For Preparation of SF 50 ***(Use only codes in FPM Supplement 292-1, Show all dates in month-day-year order.)***

1. Name *(Last, First, Middle)*: Allen, Reginald E.
2. Social Security Number
3. Date of Birth
4. Effective Date

FIRST ACTION

5-A. Code	5-B. Nature of Action
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	6-D. Legal Authority
6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
U.S. Office of the Administrator
Immediate Office

8. Pay Plan | 9. Occ. Code | 10. Grade or Level | 11. Step or Rate | 12. Total Salary | 13. Pay Basis
12A. Basic Pay | 12B. Locality Adj. | 12C. Adj. Basic Pay | 12D. Other Pay

14. Name and Location of Position's Organization

15. TO: Position Title and Number
George Mason University - Environmental Science and Policy
4400 University Drive - Fairfax, VA. 22030

16. Pay Plan | 17. Occ. Code | 18. Grade or Level | 19. Step or Rate | 20. Total Salary/Award | 21. Pay Basis
20A. Basic Pay | 20B. Locality Adj. | 20C. Adj. Basic Pay | 20D. Other Pay

22. Name and Location of Position's Organization

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 2 - 5-Point; 3 - 10-Point Disability; 4 - 10-Point Compensable; 5 - 10-Point Other; 6 - 10-Point Compensable/30%
24. Tenure: 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: ☐ YES ☐ NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part-Time Hours Per: Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E - Exempt; N - Nonexempt
36. Appropriation Code
37. Bargaining Unit Status
38. Duty Station Code
39. Duty Station *(City - County - State or Overseas Location)*

40. AGENCY DATA	41.	42.	43.	44.
45. EDUCATIONAL LEVEL	46. YR DEGREE ATTAINED	47. Academic Discipline	48. FUNCTIONAL CLASS	49. CITIZENSHIP: 1-USA 8-OTHER; 50. Veteran Era Ver.; 51. SUPERVISORY STATUS

PART C - Reviews and Approvals ***(Not to be used by requesting office.)***

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.
Signature
Approval Date

CONTINUED ON REVERSE **OVER**

52-118

GEORGE MASON UNIVERSITY

4400 University Drive, Fairfax, Virginia 22030
Phone: 703-993-1000 Web: www.gmu.edu

Reginald Allen
Assistant Deputy Chief of Staff
U.S. Environmental Protection Agency
Washington, DC
March 27, 2018

Dear Mr. Allen:

On behalf of the Environmental Science and Policy Department, George Mason University I invite you to share your over 30 years of leadership and management experience and expertise as an Executive in Residence/Affiliate Faculty member within the Environmental Science and Policy Department for the period April 15, 2018 to April 14, 2019.

George Mason University is a comprehensive, baccalaureate and master's degree granting university that offers arts and sciences, professional and business courses and programs to a diverse student population. The Environmental Science and Policy Department is world-renowned for developing academically prepared leaders in government, public service and policy institutions. George Mason University is particularly interested in developing stronger relationships with federal and local governments as a means of broadening student experiences and future career opportunities. To that end, we are asking for your assistance in:

- facilitating the participation of EPA employees in institutional and educational exchanges;
- providing class lectures on opportunities and organization of the EPA;
- support or conduct other research and lectures such as leadership / management, etc. as required;
- help expand the applicant pool for student employment opportunities within EPA; facilitate an EPA/Federal employment career day;
- facilitate grant and contract proposal writing lecture/workshop for faculty;
- coordinate a mentor's program for the department;
- coordinate, organize, and execute "Shadow Days" with the EPA;
- sponsor and support diversity activities at GMU as a senior minority government executive;

- support opportunities and provide "hands-on" learning opportunities for students particularly in understanding the Environmental Protection Agency and future opportunities for students;
- leverage change and performance management experience to conduct general research on performance management;
- planning and organizing events with the department as well as participating in programs, including ones related to the role of the EPA in facilitating environmental progress;
- providing management and faculty support to the Chair of the Environmental Science & Policy Department.

Thank you for your willingness to share your experience and expertise in this position. I am sure your skills and abilities will complement the existing expertise within the Environmental Science and Policy Department and yield mutually beneficial outcomes for the US Environmental Protection Agency and George Mason University.

Sincerely,

A. Alonso Aguirre
Chair, Environmental Science & Policy Department
George Mason University

HQ.613.18.19N

OF 69 a (REV. 2-89)
U.S. Office of Personnel Management
FPM Chapter 304

Assignment Agreement
Title IV of the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371-3376)

INSTRUCTIONS

This agreement constitutes the written record of the obligations and responsibilities of the parties to a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970.

The term "State or local government" when appearing in this form, also refers to an institution of higher education, and Indian tribal government, and any other eligible organization.

Copies of the completed and signed agreement should be retained by each signatory.

Within 30 days of the effective date of the assignment, two copies of this form must be sent to:

U.S. Office of Personnel Management
Personnel Mobility Program
Staffing Operations Division/OEG
1900 E street, NW
Washington, D.C. 20415

Procedural questions on completing the assignment agreement form or on other aspects relating to the mobility program should be addresses to either mobility program coordinators in each Federal agency or to the staff of the Personnel Mobility Program is the U.S. Office of Personnel Management.

PART 1 - NATURE OF THE ASSIGNMENT AGREEMENT

1. Check Appropriate Box

[X] New Agreement [ ] Modification [ ] Extension

PART 2 - INFORMATION ON PARTICIPATING EMPLOYEE

2. Name (Last, First, Middle): Allen, Reginald E.

3. Social Security Number:

4. Home Address (Street, City, State, Zip Code): Personal Matters / Ex. 6

5. A. Have you ever been on a mobility assignment? [ ] YES [X] NO

6. B. If "YES", date of each assignment (Month and Year): From To

PART 3 - PARTIES TO THE AGREEMENT

6. Federal Agency (List office, bureau or organizational unit which is party to this agreement): Enviromental Protection Agency

7. State or Local Government (Identify the governmental agency): George Mason University

8. Is assignment being made through a faculty fellows program? If "YES", give name of the program: [ ] YES [X] NO

PART 4 - POSITION DATA

A. Position Currently Held

9. Employment Office Name and Address (Street, City, State and ZIP Code): Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460

10. Employee's Position Title: Asst Deputy Chief of Staff

11. Office Telephone Number (Include the Area Code): 2025641029

12. Immediate Supervisor (Name and Title): Michael Flynn, Acting Deputy Administrator

B. Type of Current Appointment

13. Federal Employees (Check appropriate box): [X] Career Competitive [ ] Other (Specify)

Grade Level: Senior Executive Service

14. State and Local Employees

State or Local Annual Salary:

Original Date Employed by the State or Local Government (Month, Day, Year):

C. Position To Which Assignment Will Be Made

15. Employment Office Name and Address (Street, City, State and ZIP Code): George Mason University, Environmental Science and Policy Department, 4400 University Drive, MS 5F2, Fairfax, VA 22030

16. Assignee's Position Title: Executive in Residence

17. Office Telephone Number (Include the Area Code): Personal Matters / Ex. 6

18. Immediate Supervisor (Name and Title): A. Alonso Aguirre, Chair, Environmental Science & Policy Department

Previous edition is usable

50 69 - 105

PART 5 - TYPE OF ASSIGNMENT

19. Check Appropriate Boxes

- [x] On detail from a Federal agency
- [ ] On leave of from a Federal agency
- [ ] On detail to a Federal agency
- [ ] On appointment in a Federal agency

- [x] Full Time
- [ ] Part Time
- [ ] Intermittent

20. Period of Assignment (Month, Day, Year)

From	To
04/15/2018	04/14/2019

PART 6 - REASON FOR MOBILITY ASSIGNMENT

21. Indicate the reasons for the mobility assignment and discuss how the work will benefit the participating governments. In addition, indicate how the employee will be utilized at the completion of this assignment

This IPA Act mobility assignment will benefit the U.S. Environmental Protection Agency (EPA) and George Mason University (GMU) and further partnership and collaboration. This assignment will allow Mr. Allen to apply over 30 years of government leadership and management experience within the Environmental Science & Policy Department (ESP) at GMU to facilitate part of EPA's core mission to protect public health and the environment which requires establishment of strong working relationships with colleges and universities. These are critical sources for the professional talent EPA needs to build a diverse, high performing workforce. Mr. Allen's research capabilities and collaboration skills will help develop solutions and extend the talent pool for EPA, thereby supporting outcomes that are central to EPA's environmental protection mission. GMU will benefit from having Mr. Allen's expertise "in house" within ESP. While on assignment, Mr. Allen will help identify and prioritize projects, advising on projects that intersect with EPA's mission, or could benefit from EPA perspective. At the completion of this agreement, Mr. Allen will return to his position of record as the Asst Deputy Chief of Staff, or a similar level Senior Executive Service position at the EPA. Mr. Allen will provide gain valuable perspectives on EPA from external stakeholders, enhancing his leadership in contributing to EPA's mission.

PART 7 - POSITION DESCRIPTION

22. List the major duties and responsibilities to be performed while on the mobility assignment

George Mason University has requested that Mr. Allen share his extensive management and leadership knowledge to serve as a Resident Executive / Affiliate Faculty within the Environmental Science & Policy Department. The department and the university is particularly interested in developing stronger relationships with the federal government as a means of broadening student experiences and future career opportunities. Specific projects will capitalize on Mr. Allen's extensive leadership and management background. Specific activities include, but are not limited to: facilitating the participation of EPA employees in institutional and educational exchanges, providing class lectures on opportunities and organization of the EPA, support or conduct other research and lectures such as leadership / management, etc. as required, help expand the applicant pool for student employment opportunities within EPA, facilitate an EPA/Federal employment career day, facilitate grant and contract proposal writing lecture/workshop for faculty, coordinate a mentor's program for the department, coordinate and execute "Shadow Days" with the EPA, sponsor and support diversity activities at GMU as a senior minority government executive, planning and organizing events with the department as well as participating in programs, including ones related to the role of the EPA in facilitating environmental progress, providing management and faculty support to the Chair of the Environmental Science & Policy Department. Additionally, Mr. Allen will help in identifying, advising and prioritizing on projects that intersect with EPA's mission, or could benefit from EPA perspective.

PART 8 - EMPLOYEE BENEFITS

23. Rate of Basic Pay During Assignment

Executive Level II - SES

24. Special Pay Conditions *(Indicate any conditions that could increase the assigned employee's compensation during the assignment period)*

Executive Level II pay is determined by Congress

25. Leave Provisions *(Indicate the annual and sick leave benefits for which employee is eligible. Specify the procedures for requesting, requesting and recording such leave.)*

Employee's leave and benefits are remain unaffected by this IPA. Assignee will be governed by the provisions of EPA annual and sick leave policy. Leave and time will be reported by the assignee to the host and to EPA on a biweekly basis, and with concurrence of the host the reported hours will reflect the hours worked, an email leave and time information will be send to Chair, Environmental Science and Policy and to Acting Deputy Chief of Staff, Acting Director of the Office of Administrative and Executive Services and PMO at EPA for approval through EPA's enterprise payroll processing system (currently "PeoplePlus")

PART 9 - FISCAL OBLIGATIONS

Identify, where appropriate, the office to which invoices and time and attendance records should be sent

26. Federal Agency Obligations (If paying more than 50 percent of a Federal employee's salary beyond a 6 month period, specify rationale for cost-sharing decision.)

EPA is responsible for employee's salary and benefits
See attached EPA cost-benefit rationale

27. State or Local Government agency Obligations

GMU will provide work space, computer, and network and associated services / equipment / supplies, such as paper printer, as required comparable to GMU staff employees in comparable positions. Any other expenses are subject to the approval of the Chair

PART 10 - CONFLICTS OF INTEREST AND EMPLOYEE CONDUCT

nployee
DOK
'A training
HFugh
4/3/18

[X] 28. Applicable Federal, State or local conflict of interest laws have been reviewed with the employee to assure that conflict-of-interest situations do not inadvertently arise during this assignment

[X] 29. The employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on this assignment

PART 11 - OPTIONS

30. Indicate coverage "N/A" if not applicable

A. Federal Employees Group Life Insurance

[X] Covered [ ] N/A

B. Federal Civil Service Retirement system or Federal Employees Retirement System

[X] Covered [ ] N/A

C. Federal employee Health Benefits

[ ] Covered [X] N/A

31. State or Local Agency Benefits (Indicate all State employee benefits that will be related by the State or local agency employee being assigned to a Federal agency. Also include a statement certifying coverage in all State and local employee benefit programs that are elected by Federal employee on leave without pay from the Federal agency to a State or local agency.)

N/A

32. Other Benefits (Indicate any other employee benefits to be made part of this agreement)

N/A

PART 12 - TRAVEL AND TRANSPORTATION

33. Indicate: (1) Whether the Federal agency or State or local agency will pay travel and transportation expenses to, from, and during the assignment as specified in Chapter 3344 of the Federal Personnel Manual, and (2) which travel and relocation expenses will be included

No travel anticipated as part of this IPA. Any other expenses are subject to the approval of the Chair
EPA will pay assignee's transit subsidy (i.e., public transportation cost) at a rate defined by EPA's policy

PART 13 - APPLICABILITY OF RULES, REGULATIONS AND POLICIES

34 Check Appropriate Boxes

[X] A. The rules and policies governing the internal operation and management of the agency to which my assignment is made under this agreement will be observed by me.

[X] B. I have been informed that my assignment may be terminated at any time at the option of the Federal agency or the State or local government.

[X] C. I have been informed that any travel and transportation expenses covered from Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.

[X] D. I have been informed of appropriate provisions should my position with my permanent employer become subject to a reduction in force procedure.

[X] E. I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. She (if I) fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary) of my assignment. (For Federal employees only)

PART 14 - CERTIFICATION OF ASSIGNED EMPLOYEE

In signing this agreement, I certify that I understand the terms of this agreement and agree to the rules, regulations and policies as indicated in Part 13 above.

35 Location of Assignment (Name of Organization)	36 Date (Month, Day, Year) From	To
George Mason University, Environmental Science & Policy Department	04/15/2018	04/14/2019
37 Signature of Assigned Employee	38 Date of Signature (Month, Day, Year)	
	Mar 29 2018	

PART 15 - CERTIFICATION OF APPROVING OFFICIALS

In signing this agreement, we certify that:

- the description of duties and responsibilities is current and fully and accurately describes those of the assigned employee;
- this assignment is being entered in to to serve a sound, mutual agency purpose and not solely for the employee's benefit;
- at the completion of the assignment, the participating employee will be returned to the position he or she occupied at the time this agreement was entered into or a position of like seniority, status pay.

State or Local Government Agency	Federal Agency
39 Signature of Authorized Officer	40 Signature of Authorized Officer
41 Date of Signature (Month, Day, Year) 4/3/18	42 Date of Signature (Month, Day, Year) 4/2/2018
43 Typed Name and Title Michael Laskofski, Associate VP of Research Operations George Mason University	44 Typed Name and Title Michael Flynn, Acting Deputy Administrator, EPA

PRIVACY ACT STATEMENT

Sections 3373 and 3374, Assignment of Employees To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personal and financial transactions, to identify you when requesting information about you, e.g., from prior employers, educational institutions, or law agencies, or by State, local, or Federal income taxing agencies.

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which permitted by use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to provide any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program.

State of Local Government Agency	30.	40.	41.
Federal Agency	42.	43.	44.
Headquarters Concurring Official	45.	46. Jannette Stewart IPA Coordinator	47. 4.4.18

PRIVACY ACT STATEMENT

Sections 3373 and 3374, Assignment of Employee To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personnel and financial transactions, to identify you when requesting information about you, e.g., from prior employers,educational institutions, or law enforcement agencies, or by State, local, or Federal income taxing agencies.

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which permitted use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to provide any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program.

REGINALD ALLEN

ADDENDUM TO IPA AGREEMENT

In order to ensure that the detail of this employee does not raise any ethics concerns under 18 U.S.C. §§ 203 and 205, EPA authorizes this employee, as part of the proper discharge of his/her official duties under this Agreement, to act as the host organization's agent and to represent the host organization before any federal department, agency, court, officer, or commission with one exception: when the host organization and the federal government are involved as adversaries in any litigation, including any administrative or judicial enforcement actions, EPA does not authorize this employee to act as the host organization's agent or attorney and does not authorize this employee to represent the host organization before any of the federal entities listed above. Unauthorized representation includes the filing or declarations in court proceedings and participating in status conferences with a court, engaging in negotiations with the federal government in litigation, and participating on conference calls between the parties.

☑ I have read the preceding paragraph and understand the implications.

ADDITIONAL ACKNOWLEDGMENTS BY THE EPA EMPLOYEE:

☑ All rules and policies governing the internal operation and management of the agency to which assignment is made under this agreement will be observed by me. I further understand that, in "partnering with nonprofit, private and government organizations" (see IPA agreement, Part VII, paragraph 22), I must abide by those statutory authorities that allow EPA and its employees to cooperate with non-federal entities.

☑ I understand that I remain a federal employee subject to the federal ethics laws and regulations. I understand that I must fi le a public financial disclosure report, the OGE 278, through INTEGRITY as required by law and continue to be subject to the STOCK Act that requires, among other things, for me to disclose any negotiations for compensated employment to EPA Ethics within 3 business days. I further understand that I cannot seek employment with the gaining organization because doing so will be a
financial conflict of interest.

☑ I have been informed that any travel and transportation expenses covered by my Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.

☑ Before accepting any travel-related expenses from the IPA host organization, including but not limited to airfare, hotel expenses, and per diem, r understand I must obtain EPA approval pursuant to 31 U.S.C. 1353 by submitting an EPA Form 26 10-3 to my appropriate ethics official, unless otherwise directed in writing in advance by my ethics official.

☑ Any research or writing that I do under this IPA is done in my official EPA capacity will consult with EPA's Office of General Counsel in advance of any publication of work associated with this IPA to ensure that I comply with intellectual property and ethics guidelines, including use of any necessary disclaimers.

REGINALD ALLEN

ADDENDUM TO IPA AGREEMENT

☑ Because my salary and benefits will be paid in part or in full with federal funds, I agree not to engage in any indirect lobbying of a member of Congress, a jurisdiction, or an official of any government in support of or in opposition to any legislation, law, ratification, policy, or appropriation. I understand that, under certain circumstances, assisting a non-federal entity or a member of the public in their lobbying efforts (including but not limited to preparing communication materials, analyzing or drafting proposed legislation) may constitute indirect lobbying and to consult with EPA's Office of General Counsel if I have questions. I understand that if I engage in indirect lobbying that violates the Anti-Lobbying Act or appropriation act restrictions on indirect lobbying, I may be subject to civil and/or criminal penalties under the Anti-Lobbying Act and the Anti-Deficiency Act.

☑ I have been informed of applicable provisions should my permanent employer become subject to a reduction in force procedure.

☑ I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary and benefits) of my assignment.

☑ I have been informed that my assignment may be terminated at any time at the option of the Federal Government or the State or local government.

Signature

29 Mar 12
Date

COST/BENEFITS JUSTIFICATION

PLEASE SPECIFY THE RATIONALE FOR THE COST-SHARING DECISION BY ANSWERING THE FOLLOWING:

1. How does the assignment support EPA's mission, or government-wide initiatives?

On December 15, 2015, the White House issued an Executive Order on Strengthening the Senior Executive Service. The EO identified continuous professional development as imperative to an executive's success and ability to gain experiences that will enable them to lead a variety of organizations. The U.S. Office of Personnel Management provided guidance on the section of the EO calling for agencies to increase the number of their SES members who are "rotating" to sharpen their skills. Applicable to the EO, a rotation is "a development process, involving movement to another position or an assignment that broadens the executive's knowledge, skill and experience in order to improve talent development, mission delivery and collaboration." Agency options to help their executives obtain such assignments include providing internal rotations to other departments and supporting external rotations to other agencies and non-Federal partners. The Intergovernmental Personnel Act mobility program provides a means for rotations to State and local governments, colleges and universities, tribal governments and other eligible organizations.

This IPA assignment is responsive to the government-wide objective to develop members of the SES workforce and reflects the EPA's commitment to supporting the professional growth of its senior executives. The assignment will allow Mr. Allen to gain perspectives and experiences outside his current role that will further his ability to collaborate and lead. The IPA is also supportive of goals in OPM's 2016 Government-wide Inclusive Diversity Strategic Plan. Specifically, the goal to "Diversify the Federal Workforce through the Active Engagement of Leadership." Mr. Allen's IPA is designed to benefit both the EPA and George Mason University through projects that focus on enhancing collaboration and institutional exchanges that will support the Agency's mission to protect human health and the environment.

2. How will the assignment strengthen relations with institutions important to the overall environmental mission and "network?"

The EPA seeks to build strong working relationships with academic institutions – critical sources for the professional talent the agency needs to fulfill its mission and build a diverse, high performing workforce. This assignment will further collaboration between EPA and GMU and encourage the participation of GMU students in the nation 's environmental programs. This assignment highlights the EPA's support of students to include minority students and professionals, who comprise a growing component of the Nation's Twenty-first Century workforce. Through outreach and the performance of assigned duties, Mr. Allen will share information with the university's administrators, educators, students and alumni concerning the EPA's environmental mission and range of career opportunities. Mr. Allen will make full use of his network of leaders in government, business, and nongovernmental organizations to enhance project and broaden student and faculty perspectives. The IPA agreement will serve to strengthen those relationships and will allow Mr. Allen to build new partnerships and coalitions that have a common interest in adapting to, supporting, and evolving Federal policy, and in modernizing EPA and the nation's entire environmental protection enterprise. Such engagement and feedback will enhance EPA 's ability to achieve its mission and serve and protect the nation.

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COST/BENEFITS JUSTIFICATION

3. List the specific products derived from this agreement that will be utilized by EPA and/or the federal government.

* providing "hands-on" learning opportunities for students particularly in understanding the Environmental Protection Agency and future opportunities for students – helping to build the bench for EPA;
* provide a valuable perspective on the Agency from an external stakeholder, which will enhance the executives' leadership and engagement abilities and help him contribute more to EPA's mission to meet environmental challenges of the future.
* identifying and prioritizing projects, advising on projects that intersect with EPA' s mission, or could benefit from EPA perspective thereby strengthening the agency's linkage with the academic community
* recommendations on how to build networks/promote contacts between EPA professionals and GMU students, faculty and alumni concerning topics of mutual interest.
* list of speakers from the EPA and GMU who can respectively, address the university community and EPA employees (e.g., during issue focused, diversity and other events).
* facilitating the participation of EPA employees in institutional and educational exchanges, and coordinate, organize, and execute "Shadow Days" with the EPA;
* help expand the applicant pool for student employment opportunities within EPA; facilitate an EPA
* facilitate grant proposal writing lecture/workshop for faculty reducing error rate on proposals to EPA

4. What are the specific factors that will be applied in evaluating the progress of this assignment and the evaluation of cost/benefits achieved?

* development of an action plan that is approved by the Chair of the Environmental Science & Policy Department;
* statements of cooperation by stakeholders partnering in research and analysis reviews;
* for selected projects, approval of a project plan that includes milestones for accomplishments, as required;
* timeliness and effectiveness in achieving the milestones identified in project plan(s);
* written annual progress report summarizing priority activities and accomplishments.
* The delivery of class lectures to GMU students on various topics (e.g., talent acquisition, leadership and workforce diversity).
* Development and implementation of a communication strategy (e.g., presentations, informational and brown bag sessions and organized events) to share information with GMU faculty, students and alumni concerning the EPA's mission and range of career opportunities.
* Outreach and student application for Federal agency internships; and student and alumni application for federal employment.
* coordinate and facilitate a guest lecture program identifying other federal personnel and academics who might serve as guest lecturers.

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Prohibition of Use of Federal Funds

31 U.S.C. § 1352. Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.

(A) (1) None of the funds appropriated by any Act may be expended by the recipient of a federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of congress in connection with any Federal action described in paragraph (2) of this subsection.

(2) The prohibition in paragraph (1) of this subsection applies with respect to the following Federal actions:

(A) The awarding of any Federal contract
(B) The making of any Federal grant.
(C) The making of any Federal loan.
(D) The entering into of any cooperative agreement
(E) The extension, continuation, renewal, Amendment, or modification of any federal contract, grant, loan, or Cooperative agreement.

I have read the Section 1352 and agree that it applies. I agree to comply with it and recognize that any noncompliance on my part could serve as a basis for terminating the IPA assignment. In accordance with that, I have signed below to signify my agreement. I also acknowledge that I have signed voluntarily and free of any coercion or duress.

Assignee Signature

Date

Home Organization Signature

4/2/18
Date

Hosting Organization Signature
Michael Laskofski
Associate VP of Research Operations
George Mason University

4/3/18
Date

EMPLOYMENT STATUS
CERTIFICATION STATEMENT

Authorizing Official for Home Organization:

I hereby certify that REGINALD E ALLEN has permanent status pursuant to the IPA manual Chapter 1, Section 6. I further certify that he was not converted to a different employment authority in the past 180 days for the sole purpose of becoming an eligible participant of the IPA program Furthermore, our organization intends to return this employee to a permanent position upon completion of the IPA assignment. It is not the intent of the Program to hire the assignee to a "like" position while on temporary assignment to the Agency.

Pursuant to Chapter I, Section 12, I further certify that all applicable Federal, State and local conflict of interest and employee conduct laws have been reviewed with this employee.

Signature/Date 4/2/15 Title Acting Deputy Administrator

Federal IPA Assignee:

Upon completion of my IPA assignment, I agree to return to my permanent position of record (or some "like" position). Should I fail to serve the required time (Chapter 2, Section 8), I have been informed that I may be liable to the federal government for all expenses incurred (excluding salary and benefits).

Signature/Date 29 Mar 15 Title

Non-Federal IPA Assignee:

If I fail to complete my assignment (Chapter 2, Section 8), and/or fail to return to my previous employer for the required time, I may be liable for all expenses incurred (excluding salary and benefits).

Signature/Date Title

List of Officials Who Negotiated
Assignment Agreement

1) Michael Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
1201 Constitution Avenue, NW
Washington, DC 20460
202-343-9356

2) A. Alonso Aguirre
George Mason University
Chair, Environmental Science & Policy Department
4400 University Drive, MS 5F2
Fairfax, VA 22030
703-993-1043

Final Docs for IPA

Checklist of Documents Required
For an IPA Assignment

Documents for all IPA's (Required)

✓ Letter Requesting Services of Employee(s)

✓ IPA Assignment Agreement Form

✓ Cost Benefit Justification Form

✓ * Prohibition of Use of Federal Funds Form

✓ * Employment Status Certification Form

✓ * Concurrence with OGC for Conflict-of-Interest (obtain OGC **Ethics Lawyer** signature in Part 10 of the Assignment Agreement Form)

✓ * List of Officials who negotiated assignment agreement (including telephone numbers – assignee may not be listed here)

Documents on an "as-needed" basis

_____ Cost Analysis (Per Diem vs relocation)

_____ Supplemental Pay Form

_____ Miscellaneous Obligation Document (If EPA will be financially responsible for any portion of the IPA ONLY for non-federal coming into EPA)

_____ SF-52 (for EPA employee, include both Detail and Termination of Detail)

_____ Concurrence with FMD if finance or travel issues exist

_____ Justification for extension

Documents Due at a Later Time

_____ Progress Report (Due from assignee within 10 workdays following the close of each fiscal year [September 30])

_____ Final Assignment Evaluation (Due from the assignee's IPA supervisor and the assignee within 10 work days following the end of the assignment)

AMERICAN UNIVERSITY

OFFICE OF THE DEAN

John Reeder
Deputy Chief of Staff
U.S. Environmental Protection Agency
Washington, DC
August 15, 2017

Dear Mr. Reeder:

On behalf of the School of Public Affairs at American University I invite you share your knowledge of environmental policy and management expertise as an Executive in Residence within the Center for Environmental Policy for the period September 4, 2017 to August 31, 2019.

American University is a comprehensive, baccalaureate and master's degree granting university that offers arts and sciences, professional and business courses and programs to a diverse student population. The School of Public Affairs is world-renowned for developing academically prepared leaders in government, public service, and policy institutions. The School of Public Affairs and Center for Environmental Policy are particularly interested in developing stronger relationships with local government as a means of broadening student experiences and future career opportunities. To that end, we are asking for your assistance in:

- developing projects within the Center that examine local and regional environmental challenges and opportunities and provide "hands-on" learning opportunities for students;
- leading a locally based project to identify opportunities and recommend policy options for expanding the beneficial use of natural resources, including outdoor recreation, for citizens across all socio-economic strata, including the equity aspects of such activities;
- planning and organizing events with the Center as well as participating in programs, including ones related to the role of the EPA in facilitating state and local progress; and
- providing management support to the Director of the Center of Environmental Policy.

Thank you for your willingness to share your experience and expertise in this position. I am sure your skills and abilities will complement the existing expertise within the School of Public Affairs and yield mutually beneficial outcomes for the US Environmental Protection Agency and American University.

Sincerely,

V. Wilkins

Vicky Wilkins
Interim Dean
School of Public Affairs

SCHOOL OF PUBLIC AFFAIRS
4400 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20016-8022 202-885-2940 FAX: 202-885-2353
www.american.edu/spa

OF69 - Rev 9/79
Office of Personnel
Management
FPM Chapter 334
EPA Version (06-97)

ASSIGNMENT AGREEMENT

Title IV of the

Intergovernmental Personnel Act of 1970

(5 U.S.C. 3371 - 3376)

INSTRUCTIONS

This agreement constitutes the written record of the obligations and responsibilities of the parties to a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970.

The term "State or local government," when appearing on this form, also refers to an institution of higher education, an Indian tribal government, and any other eligible organization.

Copies of the completes and signed agreement should be retained by each signatory.

Within 15 days of the effective date of the assignment, two copies of this form must be sent to:

Faculty Fellows and Personnel Mobility Division
Office of Intergovernmental Personnel Programs
Office of Personnel Management
P.O. Box 14184
Washington, DC 20044

Procedural questions on completing the assignment agreement form or on other aspects relating to the mobility program should be addressed to either mobility program coordinators in each Federal agency or to the staff in the Intergovernmental Personnel Programs Division in Office of Personnel Management's regional office.

PART 1-NATURE OF THE ASSIGNMENT AGREEMENT

1. [X] New Agreement [ ] Modification [ ] Extension

PART 2-INFORMATION ON PARTICIPATING EMPLOYEE

2. Name *Reeder, John E*

3. Ex. 6 Personal Privacy (PP)

4. Home Address *(Street, City, State, Zip Code)*

Ex. 6 Personal Privacy (PP)

5. - A. Have you ever been on a mobility assignment?
[ ] YES [X] NO

5. - B. If "YES", date of each assignment *(Month and Year)*
FROM: TO:

PART 3-PARTIES TO THE AGREEMENT

6. Federal Agency
United State Environmental Protection Agency
Office of the Administrator

7. State or local Government *(Identify the governmental agency)*
The American University

8. Is assignment being made through a faculty fellows program?
If yes, give name of program.

[ ] YES [X] NO

PART 4-POSITION DATA

A-Position Currently Held

9. Employment Office Name and Address
Mail Code: AO 1101
1200 Pennsylvania Avenue, NW
Washington, DC 20460

10. Employee's Position Title
Deputy Chief of Staff

11. Office Phone No.
(202 564 6082)

12. Immediate Supervisor *(Name and Title)*
Ryan Jackson, Chief of Staff

B-Type of Current Appointment			
13. Federal Employees (Check appropriate box.)		14. State and Local Employees	
[ ] Career Competitive [x] Other *(Specify)* Senior Executive Service	Indicates GS Level	State or Local Annual Salary	Original Date Employed by the State or Local Government
	Executive Level II		

C-Position to Which Assignment Will Be Made		
Employment Office Name and Address *(Building, Street, City, State and ZIP code)*	16. Assignee's Position Title Resident Executive	17. Office Phone No. ( ) -
American University 4400 Massachusetts Avenue, NW Washington, DC 20016	18. Immediate Supervisor (Name and Title) Daniel Fiorino, Director Center for Environmental Policy	

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PART 5-TYPE OF ASSIGNMENT	
19. Check Appropriate Box	20. Period of Assignment *(Month, Day, Year)*
[X] On detail from a Federal agency	FROM: September 3, 2017 TO: September 1, 2019
[ ] On leave without pay from a Federal agency	
[ ] On detail to a Federal agency	
[ ] On appointment in a Federal agency	

PART 6-REASON FOR MOBILITY ASSIGNMENT

21. Indicate the reasons for this mobility assignment and discuss how the work will benefit the participating governments. In addition, indicate how the employee will be utilized at the completion of this assignment.

This mobility assignment will allow Mr. Reeder to apply 30 years' experience and knowledge to assist local entities in advancing environmental initiatives consistent with EPA's mission. The assignment will help EPA strengthen relationships with important stakeholders, including non-governmental organizations, academia, and private sector interests. Mr. Reeder's research capabilities and collaboration skills will develop policy solutions that potentially have applicability in localities across the country, thereby supporting outcomes that are central to EPA's environmental protection mission.

American University will benefit from having Mr. Reeder's expertise "in house" in the Center for Environmental Policy. While on assignment, Mr. Reeder will help in identifying and prioritizing projects, advising on projects that intersect with EPA's mission, or could benefit from EPA perspective. In addition, Mr. Reeder is expected to lead on some projects sponsored by the Center that will enrich learning and leadership development for students, thereby enhancing the university's service delivery and reputation for academic excellence.

At the completion of this agreement, Mr. Reeder will return to his position of record as the Deputy Chief of Staff, or a similar level Senior Executive Service position at the Environmental Protection Agency. Mr. Reeder's mobility assignment is expected to provide a valuable perspective on the Agency from an external stakeholder and local level, which will enhance his leadership abilities and help him contribute to EPA's mission and capacity to meet environmental challenges of the future.

PART 7-POSITION DESCRIPTION

22. List the major duties and responsibilities to be performed while on the mobility assignment. Attach an accurate current description of the position being filled through the IPA assignment.

American University has requested that Mr. Reeder share his knowledge of environmental policy and management expertise as a Resident Executive within the School of Public Affairs. The school is particularly interested in developing stronger relationships with local government as a means of broadening student experiences and future career opportunities. Specific projects will capitalize on Mr. Reeder's extensive background at EPA working with a range of stakeholders, including environmental groups, industry coalitions, and government, as well as his broad experience in cross cutting policy and management issues. Specific activities include:

- developing projects within the Center for Environmental Policy that examine local and regional environmental challenges and identify opportunities for progress as the federal role in environmental protection evolves;
- leading a locally-based project that identifies opportunities and recommends policy options for expanding the beneficial use of natural resources, including outdoor recreation, for citizens across all socio-economic strata;
- partnering with nonprofit, private, and government organizations in examining the future role of the Environmental Protection Agency and opportunities for accelerating progress in environmental protection;
- providing general management support to the Director of the Center of Environmental Policy.

These activities involve considerable networking across a range of stakeholders involved in natural resource management and environmental protection. While some of these activities are focused on helping AU develop relationships and partnerships with local government entities, others focus externally on creating forums for local entities to develop and share new approaches to environmental protection as the role of the federal government evolves. Federal environmental statutes have remain fairly static authorities over several decades, even as the nature of today's environmental challenges, and the tools to meet those challenges, have changed considerably. Together federal, state, and local entities work together to form an environmental protection enterprise. Specific projects developed and implemented under this agreement will inform multiple decision makers who have a role in the ultimate success of the enterprise. As an example, one project may be to bring together decision makers from all levels of government, along with other stakeholders, to discuss proposals for modernization of EPA and current models of policy making and implementation. Mr. Reeder will develop linkages and partnerships among critical thinkers and policy makers to convene meaningful, results-oriented forums concerning the future of environmental protection. Mr. Reeder will also assist in day-to-day management of the Center, as directed, and in developing long term strategies to advance the Center's mission. Examples of priorities include reviewing communication tools, recommending agendas for the Center's advisory board meetings, and interfacing on behalf of the Director with key stakeholders and AU administration.

PART 8-EMPLOYEE BENEFITS

23. Rate of Basic Pay Basic pay rate:	24. Special Pay Conditions *(Indicate any conditions that could increase the assigned employee's compensation during the assignment period)*
Executive Level II	Executive Level II pay is determined by Congress.

25. Leave Provisions *(Indicate the annual and sick leave benefits for which the assigned employee is eligible. Specify the procedures for reporting, requesting and recording such leave)*

Employee's leave and benefits are remain unaffected by this IPA. Assignee will be governed by the provisions of EPA annual and sick leave policy. Leave and time will be reported by the assignee to the host and to EPA on a biweekly basis, and with concurrence of the host that the reported hours reflect the hours worked, approved by the Director of the Office of Administrative and Executive Services, through EPA's enterprise payroll processing system (currently "PeoplePlus").

PART 9-FISCAL OBLIGATIONS

Identify, where appropriate, the office to which invoices and time and attendance records should be sent.

26. Federal Agency Obligations *(If paying more then 50 percent of a Federal employee's salary beyond a 6-month period, specify rationale for cost-sharing decision.)*	27. State or Local Government Agency Obligations
EPA is responsible for employee's salary and benefits. See attached cost-benefit rationale.	AU will provide work space, including an office with a computer, phone and associated services/equipment/supplies, such as paper, printer, files, meeting space, and business cards. In addition, AU will cover the costs of local travel for meetings, conferences and other business activities. AU will cover the costs of conference registration fees and training on case-by-case basis, subject to the approval of the Director. AU will provide a mobile phone and network services comparable to AU staff employees in comparable positions.

PART 10-CONFLICTS OF INTEREST AND EMPLOYEE CONDUCT

[X] 28. Applicable Federal, State or local conflict-of-interest laws have been reviewed with the employee to assure that conflict-of-interest situations do not in advertently arise during this assignment.

[X] 29. The employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on this assignment.

PART 11-OPTIONS

30. Indicate coverage of "N.A." if not applicable	31. State or Local Agency Benefits *(Indicate all State employee benefits that will be retained by the State or local agency employee being assigned to a Federal agency. Also include a statement certifying coverage in all State and local employee benefit programs that areelected by the Federal employee on leave without pay from the Federal Agency to a State or local Agency.)*
A. Federal Employees Group Life Insurance [X] Covered [ ] N.A.	
B. Federal Civil Service Retirement [X] Covered [ ] N.A.	N/A
C. Federal Employee Health Benefits [X] Covered [ ] N.A.	

32. Other Benefits *(Indicate any other employee benefits to be made part of this agreement)*

N/A

PART 12-TRAVEL AND TRANSPORTATION EXPENSES AND ALLOWANCES

33. Indicate: (1) Whether the Federal agency or State of Local agency will pay travel and transportation expenses to, from, and during the assignment as specified in Chapter 334, of the Federal Personnel Manual, and (2) which travel and relocation expenses will be included.

Local travel will be paid by American University, as approved by the Center Director.

EPA will pay assignee's transit subsidy (i.e., public transportation cost) at a rate defined by EPA's policy.

PART 13-APPLICABILITY OF RULES, REGULATIONS AND POLICIES

34. Check Appropriate Boxes

(X) YES. The rules and policies governing the internal operation and management of the agency to which assignment is made under this agreement will be observed by me.

( ) Yes, with exceptions attached

(X) A. I have been informed that my assignment may be terminated at any time at the option of the Federal agency or the State or local government.

(X) C. I have been informed that any travel and transportation expenses covered from Federal agency appropriations may be recoverable as a debt due the United States. If I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.

(X) D. I have been informed of applicable provisions should my permanent employer become subject to a reduction in force procedure.

(X) E. I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except Salary and benefits) of my assignment. (For Federal employees only)

PART 14-CERTIFICATION OF ASSIGNED EMPLOYEE

In signing this agreement, I certify that I understand the terms of this agreement and agree to the rules, regulations and policies as indicated in Part 13 above.

35. Location of Assignment (Name of Organization)	36. Date (Month, Day, Year)	
American University, School of Public Affairs	From: Sept 5, 2017	To: Sept 2, 2019
37. Signature of Assigned Employee: John Reed	38. Date of Signature (Month, Day, Year): 8/29/17	

PART 15-CERTIFICATION OF APPROVING OFFICIALS

In signing this agreement, we certify that:

- the description of duties and responsibilities is correct and fully and accurately describes those of the assigned employee;
- this assignment is being entered into serve a sound, mutual public purpose and not solely for the employee's benefit;
- at the completion of the assignment, the participating employee will be returned to the position he occupied at the time this agreement was entered into or a position of like seniority, status and pay.

	Signature of Authorizing Officer	Typed Name and Title	Date of Signature (Month, Day, Year)
	V. Wilkins	Interim Dean, School of Public Affairs, AU	8/29/17
State or Local Government Agency	39.	40. Vicky Wilkins Interim Dean, School of Public Affairs, American University	41.
Federal Agency	42. Michael P. Flynn	43. Michael Flynn Acting Deputy Administrator US Environmental Protection Agency	44. 8/23/17
Headquarters Concurring Official	45.	46.	47.

PRIVACY ACT STATEMENT

Sections 3373 and 3374, Assignment of Employee To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personnel and financial transactions, to identify you when requesting information about you, e.g., from prior employers,educational institutions, or law enforcement agencies, or by State, local, or Federal income taxing agencies.

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which permitted use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to provide any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program.

JOHN REEDER
ADDENDUM TO IPA AGREEMENT

In order to ensure that the detail of this employee does not raise any ethics concerns under 18 U.S.C. §§ 203 and 205, EPA authorizes this employee, as part of the proper discharge of his/her official duties under this Agreement, to act as the host organization's agent and to represent the host organization before any federal department, agency, court, officer, or commission with one exception: when the host organization and the federal government are involved as adversaries in any litigation, including any administrative or judicial enforcement actions, EPA does not authorize this employee to act as the host organization's agent or attorney and does not authorize this employee to represent the host organization before any of the federal entities listed above. Unauthorized representation includes the filing of declarations in court proceedings and participating in status conferences with a court, engaging in negotiations with the federal government in litigation, and participating on conference calls between the parties.

X I have read the preceding paragraph and understand the implications.

ADDITIONAL ACKNOWLEDGMENTS BY THE EPA EMPLOYEE:

JF ☑ All rules and policies governing the internal operation and management of the agency to which assignment is made under this agreement will be observed by me. I further understand that, in "partnering with nonprofit, private and government organizations" (see IPA agreement, Part VII, paragraph 22), I must abide by those statutory authorities that allow EPA and its employees to cooperate with non-federal entities.

JF ☑ I understand that I remain a federal employee subject to the federal ethics laws and regulations. I understand that I must file a public financial disclosure report, the OGE 278, through INTEGRITY as required by law and continue to be subject to the STOCK Act that requires, among other things, for me to disclose any negotiations for compensated employment to EPA Ethics within 3 business days. I further understand that I cannot seek employment with the gaining organization because doing so will be a financial conflict of interest.

JF ☑ I have been informed that any travel and transportation expenses covered by my Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.

JF ☑ Before accepting any travel-related expenses from the IPA host organization, including but not limited to airfare, hotel expenses, and per diem, I understand I must obtain EPA approval pursuant to 31 U.S.C. 1353 by submitting an EPA Form 2610-3 to my appropriate ethics official, unless otherwise directed in writing in advance by my ethics official.

JF ☑ Any research or writing that I do under this IPA is done in my official EPA capacity. I will consult with EPA's Office of General Counsel in advance of any publication of work associated with this IPA to ensure that I comply with intellectual property and ethics guidelines, including use of any necessary disclaimers.

JF ☑ Because my salary and benefits will be paid in part or in full with federal funds, I agree not to engage in any indirect lobbying of a member of Congress, a jurisdiction, or an official of any government in support of, or in opposition to any legislation, law,

ratification, policy, or appropriation. I understand that, under certain circumstances, assisting a non-federal entity or a member of the public in their lobbying efforts (including but not limited to preparing communication materials, analyzing or drafting proposed legislation) may constitute indirect lobbying and to consult with EPA's Office of General Counsel if I have questions. I understand that if I engage in indirect lobbying that violates the Anti-Lobbying Act or appropriation act restrictions on indirect lobbying, I may be subject to civil and/or criminal penalties under the Anti-Lobbying Act and the Anti-Deficiency Act.

JF ☑ I have been informed of applicable provisions should my permanent employer become subject to a reduction in force procedure.

JF ☑ I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary and benefits) of my assignment.

JF ☑ I have been informed that my assignment may be terminated at any time at the option of the Federal Government or the State or local government.

Signature

8/21/17
Date

COST/BENEFITS JUSTIFICATION

PLEASE SPECIFY THE RATIONALE FOR THE COST-SHARING DECISION BY ANSWERING THE FOLLOWING:

1. How does the assignment support EPA's mission, or government-wide initiatives?

The Executive Order (EO), "Strengthening the Senior Executive Service" was issued to improve the recruitment, hiring and development of member of the Federal Government's senior executive service (SES). The EO recognizes that it is in the national interest to enhance the breadth and diversity of experiences among executives. The EO provides that agencies are to consider utilizing IPA agreements with other units of government, universities, and other eligible organizations to better understand the federal government's work and those it serves. Mr. Reeder's IPA agreement is specifically designed to benefit the EPA through projects that advance environmental protection, and activities that will provide feedback/recommendations to the agency on new approaches to more efficiently and effectively serve the public.

2. How will the assignment strengthen relations with institutions important to the overall environmental mission and "network?"

Mr. Reeder has a strong network of external leaders in government, business, non-governmental organizations, and environment advocacy groups. The IPA agreement will serve to strengthen those relationships and will allow Mr. Reeder to build partnerships and coalitions that have a common interest in adapting to, and supporting, evolving Federal policy, and in modernizing EPA and the nation's entire environmental protection enterprise. Such engagement and feedback will enhance EPA's ability to achieve its mission and serve the nation.

3. List the specific products derived from this agreement that will be utilized by EPA and/or the federal government.

* analyses of local and regional environmental challenges that identifies opportunities for progress as the federal role in environmental protection evolves;
* locally focused policy research that identifies opportunities and recommends policy options for expanding the beneficial use of natural resources, including outdoor recreation, for citizens across all socio-economic strata;
* joint forum or other collaborative venture in partnership with nonprofit, private, and government organizations to examine the future role of the Environmental Protection Agency and opportunities for accelerating progress in environmental protection.

4. What are the specific factors that will be applied in evaluating the progress of this assignment and the evaluation of cost/benefits achieved?

* development of an action plan that is approved by the Center Director;
* statements of cooperation by stakeholders partnering in events/projects;
* for selected projects, approval of a project plan that includes milestones for accomplishments;
* timeliness and effectiveness in achieving the milestones identified in project plan(s);
* written annual progress report summarizing priority activities and accomplishments.

Prohibition of Use of Federal Funds

31 U.S.C. § 1352. Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.

(A) (1) None of the funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this subsection.

(2) The prohibition in paragraph (1) of this subsection applies with respect to the following Federal actions:

(A) The awarding of any Federal contract.
(B) The making of any Federal grant.
(C) The making of any Federal loan.
(D) The entering into of any cooperative agreement.
(E) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperation agreement.

I have read the Section 1352 and agree that it applies. I agree to comply with it and recognize that any noncompliance on my part could serve as a basis for terminating the IPA assignment. In accordance with that, I have signed below to signify my agreement. I also acknowledge that I have signed voluntarily and free of any coercion or duress.

Assignee Signature — Date: 8/17/17

Home Organization Signature — Date: 8/23/17

Hosting Organization Signature — Date: 8/25/17

EMPLOYMENT STATUS CERTIFICATION STATEMENT

Authorizing Official for Home Organization:

I hereby certify that JOHN E REEDER has permanent status pursuant to the IPA manual Chapter 1, Section 6. I further certify that he/she was not converted to a different employment authority in the past 180 days for the sole purpose of becoming an eligible participant of the IPA program Furthermore, our organization intends to return this employee to a permanent position upon completion of the IPA assignment. It is not the intent of the Program to hire the assignee to a "like" position while on temporary assignment to the Agency.

Pursuant to Chapter 1, Section 12, I further certify that all applicable Federal, State and local conflict of interest and employee conduct laws have been reviewed with this employee.

8/23/17

Signature/Date Title

Federal IPA Assignee:

Upon completion of my IPA assignment, I agree to return to my permanent position of record (or some "like" position). Should I fail to serve the required time (Chapter 2, Section 8), I have been informed that I may be liable to the federal government for all expenses incurred (excluding salary and benefits).

Signature/Date Title Deputy Chief of Staff

Non-Federal IPA Assignee:

If I fail to complete my assignment (Chapter 2, Section 8), and/or fail to return to my previous employer for the required time, I may be liable for all expenses incurred (excluding salary and benefits).

Signature/Date Title

List of Officials Who Negotiated Assignment Agreement

1) Mike Flynn
   Acting Deputy Assistant Administrator
   U.S. Environmental Protection Agency
   1201 Constitution Avenue, NW
   Washington, DC 20460
   Ex. 6 Personal Privacy (PP)

2) Daniel Fiorino
   American University
   4400 Massachusetts Avenue, NW
   Washington, DC 20016
   202-885-2940

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 4/19/2018 4:53:23 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Administrator Hearing Prep Binder Docs
Attachments: 04-18-2018 - FY19 Budget Hearing HOT TOPICS OCIR Updated V2.docx; 04-17-2018 - FY2019 Budget Overview_OCIR Edits.docx; 04-19-2018 - EPA FY 2019 PB Written Testimony - HEC Hearing.docx; 04-19-2018 - House Budget Hearing Program Cheat Sheets V5 OCIR.DOCX

Ryan, attached are the documents we are planning on putting in the Administrator's binder for HEC/HAC hearing prep. I've outlined below relevant notes about each and any outstanding docs or actions that need to be taken. We'll have a final binder available for him to review tomorrow pending any changes you might want made.

- Program Cheat Sheets
  - I am sending this around to relevant program political staff for final review/edits today
- Hot Topics
  - Reviewed by OPA
- FY19 Budget Fact Sheet
  - Produced by OCFO
- Written Statement for the Record
  - OPA is working on his oral testimony which will be included as well.

-Aaron

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 4/19/2018 4:07:46 PM
To: Ford, Hayley [ford.hayley@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: APPROVAL: questions for our latest story

Deliberative Process / Ex. 5

From: Ford, Hayley
Sent: Thursday, April 19, 2018 11:53 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: APPROVAL: questions for our latest story

Deliberative Process / Ex. 5

We will mention that Kevin Chmieleweski told congressional investigators that after Ryan Jackson raised questions about the Morocco trip and suggested a large group of aides participate in scheduling meetings, Mr. Pruitt sent a text rejecting that idea. Instead, he limited his scheduling meetings to include his senior counsel Sarah Greenwalt, director of scheduling and advance Millan Hupp and deputy White House liaison Hayley Ford. A fourth aide, Elizabeth "Tate"Bennett sometimes participates in meetings on domestic travel.

Deliberative Process / Ex. 5

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Wilcox, Jahan
Sent: Thursday, April 19, 2018 11:40 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: APPROVAL: questions for our latest story

Below are the answers in bold for approval. Specific approvals needed from: Deliberative Process / Ex. 5

We are still waiting on an answer for the first question.

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Thursday, April 19, 2018 10:03 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dennis, Brady <Brady.Dennis@washpost.com>
Subject: questions for our latest story

Dear Jahan,
As we discussed last night, we are doing a story that will cover some of Administrator Pruitt's activities in Oklahoma, and additional activities in DC. We are sending several questions now, and then we can discuss what responses need to be incorporated into the piece (which is still being drafted). We are planning to post the piece online sometime today, but want to give you time to look into some of these things. Also, we have sought to get some questions answered by folks in OK, since they have easier access to those records.

Here they are, and Brady can follow up if I'm missing anything:

We know that Mr. Pruitt switched the aging four-door car used by his predecessor as AG for a Chevy Tahoe. We'd like to know what year that was, and the cost of the vehicle, which was funded by DPS. DPS is pulling the records, but it is taking some time to get them.

The AG's office has confirmed that he had a full time staffer who drove him to and from Tulsa to Oklahoma City when he commuted there, and also served as a gun-carrying agent in the office. (This individual was a retired Tulsa police officer.) Did he have any other members of his detail while serving as AG, or is that a comprehensive summary?

Deliberative Process / Ex. 5

We were looking at the two leadership PACs affiliated with Mr. Pruitt, which were created in 2015. They list a number of stays in hotels across the country, but don't specify which individual stayed in these places. Were the vast majority of these stays—in Sofitels, the Intercontinental and the Ritz-Carlton—Mr. Pruitt's, or were they other staffers?

Deliberative Process / Ex. 5

We are writing about the proposal to house his overnight detail in an apartment when he lived on U St, a plan which did not materialize because he moved back to the Hill. If you care to share a comment on that, feel free, but you don't need to because we have Henry Barnet's written explanation for the move.

Deliberative Process / Ex. 5

We will mention that before Secretary Tom Price resigned, Mr. Pruitt frequently urged his staff to secure private and military jets for him. Since we've written versions of this before, this probably doesn't need a comment, but we wanted to flag it.

(Approved answer that we have already used) "**This is not news. EPA's chief financial officer regularly receives solicitations for this type of travel, we did our due diligence, found it was not as cost efficient and continued to fly commercial.**"

We are also mentioning two other plans that didn't materialize: the installation of a key card swipe system for the doors leading to the outer reception area of his office (which we discussed last night) and a plan to have an aide compile news clips about his work and deliver them to his home by 7 am, before he headed to the office. You don't need to send a comment on this, obviously, but can if you'd like.

Deliberative Process / Ex. 5

We will quote from the two emails sent by Sarah Greenwalt and Milan Hupp, attached here. We've already included the comment on salary decisions that you made on Monday, as we discussed yesterday.

Deliberative Process / Ex. 5

We will mention that Kevin Chmieleweski told congressional investigators that after Ryan Jackson raised questions about the Morocco trip and suggested a large group of aides participate in scheduling meetings, Mr. Pruitt sent a text rejecting that idea. Instead, he limited his scheduling meetings to include his senior counsel Sarah Greenwalt, director of scheduling and advance Millan Hupp and deputy White House liaison Hayley Ford. A fourth aide, Elizabeth "Tate"Bennett sometimes participates in meetings on domestic travel.

Deliberative Process / Ex. 5

We will include an account of the White House meeting that took place on April 9, which included President Trump, Administrator Pruitt, Agriculture Secretary Sonny Perdue and top White House staffers such as chief of staff John Kelly and White House counsel Donald F. McGahn. Here is an account of that meeting, according to two administration officials familiar with the exchange:

Deliberative Process / Ex. 5

The president started the session by remarking that had been a "rough week" for Pruitt, and then mused whether the administrator had actually paid market rate for his $50-a-night Capitol Hill rental.
After indicating that the rental might pass muster, Trump remarked that Pruitt had given some aides "big raises."
Pruitt emphasized that he was unaware of the pay increases and had learned about them after they were approved.
"Scott, you've also let a lot of people go, right, a lot of bureaucrats?" Trump asked
"We're down to Reagan-era levels," Pruitt said, drawing an approving nod from Trump.
Trump concluded the exchange with Pruitt by telling him to "cool it" going forward.

Thanks so much, and you know where to reach us. I'm on my cell for much of the morning, then in the office. Brady is at the office.

Thanks again, Juliet

Juliet Eilperin
Senior National Affairs Correspondent
Washington Post
Juliet.eilperin@washpost.com
(O) 202-334-7774
(C) Personal Matters / Ex. 6
@eilperin

Message

From: Vizian, Donna [Vizian.Donna@epa.gov]
Sent: 4/6/2018 3:48:21 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Request for SF52's
Attachments: Greenwalt_Conv to AD.PDF; ATT00001.htm; Hupp_Conv to AD.PDF; ATT00002.htm

Ryan I wanted you to know that the IG requested and received the 52s below.

Begin forwarded message:

> **From:** "Taylor, Jeremy" <Taylor.Jeremy@epa.gov>
> **To:** "Vizian, Donna" <Vizian.Donna@epa.gov>, "Helm, Arron" <Helm.Arron@epa.gov>
> **Subject: FW: Request for SF52's**
>
> FYI…provided at the request of the IG
>
> Jeremy A. Taylor
> OARM-RTP-HRMD
> Director
> 919-541-0537
>
> CONFIDENTIALITY: This communication may contain privileged or other confidential information. If you are not the intended addressee, or believe you have received this communication in error, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner; to do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."
>
> **From:** Taylor, Jeremy
> **Sent:** Friday, April 06, 2018 11:37 AM
> **To:** Trefry, John <Trefry.John@epa.gov>
> **Subject:** RE: Request for SF52's
>
> Attached
>
> Jeremy A. Taylor
> OARM-RTP-HRMD
> Director
> 919-541-0537
>
> CONFIDENTIALITY: This communication may contain privileged or other confidential information. If you are not the intended addressee, or believe you have received this communication in error, you may

neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner; to do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

From: Trefry, John
Sent: Friday, April 06, 2018 11:12 AM
To: Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Subject: Request for SF52's

Jeremy,

Based on our conversation, please send me copies of the recent SF-52 actions for both Millan Huff and Sarah Greenwalt.

Thank You
John Trefry
Director of Forensic Audits
EPA OIG
(202) 566-2474

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Action Requested: AD Appointment
2. Request Number: AO-2018-015
3. For Additional Information Call *(Name and Telephone Number)*: Felicia Peppins - 202-564-7428
4. Proposed Effective Date: ASAP
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson, Chief of Staff 3/9/18
6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date*: E. Scott Pruitt, Administrator 3/9/18

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*: Greenwalt, Sarah
2. Social Security Number
3. Date of Birth
4. Effective Date

FIRST ACTION		SECOND ACTION	
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number

Senior Advisor to the Administrator for Water and Cross Cutting Initiaves

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	301	13	05	$109,900.00	PA

12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

15. TO: Position Title and Number

Senior Advisor to the Administrator

16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	301	00		$16,420.00	PA

20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay

22. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: ☐ YES ☐ NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E - Exempt; N - Nonexempt
36. Appropriation Code: 18/19 B 11A 000ME8
37. Bargaining Unit Status
38. Duty Station Code: 11-0011-001
39. Duty Station *(City - County - State or Overseas Location)*: Washington, DC

40. AGENCY DATA	41.	42.	43.	44.

45. EDUCATIONAL LEVEL	46 YR.DEGREE ATTAINED	47. Academic Discipline	48 FUNCTIONAL CLASS	49. CITIZENSHIP 1-USA 8-OTHER	50. Vietnam Era Vet	51. SUPERVISORY STATUS

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature | Approval Date

CONTINUED ON REVERSE OVER

52-118

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Sarah Greenwalt
- **WORK PHONE:**
- **WORK EMAIL:** Greenwalt.Sarah@epa.gov
- **PLACE OF BIRTH:** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Advisor to the Administrator for Water and Cross-Cutting Initiatives
- **Is position being backfilled (Y/N/TBD):** N

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD 15/10
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Counsel to the Administrator
- **JOB DESCRIPTION:** PDF attached

AO-2018-015

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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Salary Justification for Sarah Greenwalt, Senior Counsel to the Administrator

FROM: Ryan Jackson, Chief of Staff

TO: Donna Vizian, Acting Assistant Administrator

Office of Administration and Resources Management

This memo will serve as a salary justification for Ms. Greenwalt, I'm approving the appointment of Ms. Greenwalt at a salary equivalent to a Grade 15, Step 10 in the D.C. region. Ms. Greenwalt has a law degree and has been the leading advisor to the Administrator for nearly a year on water policy and international affairs. She has shown to have knowledge of broad-ranging policies and leaderships skills since she began. Based on the reason's listed above, I believe that Ms. Greenwalt will have an immediate, positive impact on one of the agency's most important office's and that her compensation should reflect her value to the agency.

Ryan Jackson
Chief of Staff
3/09/2018

Printed on Recycled Paper

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

THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the appointment of Sarah Greenwalt to serve as Senior Advisor to the Administrator. Ms. Greenwalt will be compensated at the rate of $164, 200 per annum.

E. Scott Pruitt
Administrator

STATEMENT OF WORK

TITLE, SERIES, GRADE

Senior Advisor to the Administrator
AD-0301-00

ORGANIZATION

Environmental Protection Agency
Office of the Administrator
Washington, DC

TITLE AND GRADE OF SUPERVISOR

Administrator, EX

STATEMENT OF RESPONSIBILITIES

Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.
Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator.
Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.
Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.
4. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

SENIOR COUNSEL TO THE ADMINISTRATOR

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent will serve as the Senior Counsel to the Administrator. The incumbent has a variety of special and ongoing responsibilities with an emphasis on assisting the Administrator in evaluating climate science that drives Agency policy initiatives and programs.

SUPERVISORY CONTROLS

Receives general direction and broad policy guidance from the Administrator/Deputy Administrator. Within this broad framework, duties are performed with maximum independence subject to review only for attainment of overall objectives and compliance with policies.

MAJOR DUTIES AND RESPONSIBILITIES

1. Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.

2. Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator. Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.

3. Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.

4. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

5. Represents the Administrator and the Agency at all levels of government including Federal, State, municipal and county agencies and at private industry and citizen groups; provides

information and advice on the Agency's innovation activities and programs and interprets existing and proposed plans and policies; and applies a broad comprehensive knowledge of problems involved in effective relationships between various government levels, private industry and citizenry in striving to promote plans and programs of special significance to the national environmental protection efforts. The incumbent stimulates interests, elicits support, works out agreements at all these levels and advises the Administrator on courses of action which should be taken.

6. Keeps alert and informed on current policies, programs and procedures of the Agency, and Congress. Prepares status reports and studies which pertain to problems of unusual breadth and intensity not normally within the purview of a specific statute or authority. Projects are generally far-reaching in impact, unique and require distinct and definite approaches. Makes recommendations to the Administrator/Deputy Administrator on comprehensive proposals for increasing the Agency's regulatory flexibility.

7. Exercises continuing responsibility to effectively support the Equal Employment Opportunity Affirmative Action Plan and communicating this support to subordinates, taking positive actions which will motivate and give opportunity to all personnel.

8. Performs other duties as assigned.

LIMITATION OF AUTHORITY

The incumbent's duties will not extend to issuing legal opinions or final decisions regarding the legal sufficiency of an EPA action, or the interpretation of a statute, regulation, Executive Order, agreement, or contract.

The incumbent is responsible for coordinating legal advice with the EPA Office of General Counsel (OGC) and assuring that such legal advice is consistent with OGC policies, opinions, and interpretations.

The incumbent is responsible for coordinating legal enforcement advice with the EPA Office of Enforcement and Compliance Assurance (OECA) and assuring that such legal enforcement advice is consistent with OECA policies, opinions, and interpretations.

The incumbent is not authorized to identify himself/herself in any internal or external document, communication, correspondence, filing, or the like in a manner that creates the appearance that the incumbent represents EPA in a legal capacity, unless authorized by the General Counsel or his/her designee.

SARAH GREENWALT

Personal Matters / Ex. 6

EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctor — May 2013

Honors: Order of the Barristers
Academic Achievement Award – Legal Research and Writing
Dean's Honor Roll
Cole E. Adwon Scholarship for Excellence in Moot Court Competitions

Moot Court: Top Speaker Award in Intra-school Moot Court Competition
Chicago Bar Association Moot Court Competition; Chicago, Illinois
First Amendment Moot Court Competition; Washington, D.C.

Activities: Federalist Society
Organization for the Advancement of Women in Law
Volunteer Income Tax Assistance (VITA)

University of Oklahoma — Norman, OK
Bachelor of Arts, Psychology — May 2010

Honors: President's Honor Roll
Dean's Honor Roll
OU Foundation Scholar, given to selected Honors College students

PROFESSIONAL EXPERIENCE

Office of the Oklahoma Attorney General — Oklahoma City, OK
General Counsel to the Attorney General and *Deputy General Counsel to the Attorney General* — August 2016-Present

- Provided legal counsel to the Attorney General, members of the Legislature, agency directors, and the Governor's office regarding a variety of confidential and complicated issues.
- Facilitated the Attorney General's Opinion process by composing and overseeing other attorneys in the drafting of official Opinions on a range of state and federal law questions.
- Reviewed and revised draft ballot title language for state questions and defended the Attorney General's language in the Oklahoma Supreme Court.

Assistant Solicitor General and *Law Clerk* — May 2012- August 2016

- Defended the constitutionality of state statutes by briefing and arguing original jurisdiction actions before the Oklahoma Supreme Court; briefed and argued high profile cases before state district and appellate courts, including issues regarding abortion regulations, school vouchers, and workers' compensation reform.
- Brought challenges on behalf of the State against federal regulations, including challenges to the EPA's "Waters of the United States" Rule and the IRS's Final Rule regarding tax credits under the Affordable Care Act.
- Drafted Petition for Certiorari and amicus brief in United States Supreme Court cases.

U.S. Department of Veterans Affairs — Oklahoma City, OK
Law Clerk for the Office of Regional Counsel for Veterans Affairs Medical Center of OKC — May 2012-Aug. 2012

- Prepared training materials on the EEOC's final regulations regarding the Americans with Disabilities Act Amendments Act of 2008 and the Privacy and HIPPA regulations of the Department of Veterans Affairs.
- Gained a practical understanding of both Administrative and Health Law.

University of Oklahoma College of Law — Norman, OK
Research Assistant to Professor Joseph Thai — May 2011-Sept. 2011

- Drafted substantive materials for utilization in legal texts such as "John Paul Stevens: In His Own Words" and a Supreme Court sourcebook, which discussed the inner workings of the United States Supreme Court.
- Performed legal research on criminal and constitutional law issues including United States Supreme Court death penalty jurisprudence and the role of supreme courts in a democratic society.

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Action Requested: AD Appointment
2. Request Number: AO-2018-014
3. For Additional Information Call *(Name and Telephone Number)*: Felicia Peppins - 202-564-7428
4. Proposed Effective Date: ASAP
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson, Chief of Staff 3/9/18
6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date)*: E. Scott Pruitt, Administrator 3/9/18

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*: Hupp, Millian
2. Social Security Number
3. Date of Birth
4. Effective Date

FIRST ACTION		SECOND ACTION	
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number

Director of Scheduling and Advance

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	301	11	10	$88,450.00	PA

12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

15. TO: Position Title and Number

Director of Scheduling and Advance

16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	301	00		$114,590.00	PA

20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay

22. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: ☐ YES ☐ NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E - Exempt; N - Nonexempt
36. Appropriation Code: 18/19 B 11A 000ME8
37. Bargaining Unit Status
38. Duty Station Code: 11-0011-001
39. Duty Station *(City - County - State or Overseas Location)*: Washington, DC

40. AGENCY DATA	41.	42.	43.	44.
45. EDUCATIONAL LEVEL	46 YR.DEGREE ATTAINED	47. Academic Discipline	48.FUNCTIONAL CLASS	49. CITIZENSHIP 1-USA 8-OTHER

50. Vietnam Era Vet
51. SUPERVISORY STATUS

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature

Approval Date

CONTINUED ON REVERSE OVER

52-118

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Millan Hupp
- **WORK PHONE:**
- **WORK EMAIL:** Hupp.Millan@epa.gov
- **PLACE OF BIRTH:** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** SKC
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Deputy Director of Scheduling and Advance
- **Is position being backfilled (Y/N/TBD):** TBD

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD GS 14-1 ($114,590)
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Director of Scheduling and Advance
- **JOB DESCRIPTION:** PDF Attached

AO-2018-014

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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Salary Justification for Millan Hupp, Director of Scheduling and Advance

FROM: Ryan Jackson, Chief of Staff

TO: Donna Vizian, Acting Assistant Administrator

Office of Administration and Resources Management

This memo will serve as a salary justification for Ms. Hupp, I'm approving the appointment of Ms. Hupp at a salary equivalent to a Grade 14, Step 1 in the D.C. region. Ms. Hupp has been leading the scheduling and advance for the Administrator for over a year and is well respected throughout the agency. She has shown unparalleled work-ethic and organizational skills since she began. Based on the reason's listed above, I believe that Ms. Hupp will have an immediate, positive impact on one of the agency's most important office's and that her compensation should reflect her value to the agency.

Ryan Jackson
Chief of Staff
3/09/2018

Printed on Recycled Paper

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

THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the appointment of Millian Hupp to serve as Director of Scheduling and Advance to the Administrator. Ms. Hupp will be compensated at the rate of $114,590 per annum.

E. Scott Pruitt
Administrator

STATEMENT OF WORK

TITLE, SERIES, GRADE

Director of Scheduling and Advance
AD-0301-00

ORGANIZATION

Environmental Protection Agency
Office of the Administrator
Washington, DC

TITLE AND GRADE OF SUPERVISOR

Administrator, EX

STATEMENT OF RESPONSIBILITIES

Serves as Director of Scheduling and Advance with the responsibility of leading the strategic operations for the Administrator. Exercises responsibility for handling the day-to-day management of issues and the supervision of the scheduling and advance staff. In this capacity, the incumbent serves as Chair of the Administrator's Scheduling Review Team. Incumbent exercises management responsibility over staff members, making assignments, determining duties and priorities, and evaluating employees' performance.

Oversee the arrangements of trips, including all planning and advance arrangements, review of invitations, selections of speaking forums, and in coordination with the Multi Media Operations and Services Staff and other offices, arranges for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, Congress, the White House, or other Federal department and agencies, State and local governments, scientific and research groups and associations, industry, public groups, foreign governments and the media.

Serves as personal representatives for the Administrator in personal contact with high ranking officials of the Agency, members of Congress, White House representatives, scientific and research groups and associations, foreign governments and others. Ascertains the reasons for sufficient importance to warrant the personal attention of the Administrator. In cases which require the Administrator's attention, the incumbent schedules appointments, determines which take precedence, decides when an appointment may be interrupted, cancelled, rescheduled, etc., without prior approval. When the matter does not require the personal attention of the Administrator but deals with highly technical or sensitive information, refers the matter to the proper official.

DIRECTOR OF SCHEDULING AND ADVANCE

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent serves as the Director of Scheduling and Advance for the Administrator and is responsible for strategic scheduling and advance functions for the Administrator.

The incumbent of this position requested for Schedule C exception will not be able to adequately perform his duties without being privy to the political, personal, and management philosophies of the Administrator. A confidential relationship of a Schedule C nature is imperative as the incumbent will speak for the Administrator and, as such, will be expected to reflect her philosophies in conversation with leading figures of the government, businesses and other groups. The incumbent may also be obliged to present the views of the Administrator in correspondence and other communications with agency managers and program officials.

MAJOR DUTIES AND RESPONSIBILITIES

Serves as Director of Scheduling and Advance with the responsibility of leading the strategic operations for the Administrator. Exercises responsibility for handling day-to-day management of issues and the supervision of the scheduling and advance staff. In this capacity, the incumbent serves as the Chair of the Administrator's Scheduling Review Team. Incumbent exercises management responsibility over staff members, making assignments, determining duties and priorities, and evaluating employee performance.

Oversees the arrangements of trips, including all planning and advance arrangements, review of invitations, selection of speaking forums, and, in coordination with the Multi Media Operations and Services Staff and other offices, arranges for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, Congress, the White House, other Federal departments and agencies, State and local governments, scientific and research groups and associations, industry, public interest groups, foreign governments and the media.

Serves as personal representative for the Administrator in personal contacts with high ranking officials of the Agency, members of Congress, White House representatives, scientific and research groups and associations, foreign governments, and others. Ascertains the reasons for the visit and decides with the Director of Operations whether the matter to be discussed is of sufficient importance to warTant the personal attention of the Administrator. In cases which require the Administrator's attention, the incumbent schedules appointments, determines which take precedence, decides when an appointment may be interrupted, cancelled, rescheduled, etc., without prior approval. When the matter does not require the personal attention of the Administrator but deals with highly technical or sensitive information, refers the matter to the

proper official. On matters which are covered by established policies, explains procedures based on own knowledge of the Administrator's thinking.

Maintains the Administrator's daily calendar of appointments, establishing priorities and scheduling, shifting and declining appointments; accepting or declining requests for meetings. Collaborates with the Chief of Staff and Director of Operations as needed.

Manages the Administrator's long-term planning, briefing material preparation, and traveling operations. In consultation with the Director of Operations, makes decisions on advantageous utilization of the Administrator's time while on travel, arranging for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, the White House, other federal agencies, state and local governments, industry, public interest groups, foreign governments, and the media. Tact, discretion, judgment and resourcefulness are essential in handling these activities. This responsibility includes strategic scheduling and coordination with the regions and program officials, including travel and announcements on new initiatives.

Analyzes and evaluates specific arrangements and other requirements for meetings, conferences, and unique events that are considered highly confidential. Exercises judgment and, when necessary, makes decisions on behalf of the Director of Operations on procedures and methods for fact gathering, problem solving, and negotiations. These assignments require the utmost tact, diplomacy and perception regarding the subject and attendees. Informs senior management of applicable developments and concerns about all arrangements. Prepares reports and analyses for presentation to supervisor and makes recommendations regarding appropriate courses of actions.

Oversees the planning and coordination of the Administrator's schedule, including all meetings, conferences and travel. This involves contact with key program officials in the Agency, as well as throughout the Executive and Legislative Branches of Government, public interest groups, etc.

Performs a variety of special assignments, many of a confidential nature, sometimes with specific instructions but more often with only a general outline of what is desired. Provides this information to the supervisor through personal briefings. Makes recommendations on decisions and courses of action. Those assignments may be narrow and specialized in scope or may be broad-based, touching upon wide program areas or activities within or outside the agency.

Millan N. Hupp

Personal Matters / Ex. 6

Education

Oklahoma State University — May 2014
Bachelor of Science: Hotel and Restaurant Administration. Minor: Political Science

Experience

Political Fundraising and Operations – Attorney General Scott Pruitt — February 2015 – present
Tulsa, OK

-Primary contact/liaison for Attorney General Pruitt's political team
- Main interface between AG Pruitt and Republican Attorneys General Association
- Main interface between AG Pruitt and donors and political contacts

-Execution of fundraising strategies for 501c3 and Leadership PAC
- Aided in developing and executing fundraising plans and was responsible for collection of funds
- Prepared briefings and messaging

-Staffing and scheduling for an elected official
-Relationship cultivation and management
- Donors, organizations, lobbyists, constituents, principals

-Managed every aspect of a campaign operation
- Donor file
- Record keeping
- Finance management/ compliance with state ethics and FEC

-Inception to dissolution of two federal PACs and dissolution of a state committee
-Experience in communications, social media, general consulting, solicitation and prospecting, and polling

Embassy Suites Nashville-Airport (Aimbridge Hospitality) — July 2014-February 2015
10 Century Boulevard, Nashville, TN 37214 615-871-0033

-Business Travel Sales Manager
- Contract negotiation and RFP bids for local and national accounts
- Responsible for meeting quarterly sales goals
- Relationship building through community involvement and sales blitzes
- Work with local contacts, Hilton national account owners, and utilize available resources to move market share
- Act as liaison between the hotel and the community
- Weekend Manager on Duty shifts

Oklahoma City Convention and Visitor's Bureau — August 2013-December 2013
123 Park Avenue OKC, OK 73012 405-297-8912

-Intern: Convention Services
- Tasked with attending to walk-in and call-in orders for visitor information
- Accompanied supervisors on site visits for potential conventions
- Assigned many projects involving local and national organizations
- Researched various methods for promoting tourism and city attractions

Westin San Francisco Market Street (Highgate Hotels) — June-July 2012
50 3rd Street San Francisco, CA 94103 415-974-6400

- Intern: Human Resources
- Dealt in Microsoft Operating Systems, EVS, ADP Timesaver
- Assisted in organization of associate appreciation events as well as hotel's participation in a city wide fundraiser (Leukemia & Lymphoma Society: Million Dollar Mission)
- Assisted in hotel wide communication through various methods including emails and postings
- Attended operational meetings including union grievances, mediations, workers compensation, and safety

Eskimo Joes Restaurant — August 2010-May 2014
501 West Elm Avenue Stillwater, OK 74074 405-372-8896

- Server Shift Leader
- Worked my way to this position first starting out as host, then expeditor, then server, and finally server shift leader

Leadership/Activities/Service

Oklahoma Federation of Young Republicans — April 2016 - present
First District Vice-Chair
- Liaison between county chapters and the executive team

Tulsa Republican Women's Club — March 2016 - present
Member

Oklahoma House PAC
Volunteered to assist with fundraisers during election cycle

Message

From: Palich, Christian [palich.christian@epa.gov]
Sent: 4/25/2018 3:20:12 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE:
Attachments: 04-25-2018 - FY19 Budget Hearing HOT TOPICS OCIR V4_Supplemental at Bottom.docx

Attached Ryan. At the bottom we had all new supplemental hot topics being reported as of now and all April oversight letters through this morning.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
Ex. 6 - Personal Privacy
E: Palich.Christian@epa.gov

From: Jackson, Ryan
Sent: Wednesday, April 25, 2018 9:11 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject:

I need you guys to compile a list of the latest from the new on issues being reported on top of the already prepared prep. This involved simply a list of newly reported letters, complaints, etc. Need to be compiled this morning.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. 6 - Personal Privacy

Message

From: Ferguson, Lincoln [ferguson.lincoln@epa.gov]
Sent: 4/5/2018 7:00:53 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: Request for comment please

Thank you, Matt

From: Leopold, Matt
Sent: Thursday, April 5, 2018 3:00 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Request for comment please

Attorney Client / Ex. 5

From: Ferguson, Lincoln
Sent: Thursday, April 5, 2018 2:21 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Request for comment please

From: Ferguson, Lincoln
Sent: Thursday, April 5, 2018 1:54 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Request for comment please

Matt – see edited responses below.

From: Ferguson, Lincoln
Sent: Thursday, April 5, 2018 1:27 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: Request for comment please

Matt – please review the below responses. Deadline is 3pm.

Deliberative Process / Ex. 5

++ Mr. Chmielewski objected to a proposal to buy a charter aircraft membership for $100,000-per-month that would have allowed Mr. Pruitt to take an unlimited number of private jet trips for official business

Deliberative Process / Ex. 5

++ One of these staff members objected to a proposal to spend more than $70,000 to replace the desks in Mr. Pruitt's office suite, including both the administrator's personal desk and one at a security station just outside his office. Pasquale Perrotta argued that the desks should be replaced with a bullet-proof model. This purchase did not go ahead. Instead, a brown-maple wood stand-up desk, was purchased from an Ohio craftsman and a separate desk retrieved a federal government warehouse in Virginia and was refurbished at a cost of $2,075 for Mr. Pruitt

Deliberative Process / Ex. 5

++ The security detail lead questioned Mr. Pruitt's desire to utilize use of lights and sirens in his motorcade if he was running late, like on his way to a restaurant or airport. In at least one case, Mr. Pruitt wanted these used on his way to Le Diplomate,

Deliberative Process / Ex. 5

++ A member of the security detail also made it be known that he would be reluctant to sign off on requests—which were part of his job to review—for authorization for Mr. Pruitt to fly first class, based on security concerns. Only after Mr. Perrotta took over as security detail lead did Mr. Pruitt begin to regularly fly first class.

++ Others questioned the need for an approximately 20 person security detail team, that provided 24-7 coverage, instead of 5 person "portal to portal" team with the prior EPA administrator.

Deliberative Process / Ex. 5

++ At least one senior staffer questioned the need for the expenses associated with sound proof both, suggesting instead that a broom closet could be used at a total cost of about $10,000, instead of the final cost for the actual booth of about $43,000

Deliberative Process / Ex. 5

What message does it send to the American public if Mr. Pruitt switches his security detail chief and two other career officials involved with overseeing expenses and a political appointee who did the same thing, after these individuals raise concerns about spending and security practices? Was this appropriate?

Deliberative Process / Ex. 5

Should Mr. Pruitt resign based on the series of questions that have been raised about his performance and if not why not?

Deliberative Process / Ex. 5

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Thursday, April 5, 2018 10:02 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Request for comment please

Hi Jahan and Liz

We are finishing work on a story about the EPA that addresses concerns that were raised by certain HQ staff members related to travel, office spending and issues related to security protocols by the Office of the Administrator.

The story notes how four individuals who raised these objections--Kevin Chmielewski, John E. Reeder and Reginald E. Allen, and Eric Weese--were later transferred to different jobs, or moved on their own to a different job after being told to find a new role, or in Kevin's case, put on leave.

We know that there are different circumstances involving each of these individuals, three of whom are career and one is political. But we wanted to go in detail here through some of the issues that these staff members raised and then the way their jobs were shifted after their raised these issues.

We welcome your specific responses to these issues. But we need any response you want to offer by 3 p.m. today, Thursday, April 5.

Here are the specific factual assertions I welcome you to address;

++ Mr. Chmielewski objected to a proposal to buy a charter aircraft membership for $100,000-per-month that would have allowed Mr. Pruitt to take an unlimited number of private jet trips for official business

++ One of these staff members objected to a proposal to spend more than $70,000 to replace the desks in Mr. Pruitt's office suite, including both the administrator's personal desk and one at a security station just outside his office. Pasquale Perrotta argued that the desks should be replaced with a bullet-proof model. This purchase did not go ahead. Instead, a brown-maple wood stand-up desk, was purchased from an Ohio craftsman and a separate desk retrieved a federal government warehouse in Virginia and was refurbished at a cost of $2,075 for Mr. Pruitt

++ The security detail lead questioned Mr. Pruitt's desire to utilize use of lights and sirens in his motorcade if he was running late, like on his way to a restaurant or airport. In at least one case, Mr. Pruitt wanted these used on his way to Le Diplomate,

++ A member of the security detail also made it be known that he would be reluctant to sign off on requests—which were part of his job to review—for authorization for Mr. Pruitt to fly first class, based on security concerns. Only after Mr. Perrotta took over as security detail lead did Mr. Pruitt begin to regularly fly first class.

++ Others questioned the need for an approximately 20 person security detail team, that provided 24-7 coverage, instead of 5 person "portal to portal" team with the prior EPA administrator.

++ At least one senior staffer questioned the need for the expenses associated with sound proof both, suggesting instead that a broom closet could be used at a total cost of about $10,000, instead of the final cost for the actual booth of about $43,000

As an aside, we know of the allegations raised against Mr. Chmielewski related to his security clearance that the IG investigated and found were not substantiated. We also know of complaints that he was hard to reach while he was out of the office doing advance work for the VP.

Finally a few additional questions.

Ex. 6

2) What message does it send to the American public if Mr. Pruitt switches his security detail chief and two other career officials involved with overseeing expenses and a political appointee who did the same thing, after these individuals raise concerns about spending and security practices? Was this appropriate?

3) Should Mr. Pruitt resign based on the series of questions that have been raised about his performance and if not why not?

Thanks very much - I'm on my cell,
Lisa

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
Personal Matters / Ex. 6 cell

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 5/11/2018 9:16:29 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Hot Topics for Binder
Attachments: Senate Appropriations-HOT TOPICS.DOCX; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Lyons, Troy" <lyons.troy@epa.gov>
> **Date:** May 11, 2018 at 3:49:39 PM EDT
> **To:** "McMurray, Forrest" <mcmurray.forrest@epa.gov>
> **Cc:** "Palich, Christian" <palich.christian@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>
> **Subject: Hot Topics for Binder**
>
> Please put in the Admin's binder for the weekend. This is to serve as a placeholder for the hot topics. They will be updated but the purpose is to give him a sense of questions that will be asked.
>
> _____
> **Troy M. Lyons**
> Associate Administrator
> Office of Congressional & Intergovernmental Relations
> U.S. Environmental Protection Agency
> Personal Phone / Ex. 6 (cell)

Message

From: Palich, Christian [palich.christian@epa.gov]
Sent: 4/19/2018 1:24:32 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: FW: EPW Committee
Attachments: 2018.03.30 - FINAL - Administrator Pruitt QFRs EPW 01.30.2018.docx; Attachment 1 - QFR40 SES Appointments.xlsx; Attachment 2 - QFR46 USWAG letter.pdf; Attachment 3 - QFR46 USWAG petition.pdf; Attachment 4 - QFR46 AES petition.pdf; Attachment 5 - QFR49 impoundment summary.pdf; Attachment 6 - QFR98 Transmittal Email from OGD Director - 11.9.2017.pdf; Attachment 7 - QFR98 Revised Guidance for Managing OGD Grant Reporting 11-13-17.pdf

Hi Ryan,

I know you are swamped but wanted to see if you had time to review the attached cleared QFR's and support docs? Once you sign off/make edits we can send to the Hill.

Have a great day!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Personal Phone / Ex. 6
E: Palich.Christian@epa.gov

From: Olsen, Elizabeth (EPW) [mailto:Elizabeth_Olsen@epw.senate.gov]
Sent: Wednesday, April 18, 2018 2:30 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: EPW Committee

Hey Christian,

I know you are swamped Im sure, but we have Senators asking us about these QFR's from January 30. Do you have any update or idea when these are expected to come to us?

Thanks so much,
Elizabeth "Lizzy" Olsen, J.D.
Majority Counsel & Director of Operations
Senate Committee on Environment and Public Works
C: Personal Phone / Ex. 6
O: (202)224-6176

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

2. During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

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3. As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26,

2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

Deliberative Process / Ex. 5

4. Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

Deliberative Process / Ex. 5

5. Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that

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provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

Deliberative Process / Ex. 5

6. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

   In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

Deliberative Process / Ex. 5

7. In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

Deliberative Process / Ex. 5

8. On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

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[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

Deliberative Process / Ex. 5

9. In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
    a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

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    b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

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    c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

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Ranking Member Carper:

10. EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

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    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

Deliberative Process / Ex. 5

    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

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    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

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11. From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

Deliberative Process / Ex. 5

12. The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

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    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

Deliberative Process / Ex. 5

[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

Deliberative Process / Ex. 5

13. Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

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14. When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

Deliberative Process / Ex. 5

15. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

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    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

Deliberative Process / Ex. 5

16. On March 24, 2017, you issued an agency-wide memorandum[5] on implementation of Executive Order 13777[6], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[7]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

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    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

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    c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

[5] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[6] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

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d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

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17. The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
    a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

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    b. Does EPA follow the "rule of three,[8]" which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.

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[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

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c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

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18. During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[9] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

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[9] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

19. During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[10] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[11]
    a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
    b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
    c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
    d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[12] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

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[10] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[11] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.
[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

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20. In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

Deliberative Process / Ex. 5

21. Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source <u>increasing</u> total emissions of the regulated pollutant? Why or why not?

Deliberative Process / Ex. 5

22. In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

Deliberative Process / Ex. 5

23. The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[13] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

Deliberative Process / Ex. 5

24. Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

Deliberative Process / Ex. 5

25. According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[14] According to the NCA, "Numerous fire models project more wildfires as climate change continues,"

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[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[14] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[15] The NCA calls conifer forests in southern California "notably threatened" by the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[16] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

Deliberative Process / Ex. 5

26. Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

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[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[16] NCA at 471.

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27. Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

Deliberative Process / Ex. 5

28. In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

Deliberative Process / Ex. 5

29. How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

Deliberative Process / Ex. 5

30. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

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    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

Deliberative Process / Ex. 5

31. I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.

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a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

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b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

Deliberative Process / Ex. 5

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

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d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

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e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

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32. Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

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33. Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

Deliberative Process / Ex. 5

34. The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

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35. In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[17] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WyhDQ.

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36. You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[18] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

Deliberative Process / Ex. 5

37. What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

Deliberative Process / Ex. 5

[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WyhDQ.

38. The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

Deliberative Process / Ex. 5

39. EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

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40. The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
    a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

Deliberative Process / Ex. 5

    b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

Deliberative Process / Ex. 5

c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Deliberative Process / Ex. 5

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Deliberative Process / Ex. 5

41. In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[19]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

Deliberative Process / Ex. 5

42. A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

43. A recent report[20] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

Deliberative Process / Ex. 5

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

Deliberative Process / Ex. 5

44. The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

Deliberative Process / Ex. 5

45. Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[21] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[22] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the

[21] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[22] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.

new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[23]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[23] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

Deliberative Process / Ex. 5

46. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

Deliberative Process / Ex. 5

47. Section 2301 of the WIIN Act[24] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

Deliberative Process / Ex. 5

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

Deliberative Process / Ex. 5

48. As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

Deliberative Process / Ex. 5

49. For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

Deliberative Process / Ex. 5

50. One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

Deliberative Process / Ex. 5

Senator Booker:

51. The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

Deliberative Process / Ex. 5

52. On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.
    a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
    b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

53. In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

Deliberative Process / Ex. 5

b. What process do you intend to use in removing and adding sites to these lists?

Deliberative Process / Ex. 5

c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

Deliberative Process / Ex. 5

d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

Deliberative Process / Ex. 5

54. The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Deliberative Process / Ex. 5

55. When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

Deliberative Process / Ex. 5

56. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.
    a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
        i. What experience did he have that you believe qualified him to serve as Chair?
        ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
    b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
    c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Deliberative Process / Ex. 5

57. When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

58. Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.
    a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

Deliberative Process / Ex. 5

    b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

Deliberative Process / Ex. 5

59. Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

Deliberative Process / Ex. 5

Senator Boozman:

60. Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

Deliberative Process / Ex. 5

Senator Ernst:

61. In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

Deliberative Process / Ex. 5

62. Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

Deliberative Process / Ex. 5

63. How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

Deliberative Process / Ex. 5

64. The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

    PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

    PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

    a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. What would be the impact to farmers across my state and the country?

Deliberative Process / Ex. 5

Senator Fischer:

65. In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

Deliberative Process / Ex. 5

66. How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

Deliberative Process / Ex. 5

67. If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

Deliberative Process / Ex. 5

68. I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

    Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the

agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Deliberative Process / Ex. 5

69. When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Deliberative Process / Ex. 5

70. What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Markey:

WEBSITE

71. In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[25] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[26] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

Deliberative Process / Ex. 5

[25] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[26] 44 USC § 3506(d)(3)

72. The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated [...] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

Deliberative Process / Ex. 5

ENFORCEMENT

73. Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[27]

    According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[28]

[27] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-Is-Winning-Battle-Against.html#document/p1/a356485

[28] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

Deliberative Process / Ex. 5

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

74. The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[29] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[29] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017

Deliberative Process / Ex. 5

b. Of the cases included in the FY17 reporting, what percentage of civil and criminal cases, inspections/evaluations, complaints, and orders were initiated, opened, or filed after January 20, 2017?

Deliberative Process / Ex. 5

75. The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
    a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates [...] especially enforcement actions to address environmental violations?[31]
    b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

[30] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)
[31] "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf

Deliberative Process / Ex. 5

CLIMATE IN DRAFT STRATEGIC PLAN

76. You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."[32] With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."[33] But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."[34] Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.
    a. Do you disagree with the conclusion made in the Climate Science Special Report by our country's top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with "no convincing alternative explanation"?

Deliberative Process / Ex. 5

[32] Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. http://www.nationalreview.com/article/435470/climate-change-attorneys-general
[33] DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html
[34] Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) "Climate Science Special Report." U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf

Deliberative Process / Ex. 5

77. Despite these findings, and the conclusion that "[c]hanges in the characteristics of extreme events are particularly important for human safety,"[35] climate change did not appear in the EPA's Strategic Plan for 2018-2022, as published on February 12, 2018.
    a. Why does climate change not appear in the draft plan?
    b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

Deliberative Process / Ex. 5

PERSONNEL

78. In the FY19 budget request, Science and Technology funding was cut from $708,975,000 in the FY 2018 annualized CR to $448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.
    a. How many full-time scientists will be supported at the EPA by the FY19 budget request?

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    b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the "ad hoc" efforts described in the Budget in Brief?

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[35] Ibid.

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TOXIC CHEMICALS

79. During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.
    a. What date was the draft assessment completed by EPA staff?
    b. What is the exact timeline for public release?
    c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

Deliberative Process / Ex. 5

80. The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation's public health and environment. However, there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.
    a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?

Deliberative Process / Ex. 5

    b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.

Deliberative Process / Ex. 5

    c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

Deliberative Process / Ex. 5

Senator Merkley:

81. Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf).
    a. What is the legal basis for this new directive?
    b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
    c. How do you define conflicts of interest within the EPA advisory committees?
    d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
    e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
    f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
    g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?

Deliberative Process / Ex. 5

82. The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?

Deliberative Process / Ex. 5

83. You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over $58 million in grants while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

Deliberative Process / Ex. 5

84. You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?

Deliberative Process / Ex. 5

ED_002324_00007831-00057

85. In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued $77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.

Deliberative Process / Ex. 5

86. During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of…" the EPA (Link: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?

Deliberative Process / Ex. 5

87. The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being#.WnDaRq6nFhF] from attending, in direct conflict with the agency's scientific integrity policy.
    a. Did you realize that this decision was in violation of the policy?

Deliberative Process / Ex. 5

b. Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?

Deliberative Process / Ex. 5

c. In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

Deliberative Process / Ex. 5

88. You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.

Deliberative Process / Ex. 5

89. Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.

Deliberative Process / Ex. 5

90. During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?

Deliberative Process / Ex. 5

91. EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?

Deliberative Process / Ex. 5

ED_002324_00007831-00060

92. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?

Deliberative Process / Ex. 5

93. While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. What was Dr. Dourson's job title and type of appointment?

Deliberative Process / Ex. 5

    b. Whom did he supervise?

Deliberative Process / Ex. 5

    c. Did you delegate any duties of the OCSPP to him? If so, what were they?

Deliberative Process / Ex. 5

    d. What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?

Deliberative Process / Ex. 5

    e. What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?

Deliberative Process / Ex. 5

f. Please provide Dr. Dourson's daily schedule while he was at EPA.

Deliberative Process / Ex. 5

94. You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and settlement agreements. However, EPA has been making "policy decisions" of late that do just that--circumvent the rulemaking process. EPA's January 25 guidance allowing the downgrade of source status from "major" to "area" has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.
    a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

Deliberative Process / Ex. 5

95. Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.

Deliberative Process / Ex. 5

96. Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

Deliberative Process / Ex. 5

97. In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

98. It has been reported that the grant review process at EPA has been captured by political appointees.
    a. Can you please describe how the EPA is currently reviewing grants?

Deliberative Process / Ex. 5

    b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

99. During a recent interview with KSNV TV, you stated:

> "Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100

would threaten insured properties in U.S. Northeast coastal communities valued at $4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

Deliberative Process / Ex. 5

Lead

100. You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning. According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

101. In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as $30 billion or maybe upward of $50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over $275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

Deliberative Process / Ex. 5

EPA Website

102. On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.
Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

Deliberative Process / Ex. 5

103. On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

> "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

Deliberative Process / Ex. 5

104. Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

Deliberative Process / Ex. 5

Renewable Energy

105. In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

> "I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

Deliberative Process / Ex. 5

Senator Van Hollen:

106. You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today– that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, "shall issue an order" regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, you told CBS News that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

Deliberative Process / Ex. 5

107. I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Wicker:

108. Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?

Deliberative Process / Ex. 5

Message

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 4/25/2018 2:03:08 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: draft answers with attachments
Attachments: Document1 (002).docx

I have reviewed the draft. Here are some additonal draft anwers and edits for consideration. You should confirm these are consistent with your understanding and the Administrator's to the extent they include factual assertions.

DRAFT/DELIBERATIVE/PRIVILEGED

From: Jackson, Ryan
Sent: Tuesday, April 24, 2018 7:38 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: draft answers with attachments

Message

From: Taylor, Mary Elizabeth E. EOP/WHO Personal Matters / Ex. 6
Sent: 8/10/2017 1:48:22 PM
To: DeStefano, John J. EOP/WHO Personal Matters / Ex. 6
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: EPA Regional Appointmetns

Hey Ryan. (Former Cloakroom) Mary Elizabeth here.

Deliberative Process / Ex. 5

Hope this helps. I'm also available via cell today if you'd like to chat - feel free to ring.

Thanks.

> On Aug 10, 2017, at 9:26 AM, DeStefano, John J. EOP/WHO < Personal Matters / Ex. 6
>

Deliberative Process / Ex. 5

>
> Sent from my iPhone
>
> On Aug 10, 2017, at 9:19 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>

Deliberative Process / Ex. 5

> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Personal Matters / Ex. 6
>
>> On Aug 10, 2017, at 9:08 AM, DeStefano, John J. EOP/WHO < Personal Matters / Ex. 6 wrote:
>>

Deliberative Process / Ex. 5

>>
>> Sent from my iPhone
>>
>> On Aug 10, 2017, at 8:25 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>

Deliberative Process / Ex. 5

>> _____
>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>> Personal Matters / Ex. 6

>>
>>> On Aug 10, 2017, at 1:22 AM, Locetta, Jennifer R. EOP/WHO < Personal Matters / Ex. 6 > wrote:
>>>

Deliberative Process / Ex. 5

>>> Jennifer R. Locetta
>>> Special Assistant to the President
>>> Associate Director, Presidential Personnel Office
>>>
>>>> On Aug 9, 2017, at 6:27 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>>
>>>> Again, much appreciated on the Regional Administrators.
>>>>
>>>> Trey Glenn is onboarding August 28.
>>>>

Deliberative Process / Ex. 5

>>>>
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: DeStefano, John J. EOP/WHO [mailto: Personal Matters / Ex. 6
>>>> Sent: Tuesday, August 1, 2017 10:16 AM
>>>> To: Jackson, Ryan <jackson.ryan@epa.gov>
>>>> Cc: Locetta, Jennifer R. EOP/WHO < Personal Matters / Ex. 6 >; Munoz, Charles <munoz.charles@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
>>>> Subject: Re: EPA Regional Appointmetns
>>>>
>>>> Your announcements. But we'd like to coordinate w OLA so we get support from senators.
>>>>
>>>> Sent from my iPhone
>>>>
>>>> On Aug 1, 2017, at 10:14 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>>
>>>> Is PPO planning to make any announcements on these spots or can EPA make the appointment hires when brought aboard?
>>>>
>>>> _____
>>>> Ryan Jackson
>>>> Chief of Staff

>>>> U.S. EPA
>>>> Personal Matters / Ex. 6
>>>>
>>>>> On Aug 1, 2017, at 10:11 AM, Locetta, Jennifer R. EOP/WHO < Personal Matters / Ex. 6 > wrote:
>>>>>
>>>>> Hi Ryan,
>>>>>

Deliberative Process / Ex. 5

>>>>>
>>>>> Thanks,
>>>>> Jennifer
>>>>>
>>>>> -----Original Message-----
>>>>> From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
>>>>> Sent: Tuesday, August 1, 2017 8:12 AM
>>>>> To: DeStefano, John J. EOP/WHO < Personal Matters / Ex. 6 >; Locetta, Jennifer R. EOP/WHO
< Personal Matters / Ex. 6 >
>>>>> Cc: Munoz, Charles <munoz.charles@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
>>>>> Subject: FW:
>>>>>
>>>>> Thanks for the list of RAs.
>>>>>
>>>>> For clarity, these are candidates which are approved by PPO, waiting for Pruitt's concurrence, and can be appointed shortly after?
>>>>>
>>>>>
>>>>>
>>>>> -----Original Message-----
>>>>> From: Munoz, Charles
>>>>> Sent: Monday, July 31, 2017 7:51 PM
>>>>> To: Jackson, Ryan <jackson.ryan@epa.gov>
>>>>> Subject: Re:
>>>>>
>>>>> EPA Region 1 (Boston):
>>>>> * Deliberative Process / Ex. 5
>>>>>
>>>>> EPA Region 4 (Atlanta):

Deliberative Process / Ex. 5

>>>>> EPA Region 5 (Chicago):
>>>>> Deliberative Process / Ex. 5
>>>>>
>>>>> EPA Region 7 (Kansas City):
>>>>> Deliberative Process / Ex. 5
>>>>>
>>>>> EPA Region 8 (Denver):

Deliberative Process / Ex. 5

>>>>>
>>>>> Charles Munoz
>>>>> White House Liaison
>>>>>
>>>> <Holly Greaves resume.pdf>
>>>> <image2017-08-09-001427.pdf>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/17/2018 12:30:36 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: DRAFT--Murder Board Questions
Attachments: 4-11-2018 - FY19 Budget Hearing HOT TOPICS VRJ edits.docx

Attorney Client / Ex. 5

From: Leopold, Matt
Sent: Tuesday, April 17, 2018 8:24 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: DRAFT--Murder Board Questions

Attorney Client / Ex. 5

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Lyons, Troy
Sent: Tuesday, April 17, 2018 12:01 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: DRAFT--Murder Board Questions
Importance: High

Ryan, Matt

Attorney Client / Ex. 5

We need your guidance on the hearing briefing; specifically, **Attorney Client / Ex. 5** Attorney Client / Ex. 5 currently the budget prep is scheduled for 4/24, 4/25 with 30 minutes for each program office which is dove tailed by the "hot topics" briefing which will be compromised of the topics included in our script.

Perhaps it would be beneficial to meet tomorrow to hammer out any changes to the briefing schedule.

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Carr, Dorothy [Carr.Dorothy@epa.gov]
Sent: 4/3/2018 5:04:36 PM
To: Munoz, Charles [munoz.charles@epa.gov]
CC: Taylor, Jeremy [Taylor.Jeremy@epa.gov]
Subject: The supervisor is indicated in the body of the Hupp and Greenwalt statements of work
Attachments: Hupp Conversion.pdf; Greenwalt Conversion.pdf

Hi Charles,

I just doublechecked the body of the AD statements of work that you provided us with the original packages on the email below and attached here. Both indicate that the Administrator is the supervisor of these positions.

TITLE AND GRADE OF SUPERVISOR

Administrator, EX

Take care,
Dorothy Carr
Lead Human Resources Specialist
Human Resources Management Division, OARM-RTP
(919) 541-4356 (office)
Personal Matters / Ex. 6 (cell)

OARM-RTP SERVE. SOLVE. COLLABORATE.

CONFIDENTIALITY: This communication may contain privileged or other confidential information. If you are not the intended addressee, or believe you have received this communication in error, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner; to do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

From: Munoz, Charles
Sent: Monday, March 12, 2018 9:13 AM
To: Carr, Dorothy <Carr.Dorothy@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Subject: AD Appointee's

Good morning,

Attached are 2 new AD appointee's joining our water office. The other 2 are schedule c conversions to AD. Please let me know of any questions.

Thanks,

Charles Munoz
White House Liaison
Environmental Protection Agency
Personal Matters / Ex. 6

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Action Requested: AD Appointment
2. Request Number: AO-2018-015
3. For Additional Information Call *(Name and Telephone Number)*: Felicia Peppins - 202-564-7428
4. Proposed Effective Date: ASAP
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson, Chief of Staff 3/9/18
6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date*: E. Scott Pruitt, Administrator 3/9/18

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*: Greenwalt, Sarah
2. Social Security Number
3. Date of Birth
4. Effective Date

FIRST ACTION		SECOND ACTION	
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number

Senior Advisor to the Administrator for Water and Cross Cutting Initiaves

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	301	13	05	$109,900.00	PA

12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

15. TO: Position Title and Number

Senior Advisor to the Administrator

16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	301	00		$16,420.00	PA

20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay

22. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: ☐ YES ☐ NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E - Exempt; N - Nonexempt
36. Appropriation Code: 18/19 B 11A 000ME8
37. Bargaining Unit Status
38. Duty Station Code: 11-0011-001
39. Duty Station *(City - County - State or Overseas Location)*: Washington, DC

40. AGENCY DATA	41.	42.	43.	44.

45. EDUCATIONAL LEVEL	46 YR DEGREE ATTAINED	47. Academic Discipline	48 FUNCTIONAL CLASS	49. CITIZENSHIP 1-USA 8-OTHER	50. Vietnam Era Vet	51. SUPERVISORY STATUS

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature | Approval Date

CONTINUED ON REVERSE OVER

52-118

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

THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the appointment of Sarah Greenwalt to serve as Senior Advisor to the Administrator. Ms. Greenwalt will be compensated at the rate of $164, 200 per annum.

E. Scott Pruitt
Administrator

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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Salary Justification for Millan Hupp, Director of Scheduling and Advance

FROM: Ryan Jackson, Chief of Staff

TO: Donna Vizian, Acting Assistant Administrator

Office of Administration and Resources Management

This memo will serve as a salary justification for Ms. Hupp. I'm approving the appointment of Ms. Hupp at a salary equivalent to a Grade 14, Step 1 in the D.C. region. Ms. Hupp has been leading the scheduling and advance for the Administrator for over a year and is well respected throughout the agency. She has shown unparalleled work-ethic and organizational skills since she began. Based on the reason's listed above, I believe that Ms. Hupp will have an immediate, positive impact on one of the agency's most important office's and that her compensation should reflect her value to the agency.

Ryan Jackson
Chief of Staff
3/09/2018

Printed on Recycled Paper

STATEMENT OF WORK

TITLE, SERIES, GRADE

Senior Advisor to the Administrator
AD-0301-00

ORGANIZATION

Environmental Protection Agency
Office of the Administrator
Washington, DC

TITLE AND GRADE OF SUPERVISOR

Administrator, EX

STATEMENT OF RESPONSIBILITIES

Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.
Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator.
Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.
Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.
4. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Sarah Greenwalt
- **WORK PHONE:**
- **WORK EMAIL:** Greenwalt.Sarah@epa.gov
- **PLACE OF BIRTH:** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Advisor to the Administrator for Water and Cross-Cutting Initiatives
- **Is position being backfilled (Y/N/TBD):** N

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD 15/10
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Counsel to the Administrator
- **JOB DESCRIPTION:** PDF attached

AO-2018-015

SENIOR COUNSEL TO THE ADMINISTRATOR

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent will serve as the Senior Counsel to the Administrator. The incumbent has a variety of special and ongoing responsibilities with an emphasis on assisting the Administrator in evaluating climate science that drives Agency policy initiatives and programs.

SUPERVISORY CONTROLS

Receives general direction and broad policy guidance from the Administrator/Deputy Administrator. Within this broad framework, duties are performed with maximum independence subject to review only for attainment of overall objectives and compliance with policies.

MAJOR DUTIES AND RESPONSIBILITIES

1. Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.

2. Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator. Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.

3. Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.

4. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

5. Represents the Administrator and the Agency at all levels of government including Federal, State, municipal and county agencies and at private industry and citizen groups; provides

information and advice on the Agency's innovation activities and programs and interprets existing and proposed plans and policies; and applies a broad comprehensive knowledge of problems involved in effective relationships between various government levels, private industry and citizenry in striving to promote plans and programs of special significance to the national environmental protection efforts. The incumbent stimulates interests, elicits support, works out agreements at all these levels and advises the Administrator on courses of action which should be taken.

6. Keeps alert and informed on current policies, programs and procedures of the Agency, and Congress. Prepares status reports and studies which pertain to problems of unusual breadth and intensity not normally within the purview of a specific statute or authority. Projects are generally far-reaching in impact, unique and require distinct and definite approaches. Makes recommendations to the Administrator/Deputy Administrator on comprehensive proposals for increasing the Agency's regulatory flexibility.

7. Exercises continuing responsibility to effectively support the Equal Employment Opportunity Affirmative Action Plan and communicating this support to subordinates, taking positive actions which will motivate and give opportunity to all personnel.

8. Performs other duties as assigned.

LIMITATION OF AUTHORITY

The incumbent's duties will not extend to issuing legal opinions or final decisions regarding the legal sufficiency of an EPA action, or the interpretation of a statute, regulation, Executive Order, agreement, or contract.

The incumbent is responsible for coordinating legal advice with the EPA Office of General Counsel (OGC) and assuring that such legal advice is consistent with OGC policies, opinions, and interpretations.

The incumbent is responsible for coordinating legal enforcement advice with the EPA Office of Enforcement and Compliance Assurance (OECA) and assuring that such legal enforcement advice is consistent with OECA policies, opinions, and interpretations.

The incumbent is not authorized to identify himself/herself in any internal or external document, communication, correspondence, filing, or the like in a manner that creates the appearance that the incumbent represents EPA in a legal capacity, unless authorized by the General Counsel or his/her designee.

SARAH GREENWALT

Personal Matters / Ex. 6

EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctor — May 2013

Honors: Order of the Barristers
Academic Achievement Award – Legal Research and Writing
Dean's Honor Roll
Cole E. Adwon Scholarship for Excellence in Moot Court Competitions

Moot Court: Top Speaker Award in Intra-school Moot Court Competition
Chicago Bar Association Moot Court Competition; Chicago, Illinois
First Amendment Moot Court Competition; Washington, D.C.

Activities: Federalist Society
Organization for the Advancement of Women in Law
Volunteer Income Tax Assistance (VITA)

University of Oklahoma — Norman, OK
Bachelor of Arts, Psychology — May 2010

Honors: President's Honor Roll
Dean's Honor Roll
OU Foundation Scholar, given to selected Honors College students

PROFESSIONAL EXPERIENCE

Office of the Oklahoma Attorney General — Oklahoma City, OK
General Counsel to the Attorney General and *Deputy General Counsel to the Attorney General* — August 2016-Present

- Provided legal counsel to the Attorney General, members of the Legislature, agency directors, and the Governor's office regarding a variety of confidential and complicated issues.
- Facilitated the Attorney General's Opinion process by composing and overseeing other attorneys in the drafting of official Opinions on a range of state and federal law questions.
- Reviewed and revised draft ballot title language for state questions and defended the Attorney General's language in the Oklahoma Supreme Court.

Assistant Solicitor General and *Law Clerk* — May 2012- August 2016

- Defended the constitutionality of state statutes by briefing and arguing original jurisdiction actions before the Oklahoma Supreme Court; briefed and argued high profile cases before state district and appellate courts, including issues regarding abortion regulations, school vouchers, and workers' compensation reform.
- Brought challenges on behalf of the State against federal regulations, including challenges to the EPA's "Waters of the United States" Rule and the IRS's Final Rule regarding tax credits under the Affordable Care Act.
- Drafted Petition for Certiorari and amicus brief in United States Supreme Court cases.

U.S. Department of Veterans Affairs — Oklahoma City, OK
Law Clerk for the Office of Regional Counsel for Veterans Affairs Medical Center of OKC — May 2012-Aug. 2012

- Prepared training materials on the EEOC's final regulations regarding the Americans with Disabilities Act Amendments Act of 2008 and the Privacy and HIPPA regulations of the Department of Veterans Affairs.
- Gained a practical understanding of both Administrative and Health Law.

University of Oklahoma College of Law — Norman, OK
Research Assistant to Professor Joseph Thai — May 2011-Sept. 2011

- Drafted substantive materials for utilization in legal texts such as "John Paul Stevens: In His Own Words" and a Supreme Court sourcebook, which discussed the inner workings of the United States Supreme Court.
- Performed legal research on criminal and constitutional law issues including United States Supreme Court death penalty jurisprudence and the role of supreme courts in a democratic society.

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Action Requested: AD Appointment
2. Request Number: AO-2018-014
3. For Additional Information Call *(Name and Telephone Number)*: Felicia Peppins - 202-564-7428
4. Proposed Effective Date: ASAP
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson, Chief of Staff 3/9/18
6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date)*: E. Scott Pruitt, Administrator 3/9/18

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*: Hupp, Millian
2. Social Security Number
3. Date of Birth
4. Effective Date

FIRST ACTION

5-A. Code	5-B. Nature of Action
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	6-D. Legal Authority
6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number

Director of Scheduling and Advance

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	301	11	10	$88,450.00	PA

12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

15. TO: Position Title and Number

Director of Scheduling and Advance

16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	301	00		$114,590.00	PA

20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay

22. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: ☐ YES ☐ NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E - Exempt; N - Nonexempt
36. Appropriation Code: 18/19 B 11A 000ME8
37. Bargaining Unit Status
38. Duty Station Code: 11-0011-001
39. Duty Station *(City - County - State or Overseas Location)*: Washington, DC

40. AGENCY DATA	41.	42.	43.	44.
45. EDUCATIONAL LEVEL	46 YR.DEGREE ATTAINED	47. Academic Discipline	48.FUNCTIONAL CLASS	49. CITIZENSHIP 1-USA 8-OTHER

50. Vietnam Era Vet
51. SUPERVISORY STATUS

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature

Approval Date

CONTINUED ON REVERSE OVER

52-118

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

THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the appointment of Millian Hupp to serve as Director of Scheduling and Advance to the Administrator. Ms. Hupp will be compensated at the rate of $114,590 per annum.

E. Scott Pruitt
Administrator

ED_002324_00013588-00002

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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Salary Justification for Sarah Greenwalt, Senior Counsel to the Administrator

FROM: Ryan Jackson, Chief of Staff

TO: Donna Vizian, Acting Assistant Administrator

Office of Administration and Resources Management

This memo will serve as a salary justification for Ms. Greenwalt, I'm approving the appointment of Ms. Greenwalt at a salary equivalent to a Grade 15, Step 10 in the D.C. region. Ms. Greenwalt has a law degree and has been the leading advisor to the Administrator for nearly a year on water policy and international affairs. She has shown to have knowledge of broad-ranging policies and leaderships skills since she began. Based on the reason's listed above, I believe that Ms. Greenwalt will have an immediate, positive impact on one of the agency's most important office's and that her compensation should reflect her value to the agency.

Ryan Jackson
Chief of Staff
3/09/2018

Printed on Recycled Paper

STATEMENT OF WORK

TITLE, SERIES, GRADE

Director of Scheduling and Advance
AD-0301-00

ORGANIZATION

Environmental Protection Agency
Office of the Administrator
Washington, DC

TITLE AND GRADE OF SUPERVISOR

Administrator, EX

STATEMENT OF RESPONSIBILITIES

Serves as Director of Scheduling and Advance with the responsibility of leading the strategic operations for the Administrator. Exercises responsibility for handling the day-to-day management of issues and the supervision of the scheduling and advance staff. In this capacity, the incumbent serves as Chair of the Administrator's Scheduling Review Team. Incumbent exercises management responsibility over staff members, making assignments, determining duties and priorities, and evaluating employees' performance.

Oversee the arrangements of trips, including all planning and advance arrangements, review of invitations, selections of speaking forums, and in coordination with the Multi Media Operations and Services Staff and other offices, arranges for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, Congress, the White House, or other Federal department and agencies, State and local governments, scientific and research groups and associations, industry, public groups, foreign governments and the media.

Serves as personal representatives for the Administrator in personal contact with high ranking officials of the Agency, members of Congress, White House representatives, scientific and research groups and associations, foreign governments and others. Ascertains the reasons for sufficient importance to warrant the personal attention of the Administrator. In cases which require the Administrator's attention, the incumbent schedules appointments, determines which take precedence, decides when an appointment may be interrupted, cancelled, rescheduled, etc., without prior approval. When the matter does not require the personal attention of the Administrator but deals with highly technical or sensitive information, refers the matter to the proper official.

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Millan Hupp
- **WORK PHONE:**
- **WORK EMAIL:** Hupp.Millan@epa.gov
- **PLACE OF BIRTH:** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** SKC
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Deputy Director of Scheduling and Advance
- **Is position being backfilled (Y/N/TBD):** TBD

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD GS 14-1 ($114,590)
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Director of Scheduling and Advance
- **JOB DESCRIPTION:** PDF Attached

AO-2018-014

Millan N. Hupp

Personal Matters / Ex. 6

Education

Oklahoma State University — May 2014
Bachelor of Science: Hotel and Restaurant Administration. Minor: Political Science

Experience

Political Fundraising and Operations – Attorney General Scott Pruitt — February 2015 – present
Tulsa, OK

-Primary contact/liaison for Attorney General Pruitt's political team
- Main interface between AG Pruitt and Republican Attorneys General Association
- Main interface between AG Pruitt and donors and political contacts

-Execution of fundraising strategies for 501c3 and Leadership PAC
- Aided in developing and executing fundraising plans and was responsible for collection of funds
- Prepared briefings and messaging

-Staffing and scheduling for an elected official
-Relationship cultivation and management
- Donors, organizations, lobbyists, constituents, principals

-Managed every aspect of a campaign operation
- Donor file
- Record keeping
- Finance management/ compliance with state ethics and FEC

-Inception to dissolution of two federal PACs and dissolution of a state committee
-Experience in communications, social media, general consulting, solicitation and prospecting, and polling

Embassy Suites Nashville-Airport (Aimbridge Hospitality) — July 2014-February 2015
10 Century Boulevard, Nashville, TN 37214 615-871-0033

-Business Travel Sales Manager
- Contract negotiation and RFP bids for local and national accounts
- Responsible for meeting quarterly sales goals
- Relationship building through community involvement and sales blitzes
- Work with local contacts, Hilton national account owners, and utilize available resources to move market share
- Act as liaison between the hotel and the community
- Weekend Manager on Duty shifts

Oklahoma City Convention and Visitor's Bureau — August 2013-December 2013
123 Park Avenue OKC, OK 73012 405-297-8912

-Intern: Convention Services
- Tasked with attending to walk-in and call-in orders for visitor information
- Accompanied supervisors on site visits for potential conventions
- Assigned many projects involving local and national organizations
- Researched various methods for promoting tourism and city attractions

Westin San Francisco Market Street (Highgate Hotels) — June-July 2012
50 3rd Street San Francisco, CA 94103 415-974-6400

- Intern: Human Resources
- Dealt in Microsoft Operating Systems, EVS, ADP Timesaver
- Assisted in organization of associate appreciation events as well as hotel's participation in a city wide fundraiser (Leukemia & Lymphoma Society: Million Dollar Mission)
- Assisted in hotel wide communication through various methods including emails and postings
- Attended operational meetings including union grievances, mediations, workers compensation, and safety

Eskimo Joes Restaurant — August 2010-May 2014
501 West Elm Avenue Stillwater, OK 74074 405-372-8896

- Server Shift Leader
- Worked my way to this position first starting out as host, then expeditor, then server, and finally server shift leader

Leadership/Activities/Service

Oklahoma Federation of Young Republicans — April 2016 - present
First District Vice-Chair
- Liaison between county chapters and the executive team

Tulsa Republican Women's Club — March 2016 - present
Member

Oklahoma House PAC
Volunteered to assist with fundraisers during election cycle

DIRECTOR OF SCHEDULING AND ADVANCE

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent serves as the Director of Scheduling and Advance for the Administrator and is responsible for strategic scheduling and advance functions for the Administrator.

The incumbent of this position requested for Schedule C exception will not be able to adequately perform his duties without being privy to the political, personal, and management philosophies of the Administrator. A confidential relationship of a Schedule C nature is imperative as the incumbent will speak for the Administrator and, as such, will be expected to reflect her philosophies in conversation with leading figures of the government, businesses and other groups. The incumbent may also be obliged to present the views of the Administrator in correspondence and other communications with agency managers and program officials.

MAJOR DUTIES AND RESPONSIBILITIES

Serves as Director of Scheduling and Advance with the responsibility of leading the strategic operations for the Administrator. Exercises responsibility for handling day-to-day management of issues and the supervision of the scheduling and advance staff. In this capacity, the incumbent serves as the Chair of the Administrator's Scheduling Review Team. Incumbent exercises management responsibility over staff members, making assignments, determining duties and priorities, and evaluating employee performance.

Oversees the arrangements of trips, including all planning and advance arrangements, review of invitations, selection of speaking forums, and, in coordination with the Multi Media Operations and Services Staff and other offices, arranges for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, Congress, the White House, other Federal departments and agencies, State and local governments, scientific and research groups and associations, industry, public interest groups, foreign governments and the media.

Serves as personal representative for the Administrator in personal contacts with high ranking officials of the Agency, members of Congress, White House representatives, scientific and research groups and associations, foreign governments, and others. Ascertains the reasons for the visit and decides with the Director of Operations whether the matter to be discussed is of sufficient importance to warTant the personal attention of the Administrator. In cases which require the Administrator's attention, the incumbent schedules appointments, determines which take precedence, decides when an appointment may be interrupted, cancelled, rescheduled, etc., without prior approval. When the matter does not require the personal attention of the Administrator but deals with highly technical or sensitive information, refers the matter to the

proper official. On matters which are covered by established policies, explains procedures based on own knowledge of the Administrator's thinking.

Maintains the Administrator's daily calendar of appointments, establishing priorities and scheduling, shifting and declining appointments; accepting or declining requests for meetings. Collaborates with the Chief of Staff and Director of Operations as needed.

Manages the Administrator's long-term planning, briefing material preparation, and traveling operations. In consultation with the Director of Operations, makes decisions on advantageous utilization of the Administrator's time while on travel, arranging for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, the White House, other federal agencies, state and local governments, industry, public interest groups, foreign governments, and the media. Tact, discretion, judgment and resourcefulness are essential in handling these activities. This responsibility includes strategic scheduling and coordination with the regions and program officials, including travel and announcements on new initiatives.

Analyzes and evaluates specific arrangements and other requirements for meetings, conferences, and unique events that are considered highly confidential. Exercises judgment and, when necessary, makes decisions on behalf of the Director of Operations on procedures and methods for fact gathering, problem solving, and negotiations. These assignments require the utmost tact, diplomacy and perception regarding the subject and attendees. Informs senior management of applicable developments and concerns about all arrangements. Prepares reports and analyses for presentation to supervisor and makes recommendations regarding appropriate courses of actions.

Oversees the planning and coordination of the Administrator's schedule, including all meetings, conferences and travel. This involves contact with key program officials in the Agency, as well as throughout the Executive and Legislative Branches of Government, public interest groups, etc.

Performs a variety of special assignments, many of a confidential nature, sometimes with specific instructions but more often with only a general outline of what is desired. Provides this information to the supervisor through personal briefings. Makes recommendations on decisions and courses of action. Those assignments may be narrow and specialized in scope or may be broad-based, touching upon wide program areas or activities within or outside the agency.

Message

From: Jackson, Ryan (Inhofe) [Ryan_Jackson@inhofe.senate.gov]
Sent: 2/3/2017 8:21:03 PM
To: Ex. 6 Personal Privacy (PP) @who.eop.gov; Munoz, Charles [munoz.charles@epa.gov]
CC: Patrick Wyrick (patrickwyrick@gmail.com) [patrickwyrick@gmail.com]
Subject: RE: Per our conversations today concerning EPA personnel
Attachments: Byron Brown Resume Dec 21 2016-Final.pdf; Mike Witt CV Jan 2017 (1).docx; Wheeler Andrew - CV.doc; AWS Resume.pdf; Susan Bodine CV.docx; Wehrum Resume-c.pdf; Dave Ross Resume.doc

Jennifer, I just wanted to update and follow up on recommendations Pruitt would like to make for PAS positions in EPA. I know that these may be a few weeks away, and while I'm working with Charles on non-Senate confirmed I wanted to ensure you had the following recommendations:

- Andrew Wheeler – Deputy Administrator
- Allison Starmann – General Counsel
- Susan Bodine – AA for Office of Enforcement and Compliance Assurance
- Bill Wehrum – AA for Air and Radiation
- Dave Ross – AA for Water
- Byron Brown – AA for Land and Emergency Management
- Nancy Beck and Mike Witt – AA for Chemical Safety and Pollution Prevention

We appreciate the consideration and interviews of these individuals.

Ryan.

From: Jackson, Ryan (Inhofe)
Sent: Thursday, January 26, 2017 7:15 PM
To: Ex. 6 Personal Privacy (PP) @who.eop.gov' Ex. 6 Personal Privacy (PP) @who.eop.gov>; 'munoz.charles@epa.gov' <munoz.charles@epa.gov>
Cc: Patrick Wyrick (Ex. 6 Personal Privacy (PP)
Subject: Per our conversations today concerning EPA personnel

Jennifer and Charles, thank you for your time today.

As we spoke on the phone, General Pruitt wanted me to provide this list to Presidential Personnel on staff he would like in appointed positions, Senate confirmed and non-confirmed, within EPA.

We understand the consideration the incoming Administration has to accommodate and consider multiple qualified candidates for positions. However, General Pruitt requests that Presidential Personnel view the names in red text as individuals General Pruitt considers must haves within his office and the Agency. All with the exception of a couple of them are non-confirmed positions.

The remaining names in black text are candidates General Pruitt requests that Presidential Personnel interview for these positions under which their names are listed. He either knows or has personally met with each of the individuals on the attached list.

He has, of course, offered no positions, but would like to know the status of the names in red as soon as is possible, if offers can be made and the process involved in offers, and how salaries are determined for the positions. In particular, he would like Michelle Hale (executive assistant), Sydney Hupp, and Millan Hupp placed as soon as is possible. They have long been personal assistants for scheduling or logistics.

I may be reached anytime for questions or additional information on my cell at 202-679-1469. I owe you some additional resumes, however, I wanted to ensure to respond today. This represents the vast majority of resumes of individuals in red and some others as well.

Thank you.

Ryan.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Building
Washington, D.C. 20510
(202) 224-4721
(202) 228-1007 facsimile

CONGRESSIONAL RECORD – NOT AN AGENCY RECORD SUBJECT TO FOIA – CONGRESS RETAINS CONTOL OF THE PRECEDING DOCUMENT AND ANY ATTACHMENTS AND EXHIBITS.

BYRON R. BROWN

Address: Ex. 6 Personal Privacy (PP) ❖ Phone: Ex. 6 Personal Privacy (PP) ❖ Email: Ex. 6 Personal Privacy (PP)
Bar Membership: Massachusetts (active since 1999) ❖ Security Clearance: "Top Secret" since 2012; "Secret" since 2005

CONGRESSIONAL & LEGAL EXPERIENCE

Committee on Environment and Public Works (EPW), U.S. Senate, Chairman James Inhofe

Senior Counsel *Jan. 2015 – Present*

- Manage all legislation and policy issues involving Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) for EPW Committee:
  - Drafted and negotiated compromise legislation amending RCRA to authorize permit programs for coal ash management (Sec. 2301 of P.L.114-322, Water Infrastructure Improvements for the Nation Act);
  - Lead Republican Senate staffer on bill to reauthorize federal Brownfields program (S. 1479);
  - Brokered compromise solid waste legislation to promote waste-to-energy and paper recycling; and
  - Assisted drafting of bipartisan legislation to promote cleanup of abandoned mines by Good Samaritans.
- Organize and staff multiple full Committee and Superfund, Waste Management and Regulatory Oversight Subcommittee hearings on U.S. Environmental Protection Agency (EPA) programs and policies, including preparing statements and questions for Chairman and Senators, drafting background memoranda, and selecting witnesses.
- Conduct high-profile oversight investigations on various topics under EPW Committee jurisdiction, including:
  - EPA's use of social media to promote Clean Water Rule in violation of lobbying and propaganda laws;
  - The role of environmental groups in developing EPA's Clean Power Plan;
  - Compliance with Federal Vacancies Reform Act by EPA and the Council on Environmental Quality;
  - EPA's oversight of Superfund sediment sites and adherence to internal policies; and
  - EPA's role in causing and its response to the Gold King Mine blowout.

Committee on Natural Resources, U.S. House of Representatives, Chairman Doc Hastings

Director and Senior Counsel, Office of Oversight and Investigations *April 2013 – Jan. 2015*

Managed four-attorney staff office that conducted high-profile oversight investigations into energy, natural resource, environmental, and science issues involving the Department of the Interior (DOI), other agencies, and the private sector.

- Advised Chairman and Chief of Staff about oversight priorities, strategies, and legal authorities.
- Staffed more than a dozen full Committee and Subcommittee oversight hearings.
- Conducted investigative interviews with witnesses and negotiated with counsel for witnesses.
- Prepared staff reports and document requests; served as lead negotiator with executive branch officials and private sector representatives for Committee investigations; and prepared and issued subpoenas.
- Coordinated with communications staff on public relations strategies for oversight investigations, including drafting content for Committee website, press releases, and talking points.

Senior Counsel for Oversight, Office of Oversight and Investigations *Dec. 2011 – April 2013*

- Conducted oversight investigations with minimal supervision on diverse natural resource and environmental topics, including:
  - White House role in 2010 Gulf of Mexico offshore drilling moratorium;
  - Lack of independence by DOI Office of Inspector General; and
  - Mismanagement of law enforcement asset forfeiture program for fisheries management agency.
- Drafted document request letters; prepared and issued subpoenas; drafted staff reports and briefing memoranda about pending investigations; negotiated with agency officials over scope of request letters and interviews; and conducted interviews and meetings with witnesses and whistleblowers.
- Staffed full Committee and Subcommittee hearings, including briefing Chairman and Members, drafting background memoranda, and preparing questions for witnesses.

U.S. Environmental Protection Agency, Office of General Counsel (OGC)

Senior Attorney, Air and Radiation & Cross-Cutting Issues Law Offices *Feb. 2011 – Dec. 2011*

- Counseled Office of Air and Radiation programs on legal issues arising under Clean Air Act (CAA) and the Administrative Procedure Act, including NSR/PSD permits for power plants, Title V operating permits, climate change public trust doctrine litigation, biomass deferral rule, and air transport rulemakings.
- Advised senior agency officials on Congressional Review Act; Information Quality Act; the development of EPA's scientific integrity policy; and requirements for regulatory reviews by Science Advisory Board.

Associate Deputy General Counsel/Senior Advisor, Immediate Office of the General Counsel *Nov. 2006 – Feb. 2011*

Advised General Counsel and other senior EPA officials on management of OGC and Congressional relations.

- Served as liaison for legal and policy issues between OGC and Office of Solid Waste and Energy Response; Office of Pollution Prevention and Toxic Substances; and Office of Environmental Information.
- Coordinated litigation filings, regulatory reviews, policy briefings, cross-office projects, and other matters requiring General Counsel involvement under CERCLA, RCRA, Endangered Species Act, National Environmental Policy Act (NEPA), and other environmental and information laws. Representative matters included two Supreme Court cases involving CERCLA; EPA's response to contaminated Chinese drywall; and NEPA reviews of nationally significant energy and infrastructure projects.
- Managed EPA response to oversight investigations by Senate and House committees, the Government Accountability Office, and the EPA Office of Inspector General. Representative matters included denial of California's request for a waiver under CAA and endangerment finding to regulate greenhouse gas emissions from vehicles, the impact of recent Supreme Court decisions on Clean Water Act enforcement cases, environmental cleanups at Superfund sites, and regulation of a proposed offshore liquefied natural gas facility.
- Served as Brookings Institution Legislative Fellow working on energy and environmental issues (2010).
- Coordinated recruitment, hiring, and training of staff attorneys, legal fellows, and interns for OGC.
- Served as OGC's staff lead for the 2008 Presidential Transition.

Assistant General Counsel for Information Law, General Law Office *Nov. 2003 – Nov. 2006*

Managed nine attorneys and paraprofessional staff in OGC's Information Law Practice Group.

- Issued final decisions on behalf of General Counsel for Freedom of Information Act (FOIA) administrative appeals, fee waiver requests, and confidential business information (CBI) and trade secret claims under all EPA statutes.
- Oversaw practice group's FOIA and Privacy Act litigation docket.

Attorney, Information Law Practice Group, General Law Office *Jan. 2001 – Nov. 2003*

Counseled and litigated issues involving FOIA, privacy, oversight, records, information security, and Internet projects.

- Served as agency counsel for FOIA litigation involving Vice President's energy task force; coordinated development of privacy, CBI, and copyright policies for regulations.gov website (e-rulemaking portal); and counseling agency officials on CBI and confidentiality issues associated with agency's emergency responses to terrorist attacks.

The Reporters Committee for Freedom of the Press, Arlington, VA.

Jack Nelson Legal Fellow *Sept. 1999 – Aug. 2000*

Drafted *amicus curiae* briefs for federal and state appellate litigation involving federal and state open record laws.

EDUCATION & OTHER QUALIFICATIONS

J.D.	College of Law, University of Iowa, Iowa City, IA.	May 1999
M.A.	School of Journalism and Mass Communication, University of Iowa, Iowa City, IA.	May 1999
B.A.	English/Journalism (*cum laude),* University of New Hampshire, Durham, NH.	May 1994

The Daily Tribune, the Pulitzer Prize winning daily newspaper in Ames, IA. Jan. 1995 – June 1996

News reporter covering county government. Copy editor for front page, daily news, and weekly feature sections.

The Daily Iowan, the daily newspaper in Iowa City, IA. Oct. 1996 – May 1999

Editorial page editor, opinion writer, and local news reporter.

SAMPLE OVERSIGHT LETTERS

- Letter to Gina McCarthy, Administrator, and Environmental Protection Agency re: Deputy Administrator Vacancy, March 8, 2016: http://www.epw.senate.gov/public/_cache/files/0da0f6d1-1eed-43f5-aa11-9dec604fa31d/meiburg-030816-letter-to-epa.pdf.
- Letter to Gina McCarthy, Administrator, Environmental Protection Agency re: Gold King Mine, Feb. 3, 2016: http://www.epw.senate.gov/public/_cache/files/c229fb2e-5868-434d-8792-bf47ae5fae63/epw-to-epa-re-gold-king-020316-2-.pdf.
- Letter to Christy Goldfuss, Managing Director, Council on Environmental Quality re: Chairman Vacancy, Dec. 18, 2015: http://www.epw.senate.gov/public/_cache/files/a2d487ef-dedb-4a4d-9285-a33b20e9b08e/121815-letter-from-chairman-inhofe.pdf.
- Letter to President Obama re: Chairman Vacancy at Council on Environmental Quality, Nov. 20, 2015: http://www.epw.senate.gov/public/_cache/files/311ab91a-7e71-4139-bbcc-c9ed9a221da8/ceq-letter-to-obama-112015-final.pdf.
- Letter to Christy Goldfuss, Managing Director, Council on Environmental Quality re: Chairman Vacancy, Nov. 20, 2015: http://www.epw.senate.gov/public/_cache/files/5524f18c-19bf-484f-a916-c176bbed2aa3/ceq-letter-to-goldfuss-112015-final.pdf.

PUBLICATIONS

- *"Forecast for COP-21: Senate Predicts Obama Climate Promises to Come Up Short Again,"* Committee on Environment and Public Works, Majority Staff Report (co-author) Dec. 1, 2015: http://www.epw.senate.gov/public/_cache/files/82ad22e2-c7d4-43db-a5a3-a596571f76d0/white-paper-combined-120315-final.pdf.
- *"Obama's Carbon Mandate: An Account of Collusion, Cutting Corners, and Costing Americans Billions,"* Committee on Environment and Public Works, Majority Staff Report (co-author), Aug. 4, 2015: http://www.epw.senate.gov/public/_cache/files/386eb25d-b723-4ffd-9fcf-218425a33191/epw-staff-report-obama-carbon-mandate.pdf.
- *"Under the Microscope: An Examination of the Questionable Science and Lack of Independent Peer Review in Endangered Species Act Listing Decisions,"* Committee on Natural Resources, Majority Staff Report (co-author), Dec. 15, 2014: http://naturalresources.house.gov/uploadedfiles/esa_peer_review_science-staff_report.pdf.
- "A *Five-Star Folly: An Investigation into the Cost Increases, Construction Delays, and Design Problems That Have Been a Disservice to the Effort to Memorialize Dwight D. Eisenhower,"* Committee on Natural Resources, Majority Staff Report (co-author), July 25, 2014: http://naturalresources.house.gov/uploadedfiles/oversightreport-113-eisenhowermemorial.pdf.
- *"Ethics Under Review: An Oversight Investigation into the Department of the Interior's Ethics Program and How Recusals are Managed for Senior Officials,"* Committee on Natural Resources, Majority Staff Report (lead author), Sept. 9, 2014: http://naturalresources.house.gov/uploadedfiles/ethics09091staffreport.pdf.
- *"A Less Secure Future for Rural Schools: An Investigation into the Obama Administration's Questionable Application of the Sequester to the Secure Rural Schools Program,"* Committee on Natural Resources, Majority Staff Report (co-author), January 14, 2014: http://naturalresources.house.gov/uploadedfiles/oversightreport-113-alesssecurefutureforruralschools.pdf.
- *"Holding Interior Watchdog Accountable: Oversight of the Department of the Interior's Office of Inspector General,"* Committee on Natural Resources, Majority Staff Report (lead author), Feb. 21, 2013: http://naturalresources.house.gov/uploadedfiles/oversightreportdepartmentofinterior.pdf.

William L. Wehrum, Jr.

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Partner and Head of the Administrative Law Group, Hunton & Williams LLP
Hunton & Williams LLP, Washington, DC
2007 to present.

Bill's practice focuses on air quality issues, including regulatory development and related litigation; compliance counseling and enforcement defense; legislative advice; and permitting. Bill is the head of Hunton's Administrative Law Group, which includes the Nation's premier environmental law practice.

Acting Assistant Administrator for Air and Radiation
U.S. Environmental Protection Agency, Washington, DC
2005 to 2007

As EPA's senior official on air issues, Bill was responsible for all aspects of the Agency's air program – including stationary source regulations and permitting, motor vehicle and fuel standards, and a wide range of other Clean Air Act provisions.

Principal Deputy Assistant Administrator and Counsel to the Assistant Administrator for Air and Radiation
U.S. Environmental Protection Agency, Washington, DC
2001 to 2005

Associate Attorney
Latham & Watkins and Swidler & Berlin, Washington, DC
1994 to 2001

BF_3 Production Team Leader and Supervisor – Health, Safety, and Environmental
Allied-Signal, Inc., Wilmington, DE
1988 to 1994

Environmental Engineer
Allied-Signal, Inc., Morristown, NJ
1986 to 1988

Education
JD, Widener University 1993
BS Chemical Engineering, Purdue University 1986

Professional Memberships/Certifications
Member of the DC Bar and numerous federal district and circuit courts.
Professional Engineer, State of Delaware (inactive).

Andrew R. Wheeler

Ex. 6 Personal Privacy (PP)

MANAGEMENT & POLICY EXPERIENCE

Trump Campaign
Policy Staff July 2016 –

- One of Two Policy Staff responsible for environmental, energy, agriculture, transportation and telecommunications policy.
- Drafted talking points for speeches, debate preparation, and policy documents.

FaegreBD Consulting Washington, D.C.
Principal, Team Leader ***Energy and Environment Practice*** 2009 – present

- Serves as a Principal in a national consulting and government relations firm, assisting clients with federal regulatory and legislative issues. Provided business consulting, conducted federal affairs assessments and direct advocacy services for clients.
- Worked on behalf of business clients, local governmental bodies and not-for-profit organizations.
- Focused extensively on national energy, climate change, and environmental issues including fuels policies, air regulations, and coal issues.
- Team Leader of nine person team since 2014.
- *Of Counsel* with Faegre Baker Daniels Law Firm.
- Co-Chair of firm-wide Energy and Natural Resources Industry Team (50+ attorneys) since 2016.

U.S. Senate Committee on Environment and Public Works (EPW) Washington, D.C.
Staff Director and Chief Counsel 2002 – 2009

- Served as both Staff Director (Chief of Staff) and Chief Counsel for one of eight authorizing committees in the United States Senate formulating and executing the legislative, oversight, policy and public outreach agenda
  - Jurisdiction encompasses seven Cabinet level departments and agencies
  - Responsible for the Senate confirmation of 52 Presidential nominated positions
  - Policy and procedural advice to members of the Committee and other Senators
  - Chief Liaison to Senate and House Leadership and the White House
- Direct Management:
  - Multi-layered policy and communication/public affairs organization
  - Develop and implement long-term strategic plan while also responding to time sensitive demands
  - More than 30 professional staff, additional responsibility of budget and administration of 60 staff
- Legislative, Policy and Subject Matter Responsibilities:
  - Managed the Senate floor debate and strategy for the Lieberman/Warner Climate Change Bill and other greenhouse gas and carbon constraint technology related legislation
  - Highway Bill reauthorization with over $286 Billion in transportation funding in 2005.
  - Power plant multi-emissions (Clear Skies Act) and Clean Air Interstate Rule (CAIR)
  - Energy Policy Act of 2005 and 2007 with emphasis on Renewable Fuels Standard (RFS)
  - Policy and legislation involving offshore oil reserves, alternative fueled vehicles, biofuels, oil shell, tar sands, and the renewable portfolio standard
  - Work extensively with regulatory agencies such as the Environmental Protection Agency, Nuclear Regulatory Commission, and the Departments of Energy, Transportation, and Interior
- Public Communication:
  - Deliver public policy speeches to various organizations including the American Bar Association and various trade associations and industry conventions

- Conduct press interviews and media availabilities including on camera interviews
- Advocacy of Committee positions within Congress, the Administration and the general public
- Recognized by *National Journal* as one of the Top Congressional Staff Leaders for 2005

U.S. Senate Subcommittee for Clean Air, Wetlands and Nuclear Safety Washington, D.C.
Staff Director and Counsel *1997-2002*

- Served under the Chairmanships of both Senators Jim Inhofe (R-OK) and George Voinovich (R-OH)
  - Drafted and negotiated legislation involving clean air issues, nuclear energy, and FEMA
  - Developed policy on full range of energy and environmental issues
  - Organized over 30 Subcommittee oversight and legislative hearings
- Represented the Subcommittee to constituents, outside lobbyists, and Executive Branch employees
- Guided numerous bills through the Committee, Senate floor, and conference committee process

Office of United States Senator James Inhofe Washington, D.C
General Counsel 1995-1996

- Lead staff person for Commerce and Judiciary issues
- Managed Senator's agenda on environmental issues before the Environmental and Public Works Committee (Superfund, Safe Drinking Water Act, Clean Air Act, and Resources Conservation Recovery Act)

United States Environmental Protection Agency (EPA) Washington, D.C.
Special Assistant, Information Management Division, 1991-1995
Office of Pollution Prevention and Toxics

- Reported to Division Director and worked as liaison to other Divisions and Offices within the EPA and outside constituent groups
- Coordinated Division working groups and special projects including annual conference attended by over 500 participants
- Worked on the Toxic Release Inventory and the Toxic Substances Control Act

ACTIVITIES & AWARDS

- National Energy Resources Organization, former President and Chairman
- Washington Coal Club, President 2016
- John C. Stennis Congressional Staff Fellow – 106th Congress
- EPA Bronze Medal – 1993, twice in 1994
- Phi Delta Phi
- Alpha Chi Sigma, President – 1986
- Eagle Scout

EDUCATION

George Mason University School of Business, M.B.A. May, 1998
Washington University School of Law, J.D. May, 1990
Member - District of Columbia Bar
Case Western Reserve University, B.A. May, 1987
Major: English, Biology

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 2/23/2017 7:47:33 PM
To: Locetta, Jennifer R. EOP/WHO [Ex. 6]; Pursley, Alexa [Ex. 6]
Subject: EPA - Kenneth Wagner - Director of Regional Operations
Attachments: Wagner Binder.pdf

Team PPO –

I've attached the binder for Kenneth Wagner, a candidate the Administrator and I want to recommend to PPO to be appointed to the position of Director of Regional Operations for the EPA. Please let me know if you have any questions.

Thank you,

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 3/9/2018 3:37:55 PM
To: Miles, Ramona [Miles.Ramona@epa.gov]; Lesperance, Twanna [Lesperance.Twanna@epa.gov]; Peppins, Felicia [Peppins.Felicia@epa.gov]
CC: Ford, Hayley [ford.hayley@epa.gov]
Subject: Greenwalt and Hupp SKC to AD
Attachments: Greenwalt_Sarah_SC_Binder.pdf; Hupp_Millan_Binder.pdf

Good morning,

I've been asked to begin the process to convert Sarah Greenwalt and Millan Hupp from Schedule C's to AD's and to change their GS levels. Please see the attached binders for the relevant information. Thank you and let me know when the packages are ready for pickup.

Thanks,

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Sarah Greenwalt
- **WORK PHONE:**
- **WORK EMAIL:** Greenwalt.Sarah@epa.gov
- **PLACE OF BIRTH:** Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Advisor to the Administrator for Water and Cross-Cutting Initiatives
- **Is position being backfilled (Y/N/TBD):** N

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD 15/10
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Counsel to the Administrator
- **JOB DESCRIPTION:** PDF attached

SENIOR COUNSEL TO THE ADMINISTRATOR

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent will serve as the Senior Counsel to the Administrator. The incumbent has a variety of special and ongoing responsibilities with an emphasis on assisting the Administrator in evaluating climate science that drives Agency policy initiatives and programs.

SUPERVISORY CONTROLS

Receives general direction and broad policy guidance from the Administrator/Deputy Administrator. Within this broad framework, duties are performed with maximum independence subject to review only for attainment of overall objectives and compliance with policies.

MAJOR DUTIES AND RESPONSIBILITIES

1. Represents the Agency in providing advice and information to the Administrator/Deputy Administrator on innovative efforts and activities. With the responsible program and regional offices, the Associate Administrator identifies and seeks solutions to emerging innovation issues.

2. Oversees the coordination of innovative activities, work groups, and regional responses to specific issues. Responsible for the consistent application of national program policies by reinforcing existing administrative, procedural, and program policy mechanisms as well as through initiation of reviews of significant innovation activities of interest to the Administrator. Also, oversees on-site field visits which study, analyze and resolve problems of regional, sectional, and national scale.

3. Establishes and maintains working relationships with regional offices, program offices, stakeholders and partners. Recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with state, county and local government officials. Works with the Regional Administrators to encourage the adoption of improved methods for dealing with small business and communities and to ensure that state and local perspectives are brought to bear in the development of specific EPA policy and program initiative.

4. Conducts briefings for the Administrator and/or her staff, Assistant Administrators, key program managers, or other officials as to the development of innovation, especially in terms of advance knowledge on controversial or sensitive issues.

5. Represents the Administrator and the Agency at all levels of government including Federal, State, municipal and county agencies and at private industry and citizen groups; provides

information and advice on the Agency's innovation activities and programs and interprets existing and proposed plans and policies; and applies a broad comprehensive knowledge of problems involved in effective relationships between various government levels, private industry and citizenry in striving to promote plans and programs of special significance to the national environmental protection efforts. The incumbent stimulates interests, elicits support, works out agreements at all these levels and advises the Administrator on courses of action which should be taken.

6. Keeps alert and informed on current policies, programs and procedures of the Agency, and Congress. Prepares status reports and studies which pertain to problems of unusual breadth and intensity not normally within the purview of a specific statute or authority. Projects are generally far-reaching in impact, unique and require distinct and definite approaches. Makes recommendations to the Administrator/Deputy Administrator on comprehensive proposals for increasing the Agency's regulatory flexibility.

7. Exercises continuing responsibility to effectively support the Equal Employment Opportunity Affirmative Action Plan and communicating this support to subordinates, taking positive actions which will motivate and give opportunity to all personnel.

8. Performs other duties as assigned.

LIMITATION OF AUTHORITY

The incumbent's duties will not extend to issuing legal opinions or final decisions regarding the legal sufficiency of an EPA action, or the interpretation of a statute, regulation, Executive Order, agreement, or contract.

The incumbent is responsible for coordinating legal advice with the EPA Office of General Counsel (OGC) and assuring that such legal advice is consistent with OGC policies, opinions, and interpretations.

The incumbent is responsible for coordinating legal enforcement advice with the EPA Office of Enforcement and Compliance Assurance (OECA) and assuring that such legal enforcement advice is consistent with OECA policies, opinions, and interpretations.

The incumbent is not authorized to identify himself/herself in any internal or external document, communication, correspondence, filing, or the like in a manner that creates the appearance that the incumbent represents EPA in a legal capacity, unless authorized by the General Counsel or his/her designee.

SARAH GREENWALT

Ex. 6 Personal Privacy (PP)

EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctor — May 2013

Honors: Order of the Barristers
Academic Achievement Award – Legal Research and Writing
Dean's Honor Roll
Cole E. Adwon Scholarship for Excellence in Moot Court Competitions

Moot Court: Top Speaker Award in Intra-school Moot Court Competition
Chicago Bar Association Moot Court Competition; Chicago, Illinois
First Amendment Moot Court Competition; Washington, D.C.

Activities: Federalist Society
Organization for the Advancement of Women in Law
Volunteer Income Tax Assistance (VITA)

University of Oklahoma — Norman, OK
Bachelor of Arts, Psychology — May 2010

Honors: President's Honor Roll
Dean's Honor Roll
OU Foundation Scholar, given to selected Honors College students

PROFESSIONAL EXPERIENCE

Office of the Oklahoma Attorney General — Oklahoma City, OK
General Counsel to the Attorney General and *Deputy General Counsel to the Attorney General* — August 2016-Present

- Provided legal counsel to the Attorney General, members of the Legislature, agency directors, and the Governor's office regarding a variety of confidential and complicated issues.
- Facilitated the Attorney General's Opinion process by composing and overseeing other attorneys in the drafting of official Opinions on a range of state and federal law questions.
- Reviewed and revised draft ballot title language for state questions and defended the Attorney General's language in the Oklahoma Supreme Court.

Assistant Solicitor General and *Law Clerk* — May 2012- August 2016

- Defended the constitutionality of state statutes by briefing and arguing original jurisdiction actions before the Oklahoma Supreme Court; briefed and argued high profile cases before state district and appellate courts, including issues regarding abortion regulations, school vouchers, and workers' compensation reform.
- Brought challenges on behalf of the State against federal regulations, including challenges to the EPA's "Waters of the United States" Rule and the IRS's Final Rule regarding tax credits under the Affordable Care Act.
- Drafted Petition for Certiorari and amicus brief in United States Supreme Court cases.

U.S. Department of Veterans Affairs — Oklahoma City, OK
Law Clerk for the Office of Regional Counsel for Veterans Affairs Medical Center of OKC — May 2012-Aug. 2012

- Prepared training materials on the EEOC's final regulations regarding the Americans with Disabilities Act Amendments Act of 2008 and the Privacy and HIPPA regulations of the Department of Veterans Affairs.
- Gained a practical understanding of both Administrative and Health Law.

University of Oklahoma College of Law — Norman, OK
Research Assistant to Professor Joseph Thai — May 2011-Sept. 2011

- Drafted substantive materials for utilization in legal texts such as "John Paul Stevens: In His Own Words" and a Supreme Court sourcebook, which discussed the inner workings of the United States Supreme Court.
- Performed legal research on criminal and constitutional law issues including United States Supreme Court death penalty jurisprudence and the role of supreme courts in a democratic society.

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Millan Hupp
- **WORK PHONE:**
- **WORK EMAIL:** Hupp.Millan@epa.gov
- **PLACE OF BIRTH:** Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** SKC
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Deputy Director of Scheduling and Advance
- **Is position being backfilled (Y/N/TBD):** TBD

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD GS 14-1 ($114,590)
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Director of Scheduling and Advance
- **JOB DESCRIPTION:** PDF Attached

Millan N. Hupp

Ex. 6 Personal Privacy (PP)

Education

Oklahoma State University — May 2014
Bachelor of Science: Hotel and Restaurant Administration. Minor: Political Science

Experience

Political Fundraising and Operations – Attorney General Scott Pruitt — February 2015 – present
Tulsa, OK

-Primary contact/liaison for Attorney General Pruitt's political team
  - Main interface between AG Pruitt and Republican Attorneys General Association
  - Main interface between AG Pruitt and donors and political contacts

-Execution of fundraising strategies for 501c3 and Leadership PAC
  - Aided in developing and executing fundraising plans and was responsible for collection of funds
  - Prepared briefings and messaging

-Staffing and scheduling for an elected official

-Relationship cultivation and management
  - Donors, organizations, lobbyists, constituents, principals

-Managed every aspect of a campaign operation
  - Donor file
  - Record keeping
  - Finance management/ compliance with state ethics and FEC

-Inception to dissolution of two federal PACs and dissolution of a state committee

-Experience in communications, social media, general consulting, solicitation and prospecting, and polling

Embassy Suites Nashville-Airport (Aimbridge Hospitality) — July 2014-February 2015
10 Century Boulevard, Nashville, TN 37214 615-871-0033

-Business Travel Sales Manager
  - Contract negotiation and RFP bids for local and national accounts
  - Responsible for meeting quarterly sales goals
  - Relationship building through community involvement and sales blitzes
  - Work with local contacts, Hilton national account owners, and utilize available resources to move market share
  - Act as liaison between the hotel and the community
  - Weekend Manager on Duty shifts

Oklahoma City Convention and Visitor's Bureau — August 2013-December 2013
123 Park Avenue OKC, OK 73012 405-297-8912

-Intern: Convention Services
  - Tasked with attending to walk-in and call-in orders for visitor information
  - Accompanied supervisors on site visits for potential conventions
  - Assigned many projects involving local and national organizations
  - Researched various methods for promoting tourism and city attractions

Westin San Francisco Market Street (Highgate Hotels) — June-July 2012
50 3rd Street San Francisco, CA 94103 415-974-6400

- Intern: Human Resources
  - Dealt in Microsoft Operating Systems, EV5, ADP Timesaver
  - Assisted in organization of associate appreciation events as well as hotel's participation in a city wide fundraiser (Leukemia & Lymphoma Society: Million Dollar Mission)
  - Assisted in hotel wide communication through various methods including emails and postings
  - Attended operational meetings including union grievances, mediations, workers compensation, and safety

Eskimo Joes Restaurant — August 2010-May 2014
501 West Elm Avenue Stillwater, OK 74074 405-372-8896

- Server Shift Leader
  - Worked my way to this position first starting out as host, then expeditor, then server, and finally server shift leader

Leadership/Activities/Service

Oklahoma Federation of Young Republicans — April 2016 - present
First District Vice-Chair
  - Liaison between county chapters and the executive team

Tulsa Republican Women's Club — March 2016 - present
Member

Oklahoma House PAC
Volunteered to assist with fundraisers during election cycle

DIRECTOR OF SCHEDULING AND ADVANCE

INTRODUCTION

This position is located in the Immediate Office of the Administrator. The incumbent serves as the Director of Scheduling and Advance for the Administrator and is responsible for strategic scheduling and advance functions for the Administrator.

The incumbent of this position requested for Schedule C exception will not be able to adequately perform his duties without being privy to the political, personal, and management philosophies of the Administrator. A confidential relationship of a Schedule C nature is imperative as the incumbent will speak for the Administrator and, as such, will be expected to reflect her philosophies in conversation with leading figures of the government, businesses and other groups. The incumbent may also be obliged to present the views of the Administrator in correspondence and other communications with agency managers and program officials.

MAJOR DUTIES AND RESPONSIBILITIES

Serves as Director of Scheduling and Advance with the responsibility of leading the strategic operations for the Administrator. Exercises responsibility for handling day-to-day management of issues and the supervision of the scheduling and advance staff. In this capacity, the incumbent serves as the Chair of the Administrator's Scheduling Review Team. Incumbent exercises management responsibility over staff members, making assignments, determining duties and priorities, and evaluating employee performance.

Oversees the arrangements of trips, including all planning and advance arrangements, review of invitations, selection of speaking forums, and, in coordination with the Multi Media Operations and Services Staff and other offices, arranges for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, Congress, the White House, other Federal departments and agencies, State and local governments, scientific and research groups and associations, industry, public interest groups, foreign governments and the media.

Serves as personal representative for the Administrator in personal contacts with high ranking officials of the Agency, members of Congress, White House representatives, scientific and research groups and associations, foreign governments, and others. Ascertains the reasons for the visit and decides with the Director of Operations whether the matter to be discussed is of sufficient importance to warTant the personal attention of the Administrator. In cases which require the Administrator's attention, the incumbent schedules appointments, determines which take precedence, decides when an appointment may be interrupted, cancelled, rescheduled, etc., without prior approval. When the matter does not require the personal attention of the Administrator but deals with highly technical or sensitive information, refers the matter to the

proper official. On matters which are covered by established policies, explains procedures based on own knowledge of the Administrator's thinking.

Maintains the Administrator's daily calendar of appointments, establishing priorities and scheduling, shifting and declining appointments; accepting or declining requests for meetings. Collaborates with the Chief of Staff and Director of Operations as needed.

Manages the Administrator's long-term planning, briefing material preparation, and traveling operations. In consultation with the Director of Operations, makes decisions on advantageous utilization of the Administrator's time while on travel, arranging for press conferences, television and other media appearances. This involves dealing with high ranking officials of the Agency, the White House, other federal agencies, state and local governments, industry, public interest groups, foreign governments, and the media. Tact, discretion, judgment and resourcefulness are essential in handling these activities. This responsibility includes strategic scheduling and coordination with the regions and program officials, including travel and announcements on new initiatives.

Analyzes and evaluates specific arrangements and other requirements for meetings, conferences, and unique events that are considered highly confidential. Exercises judgment and, when necessary, makes decisions on behalf of the Director of Operations on procedures and methods for fact gathering, problem solving, and negotiations. These assignments require the utmost tact, diplomacy and perception regarding the subject and attendees. Informs senior management of applicable developments and concerns about all arrangements. Prepares reports and analyses for presentation to supervisor and makes recommendations regarding appropriate courses of actions.

Oversees the planning and coordination of the Administrator's schedule, including all meetings, conferences and travel. This involves contact with key program officials in the Agency, as well as throughout the Executive and Legislative Branches of Government, public interest groups, etc.

Performs a variety of special assignments, many of a confidential nature, sometimes with specific instructions but more often with only a general outline of what is desired. Provides this information to the supervisor through personal briefings. Makes recommendations on decisions and courses of action. Those assignments may be narrow and specialized in scope or may be broad-based, touching upon wide program areas or activities within or outside the agency.

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6 THE FISCAL YEAR 2019 ENVIRONMENTAL

7 PROTECTION AGENCY BUDGET

8 THURSDAY, APRIL 26, 2018

9 House of Representatives

10 Subcommittee on Environment

11 Committee on Energy and Commerce

12 Washington, D.C.

13

14

15

16 The subcommittee met, pursuant to call, at 10:00 a.m.,

17 in Room 2123 Rayburn House Office Building, Hon. John Shimkus

18 [chairman of the subcommittee] presiding.

19 Members present: Representatives Shimkus, McKinley,

20 Barton, Blackburn, Harper, Olson, Johnson, Flores, Hudson,

21 Cramer, Walberg, Carter, Duncan, Walden (ex officio), Tonko,

22 Ruiz, Peters, Green, DeGette, McNerney, Cardenas, Dingell,

23 Matsui, and Pallone (ex officio).

24 Also present: Representatives Long, Costello, Bilirakis,

25 Lance, Griffith, Rush, Eshoo, Schakowsky, Butterfield,

26 Castor, Sarbanes, Welch, Lujan, Loebsack, Kennedy, and Engel.

27 Staff present: Jennifer Barblan, Chief Counsel,

28 Oversight & Investigations; Mike Bloomquist, Staff Director;

29 Samantha Bopp, Staff Assistant; Daniel Butler, Staff

30 Assistant; Karen Christian, General Counsel; Kelly Collins,

31 Legislative Clerk, Energy/Environment; Jerry Couri, Deputy

32 Chief Counsel, Environment; Jordan Davis, Senior Advisor;

33 Lamar Echols, Counsel, Oversight & Investigations; Wyatt

34 Ellertson, Professional Staff, Energy/Environment; Margaret

35 Tucker Fogarty, Staff Assistant; Adam Fromm, Director of

36 Outreach and Coalitions; Ali Fulling, Legislative Clerk,

37 Oversight & Investigations, Digital Commerce and Consumer

38 Protection; Jordan Haverly, Policy Coordinator, Environment;

39 Zach Hunter, Director of Communications; Peter Kielty, Deputy

40 General Counsel; Bijan Koohmaraie, Counsel, Digital Commerce

41 and Consumer Protection; Tim Kurth, Deputy Chief Counsel,

42 Communications & Technology; Ben Lieberman, Senior Counsel,

43 Energy; Ryan Long, Deputy Staff Director; Milly Lothian,

44 Press Assistant and Digital Coordinator; Mary Martin, Chief

45 Counsel, Energy/Environment; Drew McDowell, Executive
46 Assistant; Brandon Mooney, Deputy Chief Counsel, Energy;
47 Annelise Rickert, Counsel, Energy; Peter Spencer, Senior
48 Professional Staff Member, Energy; Jason Stanek, Senior
49 Counsel, Energy; Austin Stonebraker, Press Assistant; Hamlin
50 Wade, Special Advisor, External Affairs; Andy Zach, Senior
51 Professional Staff Member, Environment; Michelle Ash,
52 Minority Chief Counsel, Digital Commerce and Consumer
53 Protection; Priscilla Barbour, Minority Energy Fellow; Jeff
54 Carroll, Minority Staff Director; Jacqueline Cohen, Minority
55 Chief Environment Counsel; Jean Fruci, Minority Energy and
56 Environment Policy Advisor; Tiffany Guarascio, Minority
57 Deputy Staff Director and Chief Health Advisor; Caitlin
58 Haberman, Minority Professional Staff Member; Rick Kessler,
59 Minority Senior Advisor and Staff Director, Energy and
60 Environment; Jourdan Lewis, Minority Staff Assistant; John
61 Marshall, Minority Policy Coordinator; Jon Monger, Minority
62 Counsel; Kaitlyn Peel, Minority Digital Director; Alexander
63 Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief
64 Counsel; Michelle Rusk, Minority FTC Detailee; Andrew
65 Souvall, Minority Director of Communications, Outreach and
66 Member Services; Tuley Wright, Minority Energy and

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67 Environment Policy Advisor; C.J. Young, Minority Press
68 Secretary; and Catherine Zander, Minority Environment Fellow.
69
70
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75
76 Mr. Shimkus. The subcommittee will come to order.
77 Before we begin, I would like to take a moment to address the
78 guests in our audience. First of all, thank you for coming.
79 We think engaged citizens are a welcome and valuable part of
80 the political process. I only wish every hearing drew this
81 much interest.
82 The purpose of this hearing is to hear from the
83 Administrator of the EPA on important matters currently
84 before the Agency including the subcommittee's continued
85 interest in the workings of the Environmental Protection
86 Agency. It is an opportunity for the subcommittee to ask
87 questions and have a thoughtful discussion on these issues.
88 The number of people in the audience this morning

89 demonstrates the strong interest in these topics and we
90 welcome that interest and your attendance today.
91 I do want to remind our guests in the audience that the
92 chair is obligated under the rules of the House and the rules
93 of the committee to maintain order and preserve decorum in
94 the committee room. I know that we have deep feelings on
95 these issues and that we may not agree on everything, but I
96 ask that we abide by the rules and be respectful of our
97 audience members, our viewers, and our witnesses.
98 The chair appreciates the audience's cooperation to
99 maintaining order as we have a full discussion on these
100 important issues. And I would like to recognize myself for 5
101 minutes for an opening statement.
102 Good morning, Administrator Pruitt, and welcome back to
103 the Environment Subcommittee. I am glad you are here today
104 and look forward to our discussion. From a policy
105 perspective and from my seat outside the Agency, I am
106 generally pleased with the direction you are taking at the
107 EPA. As I mentioned when you were here 5 months ago, the
108 American people don't want ideologues rewriting or
109 reinterpreting our laws, they expect and deserve folks at
110 agencies like the EPA who will faithfully implement what

111 Congress has passed.

112 I am especially happy with the reinvigorated Superfund
113 program and in particular, after more than 20 years on the
114 National Priorities List, I am very glad to see progress
115 finally being made on the West Lake Landfill which we have
116 talked about numerous times. Superfund sites are a tangible
117 environmental and public health problem that may pose
118 multiple immediate threats.

119 One of the bills I worked on when I joined this
120 committee was to help make the Superfund program operate more
121 rationally, so to see that you also care about this program
122 is important to me. I also want to applaud your initiative
123 to look at the EPA's workforce and identify ways to make the
124 Agency more efficient and effective. As I mentioned back in
125 December, this exercise, sadly, has not been undertaken in
126 more than 20 years. I believe a lack of consistent review
127 can lead to complacency or foster regulatory overreach and I
128 look forward to learning more about efforts to reshape the
129 bureaucracy.

130 As the author of the changes to Title I of the Toxic
131 Substances Control Act, I also want to commend you for
132 reducing the backlog of applications for new chemicals. I

133 understand the backlog has crept back up by one-third of its
134 normal level, but I look forward to seeing what actions you
135 take including the use of new user fees to help EPA operate
136 its new chemicals review process more expeditiously.
137 Finally, I am glad to hear that the regulatory process
138 you are running is not looking to short-circuit public
139 comment. Past administrations have issued enforceable
140 guidelines or employed other tricks to get their way on
141 policy when many Americans and their representatives in
142 Congress may have disagreed.
143 Now as public servants our jobs are not based solely on
144 the things we do or the things we have done, but also the way
145 we conduct our business. It is no secret that there have
146 been many stories in the press about the management and
147 operation to the Agency and your dealings with potentially
148 regulated sectors. I consider much of this narrative to be a
149 distraction, but one this committee cannot ignore.
150 I look forward to hearing your side of the story on the
151 rumors and allegations you are facing. Before yielding back
152 my time I want to make a couple of environmental budget and
153 policy observations. First, even though federal law requires
154 the President to propose a budget, the U.S. Constitution

155 vests the actual budget and spending authority with the
156 Congress, particularly the House of Representatives. Second,
157 the President's budget was released on February 12th, 2018
158 without full knowledge what Congress would do in the
159 Consolidated Appropriations Act that became law 6 weeks
160 later. Had the Administrator joined us in February or March,
161 he would not have had to face this dynamic. But regardless
162 of what members think of the administration's budget
163 proposal, I hope today they will remember our own role in the
164 budget and spending debate.
165 Finally, I want to say something about administrative
166 efforts regarding transportation fuels. Recently, the White
167 House is engaged with the EPA and Department of Agriculture
168 to consider administrative changes to the Renewable Fuel
169 Standard. I take these efforts quite seriously, not only as
170 subcommittee chairman but also as a representative of a corn
171 and soybean growing district in southern Illinois that also
172 happens to have two oil refineries.
173 I believe that no matter how well intentioned any
174 regulatory effort may be, the only way to get a lasting
175 solution, especially one that will not spend more time in
176 court than on the books, is by having Congress settle this

177 issue by statute. I urge you, Mr. Administrator, and the
178 other members of the executive branch to patiently work with
179 us in good faith on a legislative solution to the Renewable
180 Fuel Standard.
181 With that I have 50 seconds left. Seeing no one wishing
182 that time, I yield back the balance of my time and recognize
183 the ranking member of the subcommittee, the gentleman from
184 New York, Mr. Tonko, for 5 minutes.
185 [The prepared statement of Mr. Shimkus follows:]
186
187 **********INSERT 1**********

188 Mr. Tonko. Thank you, Mr. Chair. We are here today to
189 discuss EPA's budget for fiscal year 2019. The President has
190 called for a nearly 30 percent cut at EPA which would
191 severely impair the Agency's ability to fulfill its mission,
192 to safeguard public health, and our environment. We know all
193 too well the costs of failing that mission, of the pain of
194 communities, of children and families who suffer illness
195 resulting from pollution in their air and water. So yes, I
196 am concerned that EPA is increasingly allowing polluters to
197 set the agenda and threaten public health with minimal
198 accountability.
199 Under Administrator Pruitt, common-sense public health
200 and environmental protections are being slated for
201 elimination with no regard for scientific evidence and little
202 justification beyond the wishes of regulated entities. These
203 actions include reopening clean car standards without any
204 mention of health or pollution, continuing to repeal the
205 Clean Power Plan and dismissing the science of climate
206 change, implementing TSCA reform that ignores bipartisan
207 congressional intent, and a number of attempts to undermine
208 the Clean Air Act.
209 I expect the courts will agree that many, if not all, of

210 these actions are unjustified. In addition, I am troubled by
211 the dismissal of science by the Agency's political
212 leadership. Hundreds of scientists have left EPA with no
213 apparent plan to replace them. Expertise on the science
214 advisory boards has been eroded and the recently proposed
215 rule to undermine the use of science in rulemakings will
216 severely limit the Agency's ability to safeguard public
217 health.
218 I know many career employees at EPA simply want to work
219 hard to ensure the air we breathe is clean and the water we
220 drink is safe. To them I say thank you. But the Agency's
221 political leadership is pursuing a different agenda and the
222 mounting evidence of serious ethics violations, incredible
223 investigations at the highest level cannot go unscrutinized.
224 Mr. Chair, I value this subcommittee's bipartisan
225 record. There are times that we disagree, but we have worked
226 through tough issues together and are often able to find
227 bipartisan balance. I know there are those in the majority
228 who support rollbacks of EPA rules, but all of us should be
229 troubled by the numerous reports of misuse of taxpayer
230 dollars and apparent conflicts of interest that have made the
231 Administrator a frequent subject of investigation.

232 I am of course referring to the Administrator's pattern
233 of wasteful spending on luxury travel, personal security and
234 yes, office upgrades. To say nothing of his well-documented
235 sweetheart rental from a lobbyist with business before EPA
236 and huge unapproved raises for top political staff, amongst
237 others. Perhaps most concerning have been the reports of
238 retaliation against employees both career and political that
239 have dared to question Administrator Pruitt's most troubling
240 abuses and expenditures. And in almost all cases, the more
241 we have learned the worse they get.
242 At this point we must ask if the Inspector General will
243 have the resources needed to investigate the Administrator's
244 seemingly endless misconduct. At the heart of all these
245 issues is an apparent pattern of an administrator refusing
246 accountability and putting personal and special interests
247 ahead of the American people. I would ask my colleagues on
248 the other side of the aisle to imagine, if a Democrat acted
249 in this manner would you stand for it? I think the answer is
250 clear you would not. My colleagues and I may disagree about
251 many of the policy decisions coming out of this EPA, but one
252 thing I hope we can agree on is that we cannot afford to turn
253 a blind eye to the reports of this Administrator's fiscal

254 mismanagement and abuse of his position.

255 Mr. Administrator, the evidence is clear. You have
256 failed as a steward of American taxpayer dollars and our
257 environment. You claim to believe in the mission of the EPA,
258 but your actions including your mistreatment of EPA's
259 dedicated career staff tell a very different story. Evidence
260 from your time in state government should have made this
261 obvious, but only in recent weeks have we come to fully
262 understand the extent of your political ambitions, your
263 tendency to abuse your position of personal gain, and to
264 advance the agendas of your political benefactors and what
265 appears to be a propensity for grift.

266 But, most importantly, your conduct as Administrator has
267 demonstrated a lack of respect for American taxpayers and the
268 Agency you were appointed to lead and has affirmed the
269 regrettable but inevitable conclusion that you were never fit
270 for this job and your refusal to provide any serious
271 transparency, accept any accountability, or show even the
272 slightest contrition is inexcusable.

273 Mr. Chair, no one is above the law. Congress must hold
274 this Administrator accountable on behalf of the American
275 people, and I hope our committee can continue to investigate

276 and bring the truth of these important issues to light in a
277 bipartisan manner. With that I yield back.
278 Mr. Shimkus. The chair thanks the gentleman. The chair
279 now recognizes the Chairman of the full committee, Greg
280 Walden from Oregon, for 5 minutes.
281 The Chairman. Thank you, Mr. Chairman.
282 Mr. Pruitt, welcome back to the House Energy and
283 Commerce Committee. As you know, we scheduled this hearing
284 to focus on the EPA's policy and budget priorities some time
285 ago, but you surely understand that members on both sides of
286 the aisle have some serious questions about the management
287 and operations of the Agency. We expect you to answer these
288 questions fully and truthfully.
289 I am concerned that the good progress being made on
290 policy front is being undercut by allegations about your
291 management of the Agency and use of its resources. These
292 issues are too persistent to ignore and I know many members
293 are looking forward to hear more clarity from you today. You
294 will have ample opportunity to help provide us with any
295 information that can help answer these questions.
296 Additionally, there are numerous ongoing investigations into
297 these issues and I want you to commit to the committee that

298 you will provide us with all the same information you provide
299 to the EPA Inspector General and other congressional
300 committees.
301 Having said that, let me also say that I appreciate your
302 good work to focus EPA on the mission Congress has tasked it
303 with in statute, that being clean air for Americans to
304 breathe, safe water for our citizens to drink, and soils free
305 from pollution. As an example, I want to commend your
306 efforts to reinvigorate the Superfund program and
307 specifically to accelerate the cleanup of the Willamette
308 River at the Portland Harbor. This has gone on long enough
309 and you stepped in and made a difference to the satisfaction
310 of the people of Portland, Oregon. And even some of your
311 most liberal detractors applaud your efforts on this critical
312 cleanup and I thank you for taking the lead.
313 I also appreciate your desire to rebalance the power
314 between Washington, D.C. and the states making our efforts
315 more efficient and helping deliver tangible results to
316 communities across the country. To truly succeed we need
317 stronger local, state, federal, and private partnerships
318 where we can team up and leverage all available resources to
319 accomplish the goals of cleaner water, cleaner air, and

320 cleaner soils. Importantly, I appreciate your stated
321 commitment to administer the law as Congress intended and to
322 have the Agency concentrate on its statutory obligations
323 under environmental and public health laws as well as the
324 Administrative Procedures Act.
325 Bringing new transparency to your public processes,
326 especially when it comes to the data and science that
327 underpins policies, is truly a welcome change from past EPAs.
328 Mr. Administrator, too many of your predecessors believed a
329 clean environment was also incompatible with a healthy
330 economy. I share your view that we can and must have both in
331 America. We need common sense regulation that protects the
332 public, actually cleans up the environment, and does so in a
333 way that does not unnecessarily suffocate the economy. I
334 believe the EPA should focus on innovative problem solving
335 and partnership with states, the private sector, and other
336 stakeholders that leverage their resources and expertise.
337 I look forward to our discussion today about the Agency's
338 budget and the EPA's direction now and in the future.
339 As with our hearing with you 5 months ago, I remain
340 interested in the goals you are establishing for the programs
341 at EPA and the metrics you intend to use to measure their

342 progress. Particularly, I noticed objective number 5 in the
343 proposed budget discusses staffing and internal management
344 issues. It is important that EPA not be bloated, but it is
345 essential that EPA have the staff with proper expertise,
346 implementing and enforcing programs that correlate with their
347 experience; finding that critical staffing balance is one of
348 the most important roles of anyone given the enormous task of
349 managing a large, taxpayer-funded enterprise.
350 Finally, I want to applaud those objectives in the
351 Agency's budget that reduce red tape result in the regulated
352 community better knowing what is expected of them and
353 promoting prompt, even, and fair enforcement of the law. I
354 look forward to learning more about all of that today. So I
355 thank you for joining us again before the Energy and Commerce
356 Committee and I look forward to your testimony.
357 With that Mr. Chairman I yield back the balance of my
358 time.
359 [The prepared statement of Mr. Walden follows:]
360
361 **********INSERT 2**********

362 Mr. Shimkus. The gentleman yields back the balance of
363 his time. The chair now recognizes the ranking member of the
364 full committee, Congressman Pallone from New Jersey, for 5
365 minutes.
366 Mr. Pallone. Thank you, Mr. Chairman.
367 Administrator Pruitt has brought secrecy, conflicts of
368 interest, and scandal to the EPA. In any other
369 administration, Republican or Democrat, you would be long
370 gone by now. So far, 140 House Democrats have signed on to a
371 resolution introduced by Ms. Castor expressing no confidence
372 in you, Mr. Pruitt. Additionally, four Republican House
373 members have also called on you to step down.
374 And the voices are growing. Just look at the critiques
375 from former Bush EPA Administrator and New Jersey Governor
376 Christine Todd Whitman who called Administrator Pruitt's
377 tenure, and I quote, a slap in the face to fiscal
378 responsibility and responsible governance, and said also that
379 evidence is abundant of the dangerous political turn of an
380 agency that is supposed to be guided by science. Another
381 former Republican EPA Administrator William Reilly called
382 Administrator Pruitt, and I quote, a third-rate ideologue.
383 Past administrators of both parties believed in the

384 EPA's mission and understood that they had been given a
385 sacred trust by the people of our country. Unfortunately,
386 this is not the case with you, Mr. Pruitt. Clearly, you do
387 not believe in EPA's mission and appear to have forgotten
388 that you are here to serve all the American people, not
389 merely a select few or just yourself. And the fact is,
390 Administrator Pruitt has used this office as nothing more
391 than an opportunity to either enrich himself or his corporate
392 friends and President Trump seems to be perfectly fine with
393 all these actions. So much for draining the swamp.
394 When we met in December, you pledged to be more
395 transparent. You promised to do a better job providing
396 technical assistance, sending witnesses to hearings, and
397 responding to congressional requests. But you have followed
398 through on none of these promises. What you have done is
399 generate scandal after scandal. When confronted about them
400 you have repeatedly failed to take responsibility for your
401 actions and instead you have blamed your staff, your security
402 detail, your critics, pretty much anyone but yourself, and
403 you are accountable for your agency and all of these
404 scandals, in my opinion. The buck stops at your desk.
405 There are so many outstanding questions that we need

406 truthful answers to today but because so far we have only
407 gotten half-truths, misleading answers, or outright
408 falsehoods. For instance, you rented a condo at well below
409 market value and then emphatically claimed on Fox News that
410 your landlord's lobbyist husband had no business before the
411 EPA, a statement that was proven to be untrue. And it is
412 that kind of conduct that prompted Ranking Members Tonko,
413 DeGette, and vice Ranking Member Castor and I, to request
414 that you be placed under oath for this hearing and that it be
415 expanded to include the Oversight and Investigations
416 Subcommittee.
417 The Chairman did not agree to that request, but I would
418 remind you what Chairman Walden said to the press when he
419 declined our request. He said, lying to Congress is a crime
420 regardless of whether or not you are sworn in. So now
421 committee Republicans have conveniently told the press that
422 they are investigating you for some of your outrageous
423 ethical abuses, yet I have seen no evidence from committee
424 Republicans that that is really happening.
425 Fortunately, committee Democrats have been demanding
426 answers and five independent federal investigations are now
427 being done into your conduct at our request. Yesterday, I

428 joined with Ranking Member Cummings of the Oversight and
429 Government Reform Committee to request an additional
430 investigation by the Office of Special Counsel into your
431 troubling pattern of apparently retaliating against EPA
432 employees who question your extravagant spending and I am
433 confident that these investigations will affirm what I have
434 come to believe is true that you are unfit to hold public
435 office and undeserving of the public trust.
436 And I don't say those words, you know, because I
437 particularly dislike you or, you know, hold you in ill
438 repute. I just think that every indication we have is that
439 you really should resign and you are undeserving of the
440 public trust. And I yield back, Mr. Chairman. Thank you.
441 Mr. Shimkus. The gentleman yields back his time. We
442 now conclude with members' opening statements. The chair
443 would like to remind members that pursuant to committee
444 rules, all members' opening statements will be made part of
445 the record.
446 We would also now like to thank and welcome our
447 distinguished witness, U.S. EPA Administrator Scott Pruitt,
448 for being here today. You will have an opportunity to give
449 an opening statement followed by a round of questions by

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450 members. You are joined by the Honorable Holly Greaves,
451 Chief Financial Officer. Welcome to you also, we appreciate
452 you being here.
453 And, Mr. Administrator, we now recognize you for 5
454 minutes for your opening statement.

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455 STATEMENT OF THE HONORABLE E. SCOTT PRUITT, ADMINISTRATOR,
456 U.S. ENVIRONMENTAL PROTECTION AGENCY
457
458 Mr. Pruitt. Well, good morning to you, Mr. Chairman,
459 Ranking Member Pallone, members of the committee, it is good
460 to be with you today and I appreciate the opportunity to
461 discuss these matters that you have raised.
462 There is consequential and important work being done at
463 the EPA since the beginning of the Trump administration both
464 in terms of improved environmental outcomes as well as
465 substantial regulatory reform. We are stripping burdensome
466 costs from the American economy at an unprecedented pace and
467 we are doing this while inspiring confidence in the American
468 people that it's government going to work with them as
469 opposed to against them, to achieve harmony between jobs and
470 growth and environmental stewardship.
471 In the short time of the Trump administration we have
472 made enormous progress as far as improved environmental
473 outcomes. These are just a few: We have removed over three
474 times the number of polluted sites in contaminated
475 communities across the country as compared to the previous
476 administration for 2017, and for 2018 we are on pace to

477 remove as many as ten times the number of polluted sites. We
478 are working cooperatively with the states to improve air
479 quality through the approval of 350 ~~state improvement~~
480 ~~plans~~State Implementation Plans. And with regard to water we
481 are leading a multiagency approach that has set a goal of
482 eradicating lead from our drinking water within 10 years,
483 largely through the utilization of a tool that you provided,
484 WIFIA. It is my goal to prioritize applications for critical
485 water infrastructure over the 10 years to hopefully see four
486 billion a year dedicated to the replacement of lead service
487 lines in order to reduce lead in our drinking water.
488 President Trump has set an ambitious goal for the EPA
489 under his administration and our measurable achievements are
490 a testament to the effectiveness which a results-driven EPA
491 can achieve. President Trump did not only task us with
492 accomplishing the core mission of the EPA ~~acting~~ more
493 efficiently and more effectively than ever before, he also
494 demanded comprehensive regulatory reform. That
495 transformational change is happening. In just 1 year, the
496 Trump administration has saved the American people almost $8
497 billion in regulatory savings. And the EPA alone is
498 responsible for nearly two dozen regulatory actions, saving

499 Americans one billion of that eight billion in regulatory
500 cost.
501 These actions are providing America's job creators with
502 the regulatory clarity they deserve. By repealing and
503 replacing the so-called Clean Power Plan we are ending a one-
504 size-fits-all regulation on energy providers and restoring
505 rule of law. By rescinding and rewriting the 2015 Waters of
506 the United States rule we are ending Washington's power grab
507 over land use decisions across the country. It is
508 indisputable that we have made enormous progress in advancing
509 President Trump's reform agenda and ~~pruning~~ peeling back
510 decades of regulatory overreach that was unnecessary,
511 burdensome, and ultimately harmful to hardworking Americans
512 across the country.
513 When the President nominated me to this position I
514 believed the work was going to be impactful and it has been
515 and tremendous progress has been made. But I did not expect
516 the work to be easy and I knew there would be meaningful
517 opposition. However, as I sit before you today, I recognize
518 there have been very troubling media reports over the past
519 few weeks. I promise you that I, more than anyone, want to
520 establish the hard facts and provide answers to questions

521 surrounding these reports.

522 Let me be very clear. I have nothing to hide as it

523 relates to how I have run the Agency for the past 16 months.

524 I am not afraid to admit that there has been a learning

525 process and when Congress or independent bodies of oversight

526 find fault in our decision-making I want to correct that and

527 ensure that it does not happen again. Ultimately, as the

528 Administrator of the EPA, the responsibility for identifying

529 and making changes necessary rests with me and no one else.

530 With that being said, facts are facts and fiction is fiction

531 and a lie doesn't become truth just because it appears on the

532 front page of a newspaper. Much of what has been targeted

533 towards me and my team has been half-truths or at best

534 stories that have been so twisted they do not resemble

535 reality. And I am here and I welcome the chance to be here

536 to set the record straight in these areas.

537 But let's have no illusions about what is really going

538 on here. Those who have attacked the EPA and attacked me are

539 doing so because they want to attack and derail the

540 President's agenda and undermine this administration's

541 priorities. I am simply not going to let that happen. I

542 look forward to your questions today and thank you, Mr.

This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.

543 Chairman.

544 [The prepared statement of Mr. Pruitt follows:]

545

546 **********INSERT 3**********

547 Mr. Shimkus. The gentleman yields back his time. The
548 chair thanks the Administrator. I will start the series of
549 questioning and I will recognize myself for 5 minutes for the
550 first round.
551 We have obviously a lot of media presence here. I have
552 been asked the last couple days what am I going to do, what
553 am I going to say, and I said, well, I am going to talk
554 policy and stewardship. So half my 5 minutes is going to be
555 on a policy issue, and hopefully that will save some time for
556 us to talk about some stewardship issues.
557 Since you last testified before the subcommittee, the
558 White House has hosted a number of meetings, some of which
559 have included you and other Cabinet officials, senators, and
560 various stakeholders, to discuss changes in the Renewable
561 Fuel Standard. As I alluded to in my opening statement,
562 those potential administrative actions hang like the sword of
563 Damocles over efforts on Capitol Hill to reach an enduring,
564 legislative solution to the problems of that program.
565 Are any of these administrative changes imminent, or
566 will you commit to allowing Congress time to work on a
567 legislative solution?
568 Mr. Pruitt. Well, Mr. Chairman, I think both are

569 important and I do think there are some regulatory options
570 that we can pursue. Many have talked about transparency as
571 an example with respect to the trading platform and the RFS
572 trading platform, how long you can hold a RIN as an example,
573 who can buy, who can sell RINs. There are those kinds of, I
574 think, evaluations that we can engage from a regulatory
575 perspective. And as you know there is also consideration
576 about the RVP waiver and the E15 being allowed year around.
577 I think that is something, it is a legal determination.
578 It is not a policy determination. And we have been earnest
579 the last several months evaluating that in hopes that we can
580 get to a conclusion on our ability to take those kinds of
581 actions. But I really believe that Congress's role in this
582 is terribly important because as you look at the issues that
583 we are facing with respect to the Renewable Fuel Standard and
584 the viability of the RINs platform we need both Congress and
585 our regulatory responses to be working together.
586 Mr. Shimkus. Well, let me just tell you from my
587 perspective what happens as we are trying to get our
588 disparate groups together is that every time someone gets
589 hauled down to the White House the other side goes crazy.
590 And then, you probably get to see the same thing, the other

591 side gets hauled down and the other side goes crazy. And we
592 are trying to get everybody in the room and that is the
593 perspective that I come from.
594 The follow-up on this is what actions, if any, are you
595 taking now to prepare for the Renewable Fuel Standard post
596 2022?
597 Mr. Pruitt. Well, as you know under the statute we have
598 an ability to reset those volume obligations and we are
599 evaluating that. There is a cap of 15 billion for
600 conventional presently. But another area Mr. Chairman that I
601 know you have been interested in is high octane. And with
602 respect to that, it was mentioned in some other comments
603 about the CAFÉ standards, there needs to be a serious
604 consideration of us, as a countrye pursuing ~~as a country~~ fuel
605 choices and options to meet those CAFÉ standards and provide
606 high octane as an option to the American people. I think
607 there is a potential that will serve both the ag sector as
608 well at the auto sector and consumers across this country
609 that we could pursue together.
610 Mr. Shimkus. Well, thank you. Now I want to move to
611 the administrative portion of my two questions. Obviously
612 you have already alluded to and some of my colleagues have

613 alluded to all the recent stories and issues and your
614 willingness to set the record straight. So in my minute and
615 45 seconds left I want to give you the time to address those
616 as you will.
617 Mr. Pruitt. Well, I think, Mr. Chairman, as I indicated
618 in my opening comment, I want to address each of these
619 respective issues and provide information and we will work
620 with Congress both with Oversight as well as this committee
621 to provide any and all information that helps answer those
622 questions. Those have been a distraction to our agenda, I
623 think the Ceongressman mentioned that earlier, and that
624 troubles me. Ultimately, as Administrator of the EPA, I have
625 to take responsibility to make changes internal to the Agency
626 to get accountability in our processes to ensure that in each
627 of these areas we get better results and that we show the
628 American people that we are committed to being good stewards
629 of taxpayer resources, staying true to our mission at the
630 Agency, which I believe that we are and have, and I am
631 committed to doing that. That is why I am here to talk to
632 you about it today.
633 Mr. Shimkus. I thank the Administrator and I yield back
634 my time and now turn to the ranking member of the

635 subcommittee, Mr. Tonko, for 5 minutes.

636 Mr. Tonko. Thank you, Mr. Chair. Recently it came out
637 that two EPA employees who came with you to Washington from
638 Oklahoma were given significant raises over the White House's
639 objection. When you were interviewed by Ed Henry on Fox News
640 you claimed to have been unaware of those raises. At the
641 time, Ed Henry asked you whether you intentionally went
642 around the White House or whether you simply had no idea what
643 your staff was up to.

644 The EPA Inspector General is looking into those raises
645 and last week the IG released preliminary information showing
646 that the forms to grant the raises were signed by your chief
647 of staff, Mr. Ryan Jackson, who wrote that he was signing on
648 your behalf. This is your opportunity to set the record
649 straight. Did you, Administrator, authorize Mr. Jackson to
650 sign those documents for you?

651 Mr. Pruitt. Congressman, those were delegated to Mr.
652 Jackson and the Inspector General did reference that in his
653 management alert and he recognized the authority.

654 Mr. Tonko. So you did authorize him then to sign them?

655 Mr. Pruitt. That~~Those decisions, that~~ decision was made
656 by my chief of staff.

657 Mr. Tonko. Yes or no, did you authorize him?

658 Mr. Pruitt. There are delegations giving him that

659 authority.

660 Mr. Tonko. So that is a yes.

661 Mr. Pruitt. The Inspector General recognized that,

662 Congressman.

663 Mr. Tonko. So you authorized Mr. Jackson to sign those

664 documents for you. In internal emails, Sarah Greenwalt, one

665 of the aides who received a substantial raise, stated that

666 you were aware of and supported the raises. Was that true?

667 Mr. Pruitt. I think with respect to the raises what is

668 important --

669 Mr. Tonko. Was that true?

670 Mr. Pruitt. Congressman.

671 Mr. Tonko. I have 5 minutes so I have to move along.

672 Mr. Pruitt. I was not aware of the amount nor was I

673 made aware --

674 Mr. Tonko. Not the amount, were you aware of the

675 raises?

676 Mr. Pruitt. I was not aware of the amount nor was I

677 aware of the bypassing or the PPO process not being

678 respected.

679 Mr. Tonko. Well, then I am concerned that you have no
680 idea of what is going on in your name at your agency
681 especially on an issue already under IG investigation. You
682 have spent this week claiming to champion transparency, but
683 on Tuesday you blocked the press from attending an event
684 where you announced a new proposal that will severely limit
685 the Agency's use of public health studies in policymaking.
686 When internal emails came out about this new policy last
687 week, they revealed that it had been developed entirely by
688 political staff, seemingly without a robust outside
689 stakeholder process, and once the press started covering
690 those emails they were removed from the Agency's public FOIA
691 portal. I do not know if you were personally involved in the
692 decision to remove those emails, but it certainly was not
693 transparent.
694 Mr. Administrator, you like to claim that you support
695 the rule of law and acknowledge the limits of EPA's
696 authority. Many of our environmental statutes are clear.
697 EPA must use the best available science as a foundation of
698 policymaking. This proposal would prevent that. Are you
699 aware, yes or no, that Nancy Beck raised concerns that such a
700 policy could also impact data that would be important to

701 industry such as confidential business information? Yes or
702 no.
703 Mr. Pruitt. This effort --
704 Mr. Tonko. Yes or no.
705 Mr. Pruitt. This effort, Congressman, was about
706 ensuring that --
707 Mr. Tonko. Were you aware that --
708 Mr. Pruitt. -- at the Agency --
709 Mr. Tonko. Were you aware that Nancy Beck raised the
710 concern? Were you aware?
711 Mr. Pruitt. As I indicated, Congressman, this effort is
712 actually a reflection of Congress's commitment to
713 transparency at the Agency.
714 Mr. Tonko. Sir, I need to move on. I take that as a
715 yes. To mitigate that concern it appears that the proposal
716 has been crafted so that you, the Administrator, has the
717 discretion to grant exemptions as you see fit without any
718 transparency or accountability for your decisions. For
719 example, if EPA was assessing the safety of a chemical, you
720 alone would have the power to selectively block public health
721 studies that do not support your political priorities and
722 allow ones that favor your friends in industry. Not only

723 does this open the door to special treatment for industry
724 over the public health, but you could also pit winners and
725 losers amongst the industry types.
726 Do you think it would be hypocritical to exempt industry
727 data containing confidential business information from
728 disclosure but not personal health information from public
729 health researchers? Yes or no? Would it be hypocritical?
730 Mr. Pruitt. I think that is a misstatement.
731 Congressman, I believe that what needs to be clear is that
732 what actions we took this week were to ensure that data and
733 methodology were also available to those that ~~they~~ are
734 concerned about our rulemaking.
735 Mr. Tonko. You know, I believe it is hypocritical. So
736 moving on, given your track record how can the public trust
737 your discretion to make fair decisions when it comes to those
738 biases?
739 Mr. Pruitt. You know, Congressman, this was an effort
740 to ensure transparency. Because as we do rulemaking at the
741 Agency what is important --
742 Mr. Tonko. Based on your record should the public trust
743 your decision-making here with the hypocrisies that would
744 exist in the system you defined?

745 Mr. Pruitt. This is actually ~~ina~~ support of
746 transparency for all rulemaking at the Agency. This is not
747 an individual decision that is made by the Administrator.
748 This is programmatic offices making decisions on rules --
749 Mr. Tonko. Sir.
750 Mr. Pruitt. -- that are based upon transparent --
751 Mr. Tonko. Sir, I think this boils down to an issue of
752 trust and you have developed a system where you are picking
753 winners and losers. We pit the public against the industry
754 or you are picking favorites within the industry and I think
755 there is a hypocritical outcome to it all.
756 And with that Mr. Chair, I yield back.
757 Mr. Shimkus. I thank my colleague for staying within
758 time. And the chair recognizes the Chairman of the full
759 committee, Congressman Walden, for 5 minutes.
760 The Chairman. Thank you, Mr. Chairman. As I mentioned
761 in my opening statement there are many reviews currently
762 going on at the EPA, in the Inspector General's Office,
763 Government Accountability Office, and other congressional
764 committees, about some of these concerns you are hearing
765 about today, Mr. Administrator, and that have been raised in
766 the media. So my question is pretty easy. Will you commit

767 the EPA will provide this committee with all the documents
768 and information EPA produces for those inquiries?
769 Mr. Pruitt. Absolutely.
770 The Chairman. Thank you. As I told you the last time
771 you were here, this committee is charged by the House of
772 Representatives with legislative and oversight responsibility
773 for the bulk of the statutes that the EPA implements and we
774 decide where the Agency's money can best be spent. Can you
775 help me understand your guiding principles for determining
776 legitimate uses of federal money by the EPA including whether
777 you are using any kind of previous spending guidance to make
778 these decisions?
779 Mr. Pruitt. Congressman, I believe that as we are
780 making decisions we have policy and guidelines at the Agency
781 that drive those decisions. Some of them are attributable to
782 programmatic offices, some of them are attributable to, you
783 know, the science part of our office. But yes, those
784 guidelines govern our decisions each and every day.
785 The Chairman. And are they similar to the guidelines
786 that governed your predecessor's decisions?
787 Mr. Pruitt. Yes.
788 The Chairman. In what ways?

789 Mr. Pruitt. Well, these are policies that predated our
790 time ~~there~~ at the Agency and so they have governed ~~our, you~~
791 ~~know,~~ evreything from travel to internal decision-making on
792 allocation of dollars to serve programmatic offices. So
793 these are predated policies that govern our actions every
794 single day.
795 The Chairman. Let me ask you about the issue of science
796 and transparency. I have had a lot of constituents over the
797 years who have been very concerned about decisions in various
798 agencies that get made by administrators or the bureaucracy
799 and in some cases they can't get access to the underlying
800 data that underpins the decisions. The proposal that you put
801 forward this last week or so, how does that address that
802 issue, are we going to get science that everybody gets a
803 chance to see that can be replicated that maybe is peer-
804 reviewed so we, all working off facts?
805 Mr. Pruitt. And actually this has been an interest of
806 Congress. As you know there has been proposed legislation to
807 address this very issue.
808 The Chairman. Yes, it has been.
809 Mr. Pruitt. And this was a regulatory action that was
810 taken this week, a proposed rule that actually goes to the

811 heart of transparency as I was trying to share earlier.
812 Because it requires that -- and when we do rulemaking at the
813 Agency we can't just simply publish the conclusions, the
814 summaries of studies, because what has happened historically
815 is third parties have provided studies or summaries, we have
816 taken those conclusions, used those as a basis of rulemaking
817 but not published the data, not published the methodology
818 that actually supported the conclusion. And so, those that
819 are commenting on rules were ill-equipped to be able to
820 understand whether the conclusions were rightly concluded or
821 not.
822 So this is an effort on our part to ensure that as we do
823 science at the Agency whether it is internal at the EPA, or
824 whether we use third parties, ~~as far as~~ their findings, data,
825 methodology, and conclusion should all be a part of the
826 package.
827 The Chairman. So is what you are trying to do is make
828 more information available or less information available?
829 Mr. Pruitt. Yes, absolutely more information available.
830 The Chairman. To the public. So you are going to
831 require that every one of these decisions or whatever they
832 are based on, the data and the methodology as well as the

833 conclusions are transparent and available to the public. Is
834 that going to be on your website? How are we going to know
835 this?
836 Mr. Pruitt. Well, it is actually a proposed rule,
837 Congressman. It is actually something that we are taking
838 comment on and I am sure there will be a wide array of
839 comment on that very proposal. But the objective once again
840 is to ensure transparency, and reproducibility, with respect
841 to the science that we rely upon in making our decisions in
842 rulemaking.
843 The Chairman. As you know, Mr. Administrator, last
844 year, and then I think we actually passed it into law this
845 year, this committee unanimously, I believe, here and in the
846 House, rewrote America's Brownfields Legislation and we are
847 working together to rewrite the Safe Drinking Water, clean
848 Drinking Water Act as well and make additional grants
849 available. What are you doing to help clean up these
850 brownfields sites that litter our neighborhoods and our
851 country?
852 Mr. Pruitt. You know, we just issued a series of grants
853 across the country this week with respect to the Brownfields
854 Program, and you are right. It has been a tremendous success

855 reclaiming polluted areas across this country to allow
856 communities to once again enjoy those areas. And so with the
857 partnership of Congress, the increased omnibus, you know,
858 provided additional monies there for us to enhance that
859 program, we are administering those grants and seeking to
860 partner with communities all over the country to ensure that
861 these areas are cleaned up and re-purposed and able to be
862 enjoyed again by those communities.
863 The Chairman. And I just have a few seconds left. I
864 want to follow up on what the chairman of the subcommittee
865 talked about regarding the RFS and new fuel standards. I
866 want you to know that Mr. Flores and Mr. Shimkus and others
867 on this committee have put a lot of time in because it is a
868 priority of mine and theirs to figure out going forward how
869 we have a standard that works for those who grow corn, those
870 who refine fuels, the auto industry, and the environment.
871 And I would hope this administration would look to our
872 leadership in this effort as well as any independent actions
873 or the fact that we are actually a co-equal branch and the
874 House has some authority in this area as well as the Senate.
875 Will you commit to that?
876 Mr. Pruitt. I think it is essential, as I shared with

877 the chairman earlier, because at the end of the day certainty
878 is very important in this area. And I think you see
879 tremendous investment over the last --
880 Mr. Shimkus. The gentleman's time is expired. We will
881 make sure -- and I apologize. I just want to make sure that
882 -- we have a lot of people lined up. We will have more time
883 to talk about that.
884 The Chairman. Thank you, Mr. Chairman.
885 Mr. Shimkus. The chair thanks the Chairman and the
886 chair now recognizes the ranking member of the subcommittee,
887 Mr. Pallone, for 5 minutes.
888 Mr. Pallone. Thank you, Mr. Chairman.
889 You know, I listened, Mr. Administrator, to your reasons
890 why you haven't resigned and basically you said that you are
891 staying because only you can carry out the President's
892 mission. And I strongly disagree with that. I think your
893 actions are an embarrassment to President Trump and distract
894 from the EPA's ability to effectively carry out the
895 President's mission and if I were the President I wouldn't
896 want your help, I would just get rid of you. But I am not
897 the President so let me move on.
898 It has been reported that you have even gone so far as

899 to retaliate against EPA's employees, punishing those who
900 questioned your spending and management, and sidelining those
901 who attempted to advance important public health protections.
902 So I wanted to ask again, yes or no, because we don't have a
903 lot of time, it has been reported that at least five EPA
904 employees were recently reassigned, demoted, or otherwise
905 retaliated against after they raised concerns about your
906 spending. Is that correct, yes or no?
907 Mr. Pruitt. I don't ever recall a conversation to that
908 end.
909 Mr. Pallone. Well, I will take that as a yes. I was
910 further alarmed --
911 Mr. Pruitt. It shouldn't be taken as a yes.
912 Mr. Pallone. -- that you removed the head of the EPA
913 office that found that you did not face direct death threats.
914 Has it always been your practice to fire people who disagree
915 with you?
916 Mr. Pruitt. I mean, Congressman, the Inspector General
917 himself has noted that the threats against me are
918 unprecedented --
919 Mr. Pallone. Well, you are not answering yes or no. So
920 again --

921 Mr. Pruitt. -- with respect to the quantity and the
922 type of threats and is on the record saying so.
923 Mr. Pallone. Okay. Look, six staffers is a pattern, I
924 think you need to start taking responsibility. But you say
925 you are going to take responsibility but you don't. I am
926 very concerned by this troubling pattern of retaliation which
927 is not only potentially illegal but is also creating a
928 hostile environment that is expediting the exodus of valuable
929 expertise from the EPA. In place of those dedicated public
930 servants you are installing industry lobbyists.
931 Let's look at the case of Wendy Cleland-Hamnett, an
932 expert who fought to finalize a ban on methylene chloride, a
933 deadly chemical used in paint strippers. The New York Times
934 and other media have reported that her efforts were opposed
935 by Nancy Beck, the chemical industry lobbyist you put in
936 charge of regulating chemicals. Just last year, Nancy Beck
937 was being paid by the chemical industry to lobby against
938 chemical regulations. Now that she is retired, Nancy Beck is
939 running the chemical program and the proposal to ban
940 methylene chloride has been abandoned.
941 Yes or no, were you involved in the decision to abandon
942 that rulemaking or was that decision made by Nancy Beck?

943 Mr. Pruitt. The rulemaking has not been abandoned.
944 Actually there is a proposed rule --
945 Mr. Pallone. Well, you say that but that is not
946 accurate. Do you know that manufacturers of methylene
947 chloride paint strippers have been aware of deaths linked to
948 this use for more than 28 years but continue to produce it?
949 Yes or no.
950 Mr. Pruitt. That is actually a solvent that we are
951 considering under the --
952 Mr. Pallone. Okay. Obviously you don't want to admit
953 what it does. Despite all your scandals, the White House
954 says you have the President's support because you are
955 implementing his deregulatory agenda, but I think that agenda
956 has real costs. In October 2017, right before EPA abandoned
957 the rulemaking, Drew Wynne, a 31 year old small business
958 owner in South Carolina, died while using methylene chloride.
959 Drew's brother is here today and I want to thank him for
960 traveling here from South Carolina and continuing to advocate
961 for a ban of this deadly chemical.
962 Were you or others at EPA aware of Drew Wynne's death
963 when the Agency abandoned the ban of this deadly chemical?
964 Yes or no, were you aware of his death?

965 Mr. Pruitt. I think it is important, Congressman, to
966 know that we have a proposed ban in place that is being
967 considered and we are taking comments on and we haven't
968 finished that process.
969 Mr. Pallone. Well, obviously you are not going to admit
970 whether you know about Drew's death. Unfortunately, in
971 February another 31 year old man, Joshua Atkins, died using a
972 methylene chloride paint stripper to refinish his bike. I
973 learned about Joshua from his mother Lauren who sent me a
974 deeply touching letter.
975 And I would ask unanimous consent, Mr. Chairman, to put
976 that letter into the record, in which she states her hope
977 that her son will be the last to die from this chemical.
978 Mr. Shimkus. Can we make sure we see the letter?
979 Mr. Pallone. Yes. I will give it to you right now, Mr.
980 Chairman.
981 Again, Mr. Pruitt, your deregulatory agenda costs lives,
982 real people with names, with brothers, with mothers. You
983 have the power to finalize the ban of methylene chloride now
984 and prevent more deaths but you haven't done it. Do you have
985 anything to say to these families at this point?
986 Mr. Pruitt. Congressman, as I was trying to indicate

987 earlier there is a proposed ban in place that we took comment
988 on that we are reviewing presently. There has been no
989 decision at this time to not --
990 Mr. Pallone. All right. Well, obviously you have
991 nothing to say to these families. Look, you say you are
992 going to do something but these chemicals are still on the
993 shelves and they make a mockery of Lautenberg's TSCA reform
994 legislation that this committee worked so hard on, including
995 our chairman Mr. Shimkus, and it makes a mockery of the EPA.
996 You have the power immediately to get this chemical off the
997 shelves and you are not doing it and you should do it.
998 And again, Mr. Shimkus, I appreciate your help with
999 TSCA, but he is not implementing TSCA so I am wondering if
1000 our efforts were totally in vain. Thank you, Mr. Chairman.
1001 Mr. Shimkus. The gentleman yields back his time. The
1002 chair thanks the gentleman. The chair now recognizes
1003 Chairman Emeritus Congressman Barton from Texas for 5
1004 minutes.
1005 Mr. Barton. Thank you, Mr. Chairman, and I am honored
1006 to have the EPA Administrator back before the committee.
1007 Mr. Administrator, you are not the first person to be
1008 the victim of, for lack of a better term, Washington

1009 politics. You got picked to be the EPA Administrator because
1010 of the service you provided for the great state of Oklahoma
1011 in fighting some of the Obama administration radical clean
1012 air policies. You recommended and I support the
1013 recommendation that you made to the President that we
1014 withdraw from the Paris climate change agreement. That is a
1015 decision that most of the stakeholders at EPA violently
1016 oppose.
1017 If you can't debate the policies in Washington, you
1018 attack the personality and that is what is happening to you.
1019 Republicans do it when it is a Democratic President. The
1020 Democrats do it when it is a Republican President. And in my
1021 opinion, and it is just my opinion, that is what is happening
1022 to you.
1023 On your housing costs, were those approved, the
1024 contract, before it was signed? Didn't you get an ethics
1025 review and didn't that individual say it was acceptable?
1026 Mr. Pruitt. There have been two ethics reviews,
1027 Congressman.
1028 Mr. Barton. I need quick answers because I want to ask
1029 you --
1030 Mr. Pruitt. There have been two ethics reviews speaking

1031 to the lease itself saying that it met market rates.

1032 Mr. Barton. Okay. You have been attacked for flying

1033 first class. Is that illegal?

1034 Mr. Pruitt. Congressman, that was approved by the

1035 travel office and the security team at the EPA. I have since

1036 made changes to that. But that was --

1037 Mr. Barton. But it is not illegal.

1038 Mr. Pruitt. It is not.

1039 Mr. Barton. It may look bad but it is not illegal.

1040 There was an Energy secretary named Hazel O'Leary under the

1041 Clinton administration. She leased party jets that were used

1042 by rock stars. Party jets, not one time but several times.

1043 Have you ever rented a party jet?

1044 Mr. Pruitt. No, Congressman.

1045 Mr. Barton. You have not rented a party jet. Okay,

1046 that is good. Let's talk about this transparency issue. As

1047 I understand it, your transparency proposal is that if they

1048 are going to use the science to make a recommendation on an

1049 EPA regulation they have to actually report what the science

1050 is. They have to release the documents and the data sets and

1051 all of that. Is that correct?

1052 Mr. Pruitt. That is exactly right, Congressman.

1053 Mr. Barton. Is there anything wrong with that?

1054 Mr. Pruitt. I think it enhances transparency and the

1055 confidence of the American people as we do rulemaking.

1056 Mr. Barton. I think it is an excellent idea and it is

1057 long overdue. In your budget --

1058 Mr. Shimkus. Will the gentleman suspend for a minute?

1059 We have guests in the gallery. You are our guests. I

1060 have some magic words that will then cause you to have to

1061 leave. I do not want to say that. So if you would respect -

1062 - we were asked for decorum. That is not being decorous,

1063 whatever the word is. So let's just continue on with the

1064 testimony and we will move forward.

1065 The chair recognizes the Chairman Emeritus.

1066 Mr. Barton. Okay, thank you. On your transparency

1067 proposal if it is actually accepted, we will actually get to

1068 see what the science is behind the support for the

1069 regulation. Is that not correct?

1070 Mr. Pruitt. It is. And I think what has been of note

1071 to me as I have been serving at the Agency is that there is a

1072 reliance at the Agency on many third-party studies. And as

1073 those studies are the support of our rulemaking, it is

1074 important to make sure that the methodology and data

1075 accompany those conclusions so that the American people can
1076 make informed decision about the rules and whether they
1077 ~~actually are~~are based upon sound science.
1078 Mr. Barton. This is to get a little bit to the budget
1079 we are actually here to discuss, there is a program in your
1080 agency called Leaking Underground Storage Tanks, short in
1081 acronym is LUST. The money that goes into that fund is
1082 supposed to be used to clean up or prevent leaks from
1083 underground storage tanks. To your knowledge, is there
1084 anything under current law that prevents a state from using
1085 it for other purposes? In other words, the money is supposed
1086 to be used to clean up these underground storage tanks, but
1087 my understanding is very few states use it for that purpose.
1088 Mr. Pruitt. You know, Congressman, I am not aware of
1089 that happening but it is something that we would investigate
1090 and look into if you have some information about that
1091 happening in your state and elsewhere.
1092 Mr. Barton. Would you do that and --
1093 Mr. Shimkus. The gentleman's time is expired. The
1094 chair recognizes the gentleman from California, Dr. Ruiz, for
1095 5 minutes.
1096 Mr. Barton. Thank you for your service.

1097 Mr. Ruiz. Thank you, Mr. Chairman.

1098 Administrator Pruitt's ethical violations as the head of
1099 an agency with a mission to protect the public's health
1100 demonstrate a concerning lack of integrity and a pattern of
1101 the rich and powerful putting their rich and powerful friends
1102 and their own self-interest above the interest of the
1103 public's health and at the expense of the common good. Clean
1104 air to breathe and safe water to drink is not a privilege
1105 only for the rich and powerful but a right for everyone, and
1106 the role of a public servant is to serve and protect the
1107 public, in particular the public's health.

1108 However, the gross elimination of many public health
1109 protections are kickbacks to the rich lobbyists and
1110 corporation friends that have a real impact and I want to
1111 highlight one example. This week the EPA announced that it
1112 intends to limit the kind of scientific studies it will use
1113 in issuing new protections to only studies that make public
1114 the private, personal, confidential information of the people
1115 who participate in those studies.

1116 Revealing that info is a clear ethical violation of any
1117 reputable research institutional review board in the United
1118 States. The type of studies you want to exclude are the same

1119 kind of scientific studies that were used to prove that lead
1120 in pipes and paints harm children and that secondhand smoke
1121 is a dangerous carcinogen. We are talking about landmark
1122 studies such as the Harvard School of Public Health's six-
1123 city study which proved a connection between air pollution
1124 and early death back in 1993. That just by living in a city
1125 with poor air quality your average life expectancy was lower
1126 than those who didn't. This study later became the basis of
1127 fine particulate matter regulations in the Clean Air Act.
1128 When you were here in December, you and I spoke about
1129 fine particle matter which, thanks to studies based on
1130 confidential patient health information, we now know is
1131 associated with premature death, asthma attacks, chronic
1132 bronchitis, decreased lung function, and respiratory
1133 diseases. You acknowledge these risks and agree that there
1134 is no safe level of fine particle pollution, but your new
1135 policy would block EPA from considering the studies that have
1136 shown these dangerous health implications.
1137 So do you deny now that fine particle pollution has
1138 these health impacts and will these new regulations cause
1139 your agency to disregard these sentinel studies?
1140 Mr. Pruitt. If they provide the data and methodology to

1141 the Agency and the findings it will be used.

1142 Mr. Ruiz. Well, that is a clear violation of ethical

1143 rules protecting patient confidentiality.

1144 Mr. Pruitt. Those can be redacted, Congressman.

1145 Mr. Ruiz. Who is protecting the subjects in those

1146 studies? So you have promised us a replacement rule for the

1147 Clean Power Plan. Will that replacement rule acknowledge the

1148 health impacts of fine particle pollution?

1149 Mr. Pruitt. We actually have ~~been as you know~~ a

1150 proposed rule in the marketplace on just that issue, as you

1151 know.

1152 Mr. Ruiz. Well, you know, I mentioned the risks of lead

1153 in drinking water. So with this new rule -- those risks were

1154 shown by epidemiological studies that protected the patient

1155 confidentiality and all the other intricacies of confidential

1156 information. Now your rule would lead to the idea that if it

1157 doesn't suit the manufacturers' intent that now those studies

1158 could be disregarded.

1159 So do you believe that mesothelioma can, or that

1160 asbestos causes mesothelioma?

1161 Mr. Pruitt. I do. But the confidential business

1162 information to which you refer along with personal

1163 information can be redacted.

1164 Mr. Ruiz. So that information -- so you have been in
1165 office, you know, you have dismantled protections for the
1166 public's health and there is, and protections for children
1167 who suffer asthma, seniors with respiratory illnesses, and
1168 you demonstrated a disregard for true scientific study, the
1169 scientific process, and the confidentiality of people who
1170 want to participate and help further our collective knowledge
1171 to protect the public good.

1172 You have done this to allow your rich and powerful
1173 corporate friends to create more pollution in order to
1174 increase profit at the expense of the common good. Again if
1175 children with asthma and seniors with COPD -- and I am an
1176 emergency physician. I participated in IRB boards. I know
1177 the importance of protecting the information in order to get
1178 more participants, and I have also treated children with
1179 asthma gasping for air or seniors at their last wits' end.
1180 When you remove these protections under the guise of a false
1181 transparency notion, then you are making life more difficult
1182 for everyday American families and this is disgraceful and
1183 the American people deserve better.

1184 Mr. Shimkus. The gentleman's time is expired. The

1185 chair recognizes the gentleman from West Virginia for 5
1186 minutes.
1187 Mr. McKinley. Thank you, Mr. Chairman. And thank you,
1188 Administrator, for coming before us. I think that was the
1189 first policy question you got from the other side of the
1190 aisle, observation.
1191 And to the public, I think this has been a lot of a
1192 classic display of innuendo and McCarthyism that we are
1193 seeing too often here in Washington that unfortunately I
1194 think works against civility and respect for people in public
1195 office. I am hoping we would be able to stay on policy today
1196 as much as we could, but I can see some just can't resist the
1197 limelight, the opportunity to grandstand.
1198 So having said all that I thank you for what you have
1199 done. You have been able to stay disciplined on these
1200 policies. I know in West Virginia the impact that it has had
1201 on Brownfields Legislation of what you are doing on that I
1202 see the rollback of some of the regulatory reform that there
1203 is hope now. A lot of the people in the fossil fuel industry
1204 that they could see that deterioration in the past 8 years
1205 prior to that. There is some hope. We are seeing the
1206 economy start to rebound thanks to you and the administration

1207 of taking this fight on.

1208 So I know that if I could, I know just as an example,

1209 here was an example that despite what has been said to the

1210 achievements that you have made that the EPA just awarded

1211 $1.9 million to research in drinking water having to do with

1212 Flint, that research in Flint. People are ignoring the

1213 progress that we are making and they are trying to make this

1214 another attack on President Trump, and unfortunately there

1215 are a lot of people that are going to go along with that.

1216 So if we could, if I could get back to one of the things

1217 that has disturbed me some with some of the events over the

1218 last numbers of years was we had a good friend in Leslie

1219 Lampton who passed away last week. Lampton has Ergon

1220 Refinery located in Mississippi but they have the only

1221 refinery in West Virginia. It is a small, kind of a boutique

1222 operation at 23,000 barrels. I know the definition of a

1223 small refinery is 75,000 barrels, so they are a third of the

1224 size. But yet, so they are struggling meeting all of the

1225 qualifications, all the requirements of a major refinery.

1226 Is there something that we could work together or

1227 something to help out these small refineries so that they can

1228 compete? Because they can't handle the RINs, they don't have

1229 a market for that with them. So is there something that we
1230 could be doing to help out these boutique refineries?
1231 Mr. Pruitt. Congress has been very helpful in providing
1232 a small refinery exemption under the statute. It is
1233 objectively determined. It is 75,000 barrels, as you
1234 indicated, production and we have received I think 24
1235 applications in 2017, a little bit over 30 in 2018. And I
1236 would say to you that the volatility of the RIN trading
1237 platform is creating instability across the entire RFS
1238 discussion.
1239 So it is really in everyone's best interest to get more
1240 clarity and confidence in how this RIN trading platform and
1241 relief needs to occur. It is going to benefit the ethanol
1242 industry, benefit the ag sector, and I think benefit those
1243 that are suffering with the RIN obligations. And so it is
1244 our hope that we can chart a path forward with Congress to
1245 achieve those kinds of outcomes.
1246 Mr. McKinley. Okay. Mr. Administrator, for numbers of
1247 years we were working to try to get resolved something for it
1248 was sitting out here for 30 to 40 years was the coal ash
1249 issue and we got that taken care of 2 years ago. But my
1250 question then back to you as the Administrator is are there

1251 states that have opted not to put together their own program
1252 and turn it over to the EPA, or can you help us, like give me
1253 an update on where we are with some of the state
1254 implementation?
1255 Mr. Pruitt. We have provided guidance to the states
1256 with respect to developing their own programs and, to your
1257 question, very few states have actually done that ~~to your~~
1258 ~~question~~. ~~And~~ ~~w~~We are working with those state partners to
1259 equip and educate them on the option by providing the
1260 guidance. I think it is important that they pursue it and I
1261 think it is important they pursue it in a timely way, and it
1262 hasn't taken place yet.
1263 Mr. McKinley. Have any states chosen not to put
1264 together their own program?
1265 Mr. Pruitt. I just think it is early. It is nascent in
1266 the process and I think it is just very few early adopter
1267 states so far and that is the reason we are working hard to
1268 educate and inform those states.
1269 Mr. McKinley. Mr. Administrator, thank you for handling
1270 all these issues and I hope that we can stay on policy and
1271 talk about some of the progress that has been made because I
1272 think it has been good for the environment. Thank you. I

1273 yield back.

1274 Mr. Pruitt. Thank you.

1275 Mr. Shimkus. The gentleman yields back his time. The
1276 chair recognizes the gentleman from California, Mr. Peters,
1277 for 5 minutes.

1278 Mr. Peters. Thank you, Mr. Chairman. I do want to ask
1279 a couple questions about the Superfund program, particularly
1280 about your friend Mr. Albert Kelly who you put in charge of
1281 the program despite his past. He was scheduled to appear
1282 before the committee in January but he backed out at the last
1283 minute citing travel obligations. I know my colleagues on
1284 both sides of the aisle were disappointed in that, but Mr.
1285 Kelly sent a letter for the record that he would be willing
1286 to answer any and all of our questions regarding his lifetime
1287 ban from the banking industry and the illegal activities that
1288 led up to that.

1289 It is now more than 3 months later, we have gotten no
1290 information from Mr. Kelly. We are told that political
1291 leadership has been preventing him from speaking with us and
1292 if that is true that is certainly disappointing. 2 weeks ago
1293 you were interviewed on Fox News by Ed Henry and he asked you
1294 several questions about Mr. Kelly. In the interview you said

1295 that the details of the settlement with the FDIC were private
1296 and that none of us really know what happened.
1297 So my question is, if Mr. Kelly is happy to share the
1298 details of his lifetime banking ban as a matter of
1299 transparency is he not telling us the truth or are you
1300 stopping him from doing that?
1301 Mr. Pruitt. I think if Mr. Kelly ~~if he~~ is willing to
1302 share that with you he should do that.
1303 Mr. Peters. Terrific.
1304 Mr. Pruitt. And I would encourage him to do so.
1305 Mr. Peters. And because we do think that it is an
1306 important issue of transparency I am glad to hear that.
1307 The FDIC ban is not the only concern about Mr. Kelly.
1308 It has been widely reported that his family abuts a Superfund
1309 National Priorities List site. He is the head of the
1310 Superfund program, creating at least a perception of a
1311 conflict of interest in that he might be favoring the site
1312 that is next to his property. You have mentioned that one of
1313 your goals, one of your values is that you are committed to
1314 good stewardship of taxpayer resources.
1315 Has this financial conflict been reviewed by EPA ethics
1316 officials and, if so, were they provided with all the

1317 necessary information to conduct that review?

1318 Mr. Pruitt. I don't have knowledge about that,

1319 Congressman, if that has happened or not.

1320 Mr. Peters. All right. I certainly would ask that that

1321 be done. When you came to testify before this subcommittee

1322 in December you claimed that you had to remove scientists

1323 from EPA's Science Advisory Board because of, quote, the

1324 appearance of a lack of independence. John Konkus, your

1325 deputy associate administrator for the Office of Public

1326 Affairs who is tasked with reviewing millions of dollars of

1327 grants for EPA, was approved to provide media consulting

1328 advice to unnamed clients, likely including his prior clients

1329 from his Republican-affiliated consulting firm. Were you

1330 aware that Mr. Konkus was continuing to work as a media

1331 consultant for outside clients?

1332 Mr. Pruitt. I am aware that the ethics officials at the

1333 Agency approved that. That is what I am aware of.

1334 Mr. Peters. Don't you think this creates an appearance

1335 of a lack of independence?

1336 Mr. Pruitt. The ethics officials didn't believe that.

1337 Mr. Peters. Do you have an opinion personally about

1338 that?

1339 Mr. Pruitt. I don't know anything about the contract.
1340 I just know that the ethics officials approved that
1341 transaction.
1342 Mr. Peters. It just seems to me that if he is working
1343 for people outside the Agency with his fingers inside the
1344 Agency that that could be a lack of independence, and I will
1345 just offer that as my own observation then.
1346 You brought in Jeff Sands directly from Syngenta which
1347 was facing a very large fine from EPA for failing to protect
1348 its workers from a dangerous pesticide, chlorpyrifos. During
1349 his brief tenure at EPA this fine was reduced from $4.9
1350 million to $400,000. Were you personally involved in this
1351 decision to reduce this fine?
1352 Mr. Pruitt. It is my understanding that Mr. Sands'
1353 involvement at the Agency occurred after the decision in
1354 March of last year with respect to chlorpyrifos --
1355 Mr. Peters. Okay. Without respect to the timing then,
1356 were you personally involved then in the decision to reduce
1357 this fine?
1358 Mr. Pruitt. I was not.
1359 Mr. Peters. And I guess, I think I would suggest it
1360 also creates at least the appearance of bias and

1361 independence.

1362 And now it has come out that your head of security, who
1363 was promoted to that role after you fired his predecessor for
1364 questioning your security spending, did outside investigative
1365 work during the 2016 presidential election for America Media
1366 Incorporated, the publisher of National Enquirer. That
1367 includes the period when AMI purchased and killed a story
1368 about President Trump having an affair with a Playboy
1369 playmate. Do you think that that outside work at least
1370 creates the appearance of a lack of bias?

1371 Mr. Pruitt. It is my understanding that is being
1372 reviewed. And I was not aware of that outside contract and
1373 it is being reviewed.

1374 Mr. Peters. Okay. I guess again I would say you are
1375 not answering the question, I think it creates at least the
1376 appearance of bias and we would like to see attention to
1377 that.

1378 Finally, I guess, just to follow up on the first
1379 question, are you willing to produce Mr. Kelly to answer the
1380 questions before this committee?

1381 Mr. Pruitt. I am not standing in the way of Mr. Kelly
1382 providing information to this committee or any other

1383 committee and that is a decision that he can make and provide
1384 that information.
1385 Mr. Peters. In the interest of transparency would you
1386 be willing to direct him to come and answer those questions?
1387 Mr. Pruitt. I don't think I have that authority. I
1388 would encourage him to do so.
1389 Mr. Peters. If you have that authority would you be
1390 willing to exercise it?
1391 Mr. Pruitt. I would encourage him to do so.
1392 Mr. Peters. I will take that as a no.
1393 I will yield back.
1394 Mr. Shimkus. The gentleman yields back his time. The
1395 chair now recognizes the gentlelady from Tennessee for 5
1396 minutes, Congresswoman Blackburn.
1397 Mrs. Blackburn. Thank you, Mr. Chairman.
1398 And Mr. Administrator, thank you for being here. We do
1399 have questions about the budget. And we are always
1400 interested in ways that we can stop federal overreach and
1401 that is something that is so important to my constituents in
1402 Tennessee and something that we hear about a good bit and
1403 they want the EPA to kind of get off their back many times
1404 when they are manufacturers and when they are farmers.

1405 And as a matter of fact, talking with some of my farmers
1406 at Mule Day in Columbia, Tennessee, they were talking about
1407 the WOTUS rule and I want to ask you about that because they
1408 say that they have to move heaven before they can move earth
1409 and so they want to get the EPA off their farms. And they
1410 are very grateful that we have had the delay in the WOTUS
1411 rule and it is important to them, it is important to
1412 manufacturers. They feel like they can move forward and do
1413 something and they are not fighting with this rule.
1414 So I want you to talk a little bit quickly because I
1415 have one other question for you about where we are with the
1416 repeal and the rewrite on WOTUS and then the cost of
1417 implementing that rule and what you all have ascertained
1418 through your cost-benefit analysis of what the cost of
1419 compliance of that rule would have been.
1420 Mr. Pruitt. Well, I will address a couple things,
1421 Congresswoman, in response to your question. First, the
1422 decision on repeal as well as the replacement to the 2015
1423 rule will all occur in 2018. We will be done with that
1424 process this year. As you know and you made reference to
1425 that, the compliance dates have been extended but we actually
1426 have two other rules in the marketplace. One is to rescind

1427 the 2015 rule and then a proposal will be coming out next
1428 month with respect to the replacement that will be inspired
1429 by Justice Scalia and I believe the intent of the Clean Water
1430 Act with respect to the definition of the Water of the United
1431 States.
1432 Mrs. Blackburn. Okay, thank you. Let's talk about fuel
1433 economy standards. We have auto manufacturers in Tennessee
1434 and in Franklin and we have Nissan, the plants over in
1435 Smyrna. We have GM, which is in my district down in Spring
1436 Hill, you have Volkswagen over in Chattanooga. One of the
1437 things they talk a lot about are the fuel economy standards
1438 and the cost per car that trying to go to these new economy
1439 standards would do, and you have talked about adjusting the
1440 standards.
1441 So there again I want you to talk a little bit about
1442 where we are when it comes to adjusting those standards and
1443 then what you see as the cost of implementing and then the
1444 cost of compliance.
1445 Mr. Pruitt. Well, Congresswoman, as you indicate we
1446 recently issued a midterm evaluation that occurred in April
1447 of this year and we determined that the standards that have
1448 been set were too ambitious and didn't meet the facts and

1449 data that we currently have at present. So we started or
1450 will be starting very soon a rulemaking process along with
1451 DOT to reevaluate those standards.
1452 I think what is important about the CAFÉ standards is we
1453 ought to endeavor as a country to set standards for lower
1454 emissions on cars that people actually want to buy, you know,
1455 and I think what has happened for a number of years is that
1456 we have created these arbitrary levels that has put a certain
1457 sector of the cars in the marketplace that no one is
1458 purchasing which means they stay in older vehicles which
1459 actually defeats the purpose of the very act.
1460 So we are working with DOT in collaboration interagency
1461 to address that and that proposed rule will be coming out
1462 very, very soon with DOT.
1463 Mrs. Blackburn. Okay. That sounds great. I think you
1464 are exactly right on that. And we hear that not only from
1465 manufacturers but from the dealers that the economy standards
1466 have pushed forward vehicles that people don't want to
1467 purchase many times and so they are staying in the car longer
1468 or they buy a bigger car that is heavier that they feel like
1469 is going to be a safer vehicle for them.
1470 So I appreciate you being here today and I will yield

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1471 back my 30 seconds.

1472 Mr. Shimkus. The chairman thanks the gentlelady. The

1473 chair now recognizes the gentleman from Texas, Mr. Green, for

1474 5 minutes.

1475 Mr. Green. Thank you, Mr. Chairman.

1476 And I want to, Mr. Administrator, I want to thank the

1477 EPA for a recent announcement of an agreement was brokered

1478 between International Paper and the McGinnis Industrial

1479 Maintenance Corporation which are the responsible parties for

1480 the site cleanup at San Jacinto docks and waste pits in East

1481 Harris County in Texas. Over the past 10 years, Congressman

1482 Poe and I have shared that area, although now it is in

1483 Congressman Babin's district. Our district lines change

1484 pretty often in Texas, anytime a federal court decides it.

1485 So we have been working on it for 10 years and I want to

1486 thank you for that. The reporting on the agreement stated

1487 that right now the remediation process is expected to take

1488 about 29 months. Do you know or can you say how certain is

1489 that timeline? Because having watched other Superfund

1490 cleanup sites, once you get into it you always find other

1491 problems. So.

1492 Mr. Pruitt. Well, I feel very confident at the timing

1493 on that, Congressman. Region 6 there in Texas and
1494 headquarters, the partnership that existed there working with
1495 the local community is exactly how this should work. There
1496 was a temporary solution that had been put in place at San
1497 Jacinto and it threatened the health of citizens in that area
1498 and this is a permanent solution that will be provided within
1499 the time period you described and at a cost of $115 million.
1500 Mr. Green. Well, and I know that is expensive. But
1501 again this area is developing and for years we have had signs
1502 up at the San Jacinto River and the Upper Galveston Bay about
1503 expectant mothers and children shouldn't eat the crabs or the
1504 fish, but when I go out there I don't see anybody that is not
1505 crabbing or fishing. So it is really important to get it
1506 completely cleaned up so it can be restored.
1507 It is also an area where we park a lot of our barges in
1508 the Houston Ship Channel and recently those barges break
1509 loose when there is a storm or a flood and they will break
1510 that cap, that temporary cap that they have. And EPA has
1511 been really good on the job, the regional office in Dallas,
1512 to make sure they, you know, they keep that pollution at the
1513 docks and from continuing to come out.
1514 Let me go to our --

1515 Mr. Pruitt. If I may, Congressman, I think with the
1516 hurricanes that came through last year there was significant
1517 concern about those temporary measures being displaced which
1518 was really what hastened a solution with respect to a
1519 permanent solution.
1520 Mr. Green. Yes. Hurricane Ike actually broke the
1521 temporary dike but that was coming from the Gulf. Our
1522 problem last year was the flooding coming downstream that
1523 hurt that and also, like I said, barges came loose from their
1524 mooring and ran into it.
1525 Let me talk about the Renewable Fuel Standard, because
1526 if you know the area that I represent at one time I had five
1527 refineries, now I only have three of them. But the American
1528 Petroleum Institute and ethanol industry agree on -- there is
1529 not much they agree on. A number of waivers the Agency has
1530 granted under the small refinery exemption under your watch
1531 has managed to get everyone's attention. API wrote you a
1532 letter in February and stated their belief that EPA should
1533 not grant small refineries exemptions.
1534 The law provides flexibility when it comes to small
1535 refineries, however, the press reports that EPA has been
1536 given as many as 25 waivers including some that refineries

1537 are not experiencing hardship and some may not be that small.
1538 The smallest I have in my area is a hundred thousand barrels
1539 a day. The other ones have two quarter of a million every
1540 day. There is lack of transparency in the small refinery
1541 waiver process and we understand and respect confidential
1542 business information, but the EPA is a federal government
1543 agency and secrecy is not something that I think the EPA
1544 ought to be worried about and it gives appearance of
1545 partiality and unfairness.
1546 Do you know how many applications for waivers did the
1547 Agency receive in 2016 and '17 compliance years for these
1548 waivers?
1549 Mr. Pruitt. Well, it runs about a year behind,
1550 Congressman. The applications we got in '17 relate to the
1551 2016 obligations and as I recall they were somewhere in the
1552 mid-20s that we received. We received more than that this
1553 year for the 2017. But what is really driving this in a lot
1554 of respects, I mentioned this earlier, is just the RIN
1555 prices, you know, dropping to 40 cents, up to 85 cents, and
1556 the rest. And so you just see a lot of pressure on those
1557 small refineries particularly because of these escalating RIN
1558 prices and the instability of the market.

1559 Mr. Green. Well, I have said it many times in this
1560 committee over the last 10 years, the chair and I have a
1561 difference from southern Illinois to East Houston on the RIN
1562 issue. Has the Agency granted any waivers to facilities that
1563 output exceeds 75,000 barrels a day?
1564 Mr. Pruitt. We look at it on a facility by facility
1565 basis and the statute says that it is 75,000 barrels or less.
1566 So it is objectively determined in that regard.
1567 Mr. Shimkus. The gentleman's time is expired. The
1568 chair now recognizes the gentleman from Texas again, another
1569 one, for 5 minutes, Mr. Olson.
1570 Mr. Olson. I thank the chairman and Mr. Pruitt,
1571 welcome. I wish your second appearance before this committee
1572 was under much different circumstances. As you know there
1573 has been many press reports about problems at the EPA under
1574 your watch. These problems can't be solved by Congress and
1575 this committee. That is not our role. The solution is
1576 between you and President Donald Trump. You work at his
1577 pleasure and that is pure and simple.
1578 But today, right now, you are America's EPA
1579 Administrator and my home district of Texas 22 needs you to
1580 work hard for our district. We are still trying to recover

1581 from Hurricane Harvey. We also have a Clean Air Act that
1582 actually works with local officials, local governments, to
1583 make our air cleaner instead of pursuing goals that can be
1584 never be achieved with technology that doesn't exist.
1585 On Harvey I have to publicly thank you for two things.
1586 First of all, your EPA helped my home county of Fort Bend
1587 break through this whole log jam of regulations to allow us
1588 to start dredging our flooded bayous, our flooded waterways,
1589 quickly, and get that stuff taken care of. You did that sir.
1590 Thank you so much for letting my home county get moving
1591 forward.
1592 Also, I want to echo my comments from Senator Green, and
1593 by the way this may be the only bipartisan thing you hear in
1594 this committee today, but it is true. I want to thank you
1595 for all the hard work you did to fast track efforts to use
1596 the Superfund to clean up the San Jacinto Waste Pits. As you
1597 know, Hurricane Harvey displaced the protective caps. We
1598 don't know how much dioxin, cancer-causing dioxin exploded
1599 out of there. You stepped up like that with a plan to fix
1600 that and that will be fixed sometime as you mentioned within
1601 the next year or so at the latest. So thank you, thank you,
1602 thank you for that.

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1603 My first question is about ozone and air quality. This
1604 committee has heard over and over about how the impacts of
1605 ozone and pollution some of this happens outside of our
1606 control, yet for some reason we have to regulate that. This
1607 ozone comes from as far away as China or maybe as close in
1608 Texas as forest fires in Bastrop County a couple years ago.
1609 These uncontrolled sources, which EPA calls them, can create
1610 chaos for compliance with their rules by local governments.
1611 They are just frustrated, frustrated, frustrated.
1612 Our President recently asked you to respond faster to
1613 states' petitions for relief under exceptional events and
1614 international emissions provisions of the Clean Air Act. For
1615 8 years those were never used before. Now you have a great
1616 weapon to help us out. How do you comply with this new
1617 request from the President? Can you give this committee
1618 progress through efforts to make sure that actually
1619 exceptional events and international emissions are complied
1620 with and taken into account with the Clean Air Act issues?
1621 Mr. Pruitt. Congressman, thanks for the question. It
1622 is a very important question. And I think with exceptional
1623 events I think there is probably more latitude we have, but
1624 you mentioned something else that I think is extremely

1625 important and that is the international transport, air
1626 transport of pollution and ozone. We have nonattainment
1627 areas all over this country that are being caused by what is
1628 occurring in Asia. There has been much effort, much work
1629 done by industry and states and citizens across the country
1630 to lower emissions with ozone and we have made tremendous
1631 success.
1632 But some of the problems we have are caused by others as
1633 you have indicated, particularly in the international arena.
1634 So we need to find answers there. It may be something we
1635 need to come back to Congress and ask for your assistance to
1636 address on that particular front. Exceptional events, I
1637 think, are a little bit different. I think it is more
1638 factually driven than the other issue, but nonetheless it is
1639 a very important issue that we need to address.
1640 Mr. Olson. One final question, very briefly. We have
1641 heard over and over about burdens placed on states from
1642 regulation after regulation after regulation. Last
1643 administration would save the same life three times with
1644 three different laws, different regulations. That puts a
1645 huge bite into some local governments and local people trying
1646 to comply with the federal laws.

1647 Do you have the resources you need in the Office of Air
1648 and Radiation to issue guidance to make sure working with
1649 states that we count one life and make these things actually
1650 viable?
1651 Mr. Pruitt. ~~Well, I mean as we came in to this, as~~When
1652 I came in to this position we had 700 state implementation
1653 plans, SIPs, where states have invested money and resources
1654 to actually provide a plan on how to improve air quality and
1655 they were sitting on a shelf. We have moved on 350 of those.
1656 I mentioned that in my opening statement. But we need to
1657 focus on those priorities partnering with states and the
1658 first place to start is to work with them on those state
1659 implementation plans.
1660 Mr. Shimkus. The gentleman's time is expired. The
1661 chair recognizes the gentlelady from Colorado, Ms. DeGette,
1662 for 5 minutes.
1663 Ms. DeGette. Thank you, Mr. Chairman.
1664 Administrator Pruitt, when you were in front of this
1665 committee in December we discussed the installation of a
1666 soundproof privacy booth in the Administrator's office, or
1667 the SCIF, at a cost of over $40,000. At that time you told
1668 me that your view was that the expenditure was appropriate

1669 despite the fact there were two other SCIFs at the EPA. Is
1670 that correct?
1671 Mr. Pruitt. This is actually not a SCIF.
1672 Ms. DeGette. Okay. Well, whatever it is, the
1673 soundproof booth, you expressed your view that it was
1674 appropriate, correct? Yes or no.
1675 Mr. Pruitt. I didn't express that $43,000 was
1676 appropriate.
1677 Ms. DeGette. Yes or no. Okay, you are not going to
1678 answer my question. Did you know at that time that this
1679 expenditure violated Section 710 of the Financial Services
1680 and General Government Appropriations Act and the
1681 Antideficiency Act? Yes or no, sir.
1682 Mr. Pruitt. It is actually the opinion of the Office of
1683 General Counsel at the Agency that that is not the case.
1684 Ms. DeGette. So you are not going to answer that
1685 question either. Do you know whether any one of your staff
1686 knew that that expenditure violated these two laws? Yes or
1687 no, sir.
1688 Mr. Pruitt. The OGC again has indicated that their
1689 opinion is it is not a violation.
1690 Ms. DeGette. So you are not going to answer that

1691 question.

1692 If we can, please give the witness a copy of the April

1693 16th, 2018 letter. Are you familiar with that letter from

1694 the GAO, Mr. Administrator? Yes or no.

1695 Mr. Pruitt. I am familiar with the GAO's decision, yes.

1696 Ms. DeGette. Thank you. And in that decision --

1697 Mr. Shimkus. Will the gentlelady suspend for a minute?

1698 Can we see a copy of that?

1699 Ms. DeGette. Certainly. I would be happy to present

1700 what is asked unanimous consent that it be placed in the

1701 record.

1702 Mr. Shimkus. After we look at it we probably will. And

1703 while we are waiting we are going to -- I think we are ready

1704 to accept that other letter that you asked to be submitted.

1705 Without objection, so ordered.

1706 [The information follows:]

1707

1708 **********COMMITTEE INSERT 4**********

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1709 Mr. Shimkus. The gentlelady may continue.

1710 Ms. DeGette. Thank you very much, Mr. Chairman.

1711 Now the conclusion of this was that these two laws were

1712 violated. Is that correct?

1713 Mr. Pruitt. Their conclusion is that those statutory

1714 requirements were not followed by the Agency.

1715 Ms. DeGette. Yes. Now did you know about that at the

1716 time?

1717 Mr. Pruitt. I did not.

1718 Ms. DeGette. Did your staff know about that at the

1719 time?

1720 Mr. Pruitt. About what, Congresswoman?

1721 Ms. DeGette. About these two laws that were supposed to

1722 be complied with before the expenditure happened, yes or no.

1723 Mr. Pruitt. As I indicated, the Office of General

1724 Counsel, career individuals at the Agency advised --

1725 Ms. DeGette. No, I am sorry. You can't filibuster,

1726 sir. Did you know or did your staff know?

1727 Mr. Pruitt. I am not filibustering, Congresswoman. I

1728 am trying to answer your question.

1729 Ms. DeGette. Okay. Well, let me ask you this. The EPA

1730 has the ability to impose penalties for this illegal

1731 activity. Will you or your staff be subject to these
1732 penalties, yes or no?
1733 Mr. Pruitt. We are investigating this internally with
1734 appropriate individuals both here as well as the Inspector
1735 General.
1736 Ms. DeGette. Well, you don't know. All right, my next
1737 question, sir, is would you agree that public officials
1738 should be held to the highest standards of ethical conduct?
1739 Mr. Pruitt. I believe that, yes.
1740 Ms. DeGette. Yes. Now in that vein I want to ask you
1741 about two troubling financial housing transactions that you
1742 have been involved with as a state then a federal elected
1743 official. In 2003, you were an Oklahoma state senator with a
1744 state salary of $38,400, correct?
1745 Mr. Pruitt. And also an attorney with a law practice.
1746 Ms. DeGette. Yes, correct?
1747 Mr. Pruitt. And also an attorney with a law practice.
1748 Ms. DeGette. Okay. Now you lived in a second home near
1749 the state capital purchased by a shell company, Capital House
1750 LLC, from a lobbyist, Marsha Lindsey, correct?
1751 Mr. Pruitt. It was not a shell company.
1752 Ms. DeGette. Okay. But it was an LLC, Capital House,

1753 correct?

1754 Mr. Pruitt. Which is normally how you buy real estate

1755 in Oklahoma.

1756 Ms. DeGette. You know, yes or no would work.

1757 Mr. Pruitt. I am seeking to answer your question,

1758 Congresswoman.

1759 Ms. DeGette. Okay. Now what was your financial

1760 investment in Capital House, LLC?

1761 Mr. Pruitt. It was one-sixth of the purchase price as I

1762 recall.

1763 Ms. DeGette. And so what, do you remember the amount?

1764 Mr. Pruitt. I do not. I did not negotiate the purchase

1765 price.

1766 Ms. DeGette. So you actually put that amount into the

1767 LLC. Is that right?

1768 Mr. Pruitt. That was the portion that I was responsible

1769 for, yes.

1770 Ms. DeGette. And did you actually pay that amount into

1771 the LLC?

1772 Mr. Pruitt. I did. I did.

1773 Ms. DeGette. Thank you. Now it has been reported that

1774 another lawmaker rented a room in that home and paid rent to

1775 you although you never listed your share in the shell company
1776 or that rent on your financial disclosures; is that correct?
1777 Mr. Pruitt. I don't ever recall that. No.
1778 Ms. DeGette. Okay. Was that rental income distributed
1779 among the owners of the shell company in the proportion that
1780 you contributed to the company?
1781 Mr. Pruitt. K1s were issued to each of the individual
1782 members. Those were reported as income through our tax
1783 filings and so all income was reported.
1784 Ms. DeGette. Did you pay taxes on that income?
1785 Mr. Pruitt. We did.
1786 Ms. DeGette. Can we get that information, sir?
1787 Mr. Pruitt. I can provide you K1 --
1788 Ms. DeGette. Did you personally pay taxes on your
1789 income from that rental?
1790 Mr. Pruitt. I can provide you the K1.
1791 Ms. DeGette. That would be great. Did you pay taxes on
1792 that income?
1793 Mr. Pruitt. As I indicated, I received a K1 --
1794 Ms. DeGette. I know you received a K1. Did you pay
1795 taxes on that income?
1796 Mr. Pruitt. That was provided to my accountant in our

1797 filing.

1798 Ms. DeGette. So you are not going to answer that

1799 question either.

1800 Mr. Pruitt. I am answering the question, Congresswoman.

1801 Ms. DeGette. Yes, okay. Did you pay taxes on the

1802 income that you got for your share?

1803 Mr. Pruitt. Congresswoman, as you know, you provide

1804 information to your accountant, they determine what you pay.

1805 Ms. DeGette. So you are not going to answer that

1806 question. Now I have some other questions about your D.C.

1807 condo but I am out of time. And I just want to say to my

1808 colleagues on the other side of the aisle and also to you, I

1809 am not doing this to hassle you. I am doing this because as

1810 elected officials and appointed officials we have the public

1811 trust. Everything we do has to be to the highest ethical

1812 standard as you just agreed with me. And when we have these

1813 transactions it brings disrespect on us as public officials -

1814 -

1815 Mr. Shimkus. The gentlelady's time --

1816 Ms. DeGette. -- and as the job we do.

1817 Mr. Shimkus. -- has expired.

1818 Ms. DeGette. So I am just going to continue this and I

1819 would hope you would be forthcoming with this committee.

1820 Thank you.

1821 Mr. Shimkus. The gentlelady's time has expired. Your

1822 unanimous consent request will be respected and we will put

1823 your letter, the GAO letter, into the record.

1824 [The information follows:]

1825

1826 **********COMMITTEE INSERT 5**********

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1827 Mr. Shimkus. The chair now recognizes the gentleman
1828 from Ohio, Mr. Johnson, for 5 minutes.
1829 Mr. Johnson. Mr. Chairman, you know, I served for 26-
1830 1/2 years in the United States Air Force, and I do believe
1831 that public officials have a standard of conduct that should
1832 be beyond reproach, but so should Members of Congress. And,
1833 you know, I think it is shameful today that this hearing has
1834 turned into a personal attack hearing and a shameful attempt
1835 to denigrate the work that is being done at the EPA and with
1836 this administration and make this a personal attack rather
1837 than focus on what we are here to talk about which is the
1838 budget and the functioning and the policy work being done at
1839 the EPA.
1840 So I am going to redirect my questioning to you, Mr.
1841 Pruitt. Under the provision, under the previous
1842 administration the EPA put severe squeezes on job
1843 opportunities and businesses in Eastern and Southeastern Ohio
1844 which, by the way, we didn't make personal attacks when that
1845 happened, we talked about policy at the time. And this has
1846 had, you know, our district has an abundance of fossil energy
1847 resources and energy opportunities.
1848 Today we have an EPA that recognizes the importance of

1849 those jobs and is willing to work with the states like Ohio
1850 to provide a healthy balance between jobs and environmental
1851 regulations. That approach has made a real difference in my
1852 state and in my district and I applaud those efforts at
1853 restoring sensibility. Along those lines I would like to
1854 talk a bit about New Source Review and the Agency's work to
1855 date on some of the issues surrounding New Source Review.
1856 In February, this committee held a hearing exploring the
1857 challenges that New Source Review standards pose for our
1858 energy and infrastructure investments and opportunities. We
1859 learned that many companies avoid carrying out projects to
1860 improve existing facilities because they are afraid of being
1861 targeted by an EPA enforcement action for having incorrectly
1862 interpreted New Source Review requirements. I have been
1863 encouraged to see the EPA's recently released guidance memos
1864 clarifying certain NSR program requirements and policy.
1865 So, Mr. Pruitt, from your perspective what is the goal
1866 of these NSR guidance memos and what impact are they having?
1867 Mr. Pruitt. Well, it is one of the greatest issues that
1868 I think we are dealing with at the Agency to address that
1869 which companies want to do across the country which is
1870 invest, invest in capital infrastructure to improve the

1871 reduction of emissions. And so what we want to do is provide
1872 clarity. You mentioned a couple of memo guidances we
1873 provided. One is a once in, always in approach that we took
1874 to this issue along with the project netting approach that
1875 was a second step.
1876 So we are engaged in those kinds of initial steps, but
1877 overall we are looking at a comprehensive rule that will
1878 address New Source Review in order to provide certainty and
1879 clarity to those across the country that as they make
1880 investments to improve outcomes as far as emission reductions
1881 that they are not going to face new permitting requirements
1882 under the Clean Air Act.
1883 Mr. Johnson. Yes. Do you think the NSR program can be
1884 further reformed so that we continue to protect air quality
1885 while removing unnecessary burdens placed on industry?
1886 Mr. Pruitt. I mean I do. I think, you know, the Clean
1887 Air Act was last amended in 1990, 28 years ago, and so I
1888 think there are provisions of the Clean Air Act that should
1889 be looked at and that is one.
1890 Mr. Johnson. In regards to the Clean Air Act, how is
1891 the EPA striving to provide more flexibility and deference to
1892 state agencies?

1893 Mr. Pruitt. Well, as mentioned earlier, we are
1894 providing guidance in certain and many programs encouraging
1895 states to be active partners there. But one of the things
1896 that I think is most essential with respect to air quality is
1897 just the utilization of state improvement plans and us being
1898 responsive, responding to those Departments of Environmental
1899 Quality, Departments of Natural Resources, whatever the
1900 agency may be, to really work with them in close partnership
1901 to adopt those plans and approve those plans in a timely way.
1902 It really sends a bad message when states take those steps,
1903 invest, and then don't get a response from the agency for
1904 years and air quality suffers as well.
1905 Mr. Johnson. Well, I have some other questions, but I
1906 am running out of time.
1907 Lastly, I know that EPA has expressed interest in
1908 finding a resolution to some of the concerns regarding EPA's
1909 current brick MACT rule which was issued in 2015. Would you
1910 commit to working with me and this committee in providing
1911 further information on this work and any potential
1912 possibilities? Compliance dates are right around the corner
1913 and it is important to provide this industry with some
1914 common-sense regulatory certainty.

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1915 Mr. Pruitt. Yes, Congressman, absolutely.

1916 Mr. Johnson. Okay, thank you.

1917 And Mr. Chairman, I yield back.

1918 Mr. Shimkus. The gentleman's time is expired. The

1919 chair now recognizes the gentleman from California, Mr.

1920 McNerney, for 5 minutes.

1921 Mr. McNerney. I thank the chairman.

1922 Administrator Pruitt, since becoming EPA Administrator

1923 your public calendar is filled with meetings with oil and gas

1924 companies, trade associations and lobbyists, but not with

1925 environmental groups or public health groups. It seems that

1926 deep pockets are a prerequisite to getting a spot on your

1927 calendar. Mr. Pruitt, isn't it true that you and your

1928 affiliated political organizations received nearly $4 million

1929 in campaign contributions from fossil fuel interests?

1930 Mr. Pruitt. Congressman, I haven't looked at those

1931 numbers in some time, so I am not sure.

1932 Mr. McNerney. Well, I can assure you that it is. And

1933 as an example of pay-to-play, on June 5th, 2017, you

1934 announced that the EPA halted implementation of the methane

1935 rule. This was an attempt to retroactively delay the rule's

1936 requirements on oil and gas industry for 90 days. A few

1937 weeks prior to that on May 24th, 2017, you spoke to the
1938 American Exploration and Production Council.
1939 Mr. Pruitt, was your June 5th actions made in response
1940 to a request by the American Exploration and Production
1941 Council or any of its individual members?
1942 Mr. Pruitt. Methane is something that we take very
1943 seriously and will regulate. In fact, we have proposals that
1944 we are considering now to regulate methane going forward as
1945 part of the VOC approach. And so methane is --
1946 Mr. McNerney. So you aren't answering my question. You
1947 had a meeting --
1948 Mr. Pruitt. The actions that were taken then were
1949 unrelated to any meetings or events. It was actions to
1950 provide certainty to those in the marketplace with respect to
1951 how we were going to approach methane.
1952 Mr. McNerney. Okay. Well, I ask this because Concho
1953 Resources, an oil and gas exploration and production company
1954 is a member of the American Exploration and Production
1955 Council. Concho Resources also happens to be represented by
1956 the Washington, D.C. lobbying firm Williams & Jensen. You
1957 made these decisions on the methane rule that would directly
1958 benefit Williams & Jensen's client while living in a Capitol

1959 Hill condo owned by the wife of a then Williams & Jensen
1960 lobbyist with a rent of $50 a night.
1961 I wonder what the owners got or tried to get in return
1962 for their generosity. This is another example of pay-to-
1963 play. Arbitrarily delaying a rule is illegal and the DC
1964 Circuit Court found your actions to be in excess of statutory
1965 authority.
1966 Mr. Chairman, I have a statement from the American
1967 Association for the Advancement of Science on the EPA
1968 Administrator's plan to disallow the use of scientific
1969 evidence in decision-making, and I would like to submit this
1970 for the record.
1971 Mr. Shimkus. If the gentleman would pass it over to the
1972 chair so I can look at it.
1973 Mr. McNerney. Mr. Administrator, do you have confidence
1974 in the AAAS and the Union of Concerned Scientists in deciding
1975 what would be best practices for transparency and good
1976 science?
1977 Mr. Pruitt. I am sure their opinion is credible.
1978 Mr. McNerney. Thank you. Then how can you justify the
1979 proposed rule disallowing science that was supported by these
1980 agencies?

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1981 Mr. Pruitt. Well, the actions that we take at the
1982 Agency are different than their responsibilities. We
1983 actually issue rules of general applicability that apply to
1984 people all over the country and we need to ensure that the
1985 science that we use that underpins those rules actually show
1986 methodology, data, and conclusions.
1987 Mr. McNerney. Science which disagrees with professional
1988 scientists that are practicing professional scientists.
1989 Mr. Pruitt, by reducing the CAFÉ standards you will both
1990 allow more pollution on American streets and make U.S. cars
1991 less competitive with overseas manufacturers. Yes or no, did
1992 the $4 million that you received from the oil and gas
1993 industry influence your decision?
1994 Mr. Pruitt. The decision we made on midterm evaluation
1995 was a decision based upon the record.
1996 Mr. McNerney. Administrator Pruitt, I find it very
1997 disturbing that you appear to personally benefit from many of
1998 your decisions and actions that will ultimately harm the
1999 people of this country, especially people who have little or
2000 no ability to defend themselves.
2001 Mr. Chairman, I yield back.
2002 Mr. Shimkus. The gentleman yields back his time. The

2003 chair recognizes the gentleman from Texas, Mr. Flores -- we
2004 got a lot of Texans here -- for 5 minutes.
2005 Mr. Flores. That is right.
2006 Administrator Pruitt, thank you for joining us today.
2007 Let me start by echoing Chairman Shimkus' comments regarding
2008 the Renewable Fuel Standard. While I am pleased that the
2009 Agency is beginning to look at its authorities after 2022, I
2010 would like to respectfully remind the EPA that administrative
2011 actions prior to that time are limited by statute.
2012 Accordingly, I request that the Agency work with Congress,
2013 particularly Chairman Shimkus, Mr. Welch, and me as we try to
2014 develop interim and long-term solutions, fuel solutions that
2015 are good for the environment and good for auto mileage, good
2016 for the American consumers, good for the agricultural and
2017 ethanol interest, and really good for all impacted
2018 stakeholders.
2019 A few minutes ago, Mr. Ruiz was trying to defend the
2020 EPA's practice under the prior administration of using hidden
2021 science to develop policy solutions and you weren't given a
2022 chance in regard to your efforts to open that process up and
2023 become more transparent with scientific studies. Can you
2024 spend about 30 seconds describing what you are trying to do

2025 to make science inside the EPA more transparent, especially
2026 because it is paid for by the American taxpayer?
2027 Mr. Pruitt. It seems to me that it is common sense that
2028 as we do rulemaking at the Agency, when we base it upon a
2029 record, scientific conclusions that we should be able to see
2030 the data and methodology that actually caused those
2031 conclusions. That just makes common sense to me. That is
2032 the only change we are making. ~~So any third-party study, and~~
2033 ~~third-party study we~~ So Any third party study, and we are
2034 agnostic about who actually adopts the study, we are just
2035 simply saying to all third-party science they need to have
2036 methodology, data, and findings packaged together so that we
2037 can make an informed decision about the efficacy of their
2038 scientific findings.
2039 Mr. Flores. Okay. So I think you and I both agree that
2040 the American people deserve to see that science. It
2041 shouldn't be hidden as it was hidden in the prior
2042 administration. So I thank you for your efforts to make that
2043 science more transparent.
2044 Now to my questions, as the American people are well
2045 aware the EPA under the Obama administration abused
2046 environmental regulatory process by ignoring congressional

2047 statutes and by circumventing the U.S. Constitution.
2048 Fortunately, the federal court system stepped in to protect
2049 American families from this abuse of the rule of law. In
2050 this regard I have the following questions, one, I will go
2051 through the questions first and you all can respond
2052 supplementally if you would like to.
2053 Can you provide this committee with a list of those
2054 overreaching and overturned regulations that were overturned
2055 by the court systems? Can you provide this committee with
2056 the economic cost of those overturned regulations, and can
2057 you also inform the committee about EPA's actions, if any, to
2058 modify those regulations so those overreaching regulations to
2059 conform with the rule of law?
2060 Mr. Pruitt. Yes, on all fronts.
2061 Mr. Flores. Okay. And I would ask you to do that
2062 supplementally in the interest of time.
2063 Thank you, Mr. Chairman. I yield back the balance of my
2064 time.
2065 Mr. Shimkus. The gentleman yields back his time. The
2066 chair now recognizes the gentlelady from Michigan, Mrs.
2067 Dingell, for 5 minutes.
2068 Mrs. Dingell. Thank you, Mr. Chairman.

2069 Administrator Pruitt, yesterday I sent you a letter on
2070 EPA's January 25th, 2018 guidance to reverse the longstanding
2071 once in, always in policy for major sources of hazardous air
2072 pollutants. This document rolls back one of the bedrock
2073 safeguards to limit toxic air pollution from factories and
2074 industrial operations. The Clean Air Act requires EPA to
2075 control hazardous air pollutants to protect public health.
2076 These pollutants are the worst of the worst and they include
2077 many that cause cancer in children like mercury, arsenic, and
2078 lead. The law focuses on limiting these pollutions from
2079 industrial sources by requiring them to control their
2080 emissions using the maximum achievable control technology, or
2081 MACT.
2082 The once in, always in policy ensured that polluters
2083 continued to clean up their act and didn't backslide on their
2084 progress, but in the January 25th guidance you punched a huge
2085 giant loophole in these critical public health protections
2086 essentially allowing sources to increase their toxic air
2087 emissions with no consequences. At a Senate hearing in
2088 January, you were asked about the new once in, always in
2089 guidance and indicated that, quote, it was a decision made
2090 outside of the Air Program office. It was a policy office

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2091 decision, unquote.

2092 At the time, you didn't seem aware of the details and

2093 that happens when things are, you have a lot of stuff, but I

2094 am hoping now that you have had more time to familiarize

2095 yourself and I would like to ask you some questions. It is

2096 not clear whether EPA has any idea how many sources might

2097 increase their emissions of hazardous air pollutants as a

2098 result of this policy change and I would like to ask you some

2099 yes or no questions.

2100 Yes or no, did EPA determine which sources and how many

2101 would be covered by this policy change before releasing the

2102 January 25th guidance?

2103 Mr. Pruitt. Yes. There was a review of those issues,

2104 Congresswoman.

2105 Mrs. Dingell. Yes or no, thank you.

2106 Mr. Pruitt. And I would say to you that this was an

2107 incentive to companies to actually invest in emissions.

2108 Mrs. Dingell. Okay, did you, yes or no, did EPA

2109 determine the location of these sources?

2110 Mr. Pruitt. That is something that I would have to -- I

2111 don't know about the locations.

2112 Mrs. Dingell. Please, for the record -- yes or no, did

2113 EPA -- provide that. Yes or no, did EPA assess the magnitude
2114 of hazardous air pollution that could increase as a result of
2115 the January 25th guidance?
2116 Mr. Pruitt. It is actually a benefit with respect to
2117 providing incentive as I indicated to those major emitters to
2118 get into another category.
2119 Mrs. Dingell. Yes or no. So --
2120 Mr. Pruitt. I understand that they looked at that, yes.
2121 Mrs. Dingell. Has EPA initiated or completed any of the
2122 previously mentioned analyses since the release of January
2123 25th guidance?
2124 Mr. Pruitt. The work that was done was in support of
2125 the guidance that was issued.
2126 Mrs. Dingell. It is also not clear whether EPA has
2127 looked at the potential health effects of this decision. Yes
2128 or no, did EPA conduct an analysis of the health effects
2129 including the potential increased risk of cancer of this
2130 decision before releasing the January 25th guidance memo?
2131 Mr. Pruitt. That is something we will have to provide
2132 and verify.
2133 Mrs. Dingell. Yes or no, did EPA conduct an analysis of
2134 the potential health effects of this policy on children,

2135 babies, or pregnant women before releasing the January 25th?

2136 Mr. Pruitt. That is something we will have to assess

2137 and provide.

2138 Mrs. Dingell. Yes or no, did EPA conduct an analysis of

2139 the potential health effects of this policy on older

2140 Americans for those with chronic health problems before

2141 releasing the January 25th guidance?

2142 Mr. Pruitt. I hate to be redundant, but that is

2143 something we will have to assess and provide.

2144 Mrs. Dingell. Yes or no, did EPA conduct an analysis of

2145 the potential health effects of this policy on minority and

2146 low-income communities before releasing the January 25th?

2147 Mr. Pruitt. I would answer the same way.

2148 Mrs. Dingell. In the absence of information from EPA, a

2149 number of independent groups have taken it upon themselves to

2150 analyze the potential toxic impacts this policy would have on

2151 communities near and downwind from major sources. They found

2152 that the chemical industry stands to benefit substantially

2153 from this loophole. Have you met with any industry

2154 representatives who requested the repeal of this once in,

2155 always in policy?

2156 Mr. Pruitt. Again this was a decision to provide

2157 incentive to companies to invest to lower emissions.

2158 Mrs. Dingell. There is no incentives for pollution. I

2159 am going to conclude with one different subject because this

2160 is very important to me. You recently concluded the midterm

2161 evaluation of fuel economy standards for model years 2022 to

2162 '25. It is my deep belief that the auto companies, their

2163 workers, and the consumer have benefited from having one

2164 national program for fuel economy and that it is critical to

2165 preserve that moving forward. The importance of these

2166 standards besides saving energy, reducing emissions, is the

2167 certainty that businesses need. I am deeply worried about

2168 reports that California doesn't matter to you.

2169 Mr. Shimkus. The gentlelady's time is expiring.

2170 Mrs. Dingell. All right. I just want to say it is my

2171 hope that we can have one national program moving forward.

2172 If you do, we work on it together, everybody wins.

2173 Mr. Shimkus. The gentlelady's time is expired.

2174 We are going to accept for submission into the record

2175 the statement from the American Association for Advancement

2176 of Sciences.

2177 [The information follows:]

2178 **********COMMITTEE INSERT 6**********

2179 Mr. Shimkus. Just for our colleagues' note, the chief
2180 executive officer is a guy named Rush Holt who you will all
2181 remember.
2182 The chair now recognizes the gentleman from North
2183 Carolina, Mr. Hudson, for 5 minutes.
2184 Mr. Hudson. Thank you, Mr. Chairman, and thank you, Mr.
2185 Pruitt, for being here today. I have two areas of questions
2186 I want to jump into with you. The first relates to the
2187 chemical GenX and the Cape Fear River back home in North
2188 Carolina. In your testimony you highlighted the importance
2189 of safe drinking water and the EPA's efforts to proactively
2190 protect source water as well as address contamination
2191 concerns. As I am sure you are aware, my state of North
2192 Carolina is facing growing concerns over the emerging
2193 contaminant GenX. I have been engaged with you on this issue
2194 several times in the past.
2195 My concern is that we have a chemical that is spreading
2196 that we simply do not know enough about. I am worried that
2197 on the EPA's website you state that a management plan for
2198 PFOS, the related family of chemicals, won't be developed
2199 until the fall of 2018. 2 days ago I received a letter from
2200 the Office of Water addressing some but not all of our

2201 questions that I have asked about GenX. I understand the EPA
2202 has posted comprehensive scientific literature related to
2203 GenX on its website, but EPA is also developing human health
2204 toxicity information on GenX to aid states and localities in
2205 setting or refining public health goals.
2206 I would just ask, sir, what information is EPA seeking
2207 that the literature has, does not already provide, and when
2208 will the results of the EPA's information development be
2209 available to the public?
2210 Mr. Pruitt. Yes, this is a very important issue and I
2211 have talked to the Governor there in North Carolina ~~and it is~~
2212 ~~something that~~ . I am aware of the issues in North Carolina.
2213 We will have a toxicity review by the summer.
2214 Mr. Hudson. By the summer.
2215 Mr. Pruitt. With respect to GenX. And as you know this
2216 is an iteration beyond PFOA and PFOS. GenX was a successive,
2217 you know, chemical. I am very concerned about its impact and
2218 we are accelerating that tox review and then we will look at
2219 further steps in the fall. But we have been in
2220 communications with North Carolina and the Governor
2221 particularly about that.
2222 Mr. Hudson. Great. Well, I appreciate the attention

2223 you put on this. What were the updates to EPA's risk
2224 management of GenX based upon independent laboratory analysis
2225 of compounds found in the Cape Fear River water samples and
2226 what about those findings can you discuss now?
2227 Mr. Pruitt. With respect to the toxicity review or
2228 other studies, Congressman?
2229 Mr. Hudson. Well, there were independent laboratory
2230 analyses of the compounds that was done.
2231 Mr. Pruitt. Yes. That is part of the work that is
2232 being done to support the tox review that will occur this
2233 summer and then there will be additional standards set in the
2234 future. But what we are trying to do is work with those
2235 states like North Carolina that have an imminent concern and
2236 trying to provide them guidance as they adopt state responses
2237 as well.
2238 Mr. Hudson. Okay. Well, then I don't know if you are
2239 able to make a conclusion yet, but was GenX used in a manner
2240 that was incompatible with the consent agreement under the
2241 Toxic Substances Control Act or are you in a position to
2242 determine that?
2243 Mr. Pruitt. That is something I am not able to speak to
2244 at this point, but we can get you the information,

2245 Congressman.

2246 Mr. Hudson. Great. Well, I appreciate the seriousness

2247 with which you have taken this and the work you are doing

2248 with our governor and also on this. So thank you for that.

2249 Mr. Pruitt. Governor Cooper has been very, very

2250 concerned about it and very focused upon it and it is

2251 important that we address it with him and the state.

2252 Mr. Hudson. Great, thank you. I would like to pivot

2253 now and discuss another area that you have highlighted as a

2254 priority for the Agency which is clean air. In the 47 years

2255 since the enactment of the Clean Air Act, the EPA has never

2256 taken an enforcement action against amateur racers who make

2257 modifications to vehicles used exclusively on tracks for

2258 racing. Do you support this policy?

2259 Mr. Pruitt. The policy of taking no enforcement?

2260 Mr. Hudson. Yes, sir.

2261 Mr. Pruitt. I think it is wise, yes.

2262 Mr. Hudson. I appreciate that. In 2015 under the

2263 previous administration, the EPA slipped a few sentences into

2264 a 600-page unrelated rule that proposed to repeal this

2265 policy. And after a public outcry and a number of us raised

2266 concerns they backed off, but they sort of left some

2267 ambiguity there about the legality of this. Would you
2268 support legislation clarifying that vehicles can be modified
2269 for racing and that doing so does not violate the anti-
2270 tampering provisions in the Clean Air Act as long as those
2271 vehicles are not used on public roads or used exclusively for
2272 competition?
2273 Mr. Pruitt. It is always helpful to us to get
2274 congressional clarity on these issues, so absolutely.
2275 Mr. Hudson. Great. Well, I appreciate that. I
2276 appreciate the time you have given us here today and thank
2277 you for your focus on clean air and clean water, goals we all
2278 share.
2279 Mr. Pruitt. Thank you.
2280 Mr. Hudson. Thank you.
2281 With that, Mr. Chairman, I will yield back.
2282 Mr. Shimkus. The gentleman yields back his time. The
2283 chair now recognizes the gentlelady from California, Ms.
2284 Matsui, for 5 minutes.
2285 Ms. Matsui. Thank you, Mr. Chairman.
2286 Administrator Pruitt, it is widely reported at this
2287 point that most of your patrons and supporters are from the
2288 oil, gas, and coal industries. The regulations you have

2289 withdrawn, delayed, or weakened, rules on coal ash disposal,
2290 water pollution from coal-fired utilities, methane gas
2291 emissions from oil and gas operations, air pollution from
2292 glider trucks, formaldehyde emission standards, all translate
2293 into additional profits for those industries but negatively
2294 impact public health.
2295 So it doesn't come much as a surprise that you have
2296 determined in the midterm evaluation that the stronger
2297 vehicle fuel efficiency standards are too stringent. I
2298 strongly disagree with this determination. There is a very
2299 robust record to support the need for stronger standards and
2300 the availability of technology to achieve them highlighted by
2301 the 1,200-page Technical Assessment Report issued by the EPA.
2302 Administrator Pruitt, you have stated many times that
2303 you intended to operate at the EPA on the basis of
2304 cooperative federalism and the rule of law. But when it
2305 comes to California and vehicle emission standards all of a
2306 sudden neither of these concepts seem to apply. You have
2307 made it clear that you do not favor California's waiver under
2308 which the state sets greenhouse gas emission standards for
2309 vehicles and you have stated that California should not have,
2310 quote, an outsized influence on vehicle standards. But this

2311 position is inconsistent with your preference for states'
2312 rights, and more importantly it is inconsistent with the law.
2313 California's special status with respect to vehicle
2314 emission regulation has been enshrined in federal law for
2315 over 50 years. Section 209(b) of the Clean Air Act states
2316 the Administrator shall, not may, shall grant a waiver to any
2317 state if the state, not the Agency, determines the state
2318 standards will be at least as protective of public health and
2319 welfare as the federal standards.
2320 The auto manufacturers have repeatedly said that they do
2321 not want the protracted legal fight that would inevitably
2322 occur if EPA moved to revoke California's waiver. But many
2323 of your public statements allude to the Agency moving in that
2324 direction. So I would ask you, does the Agency intend to
2325 initiate proceedings to revoke California's waiver, yes or
2326 no?
2327 Mr. Pruitt. Not at present. In fact, we work very
2328 closely with California officials on that issue. I have sent
2329 EPA representatives to California --
2330 Ms. Matsui. So that is a no?
2331 Mr. Pruitt. -- to meet with CARB and Ms. Nichols. It
2332 is important that we work together to achieve, as was

2333 indicated earlier, a national standard.

2334 Ms. Matsui. Okay. So it is really not a yes or no. It

2335 is a --

2336 Mr. Pruitt. Congresswoman, we are working very

2337 diligently and diplomatically with California --

2338 Ms. Matsui. All right, okay. Okay.

2339 Mr. Pruitt. -- to find answers on this issue.

2340 Ms. Matsui. Okay. Okay. Well, I believe the answer

2341 should be a no because you said you have said you want a

2342 national program and you won't get this without California's

2343 agreement. The law requires you to set standards that

2344 protect public health and welfare. California standards'

2345 does just that. California agreed to a national program to

2346 enter into an agreement to accomplish that goal. If you

2347 challenge the waiver or significantly weaken the standards

2348 you are not following the rule of law.

2349 If you are, in fact, doing what you were appointed to

2350 do, what you said you were going to do, you must uphold the

2351 law and set protective standards. So far you have

2352 demonstrated little intention to do that. That is why the

2353 entire country needs California waiver to ensure that public

2354 health and the environment are protected even in the face of

2355 an Administrator who cares maybe more about repaying special
2356 interests than about safeguarding the public's interests.
2357 Now, Administrator Pruitt, I believe, to a question that
2358 you answered from Mrs. Blackburn earlier, you said the EPA
2359 has data supporting your decision to revise emission
2360 standards for light duty vehicles. Will you commit to
2361 providing that data to both sides of the committee by the end
2362 of the day? And that is a yes or no.
2363 Mr. Pruitt. We actually have two responsibilities under
2364 this process. One is a midterm evaluation and then proposed
2365 rulemaking that will occur. And so we will provide the data
2366 to you that gave rise to the midterm evaluation.
2367 Ms. Matsui. Will you provide it at the end of the day,
2368 the day that you have --
2369 Mr. Pruitt. I will instruct our team to get that
2370 together and get that to you as soon as possible.
2371 Ms. Matsui. End of the day, yes.
2372 Mr. Pruitt. I will instruct my team to get that and get
2373 that to you as soon as possible.
2374 Ms. Matsui. As soon as possible, hopefully within a
2375 week then?
2376 Mr. Pruitt. Well, we will get it to you as soon as

2377 possible, Congresswoman.

2378 Ms. Matsui. Okay. I will hold you to that, okay.

2379 Mr. Pruitt. It is my intent to do so, yes.

2380 Ms. Matsui. I will hold you to that. Okay, thank you,

2381 and I yield back.

2382 Mr. Pruitt. Thank you.

2383 Mr. Shimkus. The gentlelady yields back her time. The

2384 chair now recognizes the gentleman from North Dakota, Mr.

2385 Cramer, for 5 minutes.

2386 Mr. Cramer. Thank you, Mr. Chairman. And thank you,

2387 Mr. Administrator, for lots of things, first of all, for

2388 being here.

2389 And once again I never cease to be impressed with the

2390 incredible depth of knowledge you have on the details of so

2391 many things. It seems to me, however, the more details you

2392 know, the more some people demand and they expect you to know

2393 everything. And I have to say in my years both on this

2394 committee and on previous committees I have never had a

2395 Cabinet official that knew as much about the policies that

2396 your Agency is implementing as you have with yours. So thank

2397 you for that.

2398 I also want to thank you for your incredible, not just

2399 an understanding of, but commitment to, cooperative
2400 federalism. It is something that has been lost in previous
2401 administrations, including by some of your critics that were
2402 predecessors to you, and the restoration of it is no small
2403 matter. And I want you to know on behalf of the people of
2404 North Dakota how very much we appreciate your approval of our
2405 state's application for primacy over class IV wells, which is
2406 our CO2 wells, so I think it was a clear demonstration of the
2407 policy.
2408 I am also, I have to say I am somewhat struck by some of
2409 the accusations that have come at you today. For example,
2410 you were accused of picking winners and losers with your
2411 policies. And I just have to ask, isn't the Clean Power Plan
2412 at its very core the picking of winners and losers by trying
2413 to regulate electric generation outside of the fence line? I
2414 mean isn't that a picking of winners and losers?
2415 Mr. Pruitt. Well, I mean the Agency, in response to
2416 that, Congressman, actually defined a best system of emission
2417 reduction under the statute as being able to coerce decisions
2418 being made at the local level on how you generate
2419 electricity. So I think by definition that was almost
2420 picking winners and losers.

2421 Mr. Cramer. You have also been accused of hypocrisy.
2422 You have been accused of the lack of transparency by people
2423 who in the same breath are defending secret science as a
2424 means of carrying out their political philosophy, all the
2425 while accusing you of being the ideologue in the room. The
2426 irony is rich beyond rich with me.
2427 Mr. Pruitt. And I think what, if I may for a second.
2428 Mr. Cramer. Please.
2429 Mr. Pruitt. I think what is important with respect to
2430 ~~the~~ scientific transparency, it doesn't apply to only certain
2431 studies. It applies to all third-party studies of every
2432 type. I mean many members on this committee, I am sure,
2433 would be very concerned that if API went out and did a study,
2434 didn't provide the methodology, didn't provide the data,
2435 provided conclusions to the EPA and then the EPA acted on
2436 rulemaking with respect to methane or other issues, there
2437 would be tremendous concerns about that.
2438 So it applies to all third-party science irrespective of
2439 the source. It just simply says data, methodology,
2440 conclusions matter and the American people need to be able to
2441 consume that.
2442 Mr. Cramer. Well, it seems to me and I appreciated the

2443 inquiry earlier and maybe you could elaborate a little bit on
2444 how personal data can be protected and is protected. Nobody
2445 is asking for the names of every victim of every, you know,
2446 of every pollution source that has ever happened in the world
2447 or that has been sourced in any study. They are not asking
2448 for personal data, we are asking simply for the science to be
2449 revealed. I mean you can protect the personal data, right?
2450 Mr. Pruitt. Both the personal data, Congressman, as
2451 well as confidential business information, both CBI and
2452 personal information can be redacted and can be addressed and
2453 still serve the purposes of the proposed rule.
2454 Mr. Cramer. I have to say I think though of all of the
2455 accusations today, it was interesting after about 4 minutes
2456 of defending the swamp one of their leaders said so much for
2457 draining the swamp.
2458 Mr. Administrator, I think the greatest sin that you
2459 have committed, if any, is that you have actually done what
2460 President Trump ran on, what he won on, and what he has
2461 commissioned you to do in finding some balance in both
2462 carrying out the mission of environmental protection while at
2463 the same time looking out for the economy and jobs creation.
2464 And I just again for the people in North Dakota I appreciate

2465 that so much.

2466 In my remaining minute if you would take some time to
2467 just elaborate even a little bit more on the New Source
2468 Review issue, because, you know, in North Dakota we have a
2469 number of existing plants that are finding it very difficult
2470 to even meet the spirit of the intent, if you will, of New
2471 Source Review and I think it just seems to be working against
2472 itself.

2473 Mr. Pruitt. I mean I think for the American people as
2474 we talk about, I mean what New Source Review is, is when you
2475 have a company that wants to invest sometimes hundreds and
2476 millions of dollars in their facilities to reduce pollution
2477 they refuse to do so because if they invest too much it is
2478 considered a major modification to the facility which then
2479 requires what, additional permitting responsibilities which
2480 they may not get. So dealing with New Source Review is
2481 something that is very, very important to actually
2482 incentivize companies and reward companies who want to invest
2483 in better outcomes.

2484 It was talked about earlier with respect to once in,
2485 always in. That effectively is what that is because under
2486 the category of major emitters and minor emitters in what we

2487 said is that as you are a major emitter and you invest and
2488 you actually reduce your pollution down to minor levels you
2489 can actually be rewarded for that and actually, I think,
2490 incentivized to do that.
2491 Mr. Shimkus. The gentleman's time has expired. The
2492 chair recognizes the gentleman from California, Mr. Cardenas,
2493 for 5 minutes.
2494 Mr. Cardenas. Thank you very much, Mr. Chairman, for
2495 calling this hearing and also I marked your words that you
2496 said that today hopefully we are going to be talking about
2497 policy and stewardship. So I hope that we can get that on
2498 the record as well on both of those fronts.
2499 Mr. Pruitt, welcome to the people's House. The list of
2500 your failures is long and your wasteful spending is an
2501 embarrassment to government and very offensive to the
2502 taxpayers who pay all of our salaries. This administration
2503 is so packed with unethical behavior, but yet at the same
2504 time you have to understand that your power directly impacts
2505 health and well-being of vulnerable populations in this
2506 country -- seniors, our sick, and our disabled.
2507 It is tempting to ask why you spent nearly 68,000 on
2508 hotels and travel from August through February, just in 5

2509 months, and 50,000 on modifications to your office including
2510 a privacy booth that cost over $43,000, and an oversized desk
2511 with ornate woodworking that cost over $2,000, but we already
2512 know that some of these purchases were made in violation of
2513 federal laws.
2514 When you appeared before the subcommittee in December,
2515 this subcommittee, you said that your phone booth is used for
2516 classified conversations and sensitive conversations with the
2517 White House. Has this $43,000 phone booth, has it been
2518 certified as a SCIF, and also so are you using it for
2519 classified conversations, is that appropriate?
2520 Mr. Pruitt. It has not been certified as a SCIF and it
2521 does provide protection on confidential communications. And
2522 I think it is important, Congressman, to know where this
2523 originated. I did have a phone call that came in of a
2524 sensitive nature and I did not have access to secure
2525 communications. I gave direction to my staff to address that
2526 and out of that came a $43,000 expenditure that I did not
2527 approve. That is something that should not occur in the
2528 future.
2529 Mr. Cardenas. Okay, so you are not taking
2530 responsibility for the $43,000 that was spent in your office,

2531 you are saying that staff did it without your knowledge?

2532 Mr. Pruitt. Career individuals at the Agency took that

2533 process through and signed off on it all the way through.

2534 Mr. Cardenas. Okay. So you were not involved in that

2535 is what you are saying?

2536 Mr. Pruitt. I was not in involved in the approval of

2537 the $43,000 and if I had known about it, Congressman, I would

2538 have refused it.

2539 Mr. Cardenas. Okay. That seems a bit odd. If

2540 something happens in my office, especially to the degree of

2541 $43,000, I know about it before, during, and after. But

2542 anyway let me get on to my next points. I am sure you can

2543 see the irony of this $43,000 expenditure even though you are

2544 saying before the public that you are not taking

2545 responsibility for it.

2546 EPA's budget is far from unlimited. When you commandeer

2547 public resources for your personal use other lifesaving

2548 agency activities do suffer. In another troubling example,

2549 Millan Hupp, an EPA appointee who came with you from Oklahoma

2550 and was recently awarded with a large raise over the White

2551 House's objections, reportedly went out to open houses in

2552 search for a condo for you. Mr. Pruitt, I hope you

2553 understand that using public employees for your private
2554 business is illegal. Turning now to your highly questionable
2555 condo lease from Vicki Hart, I find it highly concerning that
2556 you apparently never had an EPA ethics attorney review the
2557 lease before you signed it. Did you have an EPA ethics
2558 attorney look at that lease before you signed it?
2559 Mr. Pruitt. On the other issue, Congressman, I want to
2560 address that I am not aware of any government time being used
2561 by Millan Hupp. She is a friend of both my wife and myself
2562 and has been for a number of years ~~and she is a friend~~. And
2563 the activities --
2564 Mr. Cardenas. Okay. You stated for the record that you
2565 are not aware that she used her official time. Thank you
2566 very much. But did any of the attorneys at the EPA look at
2567 your lease before you signed it?
2568 Mr. Pruitt. The review that took place took place
2569 afterwards.
2570 Mr. Cardenas. Afterwards, okay. And what did they say
2571 about that lease afterwards when they reviewed it?
2572 Mr. Pruitt. They said that the rate paid was comparable
2573 to other arrangements, what I leased ~~actually~~ was comparable
2574 to other arrangements.

2575 Mr. Cardenas. Did they state that in writing or
2576 verbally?
2577 Mr. Pruitt. Actually in writing, in writing twice.
2578 Mr. Cardenas. In writing, okay, can you get a copy of
2579 that to the committee?
2580 Mr. Pruitt. I can get the ethics opinions to you, yes.
2581 Mr. Cardenas. Okay, thank you. It was also recently
2582 reported that as Attorney General of Oklahoma you reassigned
2583 an investigative staff of the office to be your personal
2584 driver and security team. Are those reports accurate?
2585 Mr. Pruitt. I am not aware of what you are referring
2586 to, Congressman.
2587 Mr. Cardenas. Okay. All right, to my next question, in
2588 an apparent attempt to rebut reports, your Agency published
2589 data in February claiming a large increase in penalties
2590 against polluters, but that data included the penalties
2591 assessed by the Obama administration. In fact, 90 percent of
2592 those numbers that you reported were actually assessed by the
2593 previous administration. Did you intentionally claim credit
2594 for the enforcement actions taken by the Obama administration
2595 to obscure your weak record on enforcement, yes or no?
2596 Mr. Pruitt. In fact, the Obama administration cut into

2597 agents at that office. We have increased the number of
2598 agents in that office.
2599 Mr. Cardenas. Thank you. On my time --
2600 Mr. Shimkus. The gentleman's time is expired.
2601 Mr. Cardenas. I just want to show you a picture of the
2602 -- Mr. Shimkus. The chair recognizes the gentleman from
2603 Michigan. The gentleman --
2604 Mr. Cardenas. -- that I grew up in and that is the new
2605 picture here.
2606 Mr. Shimkus. The gentleman will suspend. His time is
2607 expired. The chair will recognize the gentleman from
2608 Michigan for 5 minutes.
2609 Mr. Walberg. I thank the chairman.
2610 Mr. Cardenas. I yield.
2611 Mr. Walberg. And I would thank the Administrator for
2612 being here. I appreciate you taking the time to do
2613 this. It is important for us as we work in our relationship,
2614 the constitutional relationship that we have time with you.
2615 So thank you for being here and thank you for your policy
2616 efforts as you perform your functions.
2617 Administrator Pruitt, the last time you were before this
2618 committee you told me then, I quote, the Great Lakes

2619 Restoration Initiative is something that we should work
2620 together to make sure is achieving good outcomes and I think
2621 it has and we will continue that discussion as we head into
2622 2018. I appreciate those words, but we have seen a lack of
2623 support for the GLRI.
2624 Again in this fiscal year 2019 budget request, the GLRI
2625 was funded at 30 million by this administration. Obviously I
2626 was and am not okay with that level of funding and worked
2627 with my colleagues on both sides of the aisle in the Great
2628 Lakes Caucus in an effort to restore full funding, which we
2629 did, for that. And I certainly would love to stand on the
2630 banks of one of the Great Lakes in my district, Lake Erie,
2631 with you, and just have an opportunity to discuss further
2632 what is so important about 20 percent of the world's fresh
2633 water resources being there in the Great Lakes and what a job
2634 we have attempted to do as Great Lakes states to make that
2635 work for us.
2636 Do you believe that 30 million is adequate funding for
2637 such a critical program?
2638 Mr. Pruitt. Well, I commend what Congress has done to
2639 address that. I think Congress restored that level to 300
2640 million, I think, in the omnibus.

2641 Mr. Walberg. 300 million.

2642 Mr. Pruitt. And I remain personally and as

2643 Administrator of the EPA committed to you to work --

2644 Mr. Walberg. Will you make a request to the

2645 administration to work with us on that?

2646 Mr. Pruitt. I will continue to do that Congressman.

2647 Mr. Walberg. I would appreciate that because it is

2648 important and I think again it is something that we want to

2649 in the Great Lakes Region take care of that resource as good

2650 stewards and I believe you do as well.

2651 Mr. Pruitt. Well, ~~the challenges there,~~ the invasive

2652 species we know is an issue. We want to do all that we can.

2653 I was actually in Region 5 earlier this week and obviously

2654 they are very focused on those efforts as well. I am hopeful

2655 that we can find better outcomes as we go forward on the

2656 funding levels.

2657 Mr. Walberg. Well, with that, with invasive species and

2658 with algae bloom, which has been significant, touching my

2659 district, across the line in Ohio as well, when we discussed

2660 last time you mentioned that there would be an interest --

2661 and let me find -- you said it is something that we ought to

2662 do going forward and ensure that there is a partnership like

2663 that and specifically referring to Agriculture and Interior.

2664 Have you had an opportunity to talk with Sonny Perdue or

2665 Ryan Zinke about this issue of algae bloom and how to address

2666 it in the Great Lakes?

2667 Mr. Pruitt. ~~The Secretary,~~ Secretary Perdue and I have

2668 ~~actually~~ talked about issues with respect to geographical

2669 focal areas, but ~~Ryan~~ Secretary Zinke and I have not. And I

2670 think it is important, you know, as I indicated, for states

2671 like the Great Lakes Initiative you have states that have

2672 joined together partnering and collaborating with the federal

2673 government to achieve better outcomes and I think that is an

2674 example of true federalism.

2675 Mr. Walberg. Is there anything I can do to assist in

2676 bringing that coalition together? I would be delighted to

2677 stand on the banks of Lake Erie with you and Secretary Zinke.

2678 Mr. Pruitt. Well, yes. We ought to do that together

2679 with the other two individuals as well.

2680 Mr. Walberg. Okay, next topic is the constant threat of

2681 invasive species. I believe we have an administration right

2682 now that isn't committed to some of the shipping interests in

2683 Illinois and Indiana that there were before and I don't

2684 discredit that. But we have a water resource that could be

2685 impacted in many different ways recreationally, commercially
2686 as well, if Asian carp, one of those species were to get into
2687 the Great Lakes.
2688 Can you please provide an update on what your efforts
2689 have been with the Army Corps of Engineers that have been
2690 dragging their oars in the water for too long on this issue?
2691 Have you had any significant contact with them in moving this
2692 issue forward?
2693 Mr. Pruitt. I have had contact with Secretary Esper as
2694 well as R.D. James there at the Corps on a multitude of
2695 issues. I don't recall speaking about this particular issue,
2696 but I appreciate you making me aware of it and we will talk
2697 to them about their involvement.
2698 Mr. Walberg. Yes, if you could get on that. That is
2699 just so significant. And it is amazing right now though we
2700 have seen DNA that have come from carp in the Great Lakes,
2701 thus far we are not seeing the impact of the fish themselves.
2702 We can't have that happen. If it happens there is no turning
2703 back, and this is an environmental protection issue. And so
2704 I hope that you will check into that further, and I certainly
2705 would like to check with your office.
2706 Mr. Shimkus. The gentleman's time is expired. The

2707 chair recognizes the gentleman from Georgia for 5 minutes.

2708 Mr. Carter. Thank you, Mr. Chairman.

2709 Thank you, Mr. Pruitt for being here. As you know, I

2710 have the honor and privilege of representing the 1st

2711 congressional district of Georgia which includes the entire

2712 coast of Georgia and it also includes the Savannah Harbor.

2713 The Savannah Harbor Expansion Project is a billion dollar

2714 project, arguably the most important economic development

2715 project in our state's history next to the Interstate System.

2716 It supports the infrastructure and economic principles that

2717 were laid out by President Trump. It is exactly that.

2718 This is what he has been talking about when he has been

2719 talking investing in the infrastructure in our country. It

2720 is one of the most studied projects in the history of

2721 mankind.

2722 We started this project in the late 1990s. Since that

2723 time, three ports in China have been started and completed,

2724 yet this is not completed yet. Back when you were here in

2725 December, I brought to your attention the Tier 4 emission

2726 standards that are being required for the harbor pilots and

2727 for their boats and the problem that it was causing us then.

2728 You understand that unless we can get those ships in and out

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2729 of port, it does us no good to invest a billion dollars into
2730 this project. We have to have those harbor pilots and their
2731 vessels in order to get these ships in and out of port.
2732 Now the Tier 4 emission standards, I spoke to you in
2733 December about those. This was after months of my staff and
2734 your staff going back and forth to discuss this. Since that
2735 time almost 5 months ago, I have had the harbor pilots come
2736 up to Washington at their own expense and their own time to
2737 meet with your staff. Your staff was completely unprepared.
2738 It was complete waste of time for the harbor pilots to be
2739 here. You gave me a commitment back in December that you
2740 would look into this. I need to know where we are at with
2741 this. This is extremely important for us.
2742 Can you give me an idea of where we are at with this?
2743 Mr. Pruitt. First, Congressman, my apologies to you and
2744 your constituents if we weren't responsive. And that is the
2745 first I have heard of that and I will check on that very
2746 issue and my apologies there.
2747 Secondly, as I shared with you recently, we are actually
2748 sending representatives, I think, to California to meet with
2749 the architect on the construction of the vessels to determine
2750 whether there is a way to modify --

2751 Mr. Carter. When will they be going to California?

2752 Mr. Pruitt. I think this month. I think it is actually

2753 this month.

2754 Mr. Carter. This month, April?

2755 Mr. Pruitt. May, I am sorry. It is happening in May.

2756 Mr. Carter. May, so next month.

2757 Mr. Pruitt. Yes.

2758 Mr. Carter. Can I have the commitment that we are going

2759 to get this fixed? Are you personally involved in this? Are

2760 you personally looking into this?

2761 Mr. Pruitt. I am now.

2762 Mr. Carter. You are now as of today.

2763 Mr. Pruitt. Yes.

2764 Mr. Carter. But you told me you were in December.

2765 Mr. Pruitt. Yes. My communication --

2766 Mr. Carter. Now you are telling me today. I want to

2767 believe you.

2768 Mr. Pruitt. Yes. So my communications to the team in

2769 December were to take steps and apparently that has not been

2770 done.

2771 Mr. Carter. That has not been done.

2772 Mr. Pruitt. Yes. So I will be personally engaged on

2773 this going forward.

2774 Mr. Carter. I certainly hope so, because look, I want

2775 to help you, okay, because I want you to help me. This is

2776 extremely important. This is, as I said before, the largest

2777 economic development project in the state of Georgia since

2778 the Interstate System. We have got to have this done. If we

2779 don't have the bar policy, they don't have the vessels and

2780 the manufacturer is telling us that they cannot meet the Tier

2781 4 emission standards and build these vessels that they need.

2782 Mr. Pruitt. I think it is also a competitive situation

2783 with other regulations outside of our agency that are causing

2784 a certain type of vessel along with the engine. So there is

2785 work to be done.

2786 Mr. Carter. I just need a commitment. Can I have a

2787 commitment from you that this will be resolved in 30 days?

2788 Mr. Pruitt. You have the commitment from me to get

2789 engaged on this issue with our Air Office to find answers.

2790 We will have answers --

2791 Mr. Carter. Can I have a commitment from you that you

2792 will get this resolved as soon as you can?

2793 Mr. Pruitt. I will find answers to this within 30 days.

2794 Mr. Carter. Okay. I can't stress to you how important

2795 this is. Also, the Tier 4 emission standards are causing
2796 problems with generators. They are not able to build the
2797 large one megawatt generators. And keep in mind now I said I
2798 was representing the entire coast of Georgia. We have
2799 hurricanes in Georgia, therefore we need generators. In
2800 fact, in one 11-month period we had two hurricanes. They
2801 cannot make these. Will you commit to reviewing the Tier 4
2802 standards to see if they are practical and if they are
2803 rational?
2804 Mr. Pruitt. Yes. I will engage in conversations around
2805 this issue with our Air Office to see what the options are.
2806 Mr. Carter. The last thing I want to ask you about is
2807 biobutanol. It is my understanding that you have --
2808 Mr. Pruitt. About what, I am sorry?
2809 Mr. Carter. I am sorry?
2810 Mr. Pruitt. About what, I am sorry?
2811 Mr. Carter. Biobutanol.
2812 Mr. Pruitt. Okay.
2813 Mr. Carter. This is one of the biofuels that is an
2814 alternative fuel and it is my understanding that you have a
2815 comment period that is about to end at the end of April; is
2816 that correct?

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2817 Mr. Pruitt. I can verify that.

2818 Mr. Carter. Okay. Well, please verify that because as
2819 you know the ethanol additives cause a lot of deterioration
2820 to marine engines. Biobutanol as I understand it is much
2821 better, much more compatible for marine engines and we need
2822 that to come to market. When this comment period is up I
2823 hope that you will act on it.

2824 Mr. Shimkus. The gentleman's time is --

2825 Mr. Pruitt. Pathway for advanced categories under the
2826 RFS, is that what you are referring to?

2827 Mr. Carter. Yes.

2828 Mr. Pruitt. Okay.

2829 Mr. Shimkus. The gentleman's time is expired.

2830 Mr. Carter. Thank you, Mr. Chair.

2831 Mr. Shimkus. The chair recognizes the gentleman from
2832 Mississippi for 5 minutes, Mr. Harper.

2833 Mr. Harper. Thank you, Mr. Chairman.

2834 Administrator Pruitt, welcome. It appears that it has
2835 become a political blood sport to try to destroy anybody
2836 associated with the Trump administration, and I want to say
2837 thank you for what your Agency has done and the attention
2838 that they have given to the New Source Performance Standards

2839 for residential wood heaters. That was very helpful to some,
2840 you know, employers that were in real danger of not being
2841 able to meet a particular deadline and I appreciate the work
2842 that your Agency has done on that.
2843 And I also want to ask you a few questions and I need to
2844 ask you about a series of media reports that I found
2845 particularly concerning. According to these reports at least
2846 five EPA officials have been reassigned, demoted, or
2847 requested to switch jobs because they raised concerns about
2848 your spending and management of the Agency. You know, you
2849 have already testified this morning that these actions were
2850 based on other reasons, but even the implication of
2851 retaliation can have an impact on the morale of EPA
2852 employees. Will you explain these allegations and tell us
2853 what steps EPA takes to investigate allegations brought
2854 forward by EPA employees?
2855 Mr. Pruitt. First, there is no truth to the assertion
2856 that decisions have been made about reassignment or otherwise
2857 as far as employment status based upon the things that you
2858 reference. I am not aware of that ever happening and it is
2859 something I want to make very, very clear. The individuals,
2860 I don't know to whom you reference across the board, but the

2861 folks that I am aware of two of those individuals are SES
2862 individuals that are serving in other capacities. They are
2863 actually still employees of the Agency.
2864 So I think that is important to note, but I just want to
2865 emphasize very, very clearly to you that there is no actions
2866 that we have taken that I am aware of related in any way to
2867 the issues you raise as far as reassignment or employment
2868 action based upon that.
2869 Mr. Harper. Can you assure me and the employees of EPA
2870 that all whistleblower complaints are taken seriously at EPA
2871 and that you will make your best efforts to ensure that
2872 whistleblowers are protected from any kind of retaliation?
2873 Mr. Pruitt. Absolutely, and I think that is how we get
2874 better. I think that is how we improve outcomes and
2875 processes. And this is not one of those situations,
2876 Congressman, in this situation, but absolutely, prospectively
2877 that is something that I can commit to you and will commit to
2878 you.
2879 Mr. Harper. You know, I have had some of my
2880 constituents raise an issue regarding oil spill response
2881 training and I am told that the funding for certain training
2882 courses for federal and local responders involved in inland

2883 oil spill prevention and cleanup have been eliminated and
2884 that the EPA Environmental Response Team is no longer able to
2885 consistently make these courses available. With an increase
2886 in oil production across the country there remains a need for
2887 oil spill response training for local, state, and federal
2888 responders.
2889 Would you be willing to commit to looking into whether
2890 funding can and will be made available for what we believe is
2891 a very important training?
2892 Mr. Pruitt. Yes. Yes, Congressman, I agree with that.
2893 Mr. Harper. Over the last 6 years, EPA has used its
2894 discretion to reduce and perhaps eliminate the effectiveness
2895 of the on-site technical assistance appropriated by Congress
2896 to small and rural communities in my home state of
2897 Mississippi including terminating funding for my state's two
2898 full-time EPA funded circuit rider positions. My rural and
2899 small communities have told me numerous times, however, that
2900 this is the best and most helpful assistance with EPA water
2901 standards and unfunded mandates.
2902 So to address this problem in 2015, Congress passed and
2903 the President signed a version of my bill, the Grassroots
2904 Rural and Small Community Water Systems Assistance Act,

2905 solely to stop this problem that was caused by EPA and still
2906 continues today. So this bill requires EPA to give
2907 preference to the technical assistance that small and rural
2908 communities find the most beneficial and effective.
2909 So on April 11th of 2018, EPA announced the award of
2910 technical assistance grants. It was my hope that this
2911 announcement would have returned the two full-time circuit
2912 rider positions funded by EPA to Mississippi and the other
2913 states, yet I am told that there is less help with EPA
2914 mandates to small and rural communities. So did EPA conduct
2915 a review of what small communities find is the most
2916 beneficial and will you look into this for possible necessary
2917 correction?
2918 Mr. Pruitt. Yes. So those TAG grants are so important.
2919 And when you reference small and rural communities, some of
2920 our water infrastructure we think about the dense markets as
2921 far as the age in infrastructure across the country but those
2922 rural communities also need tremendous assistance. So those
2923 TAG grants are something that should be a focus in that area
2924 that you raised and I will look into the status of that for
2925 you.
2926 Mr. Harper. Thank you very much for what you are doing

2927 for the country.

2928 Mr. Shimkus. The gentleman's time is expired. The
2929 chair recognizes the gentleman from Illinois, Mr. Rush, for 5
2930 minutes.

2931 Mr. Rush. Administrator Pruitt, I must say unlike my
2932 colleagues, no, thank you, no, thank you, to the policies of
2933 the Environmental Protection Agency under your tenure. But
2934 in my home city of Chicago we are in the middle of a dire
2935 situation as reported in a recent Tribune article entitled,
2936 "Brain-damaging lead found in tap water in hundreds of homes
2937 tested across Chicago, results show," and this article is
2938 written on April the 12th, 2018. The article went on to
2939 state that in the nearly 2,800 homes tested between 2015 and
2940 to 2017, close to 70 percent were found to contain elevated
2941 levels of lead. Additionally, three of every ten homes
2942 tested contained lead concentration higher than 5 parts per
2943 million, the maximum amount allowed in bottled water by the
2944 FDA.

2945 I understand that EPA is currently considering revisions
2946 to the lead and copper rule. This rule was supposed to have
2947 been issued last year, but the Agency under your leadership
2948 has repeatedly delayed any action on this. You have also

2949 delayed action on the lead renovation, repair, and painting
2950 rule for commercial buildings. And your recent proposal on
2951 scientific data could block the EPA from considering landmark
2952 studies, what you misleadingly have termed, quote, secret
2953 science, end of quote. These important studies are critical
2954 in identifying potential risks to public health including
2955 those related to lead contamination, cancer as it related to
2956 smoking, as well as the health impacts associated with other
2957 dangerous contaminants.
2958 And I would like to hear from you on how the Agency will
2959 move to phase out lead in drinking water such as require
2960 replacements of lead service lines as well as your
2961 justification for your attacks on established scientific
2962 data. I have also been concerned by some of your public
2963 statements expressing a belief that there might be a safe
2964 level of lead and suggesting that lead contamination of
2965 drinking water is caused by Superfund sites as opposed to
2966 lead piping.
2967 Mr. Administrator, as you well know, even your own
2968 Agency has declared that there are no safe levels of lead for
2969 consumption. According to the Center for Disease Control and
2970 Prevention, even consuming tiny amounts of lead can

2971 permanently damage the developing brain of children and
2972 contribute to kidney failure, heart disease, and other severe
2973 health problems. I also understand that this issue of
2974 replacing lead piping will require billions of dollars to
2975 remediate this problem on a national level. So I am curious
2976 to hear from you on ways that the EPA might provide financing
2977 and other mechanisms to help address this issue.
2978 As you know, the administration's fiscal year 2019
2979 budget proposed $863 million on Drinking Water State
2980 Revolving Funds which is an $81.2 million decrease from the
2981 fiscal year 2017 enacted levels. However, the most recent
2982 EPA Needs Survey estimates that it will cost over some $472
2983 billion for capital improvements between the years 2015 and
2984 2034. I will be meeting, Mr. Administrator, with senior
2985 state officials in the near future to discuss these and other
2986 issues, but I would like to hear from you on what steps the
2987 EPA will be intending to address these critical issues which
2988 have of course --
2989 Mr. Shimkus. The gentleman's time has expired.
2990 Mr. Pruitt. If I may, Mr. Chairman?
2991 Mr. Shimkus. Just for a short minute.
2992 Mr. Pruitt. There is no safe level of lead in our

2993 drinking water. It is something we need to act aggressively
2994 upon as an Agency and as a country. We have estimated it is
2995 about $45 billion to replace the lead service lines across
2996 the country, and with WIFIA and the authority this Congress
2997 has given the EPA, I really believe that we can prioritize
2998 funding in the WIFIA program up to four billion a year in
2999 over a 10-year process, or thereabouts, achieve tremendous
3000 results.
3001 Mr. Shimkus. Okay, the gentleman's time is expired.
3002 The chair now recognizes the gentleman from Virginia, Mr.
3003 Griffith, for 5 minutes.
3004 Mr. Griffith. Thank you very much, Mr. Chairman.
3005 Continuing along these lines, thank you, Administrator
3006 Pruitt. And, Mr. Chairman, if we could submit for the record
3007 the article from the Roanoke Times from today, the article
3008 came out yesterday but it is in today's electronic clips,
3009 "Virginia Tech team gets EPA grant to engineer citizen-
3010 science water quality project."
3011 As you will recall, in the previous administration there
3012 was a regional EPA administrator who looked the other way.
3013 The Flint, Michigan problem became a problem but it was
3014 exposed by Marc Edwards, the professor at Virginia Tech,

3015 because he went out there on his own dime with his own monies
3016 and started doing the studies that needed to be done. Now
3017 your EPA has granted his group $1.9 million to have folks
3018 test their water and send it in so we can find out exactly
3019 where the hot spots are whether they be in Mr. Rush's
3020 district of Chicago or elsewhere.
3021 And Professor Edwards says he calls this the largest
3022 engineering citizen-science project in American history. The
3023 3-year grant will support his team and some other
3024 universities that are involved and he said that all the work
3025 we did with consumers over the years and the students at the
3026 Virginia Tech, this bottom-up, organic science phenomena it
3027 created a tidal wave of understanding that couldn't be
3028 ignored. This is how science is supposed to work to me, Marc
3029 Edwards, Virginia Tech. If we could have that article put in
3030 the record by unanimous consent?
3031 Mr. Shimkus. The Democrats have looked at it and they
3032 have approved. Without objection, it is submitted for the
3033 record.
3034 [The information follows:]
3035
3036 **********COMMITTEE INSERT 7**********

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3037 Mr. Griffith. Thank you very much. Now I am going to
3038 switch gears, but I couldn't help but think Mr. Rush's
3039 comments were so timely for that.
3040 All right, I am going to switch now to the final rule
3041 for Greenhouse Gas Emissions and Fuel Efficiency Standards
3042 for Medium and Heavy Duty Engines and Vehicles - Phase 2 that
3043 was approved in the prior administration. You all are taking
3044 some action in regard to one part of that which I want to
3045 talk about in a minute, but I first want to talk about
3046 trailers. And I asked these questions of the prior folks at
3047 the EPA and I don't know how they have authority to regulate
3048 trailers when the Clean Air Act clearly says that the term
3049 "motor vehicle" means any self-propelled motor vehicle
3050 designed for transporting persons or property on a street or
3051 a highway and a trailer is not self-propelled, nor is it a
3052 motor vehicle, nor does it have an engine. It might have a
3053 compressor if it is a refrigerator truck.
3054 You would agree with me that this needs attention and
3055 that we need to make sure that trailers are not being
3056 declared by the EPA to be self-propelled motor vehicles, yes
3057 or no?
3058 Mr. Pruitt. Yes. We are in process --

3059 Mr. Griffith. Thank you. I have to move on to the next
3060 one because I have a more complicated one. You are also in
3061 the process of looking at the situation in that same
3062 regulation related to gliders and to big trucks. And I have
3063 a problem because my district has the Volvo North America
3064 truck manufacturing site, thousands of jobs, billions of
3065 dollars were spent to meet the new requirements. Now I would
3066 agree with you in that, that the law does not say the EPA can
3067 do what they did because they went after gliders and they
3068 didn't, they went after it and just said you basically can't
3069 do it, which they don't have authority to do because it is
3070 not a new motor vehicle engine which is defined in the code
3071 in similar sections to what I just read on the trailers,
3072 utility trailers in my district as well.
3073 And, but what is interesting is, I do believe that there
3074 ought to be something because, you know, Volvo and other
3075 truck manufacturers spent billions upgrading. And what the
3076 code says is, is that you really don't have any authority
3077 over used motor vehicles during the useful life of that motor
3078 vehicle, but that is 11 years and 120,000 miles. So what is
3079 happening is in some cases the gliders are not being used
3080 just on wrecked trucks or other trucks that might be, you

3081 know, within that time frame, but they are being used on
3082 trucks outside of their useful life.
3083 Don't you think that it would be appropriate to take a
3084 look at -- and all that is in the law, you have that
3085 authority. Take a look at it and see what can be worked out
3086 so that we don't have trucks that are just being overhauled
3087 by the glider companies that are decades old and nowhere near
3088 meeting the emission standards of the United States, but at
3089 the same recognizing they have a right to do that if the
3090 truck has not used up its useful life as defined already as
3091 11 years and 120,000 miles.
3092 Mr. Pruitt. So that alternative is something that we
3093 haven't reviewed yet, but I appreciate you bringing it to my
3094 attention. We have been focused upon the statutory analysis
3095 both for gliders and trailers, but this is something we need
3096 to add to the evaluation.
3097 Mr. Griffith. And I just have to say what is
3098 interesting is, is I think about 80 to 85 percent of what the
3099 previous administration wanted to accomplish could have been
3100 accomplished if they hadn't done sloppy legal work. I yield
3101 back.
3102 Mr. Shimkus. The gentleman yields back his time. The

3103 chair recognizes the gentleman from South Carolina, Mr.
3104 Duncan, for 5 minutes.
3105 Mr. Duncan. Thank you, Mr. Chairman.
3106 Administrator Pruitt, thank you for being here today and
3107 I apologize for the abrasiveness of some of my colleagues who
3108 would rather tarnish your character than really try to delve
3109 into the issues facing this great nation.
3110 I would like to spend a few minutes discussing the Obama
3111 administration's Waters of the U.S. rule, otherwise known as
3112 WOTUS. And I know Congresswoman Blackburn brought it up
3113 earlier, but I want to go into a little more detail. As you
3114 know, this flawed regulation sought to expand federal control
3115 over 60 percent of our country's streams, millions of acres
3116 of wetlands that were previously non-jurisdictional. It has
3117 allowed the EPA and the Army Corps to regulate almost every
3118 water from manmade conveyances to large rivers.
3119 The rule has created an unnecessary confusion and
3120 suffering for farmers, ranchers, job creators, and private
3121 property owners, and in reality the regulations have done
3122 very little to benefit environmental stewardship. WOTUS is
3123 by far the largest issue for agriculture in South Carolina,
3124 and I know on your multistate action tour this past summer

3125 hosted by, I think, Super-Sod there in Anderson, you saw the
3126 real negative impact that WOTUS regulations had on farmers
3127 and local businesses.
3128 These regulations are emblematic of the aggressive and
3129 unconstitutional overreach by the federal government under
3130 the Obama administration and the habitual undermining of
3131 state and local authority regarding environmental matters.
3132 It is our responsibility in Congress to use our lawmaking
3133 power to enact legislative and permanent fix.
3134 Mr. Administrator, I appreciate your attention and
3135 efforts to curtail the WOTUS rules. We talked about that the
3136 last time you were in front of this committee about the
3137 President's executive order, and I just want to ask this
3138 question. I saw earlier this month that you issued a memo
3139 taking control of decision-making from the EPA's regional
3140 administrators on important matters to streams and wetland
3141 jurisdictions. Can you elaborate on the intentions of this
3142 document and why you issued that memo?
3143 Mr. Pruitt. Yes. There has been many decisions made at
3144 the regional level through delegation, as I was talking about
3145 earlier, utilizing that definition historically, you know,
3146 that 2015 decision and then even prior to that in 1986 and

3147 the 2008 guidance. And so we had inconsistency across the
3148 country with respect to what jurisdiction we had, and this
3149 was an effort to draw that back to make sure we had
3150 uniformity and how we review our responsibility on the Clean
3151 Water Act and make sure that every region is implementing
3152 that the way that they should.
3153 Mr. Duncan. So why is this important to Waters of the
3154 U.S.?
3155 Mr. Pruitt. Well, certainty is, certainty and clarity
3156 around the Waters of the United States rule is terribly
3157 important because, you know, if you have landowners across
3158 this country guessing about whether the EPA or the Corps of
3159 Engineers or any other agency at the federal government has
3160 jurisdiction over their decision, meaning that they have to
3161 seek a permit, then they don't want to find out years later
3162 that they should have got that permit and then face fines
3163 each day for those number of years. So clarity and certainty
3164 around where federal jurisdiction begins and ends really is
3165 at the heart of our efforts this year with respect to the
3166 Waters of the United States rule.
3167 Mr. Duncan. All right. Is there any effort by the
3168 Agency to go back and look at these maps that were drawn?

3169 Because when I look at the Waters of the U.S. ruling and I
3170 look at streams or doggone ditches in my district that were
3171 falling under the jurisdiction, these are ditches that only
3172 hold water in an increment rain event that aren't navigable
3173 waterways in anybody's opinion. And if you came out there
3174 and looked at some of these areas you would go, why in the
3175 world is that covered? Is there any attempt by the Agency to
3176 go back and review these maps and really pull some of those
3177 designated areas back in?
3178 Mr. Pruitt. Well, that is part of our objective and
3179 effort with the rewrite of the Waters of the United States
3180 rule. It is not just that there was rescission, repeal in
3181 the marketplace. It is also what is coming next? Where is
3182 the clarity? Where does jurisdiction begin and end? Because
3183 these jurisdictional determinations you are referring to, you
3184 are right, they have been so inconsistent, so different in
3185 certain parts of the country that ephemeral drainage ditches,
3186 dry creek beds, puddles, prairie potholes in North Dakota,
3187 you know, considered Waters of the United States, which I
3188 believe looking at the text of the Clean Water Act clearly
3189 was not within the intent of Congress.
3190 So that is something that we are going through that

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3191 process, providing that clarity, and then those
3192 jurisdictional determinations will take effect or maybe
3193 change after that.
3194 Mr. Duncan. Just the last question, during my time as a
3195 state legislator we had instances where areas were considered
3196 isolated wetlands and these were areas where logging loading
3197 decks were loaded, were situated, and they sat there for a
3198 while. Water settled, no wetland, no streams, but bulrushes
3199 popped up because water settled in there from where the
3200 equipment had set and all of a sudden this area was
3201 designated an isolated wetland and wasn't able to be
3202 replanted, wasn't able to be developed.
3203 Is there anything the EPA is doing to look at those
3204 isolated wetland issues like that?
3205 Mr. Pruitt. Yes, and also prior converted crop lands.
3206 I mean there are similar issues around that issue, so
3207 absolutely we are.
3208 Mr. Duncan. Okay, thank you.
3209 Mr. Chairman, I yield back.
3210 Mr. Shimkus. The gentleman yields back his time. The
3211 chair recognizes the gentlelady from California, Ms. Eshoo,
3212 for 5 minutes.

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3213 Ms. Eshoo. I thank the chairman for holding today's
3214 hearing and for extending the legislative courtesy for me to
3215 participate at your subcommittee which I am not a member of.
3216 I am very glad to be here.
3217 Administrator Pruitt, public officials and public office
3218 have a public trust to live up to. We are called to hold
3219 ourselves to the highest ethical standards so that the people
3220 that we serve have the confidence that we work for them. Not
3221 for ourselves, not for special interests, but for them. In
3222 front of your title Administrator, is U.S. EPA, an agency
3223 that Richard Nixon founded. And I think if a public official
3224 loses the trust of people and his or her ability is then
3225 becomes crippled because of the trust factor.
3226 Now you have a solid record of breaking ethics rules
3227 from the state level right up to the federal government. It
3228 is a long list and it includes wasteful spending. I think it
3229 is an embarrassment to our country and I think it is
3230 offensive to constituents. My constituents raise a lot of
3231 questions about and say how can he be doing this? So the
3232 question that I want to ask you might be a little unusual
3233 one, do you have any remorse for the excessive spending on
3234 behalf of yourself, the expensive air tickets, stopping in

3235 Paris, the amounts of dollars that you have expended at the
3236 Agency for an expensive telephone booth? I know you said it
3237 is for a SCIF, but there is a SCIF at the EPA. Do you have
3238 any remorse about this? Do you --
3239 Mr. Pruitt. Let me say to you, Congresswoman.
3240 Ms. Eshoo. Well, you can answer it yes or no. Do you
3241 have any remorse?
3242 Mr. Pruitt. I echo your comments. I think that what
3243 you said is absolutely true about the importance of public
3244 trust --
3245 Ms. Eshoo. No, I want you to answer me. I have -- sir,
3246 I have 2 minutes and 38 seconds.
3247 Mr. Pruitt. -- and I endeavor to achieve to live in a
3248 way that respects that.
3249 Ms. Eshoo. Do you have any remorse?
3250 Mr. Pruitt. I think there are changes I have made
3251 already, the change from first class to coach travel. That
3252 is a change I have made. I learned about the pay raises.
3253 Ms. Eshoo. All right. Well, sir, you are not going to
3254 out-talk me. You are not going to out-talk me. You claim
3255 that Steven Hart, the lobbyist who owned the condominium
3256 where you paid below-market rent, never lobbied you.

3257 However, we now know this isn't true. Mr. Hart's firm
3258 disclosed that he met with you regarding cleanup of the
3259 Chesapeake Bay. Did you have any other official meetings
3260 with Mr. Hart, yes or no?
3261 Mr. Pruitt. The meeting that you referred to was not a
3262 meeting --
3263 Ms. Eshoo. Did you have any other meetings with him?
3264 Mr. Pruitt. -- it was with respect to an individual --
3265 Ms. Eshoo. All right, I am moving on. Did you ever
3266 discuss Mr. Hart's clients or EPA business with him outside
3267 of official settings?
3268 Mr. Pruitt. There was no other meeting with Mr. Hart
3269 except for nonprofit.
3270 Ms. Eshoo. Do you have any other lobbyists or
3271 representatives of industries with business before the EPA
3272 provided you with similar personal favors that you haven't
3273 previously disclosed?
3274 Mr. Pruitt. Congresswoman, as I have indicated with
3275 respect to this situation with Mr. Hart and Mrs. Hart, the
3276 only event that took place was a meeting with a nonprofit
3277 Chesapeake Bay --
3278 Ms. Eshoo. Are there any other instances in which you

3279 granted --

3280 Mr. Pruitt. -- and I am not aware of any other

3281 instances.

3282 Ms. Eshoo. Are there any other instances in which you

3283 granted access to donors or lobbyists to whom you owed

3284 personal favors?

3285 Mr. Pruitt. I am not aware of any instances.

3286 Ms. Eshoo. Your travel including regular upgrades to

3287 first class at the taxpayers' expense has cost over $200,000

3288 since you became Administrator. Are you reimbursing the

3289 taxpayer for any of that?

3290 Mr. Pruitt. We can provide you the analysis that

3291 occurred in June of last year with respect to what caused the

3292 change to first class.

3293 Ms. Eshoo. I don't need any analysis. I know what

3294 airline tickets cost. I fly across the country every week.

3295 Mr. Pruitt. And I have changed that recently.

3296 Ms. Eshoo. No, so what are you going to -- you didn't

3297 answer my question. I asked you if you were going to

3298 reimburse the taxpayers for the overage and this includes ten

3299 trips to Oklahoma as well. So are you going to reimburse or

3300 what are you going to do about it?

This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.

3301 Mr. Pruitt. The travel office and the security team
3302 determine where I sit on a plane and all trips that I have
3303 taken with respect to EPA dollars have been for official
3304 trips.
3305 Ms. Eshoo. Well, you know what. With all due respect I
3306 may be elected, but I am not a fool. That is really a lousy
3307 answer from someone that has a high position in the federal
3308 government. I mean this is not a dodge-question day. We ask
3309 these questions on behalf of our constituents and I don't
3310 really find you forthcoming.
3311 So the last few questions that I would like to ask with
3312 5 seconds left is when you traveled to your home state --
3313 Mr. Shimkus. The gentlelady's time has expired.
3314 Ms. Eshoo. -- did you attend political fundraisers
3315 during any of these visits?
3316 Mr. Shimkus. The gentlelady's time is expired.
3317 Ms. Eshoo. I would like an answer.
3318 Mr. Shimkus. The chair recognizes the gentleman from
3319 Pennsylvania. The gentleman from Pennsylvania?
3320 Mr. Costello. Thank you, Mr. Chair.
3321 Mr. Pruitt, I have, I think the opprobrium that you
3322 generated on some of these spending decisions is actually

3323 warranted and I have reviewed your answers and I find some of
3324 them lacking or insufficient. And I believe you have
3325 demonstrated, or you have not demonstrated the requisite
3326 degree of good judgment required of an appointed executive
3327 branch official on some of these spending items and I would
3328 like to follow up on a couple of specific instances.
3329 It has been reported that EPA officials who have
3330 challenged your spending decisions and who have been
3331 reassigned or demoted were not reassigned or demoted over the
3332 challenging of your spending decisions but they all had
3333 performance issues. Have in each of those instances, those
3334 performance issues, been documented prior to them being
3335 reassigned or demoted?
3336 Mr. Pruitt. I am not sure to what you are referring as
3337 far as a conclusion that they had been performance related.
3338 I talked about this earlier. I am aware of two individuals
3339 being reassigned because they were in the SES category and
3340 that routinely happens in that category. I know of no
3341 instance where there were decisions made at the Agency based
3342 upon counts or otherwise on spending with respect to
3343 employment related decisions. I said that earlier and I say
3344 it again to you.

3345 Mr. Costello. Are there instances where current EPA
3346 officials have objected to spending decisions that you have
3347 made who still remain in their present positions?
3348 Mr. Pruitt. I am not aware of any employment action
3349 taken with respect to anyone and spending related counsel.
3350 These individuals to whom you refer, I had limited
3351 interaction with them. They did not spend meaningful time
3352 with me with respect to spending and recommendations around
3353 spending. One of the individuals was the head of Advance.
3354 The most of the time I spent with him was in the field and
3355 not at headquarters. So there is really no factual
3356 connection whatsoever in employment status with those
3357 individuals and any counsel regarding spending.
3358 Mr. Costello. Now the issues of the two close aides who
3359 used to work for you in Oklahoma and their pay raises, are
3360 you saying that you were not aware that those pay raises were
3361 provided to them until after the fact?
3362 Mr. Pruitt. I was not aware of one of those individuals
3363 even seeking a pay raise. I was aware of another person
3364 going through the process, but I was not aware of the amount
3365 that was provided or the process that was utilized to
3366 evaluate that. And that is what I have spoken to

3367 historically.

3368 Mr. Costello. The other issue that has received a lot
3369 of attention is the $43,000 phone booth. And you are saying
3370 that at no time from the point between when you learned that
3371 it was $13,000 to the time that it became $43,000, you were
3372 never apprised of the additional cost related to that?

3373 Mr. Pruitt. I was not aware if it, 13,000, 8,000, or
3374 43,000. I gave a simple instruction to my leadership team to
3375 address secure communications in the office and then a
3376 process began and we have documentation we can provide you on
3377 that, Congressman. Career individuals were involved in that
3378 process from beginning to end and made the decision that you
3379 see in that with the $43,000 allocation.

3380 Mr. Costello. Now I tend to be very conscientious of
3381 those who have personal security related concerns. And I
3382 don't know who has said what to you or when, but I do think
3383 that there is a lot more to that than some people may realize
3384 in the general public.

3385 Having said that, it has been reported that, I believe
3386 the IG has indicated or at least someone in the IG's Office
3387 has not found some of the personal security concerns that you
3388 have proffered in relation to the enhanced security that you

3389 have received to be either warranted or credible. Would you
3390 kindly provide a little bit more detail on why you think you
3391 need -- and I am just going to be very honest with you. When
3392 folks read about trips to Disneyland, professional basketball
3393 games, Rose Bowl, and the additional security detail related
3394 to that, that doesn't sit well with a lot of people.
3395 Mr. Pruitt. So I can, Congressman, I can read directly
3396 from an Inspector General threat investigation and I can
3397 provide this to you. There are several on here listed with
3398 respect to threats and I will just read you two. "The
3399 threats were directed toward her father. The threat stated,
3400 I hope your father dies soon, suffering as your mother
3401 watches in horror for hours on end."
3402 There is another entry, correspondence between the
3403 subject and individuals. "Pruitt, I am going to find you and
3404 put a bullet between your eyes. Don't think I am joking. I
3405 am planning this."
3406 Mr. Shimkus. The gentleman's time has expired.
3407 Mr. Pruitt. So these are threats that the IG has
3408 documented. We can provide this to you. The IG has said
3409 that the threats against me as Administrator --
3410 Mr. Shimkus. The gentleman --

3411 Mr. Pruitt. -- are unprecedented --

3412 Mr. Shimkus. If the Administrator, if you will suspend,
3413 I think the point has been made. The gentleman's time has
3414 expired. The chair now recognizes the gentleman from New
3415 York.

3416 Mr. Engel. Thank you, Chairman Shimkus and Ranking
3417 Member Tonko.

3418 Mr. Pruitt, the person appointed to run the EPA needs to
3419 be someone who cares about protecting the health and safety
3420 of people all across the country, and until now both sides,
3421 both Presidents on both parties, we have had a pretty good
3422 track record with our EPA Administrators. But your time in
3423 office really has been different. Your tenure has been
3424 stained by repeated abuses of public trust and violations of
3425 ethical guidelines, guidelines that are designed to ensure
3426 that the government's business is conducted with impartiality
3427 and integrity.

3428 But what really bothers me perhaps even more on top of
3429 that your agency is willfully ignoring sound science and
3430 stripping the protections that keep millions of Americans
3431 safe. You are making our water less safe to drink and our
3432 air less safe to breathe. You are increasing our exposure to

3433 more dangerous chemicals and you are making our planet less
3434 healthy for our children and our grandchildren.
3435 And that is not just hyperbole. Under your leadership,
3436 Mr. Administrator, the EPA has weakened standards for ozone
3437 pollution, proposed a repeal of the Clean Power Plan,
3438 announced a repeal of the Waters of the United States rule,
3439 abandoned the once in, always in policy that aimed to lock in
3440 reductions of hazardous air pollution from industrial
3441 sources, withdrew the mercury effluent rule, delayed the
3442 implementation of safety procedures at chemical plants to
3443 prevent explosions and spills, withdrew a proposal to track
3444 emissions of methane and volatile organic compounds from oil
3445 and natural gas facilities, proposed eliminating the Lead
3446 Risk Reduction Program, announced a reconsideration of a rule
3447 regarding coal ash, announced a reconsideration of vehicle
3448 emission standards for model years 2022 to 2025 -- and we did
3449 a lot of work in this committee on these vehicle emission
3450 standards.
3451 You proposed repeal of emission standards for heavy duty
3452 vehicles. You announced a plan to weaken emission standards
3453 for brick and tile manufacturers. You proposed a rule
3454 reducing air pollutants at sewage treatment plants. You have

3455 scrubbed the content of your website including the page
3456 devoted to explaining climate change. You have removed the
3457 word "science" from the mission statement of your Office of
3458 Science and Technology. You have dismissed 12 of the 18
3459 members of the Board of Scientific Counselors.
3460 You stayed silent when counties failed to meet new ozone
3461 standards by an October 2017 deadline. Your EPA has
3462 collected far fewer fines from polluters than any of the last
3463 three Administrators during the same time, and more staff and
3464 funding cuts are looming which means even fewer toxic
3465 chemicals and other environmental hazards will be measured
3466 and the statutes that protect all Americans will not be
3467 enforced.
3468 There is so much here, Mr. Administrator, that I wish I
3469 had more time. But instead I will focus on an issue that is
3470 in the headlines now and has profound implications for our
3471 future, the Paris Agreement. By announcing that we will
3472 abandon our commitment to the Paris Agreement, and we heard
3473 this from Mr. Macron yesterday being critical of it, this
3474 administration is setting the clock back on U.S. climate
3475 action and forfeiting our nation's position as the global
3476 leader in developing the clean energy economy of the future.

3477 The move will only open the door for others to take our
3478 place.
3479 This decision is bad for the planet and bad for public
3480 health. Scientists at the EPA and the U.S. Global Change
3481 Research Program have found that climate change is a
3482 significant threat to the health of the American people,
3483 increasing exposure to disease, increasing the risk of
3484 illness and death from extreme heat and poor air quality, and
3485 increasing dangerous extreme weather events. The Paris
3486 Agreement was and still is our best chance to address these
3487 risks for all Americans but we can't do it alone. Mr.
3488 Pruitt, you have supported the President's decision to
3489 announce a withdrawal from the Paris Agreement.
3490 President Trump and you have said that the deal unfairly
3491 puts constraints on the U.S. coal industry and that it
3492 somehow is a threat to our sovereignty. It doesn't make any
3493 sense because the Paris Agreement is voluntary. It imposes
3494 absolutely no constraints on U.S. trade policy or U.S.
3495 domestic energy policy, but there is an historic economic
3496 opportunity for American companies and workers to lead the
3497 world in creating and providing newer, cleaner forms of
3498 energy.

3499 Again, yesterday French President Macron reminded us
3500 that there is no planet B -- that is a quote -- but turn to
3501 our future. And he said, quote, I am sure one day the United
3502 States will come back and join the Paris Agreement and I am
3503 sure we can work together to fulfill with you the ambitions
3504 of the global compact on the environment. I certainly hope
3505 he is right for the sake of our children and our
3506 grandchildren.
3507 To me, an Administrator should be someone who cares
3508 about these things, not someone who is going to ruin these
3509 things. Not someone who is going to make our future more
3510 dangerous for our families. And that is what bothers me,
3511 because you are not doing --
3512 Mr. Shimkus. The gentleman's time has expired.
3513 Mr. Engel. You are instead -- I am finishing, Mr.
3514 Chairman. You are instead --
3515 Mr. Shimkus. Finish quickly.
3516 Mr. Engel. -- you are going against the tenets of what
3517 your job is supposed to do and that makes me very, very
3518 angry.
3519 Mr. Shimkus. The gentleman's time has expired. The
3520 chair recognizes the gentleman from New Jersey for 5 minutes,

3521 Mr. Lance.

3522 Mr. Lance. Thank you, Mr. Chairman, my thanks to you
3523 and the ranking member for allowing me to participate. I am
3524 a member of the committee, but not of this subcommittee.

3525 Administrator Pruitt, the EPA has a long and
3526 distinguished history established by President Nixon as you
3527 know better than anybody. I represent a district in northern
3528 New Jersey outside New York and we are concerned about some
3529 of the allegations regarding the overspending, and in
3530 particular the $43,000 for the security of the phone booth.
3531 As you know, this has been criticized by the Government
3532 Accountability Office. The general counsel, Mr. Armstrong,
3533 said that you had a responsibility to notify lawmakers. You
3534 have indicated that you believe this is not part of
3535 renovations.

3536 Having said that, isn't there other secure locations
3537 within your Agency and why did we need to spend taxpayer
3538 funds to build a new secure place for making of telephone
3539 calls?

3540 Mr. Pruitt. First, on the GAO matter, we have in fact
3541 notified the GAO with respect to those issues and rightfully
3542 so based upon their determination. And I do want to say that

3543 the Office of General Counsel at the Agency, career
3544 individuals, interpreted the expenditure as not being within
3545 the guidelines of the statute and that is the reason the
3546 Agency acted as they did. And those were all individuals,
3547 career individuals, that were part of that process.
3548 Mr. Lance. The GAO disagrees with you, the General
3549 Counsel disagrees with you?
3550 Mr. Pruitt. That is right. But steps were taken to
3551 notify irrespective of that.
3552 Mr. Lance. I tend to agree with the GAO General
3553 Counsel. I want that on the record. Why did we need another
3554 SCIF or SCIF-like facility when there was already one at your
3555 Agency?
3556 Mr. Pruitt. So it is not a SCIF and it was not intended
3557 to be. As I shared earlier, Congressman, in an earlier
3558 question, I simply requested for a secure communication, a
3559 secure line in my office based upon phone calls that occur
3560 that are confidential in nature. And so, based upon that
3561 instruction a process ensued where this investment took
3562 place. And that is --
3563 Mr. Lance. Did any of your predecessors suggest that
3564 this be needed, Republican or Democratic?

3565 Mr. Pruitt. I am not sure, Congressman.

3566 Mr. Lance. Well, I think the answer is no. It is
3567 either a yes or a no. And I don't demand just a yes or no,
3568 you are willing to elaborate. But did any of your
3569 predecessors suggest this?

3570 Mr. Pruitt. I am not sure.

3571 Mr. Lance. And I am not a person here who requires a
3572 yes or no. I would like you to answer in detail, did any of
3573 your predecessors require that?

3574 Mr. Pruitt. I am just not aware of any requests of
3575 previous --

3576 Mr. Lance. Well, I have the honor of representing a
3577 predecessor of yours, Christine Todd Whitman. She is a
3578 constituent of mine. She was the Administrator for the
3579 second President Bush, and she has indicated that she saw no
3580 need for such an enhanced telephone system when she was
3581 Administrator and there was secure communications then and
3582 she has indicated that she did not think this was
3583 appropriate. And respectfully, I do not think it is
3584 appropriate. And I think that there are already secure
3585 locations and I think it was a waste of funds.

3586 Regarding a completely different issue, in a March 30th

3587 memo you stated, you signed a directive to give more
3588 authority to your office over environmental regulations for a
3589 project near regional waterways. It is my view that taking
3590 this authority may supplant the role of local representatives
3591 and experts, water quality boards. You have relied heavily
3592 and when you were Attorney General of Oklahoma on federalism
3593 and perhaps appropriately so for local and state control over
3594 suits against the EPA. Yet, it appears to me that your
3595 directive supplants local control and that it would give you
3596 as Administrator final decision-making authority over the
3597 protection of streams, ponds, and wetlands under the Clean
3598 Water Act.
3599 I would be interested in your views. It impresses me
3600 that your views may have changed, Administrator, now that you
3601 are the Administrator, from your position as Attorney General
3602 of Oklahoma.
3603 Mr. Pruitt. They haven't changed with respect to the
3604 collaboration with the states in that regard. I think what
3605 you are referring to is a decision to bring that delegation
3606 back from the regions. And what we have seen, Congressman,
3607 is a great variation, inconsistency from one region to
3608 another with respect to the issues that you have described.

3609 And so this is an effort at the Agency to get uniformity and
3610 to get consistency across the regions. Collaboration,
3611 consultation will continue both at the regions and with the
3612 states.
3613 Mr. Lance. Thank you. I end my questioning by saying
3614 that I am concerned about what I believe is overspending. I
3615 am particularly concerned about the secure location. It is
3616 my judgment that that was not needed and that is the judgment
3617 certainly of at least one of your predecessors, a constituent
3618 of mine, Christine Todd Whitman.
3619 Mr. Pruitt. And, Congressman, I agree with your
3620 statement. I believe that that was an amount of money that
3621 should not have been spent and was never authorized by
3622 myself.
3623 Mr. Shimkus. The gentleman's time is expired.
3624 Mr. Lance. Thank you very much, Mr. Chairman.
3625 Mr. Shimkus. The chair recognizes the gentlelady from
3626 Illinois, Ms. Schakowsky, for 5 minutes.
3627 Ms. Schakowsky. Thank you. I would like to thank the
3628 chair and ranking member for allowing me, a member of the
3629 committee but not this subcommittee, to be here today.
3630 There is a lot of interest, Secretary Pruitt, in your

3631 testimony. And I also have been troubled by certain
3632 behaviors. And it has been reported that your decision to
3633 abandon the planned fuel efficiency standards was heavily
3634 influenced by Samantha, is it Dravis or Dravis, one of the
3635 employees you brought with you from Oklahoma who is now under
3636 investigation for receiving a salary from taxpayers despite
3637 not coming to work for 3 months. You personally brought Ms.
3638 Dravis on the job at EPA when you became Administrator. Is
3639 that correct?
3640 Mr. Pruitt. She is not from Oklahoma, and yes, she came
3641 in upon the start of our administration. And are you
3642 referring to the midterm evaluation, the decision reached on
3643 the midterm evaluation?
3644 Ms. Schakowsky. I am going to continue with my
3645 questions and maybe I will get to that. She was hired using
3646 the same Safe Drinking Water Act authority that was used to
3647 give unapproved raises to other staff that you did bring from
3648 Oklahoma. Is that correct?
3649 Mr. Pruitt. I am not aware if she was hired under that
3650 Safe Drinking Water Act authority. There is authority on the
3651 Safe Drinking Water Act to administratively determine certain
3652 individuals. It is legal, authorized, it has been used by

3653 previous Administrators and it could have been used in that
3654 instance. I am just not aware.
3655 Ms. Schakowsky. How much was Samantha Dravis paid for
3656 the 3 months during which she did not report to work?
3657 Mr. Pruitt. Well, I am not aware. There is a pending
3658 investigation, as you have indicated, review of that and I am
3659 not aware that she did or did not appear for work. So that
3660 is something that is being reviewed at this point.
3661 Ms. Schakowsky. Senator Carper has stated on the basis
3662 of information, I believe, from a whistleblower, has stated
3663 that he worked with you on a deal to preserve fuel efficiency
3664 standards. He has said that you abandoned that deal at the
3665 urging of Samantha Dravis. Did Samantha Dravis urge you to
3666 abandon the potential deal with Senator Carper?
3667 Mr. Pruitt. I am just not aware. I don't know if you
3668 are speaking of the midterm evaluation or another issue. I
3669 just don't, I am not sure what you are asking.
3670 Ms. Schakowsky. Well, regardless of what the source of
3671 the -- I mean these are pretty straightforward questions
3672 about her and the 3 months that she -- are you contesting
3673 that she did not work for 3 months?
3674 Mr. Pruitt. No, I am not speaking to that at all. I am

3675 not --

3676 Ms. Schakowsky. So I don't know what your point is

3677 about asking where it came from. I am asking if she worked

3678 for 3 months without any -- she did not work for 3 months,

3679 with pay.

3680 Mr. Pruitt. But your question was about fuel efficiency

3681 and I am not entirely sure what the question was with respect

3682 to her influence in that regard. So that is what I was

3683 trying to determine, what area you were talking about. I am

3684 not aware of --

3685 Ms. Schakowsky. Okay.

3686 Mr. Pruitt. I will just say it to you this way, I am

3687 not aware of any decision around fuel efficiency, CAFÉ or

3688 otherwise, was an influence in that way.

3689 Ms. Schakowsky. Are you aware that she was paid and did

3690 not work for 3 months?

3691 Mr. Pruitt. I am not aware of any, I know it is under

3692 review at this point and those facts will bear out.

3693 Ms. Schakowsky. I wanted to ask you also, I have a

3694 little time left, about your vehicles. At the same time that

3695 the EPA has moved to increase fuel costs for American

3696 households, you have reportedly asked taxpayers to cover the

3697 cost of a luxury SUV for your use. Is it true that as
3698 Administrator you upgraded from a Chevy Tahoe, which I know
3699 your predecessor used, to a Chevy Suburban with leather
3700 interior and other luxury features?
3701 Mr. Pruitt. As I understand it, the decisions to add a
3702 vehicle to the fleet was something that was in process prior
3703 and they asked for input about the vehicle, that I did not
3704 give direction to start that process or end that process,
3705 they just asked for consultation.
3706 Ms. Schakowsky. It isn't the first time in public
3707 service that you have upgraded your official vehicle. As
3708 Oklahoma Attorney General you upgraded to a big, black SUV
3709 when your predecessor used a sedan. Is that correct?
3710 Mr. Pruitt. The sedan was something that went out of
3711 service and we had to replace that with an SUV, yes.
3712 Ms. Schakowsky. You had to replace it with an SUV?
3713 Mr. Pruitt. There was a replacement that occurred
3714 because of the other one coming out of service.
3715 Ms. Schakowsky. So it is not just that it had to be
3716 replaced. It had to be replaced with a bigger, less fuel
3717 efficient and larger, more expensive car. So it just seems
3718 to me that this pattern that we have been hearing today of

3719 behavior --

3720 Mr. Shimkus. The gentlelady's time --

3721 Ms. Schakowsky. -- is very concerning. And I thank

3722 you for your answers.

3723 Mr. Shimkus. The gentlelady's time is expired. The

3724 chair recognizes the gentleman from southwest Missouri, Mr.

3725 Long, for 5 minutes.

3726 Mr. Long. Thank you, Mr. Chairman, and thank you,

3727 Administrator Pruitt, for being here today. And I think that

3728 it has been well established today that you have the most

3729 famous cone of silence since Agent 86.

3730 But that is not where my questioning is going to go

3731 today. I have a 30-year career, had a 30-year career as a

3732 real estate broker before I came here and part of being a

3733 real estate broker, it was very important to people the

3734 energy efficiency of their homes. And when they were looking

3735 for a new home they looked at that Energy Star certified

3736 program, things that complied with that. In your testimony

3737 you talk about the Energy Star program and how it helps

3738 businesses and consumers save money by reducing their energy

3739 use. The Energy Star program provides consumers with

3740 accurate information about what products and systems deliver

3741 high quality energy savings, as you know.

3742 I am wondering if you can talk about the process

3743 involved with updating the Energy Star standards to include

3744 the most innovative and up-to-date technologies such as high

3745 performance HVAC systems which can outperform current Energy

3746 Star-approved equipment.

3747 Mr. Pruitt. Well, the program to which you refer,

3748 Congressman, has been extremely successful from the public-

3749 private partnership and there is actually a rulemaking

3750 schedule that will occur in January of next year, as I

3751 understand, to establish fees that will, you know, support

3752 that program. I think the concern has been just the long-

3753 term stability and viability of the program. So we are in

3754 the process now of preparing for that and it is something we

3755 are committed to and I think it has been very successful.

3756 Mr. Long. Okay. I think that it is important to both

3757 the regulating community and the public that the government

3758 speak with one consistent voice. I know from experience, you

3759 talk to people, if they call an IRS office they may call 7

3760 different days and get eight different answers and depending

3761 on which office they call. What are your plans for ensuring

3762 the EPA's policy positions are implemented consistently

3763 across government including the EPA headquarters and the EPA
3764 regional offices in litigation and enforcement? And I was
3765 just using IRS as an example because that is somewhere a lot
3766 of people get a lot of different answers, so for the EPA.
3767 Mr. Pruitt. It is a very important question because we
3768 have ten regions across the country and what we have seen
3769 from a compliance and assistance prospective, enforcement,
3770 permitting, many, many issues, a great inconsistency. And so
3771 we are in the process of going through a Lean program at the
3772 Agency evaluating metrics.
3773 Mr. Long. I am sorry, what program?
3774 Mr. Pruitt. It is a management program to ensure that
3775 we are committed to metrics.
3776 Mr. Long. What did you call it? What was the --
3777 Mr. Pruitt. It is Lean.
3778 Mr. Long. Lean, okay.
3779 Mr. Pruitt. Yes. It is a private, but I have a person,
3780 a COO that is dedicated to ensuring that we are setting
3781 metrics objectives at each of the regions and that there is
3782 verticality, uniformity from headquarters to the regions and
3783 across the country to ensure on compliance, assistance,
3784 permitting, all these various issues that we don't see this

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3785 dispersion and great variety.

3786 Mr. Long. On these EPA proposed rule revisions which
3787 recognize the importance of the states overseeing the
3788 implementation of the program regulating coal combustion
3789 residuals, I believe that oversight is critical. Has your
3790 agency given more thought to adjusting deadlines imposed
3791 under the existing federal rules so the states have time to
3792 get their programs developed and approved by the EPA?

3793 Mr. Pruitt. There has been consideration of that yes,
3794 and I think you make a great point about the timeline that
3795 states need to develop their own programs. We provide a
3796 guidance in that regard to the states, but they need time to
3797 adopt and implement those programs. And so both are very
3798 important trying to address the impending deadlines but also
3799 work with the states to achieve the startup of their
3800 programs.

3801 Mr. Long. With Oklahoma being a neighbor to Missouri, I
3802 am sure that you know that electric power providers in
3803 Missouri rely on a balanced portfolio of energy inputs
3804 including a large amount of coal for our energy. Is it still
3805 your plan to undertake a timely repeal of the carbon
3806 regulations for power plants?

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3807 Mr. Pruitt. If you are referring to the Clean Power
3808 Plan of the previous administration, you know, that is in the
3809 marketplace today, yes.
3810 Mr. Long. Okay. And those regulations were dependent
3811 on the last EPA's official finding that carbon endangers the
3812 environment. Is EPA planning on revisiting that endangerment
3813 finding also?
3814 Mr. Pruitt. You know, our focus has been in the Clean
3815 Power Plan and addressing that from a rulemaking perspective.
3816 So that has been our focus today.
3817 Mr. Long. Okay. And Mr. Chairman, I yield back.
3818 Mr. Shimkus. The gentleman yields back his time. The
3819 chair recognizes the gentleman from North Carolina, Mr.
3820 Butterfield, for 5 minutes.
3821 Mr. Butterfield. Thank you very much, Mr. Chairman.
3822 Mr. Administrator, I have been listening to your
3823 testimony here in the committee room, and back in my office I
3824 have been watching it very constantly on television. And I
3825 must tell you this is very disturbing what I am hearing
3826 today. One of the most alarming aspects that I have heard
3827 concerns your expenditures. I am going to call them your
3828 outlandish expenditures on security.

3829 And what is even more alarming to me is the fact that
3830 there has been an obvious practice of retaliation against EPA
3831 employees who question your spending. And you are a lawyer,
3832 I read your bio. You have been a civil servant for many
3833 years and you have done a lot of great things. You must
3834 certainly know that whistleblower protections are essential
3835 to ensuring fairness and good government. But according to
3836 press accounts, five EPA staff members were fired or
3837 reassigned after questioning your spending or advising you
3838 that you need to notify Congress of expenditures over $5,000.
3839 Now the nonpartisan GAO office has now validated those
3840 employees finding that you broke the law. That is not the
3841 Democrats or any other political group. That is the
3842 nonpartisan Government Accountability Office has now
3843 validated those employees, finding that you broke the law in
3844 failing to notify the Congress. Now do you intend to hold
3845 yourself or your staff accountable for this action?
3846 Mr. Pruitt. First, I want to say I know of no
3847 instances, Congressman, where a decision has been made on
3848 employment status related to spending or any recommendations
3849 regarding spending. I have said that earlier and I will say
3850 it again to you now.

3851 With respect to the accountability --

3852 Mr. Butterfield. But my point is notifying Congress.

3853 Mr. Pruitt. That is an issue that I have addressed

3854 already a couple of times here. Office of General Counsel,

3855 career individuals at the Agency advised those folks going

3856 through the expenditure process that they did not need to

3857 notify Congress. GAO came out recently and said otherwise.

3858 That notification has taken place. Those individuals, those

3859 career individuals that made the decision on that expenditure

3860 were following the advice in counsel and the direction of

3861 what they knew to be right at the time.

3862 Mr. Butterfield. So it is your position that you had no

3863 responsibility to notify Congress of these expenditures?

3864 Mr. Pruitt. No, I believe that the decision has been

3865 remedied and it should have been done at the beginning. But

3866 it was not done and the question is as they made those

3867 decisions who guided that and it was career individuals at

3868 the Agency.

3869 Mr. Butterfield. I was further alarmed that the pattern

3870 was extended to the head of the Office of Homeland Security

3871 at EPA who signed off on a February memo finding that you did

3872 not face direct death threats. That person was removed from

3873 his role, I am told, the day that the Senate Democrats
3874 revealed the existence of the memo. The timing of the move
3875 clearly suggests an effort to intimidate, in my opinion, and
3876 to deter staff who might share their concerns with Congress.
3877 Any truth to that?
3878 Mr. Pruitt. And I think Donna Vizian at the office who
3879 heads our Human Resources area would say the contrary to
3880 that. The reference I made earlier to a previous question
3881 about Inspector General and their actual recitations of
3882 threats I can provide to you, Congressman. The person to
3883 whom you refer does not have all the information with respect
3884 to the collection of threats.
3885 Mr. Butterfield. Let me take you to question 2, I am
3886 running out of time. Last month you moved to weaken
3887 protections from toxic coal ash which poses serious risks to
3888 human health and the environment. I had a coal ash spill in
3889 my state of North Carolina and they are still mitigating that
3890 damage. The spill that occurred in Kingston, Tennessee
3891 caused 30 premature deaths, 200 serious illnesses among
3892 workers who cleaned up the spill.
3893 Amazingly, you have proposed weakening the protections
3894 despite the hard science proving the dangers caused by the

3895 spills. This is unacceptable. Were you aware of these
3896 severe worker impacts when you proposed weakening the coal
3897 ash rule?
3898 Mr. Pruitt. The specific examples that you refer to,
3899 no, I was not aware of those specific examples.
3900 Mr. Butterfield. Last January you delayed the essential
3901 protections for farm workers from dangerous pesticides,
3902 including delaying protections for minors. That delay has
3903 now been thrown out. My staff says thrown out. You and I as
3904 lawyers, I guess we would call it something different,
3905 dismissed by the courts. Is that true or not true?
3906 Mr. Pruitt. No, it is my understanding that there is a
3907 proposal to deal with those age requirements that are being
3908 considered but there has not been any final action on that.
3909 States, as you know, have age requirements as well and we are
3910 contemplating in that process whether those age requirements
3911 should be deferred to in this process. But I am not aware of
3912 it being final at this point, Congressman.
3913 Mr. Butterfield. Well, let me thank you for your
3914 testimony. I have listened to as much as I could today and
3915 again I say I am very disappointed with your record at the
3916 Agency. It is not commensurate with your record over many,

3917 many years in other capacities and your lack of concern for
3918 workers is what concerns me most of all. You have wasted
3919 taxpayer money. You --
3920 Mr. Shimkus. The gentleman's time has expired. The
3921 chair recognizes the gentleman from Florida, Mr. Bilirakis,
3922 for 5 minutes.
3923 Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate
3924 it. And thank you for allowing me to sit on this
3925 subcommittee. Of course as you know I sit on the full
3926 committee.
3927 Administrator Pruitt, I want to talk about the
3928 environmental review and approval process for local projects.
3929 With the significant portion of my constituents living on
3930 Florida's west coast, I am always concerned about hurricanes
3931 as you can understand as well as flooding. However, our area
3932 only has two evacuation routes to move residents inland
3933 during an emergency. To alleviate this problem, the Pasco
3934 County government initiated the Ridge Road Extension Project
3935 to create a third evacuation route, but you know they have
3936 been working on this since 1997. Can you believe that?
3937 Since 1997, for over 20 years, the county has been treading
3938 through regulations, filling out forms, and meeting with

3939 federal officials to get this public safety project up and
3940 running. Okay, so we are talking about again a public safety
3941 project we need to save lives, God forbid we had a disaster.
3942 So while they have met with some recent success, and I
3943 have been working to help them out, the project still has not
3944 received final approval. Administrator Pruitt, what has the
3945 Agency done under your leadership to streamline the review of
3946 projects particularly when they involve public safety where
3947 lives could be on the line, in this case they definitely are
3948 on the line, and is permitting improvements something that
3949 your EPA workforce assessment, are they addressing these
3950 issues?
3951 Mr. Pruitt. It is absolutely a priority. In fact, we
3952 began an effort last year before we arrived at the Agency.
3953 They didn't know how long it took to actually go through the
3954 permitting process, in fact I asked that question upon
3955 arrival to give me an idea about the length that it took for
3956 permitting and they didn't know the answer. So we have
3957 evaluated that data. And I know this won't surprise you but
3958 it takes a long time. You have already cited your example.
3959 And so by the end of 2018 we are making changes internal
3960 to the Agency. The decision that we make on permits up or

3961 down will occur within 6 months starting in January of '19.
3962 So that is the effort that we are engaged in. But as you
3963 know this is an interagency approach as well and we are
3964 collaborating with the Corps of Engineers around some of
3965 these issues in making sure that we have consistency in
3966 working with them.
3967 Mr. Bilirakis. Okay, so you say within 6 months
3968 beginning in 2019?
3969 Mr. Pruitt. At the end of this year we will have a plan
3970 in place to execute upon as we begin January of '19.
3971 Mr. Bilirakis. Okay. On the same point, the President
3972 released an infrastructure plan, of course as you know, which
3973 included sections on permitting improvement. One of the
3974 proposals is that one agency, one decision. Is that what you
3975 are referring to, environmental review structure? Another is
3976 allowing for localities to complete a single environmental
3977 review document for a project. Are these things that you
3978 could support?
3979 Mr. Pruitt. I do support and I think these are great
3980 recommendations that have been made as part of the
3981 infrastructure package the President and something I hope
3982 Congress adopts. But whether it is adopted or not, we are

3983 advancing this 6-month review process internal to the Agency.

3984 Mr. Bilirakis. Okay. As far as, you know, there are a

3985 lot of local governments that can't afford to hire high

3986 priced consultants, as you know. So this is very, very

3987 important to them and they shouldn't be penalized because

3988 they can't afford to hire these high priced consultants. You

3989 know, in my area over the years they have spent a lot of

3990 money on this project and but I am sure that there are

3991 examples all over the country where it has taken many, many

3992 years. So I appreciate you working with me on this and

3993 hopefully we get approval soon.

3994 Mr. Pruitt. Thanks, Congressman.

3995 Mr. Bilirakis. I thank you very much and I yield back.

3996 Mr. Shimkus. The gentleman yields back his time. The

3997 chair recognizes the gentlelady from Florida, Representative

3998 Castor, for 5 minutes.

3999 Ms. Castor. Well, thank you, Chairman Shimkus, for

4000 allowing me to participate in the hearing today.

4001 Mr. Pruitt, your pattern of unethical conduct and

4002 conflicts of interest are now very well known, but I am very

4003 troubled by your failure to take personal responsibility for

4004 your actions. You simply dismissed all of the ethical lapses

4005 at the beginning of your testimony as troubling media reports
4006 so I think that is a failure in leadership.
4007 But the point I want to make today is that those costs,
4008 your wasteful spending, those costs pale in comparison to the
4009 damage you are doing to the health of American families and
4010 the assault on our clean air and clean water protections, our
4011 protections against dangerous chemicals and pesticides. Mr.
4012 Pallone highlighted the issue of the dangerous paint
4013 stripper, methylene chloride, at the beginning, that is known
4014 to have caused over 50 deaths and yet the EPA under your
4015 administration now has, you say we are stalled, we don't have
4016 a final decision, but in essence you have turned a blind eye
4017 to those families.
4018 There is also the case of chlorpyrifos which is a
4019 dangerous nerve agent. It is in the same chemical class as
4020 sarin. There was a recommendation by EPA scientists when you
4021 came in, in fact the last administration had said we are
4022 going to propose very significant restrictions especially to
4023 protect babies, children, young people under 18. You came in
4024 and turned that around. You said oh, well this, well it is
4025 not final.
4026 But you have set a pattern here. America's

4027 pediatricians are outraged. Public health advocates are
4028 outraged and so am I, because we are talking about the
4029 development of brain in babies and children. We are talking
4030 about not just children that might be in farmlands, but they
4031 live and work or they live and play in those areas. There
4032 were a lot of kids in the audience today and parents who care
4033 about this a great deal. It is Take Your Child to Work Day.
4034 That was good to have them in here.
4035 So my first question is why are corporate polluter
4036 profits more important to you than the health of families and
4037 children?
4038 Mr. Pruitt. Well, on the issue that Ranking Member
4039 Pallone brought up and this issue that you have raised, I
4040 would ask you not to jump to conclusions that there is a
4041 final process there. As you know, the previous
4042 administration --
4043 Ms. Castor. But there is a pattern. There is a
4044 pattern. And --
4045 Mr. Pruitt. I am trying to respond.
4046 Ms. Castor. And, you know, your actions belie what you
4047 say when your EPA scientists and public health advocates and
4048 pediatricians all say here is the ban and you come into

4049 office and time and time and time again you are siding with
4050 the special interests and not with the public.
4051 Mr. Pruitt. Yet that solvent that you are referring to
4052 is actually one of the ten priority chemicals that we are
4053 reviewing under TSCA that you authorized. And so we are --
4054 Ms. Castor. You are right. And that was a
4055 recommendation that was the action of this committee and you
4056 have set the pattern. And, really, whatever you could say
4057 today, I think people need to look at your actions rather
4058 than your rhetoric.
4059 But in addition to your failure to take any
4060 responsibility, I have to say that I am disappointed in a lot
4061 of my colleagues on the other side of the aisle that have let
4062 the Administrator off the hook today by barely asking any
4063 tough questions. There were a few exceptions and my hat is
4064 off to them. Maybe they are trying to save his job because
4065 they are worried if he doesn't perform well today he could be
4066 fired.
4067 Several congressional Republicans have already publicly
4068 called for your firing, but unfortunately not on this
4069 committee. Either way it is embarrassing that most of the
4070 Republicans refuse to take this committee's oversight

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4071 responsibility seriously and hold you accountable. They
4072 claim to have requested documents from the administration
4073 regarding Administrator Pruitt's misconduct and conflicts of
4074 interest, but there is no evidence of any investigation.
4075 Meanwhile, the Democrats on this committee, we have sent
4076 numerous inquiries to EPA, the Office of Inspector General,
4077 the GAO, the Office of Special Counsel, and some of those
4078 have borne out and you have been found in violation of the
4079 law. Unfortunately, we have yet to see any real effort from
4080 my colleagues on the other side of the aisle.
4081 So I have been keeping a list today as well, Mr.
4082 Administrator, of the unanswered questions because you often
4083 say it is not final, we are looking at this, the jury is out.
4084 But you failed to give direct responses on a number of
4085 questions.
4086 So, Mr. Chairman, I would like to submit this list for
4087 the record of the endless string of questions that
4088 Administrator Pruitt has not answered today.
4089 Mr. Shimkus. Let us look at that. Pass it over here,
4090 please.
4091 Ms. Castor. Will do.
4092 And finally close out by saying --

4093 Mr. Shimkus. The gentlelady's time has expired.

4094 Ms. Castor. -- Mr. Pruitt, you violated --

4095 Mr. Shimkus. The gentlelady's time has expired. The

4096 chair recognizes the gentleman from Maryland for 5 minutes.

4097 Mr. Sarbanes. Thank you, Mr. Chairman.

4098 Thank you for being here, Mr. Pruitt. I have been

4099 watching you during the hearing and you certainly have the

4100 bearing of a man who thinks he is untouchable. I don't know

4101 if that is true or not, but I would be careful of that

4102 because I don't think Americans go for that and in your

4103 position they just want you to protect their air. They want

4104 you to protect clean water and they want you to conserve the

4105 land.

4106 As has been said by many of my colleagues, EPA under

4107 your tenure has been cloaked in secrecy and swamped with

4108 ongoing legal and ethical failures. You have refused to

4109 release detailed information from your calendar, often

4110 provide no advanced notice of where you are going to be,

4111 agency career staff we are told have been instructed not to

4112 take notes or carry their cell phones, and this level of

4113 secrecy has forced a lot of citizens to take the avenue of

4114 filing Freedom of Information Act requests. I understand

4115 that EPA political leadership has added a new layer of so-
4116 called awareness reviews to those requests which can delay
4117 the release of information to the public and also limit the
4118 amount of information redacted in the responses.
4119 Are you aware that your political appointees are
4120 conducting these reviews before information is released to
4121 the public, yes or no?
4122 Mr. Pruitt. First, let me say that there has been no
4123 instruction not to take notes or to carry phones. That is
4124 simply fabricated. With respect to the process you are
4125 referring to, the FOIA process is governed by statute. And -
4126 -
4127 Mr. Sarbanes. But you have set up these political
4128 appointees to do reviews, are you aware of that?
4129 Mr. Pruitt. The Office of General Counsel is conducting
4130 FOIA reviews.
4131 Mr. Sarbanes. Okay, all right. You are not aware of
4132 that. I am going to move on because as you know we are
4133 limited here. But if that was done that is a pretty clever
4134 move. We wrote to you last year with concerns about Carl
4135 Icahn's role as special advisor on regulations, potential
4136 conflict of interest due to his financial holdings and

4137 outspoken positions on the Renewable Fuel Standards programs.
4138 So here we are a year later, the EPA's implementation of the
4139 RFS programs, specifically the small refinery waiver
4140 provision, is under fire from both farmers and refiners.
4141 My colleague Mr. Green raised the issue of secret
4142 waivers. I want to build on that a little bit. I want to
4143 know about CVR Energy in which Carl Icahn owns a majority
4144 stake. Administrator Pruitt, you met with representatives
4145 from Carl Icahn's company, CVR Energy, in June of 2017. Is
4146 that correct?
4147 Mr. Pruitt. If that is what the calendar represents.
4148 Mr. Sarbanes. Okay. Did Carl Icahn's company apply for
4149 a waiver from ethanol blending requirements for any of its
4150 refining facilities?
4151 Mr. Pruitt. I am unsure.
4152 Mr. Sarbanes. Okay. We will look at the record for
4153 that. And did Carl Icahn's company receive a waiver for any
4154 of its refining facilities?
4155 Mr. Pruitt. These exemptions are governed by statute as
4156 you know.
4157 Mr. Sarbanes. Okay. Well, you are going to find that
4158 out for us and we appreciate your following up because that

4159 is important to know because it raises serious questions
4160 about conflicts of interest. I have had the privilege of
4161 chairing here in the Congress the Democracy Reform Task
4162 Force. We have been trying to keep up with the ethical
4163 lapses of the Trump administration, which I will tell you is
4164 kind of a full-time job, and you certainly have been at the
4165 center of some of that focus. To date, five independent
4166 federal investigations have been initiated at this
4167 committee's request and more than eight independent federal
4168 reviews are currently underway with respect to your office.
4169 Yesterday, the Democracy Reform Task Force released
4170 another report in a series that is looking at failures and
4171 ethical lapses within the Trump administration. This one was
4172 detailing your wasteful spending and favors for your friends.
4173 It put the interests of dirty polluters ahead of the American
4174 people. So this is now available for people to take a look
4175 at. It goes through the litany of ethical violations that
4176 have come to characterize and be the hallmark of your time in
4177 office.
4178 You have really become, I mean it is sad to say it, but
4179 you have become in many respects, and you ought to take this
4180 to heart as somebody who holds an office in the public trust,

4181 you are wearing that mantle today that office of public trust
4182 as head of the EPA, something people care deeply about. If
4183 you are going to wear that mantle you have to exercise the
4184 office with attention to the public interest and not to
4185 private interest.
4186 But, unfortunately, you have become the poster child for
4187 the abuse of public trust and this goes back a long way. You
4188 brought your way of approaching these public offices to the
4189 EPA and it has undermined the credibility of that
4190 organization. But it is a hallmark of the Trump
4191 administration and we are going to continue to demand answers
4192 and we are going to continue to hold you accountable in every
4193 hearing that you choose to be up here.
4194 I give you credit for coming today, but we are going to
4195 continue to hold you accountable for the dereliction of duty
4196 that we see. With that I yield back my time.
4197 Mr. Shimkus. The gentleman's time has expired. The
4198 chair recognizes the gentleman from Vermont for 5 minutes,
4199 Mr. Welch.
4200 Mr. Welch. Thank you, Mr. Chairman. Mr. Chairman, you,
4201 with Mr. Flores and I have been working on ethanol.
4202 Mr. Pruitt, I have heard reports, read reports that as a

4203 result of the pressure on Midwest ag in response to the
4204 retaliatory tariffs by China that there is a move by some to
4205 increase ethanol usage. Can you comment on that very
4206 briefly?
4207 Mr. Pruitt. Well, are you referring to the RVP waiver?
4208 Mr. Welch. That is correct.
4209 Mr. Pruitt. Yes. We have been actively evaluating the
4210 legal authority under the statute to grant the RVP waiver for
4211 the last several months. And the reason it is taking some
4212 time, Congressman, is because --
4213 Mr. Welch. I want to interrupt because actually what I
4214 am talking about, I appreciate the work on ethanol that my
4215 colleagues have done, but what is reported is that as a
4216 result of the tariffs that China is imposing on soybeans and
4217 grain that there is going to be a concession from the Trump
4218 administration to go to E15, so I will just leave it there.
4219 I do want to ask you some questions along the lines of
4220 how you have been running your department. Is it the case
4221 that any of your predecessors, Republican or Democrat, who
4222 have had the high responsibility as Administrator of the EPA
4223 have had a 20-person security detail?
4224 Mr. Pruitt. I am unaware of previous considerations in

4225 that regard.

4226 Mr. Welch. Is it not at all relevant to you what the

4227 precedents have been with Republican and Democratic

4228 administrators in the past?

4229 Mr. Pruitt. I am just not aware, Congressman, of

4230 processes prior to my time at the Agency on what was

4231 considered and what wasn't considered.

4232 Mr. Welch. All right. Did the taxpayers spend $30,000

4233 for a security detail to accompany you on the trip to

4234 Disneyland?

4235 Mr. Pruitt. I am unsure about that. I mean we took --

4236 Mr. Welch. That is knowable.

4237 Mr. Pruitt. Yes. The records show that.

4238 Mr. Welch. All right. So you can determine this. It

4239 is not like secret stuff.

4240 Mr. Pruitt. The detail, the law enforcement make those

4241 determinations on what type of security should be provided,

4242 whether --

4243 Mr. Welch. You know, I have been listening to a lot of

4244 the answers and the answers are somebody else knows it, and

4245 it really is starting to seem like there is something on your

4246 desk with a motto that says the buck stops nowhere, and you

4247 are the guy who is in charge.

4248 Mr. Pruitt. Yet, Congressman, I have made decisions to

4249 switch and make sure, make changes from first class back to

4250 coach. I rescinded the pay raises to those individuals.

4251 Mr. Welch. No, I get it.

4252 Mr. Pruitt. In fact that has happened.

4253 Mr. Welch. Let me ask you just about this phone booth

4254 because it is a metaphor. Are you aware that at the EPA

4255 headquarters there are two secure facilities where private

4256 phone calls could be secure?

4257 Mr. Pruitt. And again I didn't request a SCIF. I

4258 requested a secure communication that was not accessible to

4259 my office and --

4260 Mr. Welch. I understand that. But you are the boss.

4261 So you tell your folks that you want a secure way of

4262 communicating, reasonable request, they are going to

4263 accommodate it. The boss is the one who has to make certain

4264 that it is a reasonable imposition on taxpayers, or do you

4265 disagree with that?

4266 Mr. Pruitt. And in this instance the process failed.

4267 As I indicated in my opening statement, those processes will

4268 be changed going forward.

4269 Mr. Welch. Did you ask the question -- here is the
4270 question that I think a lot of people would ask, Republican
4271 or Democrat, how can I make a secure phone call, and the
4272 answer would be well, Mr. Pruitt, there happens to be two
4273 places in this building right close to your office where you
4274 can do that. Had you asked that --
4275 Mr. Pruitt. They are not right close to my office.
4276 Mr. Welch. Pardon me?
4277 Mr. Pruitt. They are not right close to my office.
4278 Mr. Welch. Well, how often do you have to use your
4279 secret phone booth?
4280 Mr. Pruitt. It is for confidential communications and
4281 it is rare.
4282 Mr. Welch. Okay. So on those rare occasions is it too
4283 much to ask you to walk whatever distance it takes for you to
4284 get to that secure line?
4285 Mr. Pruitt. I guess it depends on the nature of the
4286 call and how urgent the call is.
4287 Mr. Welch. The point is that you have two locations
4288 that you can go to when you have to make those rare secure
4289 phone calls. This is taxpayer money. It is taxpayer money.
4290 Let me ask you this. Did you have installed or were there

4291 installed biometric locks on your office?

4292 Mr. Pruitt. There were problems with locks on two of

4293 the three doors and changes were made to those locks. No

4294 instruction was given for biometric locks, but that was a

4295 decision made by those individuals.

4296 Mr. Welch. So these things just happen.

4297 Mr. Pruitt. There was a process at the Agency in that

4298 regard and there was an evaluation.

4299 Mr. Welch. Well, what is a biometric lock?

4300 Mr. Pruitt. I am not entirely sure.

4301 Mr. Welch. So do you know, is it the case you don't

4302 know how to open your door?

4303 Mr. Pruitt. I just know how to put a code in. Excuse

4304 me?

4305 Mr. Welch. No, seriously. What is a biometric lock?

4306 Mr. Pruitt. I don't know. I just put a code in.

4307 Mr. Welch. A biometric lock, it responds as I

4308 understand it to like fingerprints or some other, your eyes,

4309 some physical characteristic.

4310 Mr. Pruitt. That is my understanding as well.

4311 Mr. Welch. All right, so you have them, right?

4312 Mr. Pruitt. Those are on, those have been added to the

4313 office, yes.

4314 Mr. Welch. Why?

4315 Mr. Shimkus. The gentleman's time has expired. The

4316 chair recognizes the gentleman from Iowa for 5 minutes, Mr.

4317 Loebsack.

4318 Mr. Loebsack. Thank you, Mr. Chairman. Thank you for

4319 allowing me to waive on to this subcommittee. I do

4320 appreciate that.

4321 Mr. Pruitt, I share a lot of the concerns my colleagues

4322 have voiced today on the ethics front, but I am actually here

4323 to talk about an issue that as you might imagine I am from

4324 Iowa so of utmost importance to my state, to my district.

4325 During your confirmation process you stated that you would

4326 work to uphold the Renewable Fuel Standard and over the last

4327 2 years President Trump has pledged on numerous occasions to

4328 support the RFS, in fact time and time again he has pledged

4329 to support it. However, over the last several weeks,

4330 information has been revealed that makes me question that

4331 commitment as you might imagine.

4332 Various reports have indicated that the EPA has granted

4333 so-called economic hardship exemptions to numerous refiners

4334 who appear to be neither small nor financially distressed.

This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.

4335 You know what the law says, it has to be 75,000 gallons or
4336 less to be granted that economic hardship waiver. I can tell
4337 you I have heard directly from my constituents, farmers and
4338 many others, and from farmers across the country who are
4339 extremely troubled by this action. And this comes at a
4340 particularly difficult time in farm country as you know when
4341 we have had low prices, we have seen farm income trending
4342 downward, and industry profits are soaring.
4343 I am extremely disappointed in the action as you might
4344 imagine and the lack of transparency and accountability in
4345 the process is also unacceptable. Under section 211 of the
4346 Clean Air Act, the EPA administrator is required to reassign
4347 gallons that are waived under the small refinery exemption to
4348 other obligated parties. Because this entire waiver process
4349 has happened, really, without any transparency whatsoever, I
4350 am disappointed, my constituents are disappointed, and we
4351 really have no idea whether those gallons have been
4352 reassigned as required by law.
4353 So my first question, Mr. Pruitt, yes or no, have you
4354 reassigned these gallons as required by law?
4355 Mr. Pruitt. It is my understanding that the process has
4356 happened as it is supposed to under the statute.

This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.

4357 Mr. Loebsack. Well, we are going to need that. And how
4358 do you plan to reassign then the gallons you waive for going
4359 forward for the 2019 RVO?
4360 Mr. Pruitt. And I do think your question is very
4361 important with respect to the volume obligation, Congressman.
4362 And when you think about the commitment of this
4363 administration to the RFS, the point of obligation was denied
4364 as you know. That was a big issue.
4365 Mr. Loebsack. But that is not my point. I am talking
4366 about the waivers.
4367 Mr. Pruitt. No, I know. I understand.
4368 Mr. Loebsack. And I would like to move on to my next
4369 question if I could. Yes or no, do you intend to inform this
4370 committee and the public about the details behind these
4371 waivers such as which refiners received a waiver?
4372 Mr. Pruitt. Subject to the confidential business
4373 information or other information that would be the only thing
4374 that would not be available.
4375 Mr. Loebsack. Well, Mr. Pruitt, we just want to know
4376 who got these waivers, not why necessarily, and I can't
4377 understand why that would be considered confidential business
4378 information. Reports have indicated that 25 refiners

4379 received waivers from their obligations. Is that number
4380 accurate?
4381 Mr. Pruitt. That was actually in 2017, I think. The
4382 applications are still pending in 2018.
4383 Mr. Loebsack. What is the number at the moment?
4384 Mr. Pruitt. It is over that number for 2018, as I
4385 understand it.
4386 Mr. Loebsack. Did you discuss these exemptions with the
4387 White House?
4388 Mr. Pruitt. There is ongoing discussions with the White
4389 House on various issues around the RFS program.
4390 Mr. Loebsack. Who at the White House specifically was
4391 involved?
4392 Mr. Pruitt. I think the NEC in consultation with the
4393 Air Office.
4394 Mr. Loebsack. Did you brief the President on these
4395 waivers?
4396 Mr. Pruitt. Well, as I indicated this was a dialogue
4397 amongst staff members, NEC and Air Office, at our shop. So.
4398 Mr. Loebsack. Has anybody explained to the President
4399 the substantial impact that these waivers have on the ethanol
4400 industry? Some have estimated a billion gallons.

4401 Mr. Pruitt. I am sure it has come up in many
4402 discussions.
4403 Mr. Loebsack. And moving on, you told me and many
4404 others that EPA is studying whether it has the legal
4405 authority to grant the RVP waiver. That was the last time
4406 that I waived on to this committee and we talked about that
4407 issue. And that seems like it is taking quite a while as you
4408 might imagine for many of us in corn country, and with the
4409 President's recent remarks which were referenced here about
4410 his interest in year-around E15, I am wondering what the
4411 holdup is on this at this point.
4412 Mr. Pruitt. It is just trying to ensure that the legal
4413 basis is solid because there will be litigation that will
4414 ensue.
4415 Mr. Loebsack. Well, do you plan to move forward and
4416 grant the RVP waiver and allow year-round sales of E15?
4417 Mr. Pruitt. I intend to finish that process very soon
4418 to make --
4419 Mr. Loebsack. Yes. Hopefully, the sooner the better
4420 because this is something that obviously is very important
4421 not only to my state and my district, many folks around the
4422 country. So we are looking forward to that. And of course

4423 refinery executives have called your action on the hardship
4424 waivers, to go back to that, quote, giving out trick or treat
4425 candy, unquote, to their industry. And I am here to tell you
4426 that farmers are very disappointed by this. They have been
4427 waiting for years for the E15 waiver year-around.
4428 And, Mr. Chairman, I think this program is in need of
4429 substantial oversight, the waiver program and certainly the
4430 E15 as well. And these actions I don't think can happen in
4431 secret. I know that was addressed earlier in this hearing.
4432 We need to make sure that these waivers are not abused as a
4433 financial windfall for special interests and I look forward
4434 to working with you, Mr. Chairman, on this further. And I
4435 yield back. Thank you very much.
4436 Mr. Shimkus. The gentleman yields back his time. The
4437 chair recognizes the gentleman from New Mexico, Mr. Lujan,
4438 for 5 minutes.
4439 Mr. Lujan. Thank you, Mr. Chairman.
4440 Administrator Pruitt, you seem to view the EPA budget as
4441 a personal slush fund, redirecting resources to your personal
4442 travel that should go to environmental protection. During
4443 your tenure you have spent more than $160,000 on travel in
4444 first class, on private jets, and on military craft. Public

4445 office is a public trust and I think flying coach is the
4446 least we can do to deserve that trust.
4447 My question for you is this. When you are paying for
4448 your own airfare with personal funds do you fly coach?
4449 Mr. Pruitt. I follow the security recommendations of my
4450 team when I pay for it personally as well.
4451 Mr. Lujan. Will you commit to reimbursing taxpayers for
4452 your luxury travel?
4453 Mr. Pruitt. You refer to it as luxury travel and the
4454 $160,000 that you refer to pales in comparison to the
4455 previous administrations. I think you are referring to
4456 international travel. I took two international trips.
4457 Previous administrations took multiple trips and spent far
4458 more than that. These decisions about security detail, who
4459 attends and what they do to provide protection happened
4460 according to law enforcement recommendations and that is what
4461 I followed.
4462 Mr. Lujan. It has been recently reported by EPA ethics
4463 officials that on at least two personal trips you flew in
4464 coach on Southwest Airlines using a companion pass from Ken
4465 Wagner, your subordinate at the EPA. Clearly a plane ticket
4466 has more than nominal value. Are you aware that federal

4467 ethics rules prohibit you from accepting gifts from
4468 subordinates?
4469 Mr. Pruitt. And that is not represented accurately what
4470 you said. We actually flew like carpooling. We shared costs
4471 from Oklahoma --
4472 Mr. Lujan. Did Ken Wagner give you the boarding pass?
4473 Mr. Pruitt. There was no gift whatsoever.
4474 Mr. Lujan. All right, well, I think that those ethics
4475 officials will continue to look into that.
4476 Mr. Pruitt, your travel since becoming administrator has
4477 taken you to Morocco, Italy, and to luxury resorts around the
4478 United States. We have even heard from Kevin, a political
4479 appointee who worked in your office that you told staffers
4480 to, quote, find me something to do, close quote, in order to
4481 schedule travel to your desired destinations. Unfortunately,
4482 it seems your desired destinations have rarely included low-
4483 income communities and communities of color facing serious
4484 environmental risks.
4485 The biggest problem with the pay-to-play system is that
4486 those most at risk are also the most unable to pay for your
4487 attention and concern. Of your extensive travel spending how
4488 much would you say you spend visiting low-income communities

4489 and communities of color?

4490 Mr. Pruitt. I wouldn't consider East Chicago, which I
4491 have made trips there, I was in Region 5 recently this week,
4492 and San Jacinto in Houston as indicated earlier. The trip to
4493 Italy was a G7 trip occurring a week after the Paris
4494 decision. I was there for 4 days around the G7. There is a
4495 free trade agreement that is in existence in Morocco and the
4496 ambassador of Morocco invited me to Morocco to negotiate the
4497 environmental chapter on that free trade agreement. Both of
4498 those things are very important to the scope of our duties at
4499 the EPA.

4500 Mr. Lujan. Mr. Administrator, you have gone to great
4501 lengths to keep your calendar secret but what has come out is
4502 it is clear that most of your meetings and stakeholders have
4503 been with industry and not impacted communities. I think we
4504 can agree with that. Do you see the problem with granting
4505 greater access to polluting industries than impacted
4506 communities?

4507 Mr. Pruitt. I have met with stakeholders across the
4508 country on these issues, people that we regulate that their
4509 voices have not been heard for many years. Those farmers and
4510 ranchers that I have met with, they are our first

4511 environmentalists and first conservationists.

4512 Mr. Lujan. Do you understand that you have a

4513 responsibility to protect the health and environment of low-

4514 income, minority, tribal, and indigenous communities?

4515 Mr. Pruitt. Absolutely.

4516 Mr. Lujan. Throughout your brief tenure as EPA

4517 Administrator you have directed significant policy changes

4518 made with disproportionately harm to low-income, minority,

4519 tribal, and indigenous communities. The repeal of the once

4520 in, always in policy mentioned by my colleague, Ms. Dingell,

4521 for example, the weakening of coal ash regulations is

4522 another. But Mr. Pruitt, today you repeatedly blamed your

4523 chief of staff, your chief counsel, career officials, and

4524 others. Yes or no, are you the EPA Administrator?

4525 Mr. Pruitt. I said that in my opening statement,

4526 Congressman. And I didn't blame anyone. I just simply

4527 shared facts with you as --

4528 Mr. Lujan. Mr. Administrator, it is just a simple yes

4529 or no question, sir. Are you the EPA Administrator?

4530 Mr. Pruitt. I said in my opening statement that I take

4531 responsibility. I have made changes historically and making

4532 changes going forward and I simply have not failed to take

4533 responsibility. I have simply recited the facts of what has
4534 occurred.
4535 Mr. Lujan. It is a simple question, Mr. Pruitt. Are
4536 you the EPA Administrator?
4537 Mr. Pruitt. Yes.
4538 Mr. Lujan. Just to be clear, do you run the EPA?
4539 Mr. Pruitt. I do.
4540 Mr. Lujan. Yes or no, are you responsible for the many,
4541 many scandals plaguing the EPA?
4542 Mr. Pruitt. I have responded to many of those questions
4543 here today with facts and information.
4544 Mr. Lujan. Are you able to answer that in yes or no?
4545 Mr. Pruitt. That is not a yes or no answer,
4546 Congressman.
4547 Mr. Lujan. It is pretty simple that it is a yes or no
4548 answer here. There is clear concern with what has been
4549 happening not just by the entire Congress. And I appreciate
4550 you being here today, but these questions need to be asked
4551 and answered.
4552 Mr. Pruitt. And we have answered them today.
4553 Mr. Lujan. And you are not the only one that has been
4554 doing these ugly things, these horrific things, these

4555 scandal-plagued things in this administration, and I hope
4556 this is one of many hearings that this committee will have so
4557 we can get to the bottom of this and make sure taxpayers are
4558 made whole.
4559 Mr. Shimkus. The gentleman's time has expired.
4560 Seeing there are no further members wishing to ask
4561 questions I would like to thank our witness for being here
4562 today. Before we conclude I would like to ask unanimous
4563 consent to submit the following documents for the record, I
4564 just want to make sure I get them all in, letter to the
4565 chairman and ranking member from Lauren Atkins; report from
4566 GAO on EPA's use of fiscal year 2017 appropriations; letter
4567 from the American Association for the Advancement of Science;
4568 Mr. Rush Holt; article from the Roanoke Times; questions from
4569 Ms. Castor; letter from the American Geophysical Union;
4570 letter from 985 scientists.
4571 In pursuant to committee rules, I remind members that
4572 they have 10 business days to submit additional questions for
4573 the record and I ask that witnesses submit their questions
4574 within 10 business days upon receipt of the questions.
4575 Without objection, the subcommittee is adjourned.
4576 [Whereupon, at 1:41 p.m., the subcommittee was adjourned.]

Message

From: Grogard, Megan [Grogard.Megan@epa.gov]
Sent: 3/13/2018 5:15:17 PM
To: Moody, Christina [Moody.Christina@epa.gov]
CC: Jones-Parra, Lisa [Jones-Parra.Lisa@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Darlington, Lin [Darlington.Lin@epa.gov]; Hearns, Liza [Hearns.Liza@epa.gov]; Simon, Harvey [Simon.Harvey@epa.gov]; Fine, Steven [fine.steven@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: EPA QFRs - Final Question #40 - OARM + OEI
Attachments: SDWA_C_NC SES AppointmentsMailboxCreationDate.xlsx; Pruitt QFRs 01.30.2018 - PROGRAM OFFICES NOTEDcjM (003).DOCX; FOIA QFR 2-28-18.wb lfg sf.docx

Importance: High

Hi Christina,

I'm writing to provide all OEI-related QFRs in one place, as follows:

Deliberative Process / Ex. 5

Please let me know if you have questions.

Thanks,
Megan

~~~~~~

Megan Grogard
Senior Advisor to the Acting Deputy
Assistant Administrator
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: 202-564-6812
~~~~~~

Cell: Personal Phone / Ex. 6

From: Grogard, Megan
Sent: Wednesday, February 28, 2018 4:30 PM
To: Moody, Christina <Moody.Christina@epa.gov>
Cc: Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Darlington, Lin <Darlington.Lin@epa.gov>; Harvey Simon (Simon.Harvey@epa.gov) <Simon.Harvey@epa.gov>; Fine, Steven <fine.steven@epa.gov>
Subject: RE: Reminder EPW QFRS DUE AT 4pm TODAY

Hi Christina,

The attached document includes the responses OCIR suggested to the following questions, as highlighted in turquoise:

Deliberative Process / Ex. 5

I will be out of the office on Thursday and back on Friday. Please email Lisa Jones-Parra and me if you have questions.

Thanks,
Megan

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Megan Grogard
Senior Advisor to the Acting Principal
Deputy Assistant Administrator
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: 202-564-6812
Cell: Personal Phone / Ex. 6
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

-----Original Message-----
From: Moody, Christina
Sent: Wednesday, February 28, 2018 3:04 PM
To: Grogard, Megan <Grogard.Megan@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Naples, Eileen <Naples.Eileen@epa.gov>; Kelty, Diane <Kelty.Diane@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Subject: Reminder EPW QFRS DUE AT 4pm TODAY

Christina J. Moody
Environmental Protection Agency
Office of Congressional Relations
Moody.Christina@epa.gov

Message

From: Rodrick, Christian [rodrick.christian@epa.gov]
Sent: 4/18/2018 2:20:04 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay
Attachments: 04-17-2018 - FY19 Budget Hearing HOT TOPICS OCIR Updated (002).docx

Updated again with a new quote from OPA on bulletproof vests over seats and on emails.

Christian Rodrick
Special Assistant
Congressional Affairs U.S. EPA
O: (202) 564-4828

From: Ringel, Aaron
Sent: Wednesday, April 18, 2018 9:44 AM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay

Thanks man!

-Aaron

From: Rodrick, Christian
Sent: Tuesday, April 17, 2018 4:33 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay

Attached, I have added the following:

Deliberative Process / Ex. 5

Christian Rodrick
Special Assistant
Congressional Affairs U.S. EPA
O: (202) 564-4828

From: Ringel, Aaron
Sent: Tuesday, April 17, 2018 4:25 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

Deliberative Process / Ex. 5

-Aaron

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 3:00 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay

Deliberative Process / Ex. 5

From: Jackson, Ryan
Sent: Tuesday, April 17, 2018 2:59 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

For as rapid response as it gets around here.

From: Fugh, Justina
Sent: Tuesday, April 17, 2018 2:53 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay

Here you go. I sent the approval to Liz just now, too.

From: Jackson, Ryan
Sent: Tuesday, April 17, 2018 2:10 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

Deliberative Process / Ex. 5

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 1:35 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

From: POLITICO Pro [mailto:politicoemail@politicopro.com]
Sent: Tuesday, April 17, 2018 1:16 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Homebuilders paid for Pruitt's Colorado hotel stay

Homebuilders paid for Pruitt's Colorado hotel stay

By Lorraine Woellert

04/17/2018 01:12 PM EDT

A group of Colorado homebuilders paid for a luxury hotel stay last fall for EPA chief Scott Pruitt, eight months after the Trump administration began work on a major priority for their industry by unwinding an Obama-era wetlands regulation.

During his visit to Colorado Springs, Pruitt gave a speech to the builders and invited them to EPA headquarters in Washington, where he later told his staff to regard them as the agency's "customers," the head of the group told POLITICO.

The $409.12 hotel stay may have met federal legal requirements if EPA's ethics officers had approved it ahead of time. But it's likely to add to the storm of ethics controversies surrounding Pruitt, who faces scrutiny from EPA's inspector general, the White House and members of Congress for his travel and security spending and a $50-a-night Capitol Hill rental he accepted from the wife of an energy lobbyist.

The $409 hotel room "might be the least of his problems, but it's emblematic of all his problems," said Virginia Canter, an ethics lawyer for Citizens for Responsibility and Ethics in Washington, a nonprofit watchdog group.

"It's one thing when a head of an agency or senior official is engaged in legitimate outreach," Canter added. "But to give a speech, accept a benefit of overnight lodging, then a few weeks later instruct your staff that these are your clients strikes me as inappropriate. At a minimum it raises an appearance issue."

Pruitt is known to actively seek speaking slots at events with key groups with a stake in the agency's actions. A former staffer, Kevin Chmielewski, has told lawmakers that Pruitt directed his staff to find places he could visit, congressional Democrats wrote in a letter last week. A former lobbyist also recalled Pruitt and his staff persistently asking for an invite to a conservative event that fundraisers frequently attend.

EPA spokesman Jahan Wilcox did not immediately respond to requests for comment about the travel arrangements.

Pruitt agreed to speak to the Housing and Building Association of Colorado Springs after it offered to cover his expenses, including his flights and $409.12 to put him up at The Broadmoor, a lakeside golf resort, on Oct. 4, according to the builder group's chief executive officer, Renee Zentz. The hotel advertises itself as "a legendary Forbes Five-Star and AAA Five-Diamond resort with impeccable service and distinctive amenities."

EPA never billed the trade group for his flights, Zentz said in an interview. And while Pruitt stayed at The Broadmoor as the group had agreed, his entourage spent the night at a different hotel, Zentz said.

"We didn't pay for his team but we paid for him. That was the agreement when we talked to him," Zentz said. "We just wanted to get him here, we were just so excited to have him."

The trip's headline event was a Pruitt speech to a lunch gathering of about 150 people on Oct. 5, Zentz said. In a stroke of good timing, board members from the National Association of Home Builders were meeting in nearby Santa Fe, N.M., and flew up for the event. NAHB President Jerry Howard hustled in from Washington to moderate Pruitt's remarks.

The group's invitation describes the event as "a rare opportunity to hear directly from the EPA administration" and "our chance to make sure the concerns of our industry are being listened to."

"It just was an awesome opportunity," Zentz said. "It was a pretty big feather in our cap locally."

Builders rank among Pruitt's biggest supporters, even amid his recent spate of negative headlines. They also have lauded the administration's efforts to roll back regulations on clean water and storm runoff, including a sweeping Obama-era EPA regulation called Waters of the United States that several industries have denounced as a multibillion-dollar drag on the economy. Granger MacDonald, then-chairman of the National Association of Home Builders in Washington, was at the White House in February 2017 when President Donald Trump signed an executive order that took the first step toward undoing that rule, one of his first acts in office.

Pruitt, who attended the signing ceremony, has since set about crafting a much more limited regulation to protect waterways and wetlands. Environmental groups have said the move could leave 60 percent of U.S. stream miles and 20 million acres of wetlands unprotected and vulnerable to development or pollution.

Before the October lunch in Colorado Springs, Pruitt sat down to an invitation-only coffee with about 20 business owners and builders, who complained about EPA's approach to stormwater controls and other regulations. At the end of that meeting, Pruitt instructed staff to arrange a meeting in Washington with industry representatives, Zentz said.

That meeting took place at EPA headquarters on Oct. 24, when Pruitt and his staff met with eight to 10 industry representatives, including a Colorado builder from Zentz's group.

Pruitt "wanted to hear from our districts. He called a representative from every single district," Zentz said. "He put his staff in the room and said, 'This is our customer, this is who we're going to listen to.'

"He told his staff, 'These are our customers,'" Zentz said. "He listened."

Federal law allows government officials to accept travel reimbursement, including hotel stays, with prior approval from agency officers. But even if the agency had approved the room, it was inappropriate, CREW's Canter said.

"It appears to be abuse of the travel approval," she said. "It's not intended to be used to provide luxury accommodations to the head of the agency so he can turn around two weeks later and say we give these guys favorable treatment."

Emily Holden and Annie Snider contributed to this report.

To view online:
https://www.politicopro.com/energy/article/2018/04/homebuilders-paid-for-pruitt-hotel-stay-488318

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POLITICOPRO

This email was sent to bowman.liz@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Rodrick, Christian [rodrick.christian@epa.gov]
Sent: 4/17/2018 8:33:15 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay
Attachments: 04-17-2018 - FY19 Budget Hearing HOT TOPICS OCIR Updated (002).docx

Attached, I have added the following:

Deliberative Process / Ex. 5

Christian Rodrick
Special Assistant
Congressional Affairs U.S. EPA
O: (202) 564-4828

From: Ringel, Aaron
Sent: Tuesday, April 17, 2018 4:25 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

Deliberative Process / Ex. 5

-Aaron

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 3:00 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay

Deliberative Process / Ex. 5

From: Jackson, Ryan
Sent: Tuesday, April 17, 2018 2:59 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron

<ringel.aaron@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

For as rapid response as it gets around here.

From: Fugh, Justina
Sent: Tuesday, April 17, 2018 2:53 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay

Here you go. I sent the approval to Liz just now, too.

From: Jackson, Ryan
Sent: Tuesday, April 17, 2018 2:10 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

Deliberative Process / Ex. 5

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 1:35 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

---

From: POLITICO Pro [mailto:politicoemail@politicopro.com]
Sent: Tuesday, April 17, 2018 1:16 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Homebuilders paid for Pruitt's Colorado hotel stay

Homebuilders paid for Pruitt's Colorado hotel stay

By Lorraine Woellert

04/17/2018 01:12 PM EDT

A group of Colorado homebuilders paid for a luxury hotel stay last fall for EPA chief Scott Pruitt, eight months after the Trump administration began work on a major priority for their industry by unwinding an Obama-era wetlands regulation.

During his visit to Colorado Springs, Pruitt gave a speech to the builders and invited them to EPA headquarters in Washington, where he later told his staff to regard them as the agency's "customers," the head of the group told POLITICO.

The $409.12 hotel stay may have met federal legal requirements if EPA's ethics officers had approved it ahead of time. But it's likely to add to the storm of ethics controversies surrounding Pruitt, who faces scrutiny from

EPA's inspector general, the White House and members of Congress for his travel and security spending and a $50-a-night Capitol Hill rental he accepted from the wife of an energy lobbyist.

The $409 hotel room "might be the least of his problems, but it's emblematic of all his problems," said Virginia Canter, an ethics lawyer for Citizens for Responsibility and Ethics in Washington, a nonprofit watchdog group.

"It's one thing when a head of an agency or senior official is engaged in legitimate outreach," Canter added. "But to give a speech, accept a benefit of overnight lodging, then a few weeks later instruct your staff that these are your clients strikes me as inappropriate. At a minimum it raises an appearance issue."

Pruitt is known to actively seek speaking slots at events with key groups with a stake in the agency's actions. A former staffer, Kevin Chmielewski, has told lawmakers that Pruitt directed his staff to find places he could visit, congressional Democrats wrote in a letter last week. A former lobbyist also recalled Pruitt and his staff persistently asking for an invite to a conservative event that fundraisers frequently attend.

EPA spokesman Jahan Wilcox did not immediately respond to requests for comment about the travel arrangements.

Pruitt agreed to speak to the Housing and Building Association of Colorado Springs after it offered to cover his expenses, including his flights and $409.12 to put him up at The Broadmoor, a lakeside golf resort, on Oct. 4, according to the builder group's chief executive officer, Renee Zentz. The hotel advertises itself as "a legendary Forbes Five-Star and AAA Five-Diamond resort with impeccable service and distinctive amenities."

EPA never billed the trade group for his flights, Zentz said in an interview. And while Pruitt stayed at The Broadmoor as the group had agreed, his entourage spent the night at a different hotel, Zentz said.

"We didn't pay for his team but we paid for him. That was the agreement when we talked to him," Zentz said. "We just wanted to get him here, we were just so excited to have him."

The trip's headline event was a Pruitt speech to a lunch gathering of about 150 people on Oct. 5, Zentz said. In a stroke of good timing, board members from the National Association of Home Builders were meeting in nearby Santa Fe, N.M., and flew up for the event. NAHB President Jerry Howard hustled in from Washington to moderate Pruitt's remarks.

The group's invitation describes the event as "a rare opportunity to hear directly from the EPA administration" and "our chance to make sure the concerns of our industry are being listened to."

"It just was an awesome opportunity," Zentz said. "It was a pretty big feather in our cap locally."

Builders rank among Pruitt's biggest supporters, even amid his recent spate of negative headlines. They also have lauded the administration's efforts to roll back regulations on clean water and storm runoff, including a sweeping Obama-era EPA regulation called Waters of the United States that several industries have denounced as a multibillion-dollar drag on the economy. Granger MacDonald, then-chairman of the National Association of Home Builders in Washington, was at the White House in February 2017 when President Donald Trump signed an executive order that took the first step toward undoing that rule, one of his first acts in office.

Pruitt, who attended the signing ceremony, has since set about crafting a much more limited regulation to protect waterways and wetlands. Environmental groups have said the move could leave 60 percent of U.S. stream miles and 20 million acres of wetlands unprotected and vulnerable to development or pollution.

Before the October lunch in Colorado Springs, Pruitt sat down to an invitation-only coffee with about 20 business owners and builders, who complained about EPA's approach to stormwater controls and other regulations. At the end of that meeting, Pruitt instructed staff to arrange a meeting in Washington with industry representatives, Zentz said.

That meeting took place at EPA headquarters on Oct. 24, when Pruitt and his staff met with eight to 10 industry representatives, including a Colorado builder from Zentz's group.

Pruitt "wanted to hear from our districts. He called a representative from every single district," Zentz said. "He put his staff in the room and said, 'This is our customer, this is who we're going to listen to.'

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Emily Holden and Annie Snider contributed to this report.

To view online:
https://www.politicopro.com/energy/article/2018/04/homebuilders-paid-for-pruitt-hotel-stay-488318

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Yes, very | Somewhat | Neutral | Not really | Not at all

You received this POLITICO Pro content because your customized settings include: Energy: EPA; Energy: Scott Pruitt. To change your alert settings, please go to https://www.politicopro.com/settings

POLITICOPRO

This email was sent to bowman.liz@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 4/17/2018 8:25:23 PM
To: Rodrick, Christian [rodrick.christian@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay
Attachments: pruitt approved form Oct 2017.pdf; 04-17-2018 - FY19 Budget Hearing HOT TOPICS OCIR Updated.docx

Deliberative Process / Ex. 5

-Aaron

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 3:00 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
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Emily Holden and Annie Snider contributed to this report.

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Was this Pro content helpful? Tell us what you think in one click.

Yes, very | Somewhat | Neutral | Not really | Not at all

You received this POLITICO Pro content because your customized settings include: Energy: EPA; Energy: Scott Pruitt. To change your alert settings, please go to https://www.politicopro.com/settings

POLITICOPRO

This email was sent to bowman.liz@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Status >>>	Approved by Approving Official	<<< Status

EPA
Approval to Accept Travel
Under Ethics Reform Act of 1989

○ for-profit ● not for-profit

Event Location	Colorado Springs, CO	**Your Role**	Administrator
Travel Starts	10/04/2017	**Travel Ends**	10/05/2017
Event Sponsor(s)	Housing & Building Association of Colorado Springs	**Nature of Event**	Administrator will be traveling to Colorado Springs to speak at the Colorado Association of Home builders to discuss issues surrounding the Waters of the United States and other environmental issues.
DEO	Justina Fugh		
Employee Name	**Scott Pruitt**	**Spousal expenses included?**	○ Yes ● No
Title	Administrator		
Organization	OA		
Phone Number	202-564-0000		

Who is the non-federal person(s) or entity(s) paying travel expenses?

Name: Housing & Building Association of Colorado Springs

Address: 4585 Hilton Pkwy, Suite 100, COS, CO 80907

Explain the interest of the source in the matters handled by your office. If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

The Housing & Building Association of Colorado Springs is a private, non-profit 501 (C) (6) corporation representing home builders, remodelers, developers, subcontractors, suppliers, manufacturers, and myriad other housing-related professionals in the Colorado Springs area.

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? *If "Yes", then acceptance of travel expenses cannot be approved*	○ Yes ● No
Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? *If "Yes", then acceptance of travel expenses cannot be approved*	○ Yes ● No
Are any of these sources otherwise affected by EPA matters in which you participate? If *"Yes,"* attach explanation (below).	○ Yes ● No

Itemization of benefits

	Amount & METHOD of payment **IN KIND** ticket, meals etc., est. the $	**IN CASH** must be a check etc. made out to EPA
Common carrier transportation	$0.00	$0.00
Meals	$0.00	$0.00
Lodging	$370.00	$0.00
Local transportation	$0.00	$0.00
Waiver of fees	$0.00	$0.00
Other (specify)	$0.00	$0.00
	Sub Total $370.00	Sub Total $0.00
		TOTAL →→→→→ $370.00

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

Does this amount exceed the amount payable under Federal Travel Regulations? ○ Yes ● No

Any other explanations or attachments

estimate of room and taxes included. (($330.00 room rate)

Approving Official's Certification

Approved By: Justine Fugh Date:10/13/2017

☐ **Hold Pending Review**

NOTE FROM APPROVING OFFICIAL : approved orally in advance of trip.

Additional Attachments / Explanations:

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 4/17/2018 3:30:25 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: Administrators Budget Hearing Binder Docs
Attachments: 04-17-2018 - FY2019 Budget Overview_OCIR Edits.docx; 04-17-2018 - House Budget Hearing Program Cheat Sheets V4 OCIR.DOCX; 04-17-2018 - FY19 Budget Hearing HOT TOPICS OCIR Updated.docx

Deliberative Process / Ex. 5

Let me know if there are any additional changes or edits anyone thinks we should make!

Thanks,
Aaron

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

Message

From: Rodrick, Christian [rodrick.christian@epa.gov]
Sent: 5/3/2018 7:58:50 PM
To: Palich, Christian [palich.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
Subject: RE: Senate Approps Testimony
Attachments: 05-3-2018 - FY19 Budget Hearing HOT TOPICS OCIR V5_Supplemental at Bottom.docx

All,

Here is the updated hot topics. I've simply added this week's items to the list. I will keep updating if anything additional presents itself.

Christian Rodrick
Special Assistant
Congressional Affairs U.S. EPA
O: (202) 564-4828

From: Palich, Christian
Sent: Thursday, May 3, 2018 1:29 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: FW: Senate Approps Testimony
Importance: High

All,

Attached is the Task Sheet for the SAC hearing. If you have any thoughts let me know. Thanks!

Also, I will reach out to Nancy today to have her begin to get a PFAS Chlorpyrifos update going.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
Personal Matters / Ex. 6
E: Palich.Christian@epa.gov

From: Lyons, Troy
Sent: Thursday, May 3, 2018 11:54 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Senate Approps Testimony
Importance: High

Ryan—As we discussed yesterday, the team is working on the following items in preparation for the Administrator's May 16th testimony before the Senate Appropriations Subcommittee on the Interior:

Deliberative Process / Ex. 5

We plan to have this completed in short order to compliment the materials the Administrator has from the House hearings.

Hayley—we will need time on May 14th and 15th to brief the Administrator.

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Personal Matters / Ex. 6

Message

From: Richardson, RobinH [Richardson.RobinH@epa.gov]
Sent: 3/12/2018 6:59:34 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: Fwd: OGC RESPONSES: Senate EPW Oversight Hearing Questions for the Record

Hi! #55 is further down.

Robin H Richardson
PDAA/OCIR
202-564-3358 (desk)
Personal Phone / Ex. 6 cell)
richardson.robinh@epa.gov

Begin forwarded message:

> **From:** "Albores, Richard" <Albores.Richard@epa.gov>
> **Date:** March 9, 2018 at 5:21:23 PM EST
> **To:** "Richardson, RobinH" <Richardson.RobinH@epa.gov>
> **Subject: FW: OGC RESPONSES: Senate EPW Oversight Hearing Questions for the Record**
>
> Our submission to Christina Moody in the text of email.
>
> R
>
> ~~~~~
> RICHARD L. ALBORES
> Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: Personal Phone / Ex. 6
>
> ---
>
> **From:** Moody, Christina
> **Sent:** Thursday, March 01, 2018 3:12 PM
> **To:** Albores, Richard <Albores.Richard@epa.gov>
> **Subject:** Re: OGC RESPONSES: Senate EPW Oversight Hearing Questions for the Record
>
> Hi Rich,
>
> Thanks for these. We have not seen #56&59 yet. We will send as soon as we receive them. Thanks
>
> Christina J. Moody
> Environmental Protection Agency
> Office of Congressional Relations
> Moody.Christina@epa.gov
>
> On Mar 1, 2018, at 3:06 PM, Albores, Richard <Albores.Richard@epa.gov> wrote:
>
> > Christina – here are some more from ARLO and our ethics folks that are cleared. Have you seen # 56 and 59 from OLEM? I haven't gotten anything from our SWERLO team.

Thanks.

ARLO

21. OAR: Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source increasing total emissions of the regulated pollutant? Why or why not?

Deliberative Process / Ex. 5

22: OAR: In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

While emission reductions are one element relevant to evaluating BSER, EPA anticipates that it will be receiving comments on this issue in connection with its current regulatory actions on the Clean Power Plan.

WLO

40. ***Ethics OGC:*** **The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.**
    a. **What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. **What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?**

Deliberative Process / Ex. 5

c. **OARM and OEI For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.**
d. **OARM For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.**

SWERLO

55. ***OLEM/OGC (ETHICS aiii):*** **When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."**
    a. **The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."**
        i. <!--[if !supportLists]--><!--[endif]-->**Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?**
        ii. <!--[if !supportLists]--><!--[endif]-->**If so, what is the nature of these responsibilities?**

iii. <!--[if !supportLists]--><!--[endif]-->**Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?**

Deliberative Process / Ex. 5

b. **Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?**
c. **Were you aware of the FDIC investigations when you named him as Senior Adviser?**

56. ***OLEM/OGC:*** **Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.**
    a. **Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.**
        i. <!--[if !supportLists]--><!--[endif]-->**What experience did he have that you believe qualified him to serve as Chair?**
        ii. <!--[if !supportLists]--><!--[endif]-->**What experience does he have that you believe qualify him to serve as your Senior Advisor?**
    b. **What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?**
    c. **What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?**

59. ***OGC/OCFO:*** **Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?**

PTSLO and GLO **Deliberative Process / Ex. 5**

93. ***OGC/OARM/OPA:*** While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. <!--[if !supportLists]--><!--[endif]-->What was Dr. Dourson's job title and type of appointment?
    b. <!--[if !supportLists]--><!--[endif]-->Whom did he supervise?

c. <!--[if !supportLists]--><!--[endif]-->Did you delegate any duties of the OCSPP to him? If so, what were they?
d. <!--[if !supportLists]--><!--[endif]-->What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?
e. <!--[if !supportLists]--><!--[endif]-->What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?
f. <!--[if !supportLists]--><!--[endif]-->Please provide Dr. Dourson's daily schedule while he was at EPA.

IMMEDIATE OFFICE

96. Question: Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

Deliberative Process / Ex. 5

97. Question: In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

Deliberative Process / Ex. 5

R

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RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200
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Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: Personal Phone / Ex. 6

96. <!--[if !supportLists]--><!--[endif]-->***OGC:*** Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

97. <!--[if !supportLists]--><!--[endif]-->***OGC:*** In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

Let me know if you have any questions or concerns.

R

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RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: Personal Phone / Ex. 6

From: Mills, Derek
Sent: Friday, February 16, 2018 1:58 PM
To: Albores, Richard <Albores.Richard@epa.gov>
Subject: FW: Senate EPW Oversight Hearing Questions for the Record
Importance: High

FYI

From: Moody, Christina
Sent: Friday, February 16, 2018 1:55 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Grogard, Megan <Grogard.Megan@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Jones-
~~~~~

Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>; Kelty, Diane <Kelty.Diane@epa.gov>
Subject: Senate EPW Oversight Hearing Questions for the Record
Importance: High

All:

Heads up on questions for the record from the Jan 30 Senate EPW hearing with Administrator Pruitt. Attached is the full set of QFRs. Each of your programs has been identified in the attached document.

Please take a look at the entire set to see if I missed any and if any need redirecting to or from your respective programs. Where there are two or more programs listed, the first program should take the lead in drafting the response, and work in coordination with the second and/or third programs listed to provide input.

These are on a tight turnaround; the draft responses are due to OCIR by Weds, Feb 28. Please let me know if you have any questions.

Thanks,

Christina J. Moody
US Environmental Protection Agency
Office of Congressional Affairs & Intergovernmental Relations
Moody.Christina@epa.gov

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. ***OAR:*** At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

2. ***OAR:*** During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. ***OW:*** As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

   In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

   How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

Deliberative Process / Ex. 5

4. ***OAR:*** Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

Deliberative Process / Ex. 5

5. ***OLEM:*** Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

   I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

Deliberative Process / Ex. 5

6. ***OAR:*** Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

   In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

7. ***OAR:*** In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

Deliberative Process / Ex. 5

8. ***OLEM:*** On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

Deliberative Process / Ex. 5

[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

Deliberative Process / Ex. 5

9. ***ORD/OW:*** In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
   a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

Deliberative Process / Ex. 5

   b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

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c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

Deliberative Process / Ex. 5

Ranking Member Carper:

10. ***ORD:*** EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

Deliberative Process / Ex. 5

    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

Deliberative Process / Ex. 5

    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

Deliberative Process / Ex. 5

    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

Deliberative Process / Ex. 5

11. ***ORD:*** From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

Deliberative Process / Ex. 5

12. ***ORD:*** The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

Deliberative Process / Ex. 5

    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

13. ***ORD:*** Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

Deliberative Process / Ex. 5

14. ***OCSPP:*** When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

Deliberative Process / Ex. 5

15. ***OEI:*** According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

Deliberative Process / Ex. 5

    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

16. ***OP:*** On March 24, 2017, you issued an agency-wide memorandum[6] on implementation of Executive Order 13777[7], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[8]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task

[6] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[8] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:

a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

Deliberative Process / Ex. 5

b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

Deliberative Process / Ex. 5

c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

Deliberative Process / Ex. 5

d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

17. ***OEX:*** The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.

   a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

Deliberative Process / Ex. 5

   b. Does EPA follow the "rule of three,[9]" which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.

Deliberative Process / Ex. 5

   c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

[9] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

Deliberative Process / Ex. 5

18. ***OPA:*** During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[10] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

Deliberative Process / Ex. 5

19. ***OAR:*** During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[11] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[12]

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[10] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235
[11] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[12] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.

a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[13] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

Deliberative Process / Ex. 5

[13] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

20. ***OAR:*** In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

Deliberative Process / Ex. 5

21. ***OAR:*** Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source increasing total emissions of the regulated pollutant? Why or why not?

Deliberative Process / Ex. 5

22. ***OAR:*** In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

Deliberative Process / Ex. 5

23. ***OAR:*** The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited

data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[14] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

Deliberative Process / Ex. 5

24. ***OGC:*** Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

Deliberative Process / Ex. 5

25. ***OAR/OPA:*** According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[15] According to the NCA, "Numerous fire models project more wildfires as climate change continues," including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[16] The NCA calls conifer forests in southern California "notably threatened" by the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-

[14] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[16] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[17] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

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26. ***OAR:*** Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

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27. ***OAR:*** Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

[17] NCA at 471.

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28. ***OCIR:*** In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

Deliberative Process / Ex. 5

29. ***OAR:*** How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

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30. ***OAR:*** Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

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    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

Deliberative Process / Ex. 5

31. ***OAR:*** I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.
    a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

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b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

Deliberative Process / Ex. 5

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

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d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

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e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

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32. ***OAR:*** Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

Deliberative Process / Ex. 5

33. ***OW:*** Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

Deliberative Process / Ex. 5

34. ***OW:*** The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

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35. ***OW:*** In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[18] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

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[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WvhDQ.

36. ***OW:*** You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[19] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

Deliberative Process / Ex. 5

37. ***OW/OGC:*** What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

Deliberative Process / Ex. 5

38. ***OW/OGC:*** The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

Deliberative Process / Ex. 5

[19] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WvhDQ.

39. ***OW:*** EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

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40. ***OGC/OW:*** The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.

a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

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b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

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c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Please see Attachment 1.

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Deliberative Process / Ex. 5

41. ***OGC/OPA:*** In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[20]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.
    d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
    e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

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[20] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

42. ***OCFO:*** A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

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Deliberative Process / Ex. 5

43. ***OLEM:*** A recent report[21] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

Deliberative Process / Ex. 5

44. ***OP:*** The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

Deliberative Process / Ex. 5

[21] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

45. ***OLEM:*** Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[22] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[23] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[24]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

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[22] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[23] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.
[24] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

Deliberative Process / Ex. 5

46. ***OLEM:*** Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

Deliberative Process / Ex. 5

47. ***OLEM:*** Section 2301 of the WIIN Act[25] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

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48. ***OECA:*** As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

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[25] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

49. ***OLEM:*** For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

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50. ***OLEM:*** One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

Deliberative Process / Ex. 5

Senator Booker:

51. ***OLEM:*** The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

Deliberative Process / Ex. 5

52. ***OLEM:*** On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.
    a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
    b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

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53. ***OLEM:*** In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

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b. What process do you intend to use in removing and adding sites to these lists?

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c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

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d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

Deliberative Process / Ex. 5

54. ***OLEM:*** The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Deliberative Process / Ex. 5

55. ***OLEM/OPA:*** When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

Deliberative Process / Ex. 5

56. ***OLEM/OPA:*** Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about

$2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.

a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
    i. What experience did he have that you believe qualified him to serve as Chair?
    ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Deliberative Process / Ex. 5

57. ***OCSPP:*** When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

Deliberative Process / Ex. 5

58. ***OHS:*** Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.

a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

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b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

Deliberative Process / Ex. 5

59. ***OCFO:*** Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

Deliberative Process / Ex. 5

Senator Boozman:

60. ***OCSPP:*** Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

Deliberative Process / Ex. 5

Senator Ernst:

61. ***OAR:*** In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

Deliberative Process / Ex. 5

62. ***OAR:*** Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

Deliberative Process / Ex. 5

63. ***OAR:*** How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

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64. ***OCSPP:*** The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

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b. What would be the impact to farmers across my state and the country?

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Senator Fischer:

65. ***OAR:*** In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

Deliberative Process / Ex. 5

66. ***OAR:*** How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

Deliberative Process / Ex. 5

67. ***OAR:*** If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

Deliberative Process / Ex. 5

68. ***OAR:*** I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Deliberative Process / Ex. 5

69. ***OAR:*** When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Deliberative Process / Ex. 5

70. ***OAR:*** What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

Deliberative Process / Ex. 5

Senator Markey:

WEBSITE

71. ***OPA:*** In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[26] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[27] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

[26] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[27] 44 USC § 3506(d)(3)

Deliberative Process / Ex. 5

72. ***OPA:*** The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated […] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

Deliberative Process / Ex. 5

ENFORCEMENT

73. ***OECA:*** Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[28]

According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[29]

a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

Deliberative Process / Ex. 5

[28] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-is-Winning-Battle-Against.html#document/p1/a356485

[29] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

74. ***OECA:*** The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[30] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

Deliberative Process / Ex. 5

[30] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

75. ***OCFO:*** The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
    a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates […] especially enforcement actions to address environmental violations?[32]
    b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

Deliberative Process / Ex. 5

[32] "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf

CLIMATE IN DRAFT STRATEGIC PLAN

76. ***OAR:*** You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."[33] With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."[34] But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."[35] Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.
    a. Do you disagree with the conclusion made in the Climate Science Special Report by our country's top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with "no convincing alternative explanation"?

Deliberative Process / Ex. 5

[33] Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. http://www.nationalreview.com/article/435470/climate-change-attorneys-general
[34] DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html
[35] Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) "Climate Science Special Report." U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf

77. ***OPA:*** Despite these findings, and the conclusion that "[c]hanges in the characteristics of extreme events are particularly important for human safety,"[36] climate change did not appear in the EPA's Strategic Plan for 2018-2022, as published on February 12, 2018.
    a. Why does climate change not appear in the draft plan?
    b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

Deliberative Process / Ex. 5

PERSONNEL

78. ***OCFO:*** In the FY19 budget request, Science and Technology funding was cut from $708,975,000 in the FY 2018 annualized CR to $448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.
    a. How many full-time scientists will be supported at the EPA by the FY19 budget request?

Deliberative Process / Ex. 5

    b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the "ad hoc" efforts described in the Budget in Brief?

Deliberative Process / Ex. 5

[36] Ibid.

TOXIC CHEMICALS

79. ***ORD:*** During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.
    a. What date was the draft assessment completed by EPA staff?
    b. What is the exact timeline for public release?
    c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

Deliberative Process / Ex. 5

80. ***ORD:*** The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation's public health and environment. However, there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.
    a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?

Deliberative Process / Ex. 5

    b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.

Deliberative Process / Ex. 5

    c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

Deliberative Process / Ex. 5

Senator Merkley:

81. ***ORD:*** Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf).
    a. What is the legal basis for this new directive?
    b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
    c. How do you define conflicts of interest within the EPA advisory committees?
    d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
    e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
    f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
    g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?

Deliberative Process / Ex. 5

82. ***ORD:*** The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

83. ***ORD:*** You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over $58 million in grants while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

Deliberative Process / Ex. 5

84. ***ORD:*** You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

85. ***ORD:*** In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued $77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.

Deliberative Process / Ex. 5

86. ***OPA:*** During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of…" the EPA (Link: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?

Deliberative Process / Ex. 5

87. ***OPA:*** The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being#.WnDaRq6nFhF] from attending, in direct conflict with the agency's scientific integrity policy.
   a. Did you realize that this decision was in violation of the policy?

Deliberative Process / Ex. 5

b. Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?

Deliberative Process / Ex. 5

c. In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

Deliberative Process / Ex. 5

88. ***OW:*** You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.

Deliberative Process / Ex. 5

89. ***OCSPP:*** Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

90. ***OCSPP:*** During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?

Deliberative Process / Ex. 5

91. ***OPA:*** EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?

Deliberative Process / Ex. 5

92. ***OEI:*** According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?

Deliberative Process / Ex. 5

93. ***OCSPP:*** While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. What was Dr. Dourson's job title and type of appointment?

Deliberative Process / Ex. 5

    b. Whom did he supervise?

Deliberative Process / Ex. 5

    c. Did you delegate any duties of the OCSPP to him? If so, what were they?

Deliberative Process / Ex. 5

    d. What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?

Deliberative Process / Ex. 5

    e. What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

f. Please provide Dr. Dourson's daily schedule while he was at EPA.

Deliberative Process / Ex. 5

94. ***OAR:*** You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and settlement agreements. However, EPA has been making "policy decisions" of late that do just that--circumvent the rulemaking process. EPA's January 25 guidance allowing the downgrade of source status from "major" to "area" has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.

a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

Deliberative Process / Ex. 5

95. ***OAR:*** Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions

reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.

Deliberative Process / Ex. 5

96. ***OGC:*** Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

Deliberative Process / Ex. 5

97. ***OGC:*** In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

98. ***OPA:*** It has been reported that the grant review process at EPA has been captured by political appointees.
   a. Can you please describe how the EPA is currently reviewing grants?

Deliberative Process / Ex. 5

   b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

99. ***OAR:*** During a recent interview with KSNV TV, you stated:

> "Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100 would threaten insured properties in U.S. Northeast coastal communities valued at $4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Lead

100. ***QA:*** You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning. According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

Deliberative Process / Ex. 5

101. ***OW:*** In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as $30 billion or maybe upward of $50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over $275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

Deliberative Process / Ex. 5

EPA Website

102. ***OPA:*** On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.

Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

Deliberative Process / Ex. 5

103. ***OPA:*** On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

> "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

Deliberative Process / Ex. 5

104. ***OPA:*** Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

Deliberative Process / Ex. 5

Renewable Energy

105. ***OAR:*** In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

> "I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

Deliberative Process / Ex. 5

Senator Van Hollen:

106. ***OCSPP:*** You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today– that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, "shall issue an order" regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, you told CBS News that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

Deliberative Process / Ex. 5

107. ***OW:*** I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Deliberative Process / Ex. 5

Senator Wicker:

108. ***OAR:*** Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?

Deliberative Process / Ex. 5

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

2. During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

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3. As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

   In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

   How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

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4. Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

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5. Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

   I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

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6. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

   In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

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7. In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

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8. On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

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[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

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9. In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
    a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

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    b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

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    c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

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Ranking Member Carper:

10. EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

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    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

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    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

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    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

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11. From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

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12. The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

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    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

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[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

Deliberative Process / Ex. 5

13. Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

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14. When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

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15. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

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    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

Deliberative Process / Ex. 5

16. On March 24, 2017, you issued an agency-wide memorandum[5] on implementation of Executive Order 13777[6], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[7]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

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    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

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    c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

[5] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[6] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

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d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

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17. The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
    a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

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b. Does EPA follow the "rule of three,[8]" which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.

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[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

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c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

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18. During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[9] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

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[9] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

19. During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[10] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[11]
    a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
    b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
    c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
    d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[12] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

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[10] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[11] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.
[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

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20. In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

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21. Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source <u>increasing</u> total emissions of the regulated pollutant? Why or why not?

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22. In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

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23. The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[13] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

Deliberative Process / Ex. 5

24. Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

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25. According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[14] According to the NCA, "Numerous fire models project more wildfires as climate change continues,"

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[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[14] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[15] The NCA calls conifer forests in southern California "notably threatened" by the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[16] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

Deliberative Process / Ex. 5

26. Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

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[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[16] NCA at 471.

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27. Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

Deliberative Process / Ex. 5

28. In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

Deliberative Process / Ex. 5

29. How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

Deliberative Process / Ex. 5

30. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

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    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

Deliberative Process / Ex. 5

31. I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.

a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

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b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

Deliberative Process / Ex. 5

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

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d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

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e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

Deliberative Process / Ex. 5

32. Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

Deliberative Process / Ex. 5

33. Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

Deliberative Process / Ex. 5

34. The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

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35. In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[17] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=yTVd54WyhDQ.

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36. You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[18] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

Deliberative Process / Ex. 5

37. What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

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[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WyhDQ.

38. The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

Deliberative Process / Ex. 5

39. EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

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40. The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
    a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

Deliberative Process / Ex. 5

    b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

Deliberative Process / Ex. 5

c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Deliberative Process / Ex. 5

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Deliberative Process / Ex. 5

41. In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[19]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

Deliberative Process / Ex. 5

42. A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

43. A recent report[20] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

Deliberative Process / Ex. 5

44. The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

Deliberative Process / Ex. 5

45. Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[21] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[22] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On

[21] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[22] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.

September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[23]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

Deliberative Process / Ex. 5

[23] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

Deliberative Process / Ex. 5

46. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

Deliberative Process / Ex. 5

47. Section 2301 of the WIIN Act[24] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

Deliberative Process / Ex. 5

48. As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

Deliberative Process / Ex. 5

49. For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

Deliberative Process / Ex. 5

50. One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

Deliberative Process / Ex. 5

Senator Booker:

51. The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

Deliberative Process / Ex. 5

52. On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.
    a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
    b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

53. In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

Deliberative Process / Ex. 5

b. What process do you intend to use in removing and adding sites to these lists?

Deliberative Process / Ex. 5

c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

Deliberative Process / Ex. 5

d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

Deliberative Process / Ex. 5

54. The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Deliberative Process / Ex. 5

55. When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

Deliberative Process / Ex. 5

56. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.
    a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
        i. What experience did he have that you believe qualified him to serve as Chair?
        ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
    b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
    c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Deliberative Process / Ex. 5

57. When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

58. Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.
    a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

Deliberative Process / Ex. 5

    b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

Deliberative Process / Ex. 5

59. Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

Deliberative Process / Ex. 5

Senator Boozman:

60. Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

Deliberative Process / Ex. 5

Senator Ernst:

61. In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

Deliberative Process / Ex. 5

62. Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

Deliberative Process / Ex. 5

63. How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

Deliberative Process / Ex. 5

64. The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

    PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

    PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

    a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. What would be the impact to farmers across my state and the country?

Deliberative Process / Ex. 5

Senator Fischer:

65. In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

Deliberative Process / Ex. 5

66. How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

Deliberative Process / Ex. 5

67. If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

Deliberative Process / Ex. 5

68. I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

    Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the

agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Deliberative Process / Ex. 5

69. When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Deliberative Process / Ex. 5

70. What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Markey:

WEBSITE

71. In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[25] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[26] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

Deliberative Process / Ex. 5

[25] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[26] 44 USC § 3506(d)(3)

72. The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated [...] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

Deliberative Process / Ex. 5

ENFORCEMENT

73. Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[27]

    According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[28]

[27] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-Is-Winning-Battle-Against.html#document/p1/a356485

[28] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

Deliberative Process / Ex. 5

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

Deliberative Process / Ex. 5

74. The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[29] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

Deliberative Process / Ex. 5

[29] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017

Deliberative Process / Ex. 5

b. Of the cases included in the FY17 reporting, what percentage of civil and criminal cases, inspections/evaluations, complaints, and orders were initiated, opened, or filed after January 20, 2017?

Deliberative Process / Ex. 5

75. The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
    a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates [...] especially enforcement actions to address environmental violations?[31]
    b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

[30] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)
[31] "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf

Deliberative Process / Ex. 5

CLIMATE IN DRAFT STRATEGIC PLAN

76. You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."[32] With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."[33] But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."[34] Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.
    a. Do you disagree with the conclusion made in the Climate Science Special Report by our country's top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with "no convincing alternative explanation"?

Deliberative Process / Ex. 5

[32] Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. http://www.nationalreview.com/article/435470/climate-change-attorneys-general
[33] DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html
[34] Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) "Climate Science Special Report." U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf

Deliberative Process / Ex. 5

77. Despite these findings, and the conclusion that "[c]hanges in the characteristics of extreme events are particularly important for human safety,"[35] climate change did not appear in the EPA's Strategic Plan for 2018-2022, as published on February 12, 2018.
    a. Why does climate change not appear in the draft plan?
    b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

Deliberative Process / Ex. 5

PERSONNEL

78. In the FY19 budget request, Science and Technology funding was cut from $708,975,000 in the FY 2018 annualized CR to $448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.
    a. How many full-time scientists will be supported at the EPA by the FY19 budget request?

Deliberative Process / Ex. 5

    b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the "ad hoc" efforts described in the Budget in Brief?

Deliberative Process / Ex. 5

[35] Ibid.

Deliberative Process / Ex. 5

TOXIC CHEMICALS

79. During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.
    a. What date was the draft assessment completed by EPA staff?
    b. What is the exact timeline for public release?
    c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

Deliberative Process / Ex. 5

80. The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation's public health and environment. However, there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.
    a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?

Deliberative Process / Ex. 5

    b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.

Deliberative Process / Ex. 5

    c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

Deliberative Process / Ex. 5

Senator Merkley:

81. Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf).
    a. What is the legal basis for this new directive?
    b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
    c. How do you define conflicts of interest within the EPA advisory committees?
    d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
    e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
    f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
    g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?

Deliberative Process / Ex. 5

82. The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?

Deliberative Process / Ex. 5

83. You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over $58 million in grants while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

Deliberative Process / Ex. 5

84. You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?

Deliberative Process / Ex. 5

85. In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued $77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.

Deliberative Process / Ex. 5

86. During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of…" the EPA (Link: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?

Deliberative Process / Ex. 5

87. The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being#.WnDaRq6nFhF] from attending, in direct conflict with the agency's scientific integrity policy.
    a. Did you realize that this decision was in violation of the policy?

Deliberative Process / Ex. 5

b. Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?

Deliberative Process / Ex. 5

c. In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

Deliberative Process / Ex. 5

88. You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.

Deliberative Process / Ex. 5

89. Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.

Deliberative Process / Ex. 5

90. During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?

Deliberative Process / Ex. 5

91. EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?

Deliberative Process / Ex. 5

92. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?

Deliberative Process / Ex. 5

93. While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. What was Dr. Dourson's job title and type of appointment?

Deliberative Process / Ex. 5

    b. Whom did he supervise?

Deliberative Process / Ex. 5

    c. Did you delegate any duties of the OCSPP to him? If so, what were they?

Deliberative Process / Ex. 5

    d. What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?

Deliberative Process / Ex. 5

    e. What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?

Deliberative Process / Ex. 5

f. Please provide Dr. Dourson's daily schedule while he was at EPA.

Deliberative Process / Ex. 5

94. You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and settlement agreements. However, EPA has been making "policy decisions" of late that do just that--circumvent the rulemaking process. EPA's January 25 guidance allowing the downgrade of source status from "major" to "area" has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.
    a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

Deliberative Process / Ex. 5

95. Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.

Deliberative Process / Ex. 5

96. Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

Deliberative Process / Ex. 5

97. In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

98. It has been reported that the grant review process at EPA has been captured by political appointees.
    a. Can you please describe how the EPA is currently reviewing grants?

Deliberative Process / Ex. 5

    b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

99. During a recent interview with KSNV TV, you stated:

> "Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100

would threaten insured properties in U.S. Northeast coastal communities valued at $4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

Deliberative Process / Ex. 5

Lead

100. You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning. According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

101. In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as $30 billion or maybe upward of $50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over $275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

Deliberative Process / Ex. 5

EPA Website

102. On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.
Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

Deliberative Process / Ex. 5

103. On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

> "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

Deliberative Process / Ex. 5

104. Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

Deliberative Process / Ex. 5

Renewable Energy

105. In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

> "I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

Deliberative Process / Ex. 5

Senator Van Hollen:

106. You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today– that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, "shall issue an order" regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, you told CBS News that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

Deliberative Process / Ex. 5

107. I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Wicker:

108. Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?

Deliberative Process / Ex. 5

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

2. During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

   In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

   How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

Deliberative Process / Ex. 5

4. Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

Deliberative Process / Ex. 5

5. Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

   I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

Deliberative Process / Ex. 5

6. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

Deliberative Process / Ex. 5

7. In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

8. On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

Deliberative Process / Ex. 5

[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

Deliberative Process / Ex. 5

9. In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
    a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

Deliberative Process / Ex. 5

    b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

Deliberative Process / Ex. 5

c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

Deliberative Process / Ex. 5

Ranking Member Carper:

10. EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

Deliberative Process / Ex. 5

    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

Deliberative Process / Ex. 5

    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

Deliberative Process / Ex. 5

    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

Deliberative Process / Ex. 5

11. From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

Deliberative Process / Ex. 5

12. The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

Deliberative Process / Ex. 5

    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

Deliberative Process / Ex. 5

[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

Deliberative Process / Ex. 5

13. Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

Deliberative Process / Ex. 5

14. When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

Deliberative Process / Ex. 5

15. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

Deliberative Process / Ex. 5

    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

Deliberative Process / Ex. 5

16. On March 24, 2017, you issued an agency-wide memorandum[5] on implementation of Executive Order 13777[6], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[7]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

Deliberative Process / Ex. 5

    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

Deliberative Process / Ex. 5

    c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

[5] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[6] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

Deliberative Process / Ex. 5

d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

Deliberative Process / Ex. 5

17. The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
    a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

Deliberative Process / Ex. 5

    b. Does EPA follow the "rule of three,[8]" which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.

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[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

Deliberative Process / Ex. 5

c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

Deliberative Process / Ex. 5

18. During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[9] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

Deliberative Process / Ex. 5

[9] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

19. During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[10] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[11]
    a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
    b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
    c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
    d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[12] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

Deliberative Process / Ex. 5

[10] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[11] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.
[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

Deliberative Process / Ex. 5

20. In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

Deliberative Process / Ex. 5

21. Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source increasing total emissions of the regulated pollutant? Why or why not?

Deliberative Process / Ex. 5

22. In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

Deliberative Process / Ex. 5

23. The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[13] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

Deliberative Process / Ex. 5

24. Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

Deliberative Process / Ex. 5

25. According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[14] According to the NCA, "Numerous fire models project more wildfires as climate change continues," including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[15] The NCA calls conifer forests in southern California "notably threatened" by

[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[14] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[16] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

Deliberative Process / Ex. 5

26. Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

[16] NCA at 471.

Deliberative Process / Ex. 5

27. Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

Deliberative Process / Ex. 5

28. In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

Deliberative Process / Ex. 5

29. How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

Deliberative Process / Ex. 5

30. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

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    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

Deliberative Process / Ex. 5

31. I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.

a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

Deliberative Process / Ex. 5

b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

Deliberative Process / Ex. 5

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

Deliberative Process / Ex. 5

d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

Deliberative Process / Ex. 5

e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

Deliberative Process / Ex. 5

32. Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

Deliberative Process / Ex. 5

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33. Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

Deliberative Process / Ex. 5

34. The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

Deliberative Process / Ex. 5

35. In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[17] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WvhDQ.

Deliberative Process / Ex. 5

36. You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[18] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

Deliberative Process / Ex. 5

37. What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

Deliberative Process / Ex. 5

38. The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WvhDQ.

Deliberative Process / Ex. 5

39. EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

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Deliberative Process / Ex. 5

40. The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
    a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

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    b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

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Deliberative Process / Ex. 5

c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Deliberative Process / Ex. 5

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Deliberative Process / Ex. 5

41. In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[19]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.
    d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
    e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

Deliberative Process / Ex. 5

42. A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

Deliberative Process / Ex. 5

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43. A recent report[20] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

Deliberative Process / Ex. 5

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

Deliberative Process / Ex. 5

44. The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

Deliberative Process / Ex. 5

45. Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[21] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[22] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the

[21] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[22] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.

new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[23]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

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[23] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

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46. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

Deliberative Process / Ex. 5

47. Section 2301 of the WIIN Act[24] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

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[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

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48. As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

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49. For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

Deliberative Process / Ex. 5

50. One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA

regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

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Senator Booker:

51. The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

Deliberative Process / Ex. 5

52. On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.

a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

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53. In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

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    b. What process do you intend to use in removing and adding sites to these lists?

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c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

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d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

Deliberative Process / Ex. 5

54. The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

55. When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

Deliberative Process / Ex. 5

56. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.

a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
    i. What experience did he have that you believe qualified him to serve as Chair?
    ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Deliberative Process / Ex. 5

57. When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

Deliberative Process / Ex. 5

58. Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.

a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

Deliberative Process / Ex. 5

b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

Deliberative Process / Ex. 5

59. Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

Deliberative Process / Ex. 5

Senator Boozman:

60. Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

Deliberative Process / Ex. 5

Senator Ernst:

61. In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

Deliberative Process / Ex. 5

62. Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

Deliberative Process / Ex. 5

63. How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

Deliberative Process / Ex. 5

64. The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. What would be the impact to farmers across my state and the country?

Deliberative Process / Ex. 5

Senator Fischer:

65. In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

Deliberative Process / Ex. 5

66. How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

Deliberative Process / Ex. 5

67. If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

Deliberative Process / Ex. 5

68. I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

    Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the

agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Deliberative Process / Ex. 5

69. When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Deliberative Process / Ex. 5

70. What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Markey:

WEBSITE

71. In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[25] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[26] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

Deliberative Process / Ex. 5

[25] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[26] 44 USC § 3506(d)(3)

72. The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated […] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

Deliberative Process / Ex. 5

ENFORCEMENT

73. Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[27]

    According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[28]

[27] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-is-Winning-Battle-Against.html#document/p1/a356485

[28] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

Deliberative Process / Ex. 5

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

Deliberative Process / Ex. 5

74. The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[29] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

Deliberative Process / Ex. 5

[29] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017

Deliberative Process / Ex. 5

b. Of the cases included in the FY17 reporting, what percentage of civil and criminal cases, inspections/evaluations, complaints, and orders were initiated, opened, or filed after January 20, 2017?

Deliberative Process / Ex. 5

75. The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
    a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates […] especially enforcement actions to address environmental violations?[31]
    b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

[30] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)
[31] "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf

Deliberative Process / Ex. 5

CLIMATE IN DRAFT STRATEGIC PLAN

76. You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."[32] With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."[33] But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."[34] Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.
    a. Do you disagree with the conclusion made in the Climate Science Special Report by our country's top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with "no convincing alternative explanation"?

Deliberative Process / Ex. 5

[32] Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. http://www.nationalreview.com/article/435470/climate-change-attorneys-general
[33] DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html
[34] Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) "Climate Science Special Report." U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf

Deliberative Process / Ex. 5

77. Despite these findings, and the conclusion that "[c]hanges in the characteristics of extreme events are particularly important for human safety,"[35] climate change did not appear in the EPA's Strategic Plan for 2018-2022, as published on February 12, 2018.
    a. Why does climate change not appear in the draft plan?
    b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

Deliberative Process / Ex. 5

PERSONNEL

78. In the FY19 budget request, Science and Technology funding was cut from $708,975,000 in the FY 2018 annualized CR to $448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.
    a. How many full-time scientists will be supported at the EPA by the FY19 budget request?

Deliberative Process / Ex. 5

    b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the "ad hoc" efforts described in the Budget in Brief?

Deliberative Process / Ex. 5

[35] Ibid.

Deliberative Process / Ex. 5

TOXIC CHEMICALS

79. During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.
    a. What date was the draft assessment completed by EPA staff?
    b. What is the exact timeline for public release?
    c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

Deliberative Process / Ex. 5

80. The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation's public health and environment. However, there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.
    a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?

Deliberative Process / Ex. 5

    b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.

Deliberative Process / Ex. 5

    c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

Deliberative Process / Ex. 5

Senator Merkley:

81. Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf).
    a. What is the legal basis for this new directive?
    b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
    c. How do you define conflicts of interest within the EPA advisory committees?
    d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
    e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
    f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
    g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?

Deliberative Process / Ex. 5

82. The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?

Deliberative Process / Ex. 5

83. You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over $58 million in grants while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

Deliberative Process / Ex. 5

84. You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?

Deliberative Process / Ex. 5

85. In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued $77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.

Deliberative Process / Ex. 5

86. During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of…" the EPA (Link: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?

Deliberative Process / Ex. 5

87. The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being#.WnDaRq6nFhF] from attending, in direct conflict with the agency's scientific integrity policy.
    a. Did you realize that this decision was in violation of the policy?

Deliberative Process / Ex. 5

b. Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?

Deliberative Process / Ex. 5

c. In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

Deliberative Process / Ex. 5

88. You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.

Deliberative Process / Ex. 5

89. Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.

Deliberative Process / Ex. 5

90. During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?

Deliberative Process / Ex. 5

91. EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?

Deliberative Process / Ex. 5

92. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not

have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?

Deliberative Process / Ex. 5

93. While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. What was Dr. Dourson's job title and type of appointment?

Deliberative Process / Ex. 5

    b. Whom did he supervise?

Deliberative Process / Ex. 5

    c. Did you delegate any duties of the OCSPP to him? If so, what were they?

Deliberative Process / Ex. 5

    d. What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?

Deliberative Process / Ex. 5

    e. What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?

Deliberative Process / Ex. 5

    f. Please provide Dr. Dourson's daily schedule while he was at EPA.

Deliberative Process / Ex. 5

94. You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and settlement agreements. However, EPA has been making "policy decisions" of late that do just that--circumvent the rulemaking process. EPA's January 25 guidance allowing the downgrade of source status from "major" to "area" has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.
    a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

Deliberative Process / Ex. 5

95. Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

96. Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

Deliberative Process / Ex. 5

97. In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

Deliberative Process / Ex. 5

98. It has been reported that the grant review process at EPA has been captured by political appointees.
    a. Can you please describe how the EPA is currently reviewing grants?

Deliberative Process / Ex. 5

b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

99. During a recent interview with KSNV TV, you stated:

> "Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100

would threaten insured properties in U.S. Northeast coastal communities valued at $4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

Deliberative Process / Ex. 5

Lead

100. You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning. According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

101. In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as $30 billion or maybe upward of $50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over $275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

Deliberative Process / Ex. 5

EPA Website

102. On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.
Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

Deliberative Process / Ex. 5

103. On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

> "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

Deliberative Process / Ex. 5

104. Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

Deliberative Process / Ex. 5

Renewable Energy

105. In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

> "I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

Deliberative Process / Ex. 5

Senator Van Hollen:

106. You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today– that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, "shall issue an order" regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, you told CBS News that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

Deliberative Process / Ex. 5

107. I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Wicker:

108. Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?

Deliberative Process / Ex. 5

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 2/16/2018 2:18:58 PM
To: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Moody, Christina [Moody.Christina@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Janifer, Pamela [Janifer.Pamela@epa.gov]; Aarons, Kyle [Aarons.Kyle@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
Subject: Questions for the Record: 01.30.2018 EPW Hearing
Attachments: 2018.02.15 - All Pruitt QFRs 01.30.2018 - PROGRAM OFFICES NOTED.docx; All Pruitt QFRs 01.30.2018.pdf

Good Morning All – Attached are the QFRs for the Administrator from the January 30th EPW hearing. I have parsed the questions out by program office, but please don't hesitate to let me know if there are any errant designations. EPW has requested that we respond by March 8th. Please disseminate the questions to the appropriate folks and ask them to return by Wednesday, February 28th so that we can process the responses and have them cleared through all necessary channels.

In an effort to help expedite the process, we will follow up with the recently cleared responses to the House Environment Subcommittee Hearing held on December 7th, 2017.

Thank you in advance. Please don't hesitate to let me know if you have any questions.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Ex. 6

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

2. During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

   In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

   How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

Deliberative Process / Ex. 5

4. Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

Deliberative Process / Ex. 5

5. Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

   I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

Deliberative Process / Ex. 5

6. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

Deliberative Process / Ex. 5

7. In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

8. On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

Deliberative Process / Ex. 5

[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

Deliberative Process / Ex. 5

9. In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
    a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

Deliberative Process / Ex. 5

    b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

Deliberative Process / Ex. 5

c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

Deliberative Process / Ex. 5

Ranking Member Carper:

10. EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

Deliberative Process / Ex. 5

    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

Deliberative Process / Ex. 5

    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

Deliberative Process / Ex. 5

    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

Deliberative Process / Ex. 5

11. From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

Deliberative Process / Ex. 5

12. The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

Deliberative Process / Ex. 5

    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

Deliberative Process / Ex. 5

[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

Deliberative Process / Ex. 5

13. Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

Deliberative Process / Ex. 5

14. When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

Deliberative Process / Ex. 5

15. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

Deliberative Process / Ex. 5

    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

Deliberative Process / Ex. 5

16. On March 24, 2017, you issued an agency-wide memorandum[5] on implementation of Executive Order 13777[6], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[7]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

Deliberative Process / Ex. 5

    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

Deliberative Process / Ex. 5

    c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

[5] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[6] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

Deliberative Process / Ex. 5

d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

Deliberative Process / Ex. 5

17. The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
    a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

b. Deliberative Process / Ex. 5

[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

Deliberative Process / Ex. 5

c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

Deliberative Process / Ex. 5

18. During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[9] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

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[9] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

19. During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[10] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[11]
    a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
    b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
    c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
    d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[12] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

Deliberative Process / Ex. 5

[10] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[11] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.
[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

Deliberative Process / Ex. 5

20. In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

Deliberative Process / Ex. 5

21. Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source <u>increasing</u> total emissions of the regulated pollutant? Why or why not?

Deliberative Process / Ex. 5

22. In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

Deliberative Process / Ex. 5

23. The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[13] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

Deliberative Process / Ex. 5

24. Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

Deliberative Process / Ex. 5

25. According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[14] According to the NCA, "Numerous fire models project more wildfires as climate change continues," including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[15] The NCA calls conifer forests in southern California "notably threatened" by

[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[14] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[16] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

Deliberative Process / Ex. 5

26. Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

[16] NCA at 471.

Deliberative Process / Ex. 5

27. Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

Deliberative Process / Ex. 5

28. In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

Deliberative Process / Ex. 5

29. How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

Deliberative Process / Ex. 5

30. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

Deliberative Process / Ex. 5

    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

Deliberative Process / Ex. 5

31. I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.

a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

Deliberative Process / Ex. 5

b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

Deliberative Process / Ex. 5

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

Deliberative Process / Ex. 5

d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

Deliberative Process / Ex. 5

e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

Deliberative Process / Ex. 5

32. Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

Deliberative Process / Ex. 5

33. Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

Deliberative Process / Ex. 5

34. The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

Deliberative Process / Ex. 5

35. In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[17] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WvhDQ.

Deliberative Process / Ex. 5

36. You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[18] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

Deliberative Process / Ex. 5

37. What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

Deliberative Process / Ex. 5

38. The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WvlDQ.

Deliberative Process / Ex. 5

39. EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

40. The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
    a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

Deliberative Process / Ex. 5

    b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Deliberative Process / Ex. 5

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Deliberative Process / Ex. 5

41. In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[19]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.
    d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
    e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

Deliberative Process / Ex. 5

42. A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

43. A recent report[20] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

Deliberative Process / Ex. 5

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

Deliberative Process / Ex. 5

44. The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

Deliberative Process / Ex. 5

45. Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[21] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[22] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the

[21] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[22] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.

new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[23]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[23] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

Deliberative Process / Ex. 5

46. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

Deliberative Process / Ex. 5

47. Section 2301 of the WIIN Act[24] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

Deliberative Process / Ex. 5

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

Deliberative Process / Ex. 5

48. As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

Deliberative Process / Ex. 5

49. For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

Deliberative Process / Ex. 5

50. One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA

regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

Deliberative Process / Ex. 5

Senator Booker:

51. The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

Deliberative Process / Ex. 5

52. On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.

a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

53. In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

Deliberative Process / Ex. 5

    b. What process do you intend to use in removing and adding sites to these lists?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

Deliberative Process / Ex. 5

d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

Deliberative Process / Ex. 5

54. The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

55. When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

Deliberative Process / Ex. 5

56. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.

a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
    i. What experience did he have that you believe qualified him to serve as Chair?
    ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Deliberative Process / Ex. 5

57. When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

Deliberative Process / Ex. 5

58. Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.

a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

Deliberative Process / Ex. 5

b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

Deliberative Process / Ex. 5

59. Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

Deliberative Process / Ex. 5

Senator Boozman:

60. Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

Deliberative Process / Ex. 5

Senator Ernst:

61. In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

Deliberative Process / Ex. 5

62. Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

Deliberative Process / Ex. 5

63. How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

Deliberative Process / Ex. 5

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64. The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. What would be the impact to farmers across my state and the country?

Deliberative Process / Ex. 5

Senator Fischer:

65. In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

Deliberative Process / Ex. 5

66. How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

Deliberative Process / Ex. 5

67. If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

Deliberative Process / Ex. 5

68. I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

    Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the

agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Deliberative Process / Ex. 5

69. When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Deliberative Process / Ex. 5

70. What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Markey:

WEBSITE

71. In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[25] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[26] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

Deliberative Process / Ex. 5

[25] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[26] 44 USC § 3506(d)(3)

72. The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated […] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

Deliberative Process / Ex. 5

ENFORCEMENT

73. Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[27]

    According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[28]

[27] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-is-Winning-Battle-Against.html#document/p1/a356485

[28] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

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a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

Deliberative Process / Ex. 5

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

74. The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[29] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[29] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017

Deliberative Process / Ex. 5

b. Of the cases included in the FY17 reporting, what percentage of civil and criminal cases, inspections/evaluations, complaints, and orders were initiated, opened, or filed after January 20, 2017?

Deliberative Process / Ex. 5

75. The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
    a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates [...] especially enforcement actions to address environmental violations?[31]
    b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

[30] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)
[31] "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf

Deliberative Process / Ex. 5

CLIMATE IN DRAFT STRATEGIC PLAN

76. You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."[32] With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."[33] But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."[34] Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.
    a. Do you disagree with the conclusion made in the Climate Science Special Report by our country's top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with "no convincing alternative explanation"?

Deliberative Process / Ex. 5

[32] Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. http://www.nationalreview.com/article/435470/climate-change-attorneys-general
[33] DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html
[34] Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) "Climate Science Special Report." U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf

Deliberative Process / Ex. 5

77. Despite these findings, and the conclusion that "[c]hanges in the characteristics of extreme events are particularly important for human safety,"[35] climate change did not appear in the EPA's Strategic Plan for 2018-2022, as published on February 12, 2018.
    a. Why does climate change not appear in the draft plan?
    b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

Deliberative Process / Ex. 5

PERSONNEL

78. In the FY19 budget request, Science and Technology funding was cut from $708,975,000 in the FY 2018 annualized CR to $448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.
    a. How many full-time scientists will be supported at the EPA by the FY19 budget request?

Deliberative Process / Ex. 5

    b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the "ad hoc" efforts described in the Budget in Brief?

Deliberative Process / Ex. 5

[35] Ibid.

Deliberative Process / Ex. 5

TOXIC CHEMICALS

79. During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.
    a. What date was the draft assessment completed by EPA staff?
    b. What is the exact timeline for public release?
    c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

Deliberative Process / Ex. 5

80. The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation's public health and environment. However, there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.
    a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?

Deliberative Process / Ex. 5

    b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.

Deliberative Process / Ex. 5

    c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

Deliberative Process / Ex. 5

Senator Merkley:

81. Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf).
    a. What is the legal basis for this new directive?
    b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
    c. How do you define conflicts of interest within the EPA advisory committees?
    d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
    e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
    f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
    g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?

Deliberative Process / Ex. 5

82. The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?

Deliberative Process / Ex. 5

83. You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over $58 million in grants while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

Deliberative Process / Ex. 5

84. You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?

Deliberative Process / Ex. 5

85. In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued $77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.

Deliberative Process / Ex. 5

86. During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of…" the EPA (Link: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?

Deliberative Process / Ex. 5

87. The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being#.WnDaRq6nFhF] from attending, in direct conflict with the agency's scientific integrity policy.
    a. Did you realize that this decision was in violation of the policy?

Deliberative Process / Ex. 5

b. Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?

Deliberative Process / Ex. 5

c. In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

Deliberative Process / Ex. 5

88. You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.

Deliberative Process / Ex. 5

89. Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.

Deliberative Process / Ex. 5

90. During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?

Deliberative Process / Ex. 5

91. EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?

Deliberative Process / Ex. 5

92. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not

have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?

Deliberative Process / Ex. 5

93. While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. What was Dr. Dourson's job title and type of appointment?

Deliberative Process / Ex. 5

    b. Whom did he supervise?

Deliberative Process / Ex. 5

    c. Did you delegate any duties of the OCSPP to him? If so, what were they?

Deliberative Process / Ex. 5

    d. What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?

Deliberative Process / Ex. 5

    e. What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?

Deliberative Process / Ex. 5

    f. Please provide Dr. Dourson's daily schedule while he was at EPA.

Deliberative Process / Ex. 5

94. You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and settlement agreements. However, EPA has been making "policy decisions" of late that do just that--circumvent the rulemaking process. EPA's January 25 guidance allowing the downgrade of source status from "major" to "area" has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.
    a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

Deliberative Process / Ex. 5

95. Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

96. Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

Deliberative Process / Ex. 5

97. In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

Deliberative Process / Ex. 5

98. It has been reported that the grant review process at EPA has been captured by political appointees.
    a. Can you please describe how the EPA is currently reviewing grants?

Deliberative Process / Ex. 5

b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

99. During a recent interview with KSNV TV, you stated:

> "Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100

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would threaten insured properties in U.S. Northeast coastal communities valued at $4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

Deliberative Process / Ex. 5

Lead

100. You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning. According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

101. In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as $30 billion or maybe upward of $50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over $275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

Deliberative Process / Ex. 5

EPA Website

102. On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.
Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

Deliberative Process / Ex. 5

103. On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

> "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

Deliberative Process / Ex. 5

104. Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

Deliberative Process / Ex. 5

Renewable Energy

105. In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

> "I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

Deliberative Process / Ex. 5

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Senator Van Hollen:

106. You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today– that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, "shall issue an order" regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, you told CBS News that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

Deliberative Process / Ex. 5

107. I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Senator Wicker:

108. Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?

Deliberative Process / Ex. 5

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

2. During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

   In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

   How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

Deliberative Process / Ex. 5

4. Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

Deliberative Process / Ex. 5

5. Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

   I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

Deliberative Process / Ex. 5

6. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

Deliberative Process / Ex. 5

7. In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

8. On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

Deliberative Process / Ex. 5

[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

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Deliberative Process / Ex. 5

9. In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
    a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

Deliberative Process / Ex. 5

    b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

Deliberative Process / Ex. 5

c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

Deliberative Process / Ex. 5

Ranking Member Carper:

10. EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

Deliberative Process / Ex. 5

    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

Deliberative Process / Ex. 5

    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

Deliberative Process / Ex. 5

    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

Deliberative Process / Ex. 5

11. From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

Deliberative Process / Ex. 5

12. The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

Deliberative Process / Ex. 5

    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

Deliberative Process / Ex. 5

[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

Deliberative Process / Ex. 5

13. Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

Deliberative Process / Ex. 5

14. When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

Deliberative Process / Ex. 5

15. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

Deliberative Process / Ex. 5

    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

Deliberative Process / Ex. 5

16. On March 24, 2017, you issued an agency-wide memorandum[5] on implementation of Executive Order 13777[6], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[7]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

Deliberative Process / Ex. 5

    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

Deliberative Process / Ex. 5

    c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

[5] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[6] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

Deliberative Process / Ex. 5

d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

Deliberative Process / Ex. 5

17. The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
    a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

Deliberative Process / Ex. 5

    b. Does EPA follow the "rule of three,[8]" which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.

Deliberative Process / Ex. 5

[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

Deliberative Process / Ex. 5

c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

Deliberative Process / Ex. 5

18. During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[9] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

Deliberative Process / Ex. 5

[9] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

19. During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[10] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[11]
    a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
    b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
    c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
    d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[12] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

Deliberative Process / Ex. 5

[10] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[11] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.
[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

Deliberative Process / Ex. 5

20. In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

Deliberative Process / Ex. 5

21. Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source <u>increasing</u> total emissions of the regulated pollutant? Why or why not?

Deliberative Process / Ex. 5

22. In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

Deliberative Process / Ex. 5

23. The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[13] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

Deliberative Process / Ex. 5

24. Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

Deliberative Process / Ex. 5

25. According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[14] According to the NCA, "Numerous fire models project more wildfires as climate change continues," including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[15] The NCA calls conifer forests in southern California "notably threatened" by

[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[14] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[16] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

Deliberative Process / Ex. 5

26. Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

[16] NCA at 471.

Deliberative Process / Ex. 5

27. Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

Deliberative Process / Ex. 5

28. In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

Deliberative Process / Ex. 5

29. How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

Deliberative Process / Ex. 5

30. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

Deliberative Process / Ex. 5

    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

Deliberative Process / Ex. 5

31. I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.

a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

Deliberative Process / Ex. 5

b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

Deliberative Process / Ex. 5

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

Deliberative Process / Ex. 5

d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

Deliberative Process / Ex. 5

e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

Deliberative Process / Ex. 5

32. Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

Deliberative Process / Ex. 5

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33. Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

Deliberative Process / Ex. 5

34. The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

Deliberative Process / Ex. 5

35. In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[17] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WyhDQ.

Deliberative Process / Ex. 5

36. You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[18] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

Deliberative Process / Ex. 5

37. What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

Deliberative Process / Ex. 5

38. The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WyhDQ.

Deliberative Process / Ex. 5

39. EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

40. The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
    a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

Deliberative Process / Ex. 5

    b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Deliberative Process / Ex. 5

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Deliberative Process / Ex. 5

41. In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[19]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.
    d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
    e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

Deliberative Process / Ex. 5

42. A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

43. A recent report[20] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

Deliberative Process / Ex. 5

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

Deliberative Process / Ex. 5

44. The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

Deliberative Process / Ex. 5

45. Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[21] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[22] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the

[21] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[22] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.

new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[23]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[23] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

Deliberative Process / Ex. 5

46. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

Deliberative Process / Ex. 5

47. Section 2301 of the WIIN Act[24] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

Deliberative Process / Ex. 5

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

Deliberative Process / Ex. 5

48. As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

Deliberative Process / Ex. 5

49. For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

Deliberative Process / Ex. 5

50. One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA

regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

Deliberative Process / Ex. 5

Senator Booker:

51. The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

Deliberative Process / Ex. 5

52. On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.

a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

53. In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

Deliberative Process / Ex. 5

    b. What process do you intend to use in removing and adding sites to these lists?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

Deliberative Process / Ex. 5

d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

Deliberative Process / Ex. 5

54. The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

55. When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

Deliberative Process / Ex. 5

56. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.

a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
    i. What experience did he have that you believe qualified him to serve as Chair?
    ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Deliberative Process / Ex. 5

57. When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

Deliberative Process / Ex. 5

58. Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.

a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

Deliberative Process / Ex. 5

b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

Deliberative Process / Ex. 5

59. Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

Deliberative Process / Ex. 5

Senator Boozman:

60. Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

Deliberative Process / Ex. 5

Senator Ernst:

61. In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

Deliberative Process / Ex. 5

62. Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

Deliberative Process / Ex. 5

63. How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

Deliberative Process / Ex. 5

64. The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

    PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

    PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

    a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. What would be the impact to farmers across my state and the country?

Deliberative Process / Ex. 5

Senator Fischer:

65. In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

Deliberative Process / Ex. 5

66. How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

Deliberative Process / Ex. 5

67. If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

Deliberative Process / Ex. 5

68. I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

    Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the

agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Deliberative Process / Ex. 5

69. When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Deliberative Process / Ex. 5

70. What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Senator Markey:

WEBSITE

71. In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[25] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[26] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

Deliberative Process / Ex. 5

[25] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[26] 44 USC § 3506(d)(3)

72. The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated [...] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

Deliberative Process / Ex. 5

ENFORCEMENT

73. Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[27]

    According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[28]

[27] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-Is-Winning-Battle-Against.html#document/p1/a356485

[28] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

Deliberative Process / Ex. 5

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

74. The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[29] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

Deliberative Process / Ex. 5

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[29] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017