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

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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

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

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?

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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?

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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

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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.

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[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

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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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.

[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
[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.

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

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."

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[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

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?

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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?

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?

[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).

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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," 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.

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[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.
[16] NCA at 471.

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. 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.

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?

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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?

Deliberative Process / Ex. 5

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?

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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.

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.

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[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WylDQ.
[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WylDQ.

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?

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

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.

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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.

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.

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[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

overall appropriations have been reduced "year over year"

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.

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

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. 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 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

[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.
[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

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.

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

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

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

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

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

Deliberative Process / Ex. 5

[35] Ibid.

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

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

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

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

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

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.

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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

[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

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.

Deliberative Process / Ex. 5

[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).

Deliberative Process / Ex. 5

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

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

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

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.

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
[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.

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

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."

Deliberative Process / Ex. 5

[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

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?

[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).

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 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.

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[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.
[16] NCA at 471.

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 Proces

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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.

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?

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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?

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

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

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.

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.

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[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WylDQ.
[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WylDQ.

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?

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

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.
    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

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

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.

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

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. 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 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

[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.
[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

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.

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

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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

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    b. What process do you intend to use in removing and adding sites to these lists?

Deliberative Process / Ex. 5

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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?

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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?

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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

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

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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

Deliberative Process / Ex. 5

[35] Ibid.

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

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

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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

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

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

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

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

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

[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

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:

[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

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

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.

Deliberative Process / Ex. 5

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

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

[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

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

Deliberative Process / Ex. 5

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.

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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
[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.

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

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,

[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

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

[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).

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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 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.

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[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.
[16] NCA at 471.

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

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.

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

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?

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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.

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.

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[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WyhDQ.
[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=vTVd54WyhDQ.

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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?

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

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?

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.

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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.

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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[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

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.

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

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. 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 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

[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.
[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

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.

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

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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?

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    b. What process do you intend to use in removing and adding sites to these lists?

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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?

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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?

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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

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

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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

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

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

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

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?

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

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.

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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]."

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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[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

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

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

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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[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information
[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

Deliberative Process / Ex. 5

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

[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.

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 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.

[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.

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

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

[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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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?

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?

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[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

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

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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?

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

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?

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

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

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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.

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

[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

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

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

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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.

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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[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information
[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

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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

[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.

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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 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.

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.

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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

[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.

Deliberative Process / Ex. 5

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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)?

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

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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

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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

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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

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?

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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

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

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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?

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

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?

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

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.

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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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[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

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

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

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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.

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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[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information
[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

Deliberative Process / Ex. 5

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

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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?

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

[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.

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 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.

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=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

[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.

Deliberative Process / Ex. 5

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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)?

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

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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

ED_002324_00017903-00057

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_00017903-00060

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

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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

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: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 4/5/2018 2:57:26 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]
Subject: FW: Request for comment please

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Personal Phone / Ex. 6

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Thursday, April 05, 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.

1) Ex. 6

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

Message

From: Cooper, Marian [Cooper.Marian@epa.gov]
Sent: 3/1/2018 1:05:25 AM
To: Vizian, Donna [Vizian.Donna@epa.gov]
CC: Gantt, Melissa [Gantt.Melissa@epa.gov]
Subject: Re: Senate EPW Oversight Hearing Questions for the Record

I

Sent from my iPhone

On Feb 28, 2018, at 6:40 PM, Vizian, Donna <Vizian.Donna@epa.gov> wrote:

> Marian. I did not go through all but saw those issues. Maybe I am reading it wrong. Call me in the am. I will be on the train until 8:30.
>
> On Feb 28, 2018, at 6:06 PM, Gantt, Melissa <Gantt.Melissa@epa.gov> wrote:
>
>> Ms. Cooper
>>
>> Ms. Vizian highlighted three Org Desc and stated that they are wrong. The attached document reflects her highlights. I also have the original copy that she highlighted. Thanks
>>
>> v/r
>>
>> Melissa
>>
>> ---
>>
>> **From:** Cooper, Marian
>> **Sent:** Wednesday, February 28, 2018 8:35 AM
>> **To:** Gantt, Melissa <Gantt.Melissa@epa.gov>
>> **Subject:** FW: Senate EPW Oversight Hearing Questions for the Record
>>
>> Can you please try and print this for Donna's review? Thanks
>>
>> Marian Pechmann Cooper
>> Chief of Staff
>> Office of Administration and Resources Management
>> William Jefferson Clinton Federal Building-NORTH (3330)
>> Washington, DC 20460
>> office number -- 202 564-0620
>> office fax -- 202 564-0233
>>
>> <image002.png>
>>
>> ---
>>
>> **From:** Laub, Kristopher
>> **Sent:** Tuesday, February 27, 2018 2:20 PM
>> **To:** Cooper, Marian <Cooper.Marian@epa.gov>
>> **Subject:** RE: Senate EPW Oversight Hearing Questions for the Record
>>
>> Good Afternoon Marian,
>>
>> As discussed the appointees previous EPA experience has been added in.

Please let me know if you require any additional information, or have any questions.

Thanks,

Kristopher Laub
Human Resources Specialist
US EPA, OARM-RTP
Durham, NC 27711
Phone: (919) 541-2162

<image004.jpg>

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From: Cooper, Marian
Sent: Tuesday, February 27, 2018 1:31 PM
To: Laub, Kristopher <laub.kristopher@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Thanks – do we need the second page and does this now fit on one regular size page?

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

<image006.png>

From: Laub, Kristopher
Sent: Tuesday, February 27, 2018 11:43 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Good Morning Marian,

The attached spreadsheet provides the data requested for the Senate EPW Oversight Hearing Questions for the Record.
All requested column changes have been made.

If there are any additional changes needed, please feel free to let me know.

Thanks,

Kristopher Laub
Human Resources Specialist
US EPA, OARM-RTP
Durham, NC 27711
Phone: (919) 541-2162

<image008.jpg>

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From: Cooper, Marian
Sent: Tuesday, February 27, 2018 10:11 AM
To: Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>; Laub, Kristopher <laub.kristopher@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Deliberative Process / Ex. 5

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

<image010.png>

From: Taylor, Jeremy
Sent: Tuesday, February 27, 2018 10:10 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>; Laub, Kristopher <laub.kristopher@epa.gov>
Subject: Re: Senate EPW Oversight Hearing Questions for the Record

Maybe Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 27, 2018, at 9:53 AM, Cooper, Marian <Cooper.Marian@epa.gov> wrote:

Deliberative Process / Ex. 5 not sure what to do with Deliberative Process / Ex. 5

thanks so much.

Deliberative Process / Ex. 5

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

<image002.png>

From: Taylor, Jeremy
Sent: Tuesday, February 27, 2018 9:45 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>; Laub, Kristopher <laub.kristopher@epa.gov>
Subject: Re: Senate EPW Oversight Hearing Questions for the Record

Hi Marian,

Deliberative Process / Ex. 5

Sent from my iPhone

On Feb 27, 2018, at 8:56 AM, Cooper, Marian <Cooper.Marian@epa.gov> wrote:

Deliberative Process / Ex. 5

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

<image011.png>

From: Taylor, Jeremy
Sent: Friday, February 23, 2018 1:41 PM

To: Cooper, Marian <Cooper.Marian@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Hello Marian,

Deliberative Process / Ex. 5

Jeremy A. Taylor
OARM-RTP-HRMD
Director
919-541-0537

<image012.jpg>

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: Cooper, Marian
Sent: Wednesday, February 21, 2018 1:14 PM
To: Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Deliberative Process / Ex. 5

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

<image013.png>

From: Taylor, Jeremy
Sent: Wednesday, February 21, 2018 8:34 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: FW: Senate EPW Oversight Hearing Questions for the Record
Importance: High

Hello Marian,

Deliberative Process / Ex. 5

Thank you,

Jeremy A. Taylor
OARM-RTP-HRMD
Director
919-541-0537

<image014.jpg>

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: Helm, Arron
Sent: Wednesday, February 21, 2018 8:24 AM
To: Carr, Dorothy <Carr.Dorothy@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Subject: FW: Senate EPW Oversight Hearing Questions for the Record
Importance: High

We need to answer c and d below except the email piece – can we determine who we hired under AD, Sch C, Non Career SES under the SDWA? If you need further clarification feel free to reach out to Marion Cooper. Of course it is fairly urgent – questions for the Record for Congress.
Of cou

From: Cooper, Marian
Sent: Wednesday, February 21, 2018 8:19 AM
To: Helm, Arron <Helm.Arron@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>
Subject: FW: Senate EPW Oversight Hearing Questions for the Record
Importance: High

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

<image015.png>

From: Grogard, Megan
Sent: Wednesday, February 21, 2018 7:35 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>; Hearns, Liza <Hearns.Liza@epa.gov>
Cc: Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Kumarraj, Sabina <Kumarraj.Sabina@epa.gov>; DeMarco, Frank <DeMarco.Frank@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions

for the Record
Importance: High

Hi Marian and Liza,

I'm writing to help coordinate the response to the EPW Question for the Record – #40-d below – which has been redirected to OARM and OEI. I'm **looping in Liza Hearns for the email piece**, as it appears the response requires a two-step sequenced process:

1) **OARM will provide the list of names and dates of appointment to OEI**;
2) **OEI will** use list of names and dates appointed to **identify the EPA email addresses for the individuals identified and the date and name under which the e-address was created.**

As a reminder, our **draft responses are due to OCIR by Weds, Feb 28**. Please let me know who will be coordinating the OARM response.

Thanks!
Megan

40. ***OW/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. <!--[if !supportLists]--><!--[endif]-->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)?
b. <!--[if !supportLists]--><!--[endif]-->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?
c. <!--[if !supportLists]--><!--[endif]-->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. <!--[if !supportLists]--><!--[endif]-->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.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

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: 202-834-8385

From: Moody, Christina
Sent: Tuesday, February 20, 2018 5:58 PM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

<Wehling.Carrie@epa.gov>; Grogard, Megan <Grogard.Megan@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Naples, Eileen <Naples.Eileen@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Thanks Rich, I'm copying both programs on this note.

Christina J. Moody
US Environmental Protection Agency
Office of Congressional Affairs & Intergovernmental Relations
Moody.Christina@epa.gov

From: Albores, Richard
Sent: Tuesday, February 20, 2018 3:00 PM
To: Moody, Christina <Moody.Christina@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Senate EPW Oversight Hearing Questions for the Record

Christina:

Deliberative Process / Ex. 5

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: 202.809.8029

---

**From:** Wehling, Carrie
**Sent:** Sunday, February 18, 2018 2:51 PM
**To:** Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Blake, Wendy
~~~~~

<Blake.Wendy@epa.gov>
Cc: Albores, Richard <Albores.Richard@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Deliberative Process / Ex. 5

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Youngblood, Charlotte
Sent: Friday, February 16, 2018 3:37 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Albores, Richard <Albores.Richard@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Senate EPW Oversight Hearing Questions for the Record

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Wehling, Carrie
Sent: Friday, February 16, 2018 3:31 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Albores, Richard <Albores.Richard@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: FW: Senate EPW Oversight Hearing Questions for the Record
Importance: High

Deliberative Process / Ex. 5

Thanks.

Carrie

Caroline (Carrie) Wehling

Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Albores, Richard
Sent: Friday, February 16, 2018 3:19 PM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; OGC ASSISTANTS <OGC_ASSISTANTS@epa.gov>
Cc: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
Subject: FW: Senate EPW Oversight Hearing Questions for the Record
Importance: High

Hello all:

Attached please find the QFRs for the Senate EPW oversight hearing (Jan. 30, 2018). I have cut and pasted those assigned to OGC for joint or lead authorship. Please work with your program office to develop and review their assigned questions.
For those requiring OGC lead authorship, please work with your deputy GC to get drafts completed for submission to OCIR by Feb. 28, 2018.

WLO

40. ***OW/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. <!--[if !supportLists]--><!--[endif]-->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)?
b. <!--[if !supportLists]--><!--[endif]-->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?
c. <!--[if !supportLists]--><!--[endif]-->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. <!--[if !supportLists]--><!--[endif]-->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:*** 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?
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

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. ***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. ***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

~~~~~

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: 202.809.8029

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

<Copy of SDWA_C_NC SES Appointments (1-20-17 - Present)_1 (002).xlsx>

Message

From: Cooper, Marian [Cooper.Marian@epa.gov]
Sent: 9/11/2017 11:55:41 AM
To: Vizian, Donna [Vizian.Donna@epa.gov]
Subject: FW: EPA Administrator Request to OPM regarding waiver for IPA extension

Did you receive any response from OPM? Thanks

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

From: Carpenter, Wesley
Sent: Monday, September 11, 2017 7:51 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

Thank you. Do you know if Donna received a response back from OPM?

From: Cooper, Marian
Sent: Monday, September 11, 2017 7:50 AM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: FW: EPA Administrator Request to OPM regarding waiver for IPA extension

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

From: Bell, Matthew
Sent: Monday, September 11, 2017 7:42 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>; Gantt, Melissa <Gantt.Melissa@epa.gov>; Wheeler, Kimberly <Wheeler.Kimberly@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

See email from late Thursday (attached).

Loos like it was approved and sent to OHR 9/7.

Sincerely,

Matthew Bell
Special Assistant
Office of Administration and Resources Management
U.S. Environmental Protection Agency
(202)564-3282

From: Cooper, Marian
Sent: Monday, September 11, 2017 7:27 AM
To: Bell, Matthew <Bell.Matthew@epa.gov>; Gantt, Melissa <Gantt.Melissa@epa.gov>; Wheeler, Kimberly <Wheeler.Kimberly@epa.gov>
Subject: FW: EPA Administrator Request to OPM regarding waiver for IPA extension

Do any of you know the status of this? thanks

Marian Pechmann Cooper
Chief of Staff
Office of Administration and Resources Management
William Jefferson Clinton Federal Building-NORTH (3330)
Washington, DC 20460
office number -- 202 564-0620
office fax -- 202 564-0233

From: Carpenter, Wesley
Sent: Monday, September 11, 2017 7:24 AM
To: Cooper, Marian <Cooper.Marian@epa.gov>
Subject: FW: EPA Administrator Request to OPM regarding waiver for IPA extension

Marian:

Good morning. Please confirm that Donna signed the memo as we will need to reach out to OPM to determine if they approved the IPA waiver.

Wes

From: Cunningham, Bisa
Sent: Wednesday, September 06, 2017 6:05 PM
To: McIlwain, Serena <McIlwain.Serena@epa.gov>; Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Cc: Lane, Vicki <Lane.Vicki@epa.gov>; Allen, Tania <Allen.Tania@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

Deliberative Process / Ex. 5

r/s

Bisa Cunningham
Director, Diversity, Recruitment, & Employee Services Division
Environmental Protection Agency
Office of Administration and Resources Management
Office of Human Resources, WJC North (Room 1402 Y/Z)
Office: 202-564-6635
Mobile: 202-875-2492
Email: Cunningham.Bisa@epa.gov

From: McIlwain, Serena
Sent: Wednesday, September 06, 2017 6:01 PM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Cc: Lane, Vicki <Lane.Vicki@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

Hi Wes and Bisa,

Any word on this yet? Thanks

From: Carpenter, Wesley
Sent: Wednesday, August 30, 2017 2:14 PM
To: McIlwain, Serena <McIlwain.Serena@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Cc: Lane, Vicki <Lane.Vicki@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

Thanks, Serena. I appreciate it.

Wes

From: McIlwain, Serena
Sent: Wednesday, August 30, 2017 4:00 PM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Cc: Lane, Vicki <Lane.Vicki@epa.gov>
Subject: FW: EPA Administrator Request to OPM regarding waiver for IPA extension
Importance: High

Deliberative Process / Ex. 5

From: Lyons, John
Sent: Wednesday, August 30, 2017 10:13 AM
To: McIlwain, Serena <McIlwain.Serena@epa.gov>
Cc: Lane, Vicki <Lane.Vicki@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Angelich, Michelle <Angelich.Michelle@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension
Importance: High

Hi Serena,

Deliberative Process / Ex. 5

From: McIlwain, Serena
Sent: Tuesday, August 29, 2017 6:41 PM
To: Lyons, John <Lyons.John@epa.gov>
Cc: Lane, Vicki <Lane.Vicki@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Angelich, Michelle <Angelich.Michelle@epa.gov>
Subject: Fwd: EPA Administrator Request to OPM regarding waiver for IPA extension

Sent from my iPhone

Begin forwarded message:

> **From:** "Cunningham, Bisa" <cunningham.bisa@epa.gov>
> **Date:** August 29, 2017 at 6:28:17 PM PDT
> **To:** "McIlwain, Serena" <McIlwain.Serena@epa.gov>
> **Cc:** "Allen, Tania" <Allen.Tania@epa.gov>, "Lane, Vicki" <Lane.Vicki@epa.gov>, "Cunningham, Bisa" <cunningham.bisa@epa.gov>, "Showman, John" <Showman.John@epa.gov>, "Carpenter, Wesley" <Carpenter.Wesley@epa.gov>, "Bell, Matthew" <Bell.Matthew@epa.gov>
> **Subject: FW: EPA Administrator Request to OPM regarding waiver for IPA extension**
>
> Good evening Serena:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Bisa Cunningham
Director, Diversity, Recruitment, & Employee Services Division
Environmental Protection Agency
Office of Administration and Resources Management
Office of Human Resources, WJC North (Room 1402 Y/Z)
Office: 202-564-6635
Mobile: 202-875-2492
Email: Cunningham.Bisa@epa.gov

From: Mahoney, Michael J [mailto:Mike.Mahoney@opm.gov]
Sent: Tuesday, August 29, 2017 5:06 PM
To: Showman, John <Showman.John@epa.gov>; Holden, Kimberly A. <Kimberly.Holden@opm.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

John,

Deliberative Process / Ex. 5

Thanks,

-mike

From: Showman, John [mailto:Showman.John@epa.gov]
Sent: Wednesday, August 23, 2017 11:06 AM
To: Holden, Kimberly A.
Cc: Mahoney, Michael J; Cunningham, Bisa
Subject: FW: EPA Administrator Request to OPM regarding waiver for IPA extension
Importance: High

Deliberative Process / Ex. 5

John L Showman III, Acting Principal Deputy Assistant Administrator
Office of Administration and Resources Management
US Environmental Protection Agency
202-564-5341

From: Cunningham, Bisa
Sent: Friday, August 18, 2017 8:08 AM
To: Mahoney, Michael J <Mike.Mahoney@opm.gov>
Cc: Allen, Tania <Allen.Tania@epa.gov>; Showman, John <Showman.John@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; McIlwain, Serena <McIlwain.Serena@epa.gov>; kimberly.holden@opm.gov; Gray, Linda <gray.linda@epa.gov>; Lane, Vicki <Lane.Vicki@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

Good morning Michael:

I am checking on the status of your review of the attached draft letter. Please advise if you need further information from us.

r/s

Bisa Cunningham
Director, Diversity, Recruitment, & Employee Services Division
Environmental Protection Agency
Office of Administration and Resources Management
Office of Human Resources, WJC North (Room 1402 Y/Z)
Office: 202-564-6635
Mobile: 202-875-2492
Email: Cunningham.Bisa@epa.gov

From: Cunningham, Bisa
Sent: Friday, August 11, 2017 11:29 AM
To: Mahoney, Michael J <Mike.Mahoney@opm.gov>
Cc: Allen, Tania <Allen.Tania@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

Good morning Michael:

Deliberative Process / Ex. 5

Thank you in advance.

r/s

Bisa Cunningham
Director, Diversity, Recruitment, & Employee Services Division

Environmental Protection Agency
Office of Administration and Resources Management
Office of Human Resources, WJC North (Room 1402 Y/Z)
Office: 202-564-6635
Mobile: 202-875-2492
Email: Cunningham.Bisa@epa.gov

From: Mahoney, Michael J [mailto:Mike.Mahoney@opm.gov]
Sent: Thursday, August 03, 2017 4:17 PM
To: Showman, John <Showman.John@epa.gov>; Holden, Kimberly A. <Kimberly.Holden@opm.gov>
Cc: McIlwain, Serena <McIlwain.Serena@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: EPA Administrator Request to OPM regarding waiver for IPA extension

Hi John,

Deliberative Process / Ex. 5

Thanks,

-mike

From: Showman, John [mailto:Showman.John@epa.gov]
Sent: Wednesday, August 02, 2017 10:13 AM
To: Holden, Kimberly A.
Cc: McIlwain, Serena; Mahoney, Michael J
Subject: Re: EPA Administrator Request to OPM regarding waiver for IPA extension

Serena and I are in all day meetings today so let's look at tomorrow afternoon. Will propose a time to you later today. Thanks.

Sent from my iPhone

On Aug 2, 2017, at 10:03 AM, Holden, Kimberly A. <Kimberly.Holden@opm.gov> wrote:

Deliberative Process / Ex. 5

Kimberly A. Holden
Deputy Associate Director Recruitment and Hiring
Office of Personnel Management
Employee Services
(202) 418-3218

On Aug 2, 2017, at 8:46 AM, Showman, John <Showman.John@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

On Aug 2, 2017, at 9:02 AM, Holden, Kimberly A. <Kimberly.Holden@opm.gov> wrote:

> HI John - Sorry for the delay. I thought I hit the send button....

Deliberative Process / Ex. 5

Kim

Kimberly A. Holden
Deputy Associate Director Recruitment and Hiring
Office of Personnel Management
Employee Services
(202) 418-3218

On Jul 31, 2017, at 12:39 PM, Showman, John <Showman.John@epa.gov> wrote:

> Kimberly –

Deliberative Process / Ex. 5

John L Showman III, Acting Principal
Deputy Assistant Administrator
Office of Administration and Resources Management
US Environmental Protection Agency
202-564-5341

From: Holden, Kimberly A. [mailto:Kimberly.Holden@opm.gov]
Sent: Friday, July 28, 2017 5:01 PM
To: Showman, John <Showman.John@epa.gov>
Cc: Reinhold, Mark D <Mark.Reinhold@opm.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Subject: Re: EPA Administrator Request to OPM regarding waiver for IPA extension

Hi John,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you have additional questions.

Kim

Kimberly A. Holden
Deputy Associate Director Recruitment and Hiring
Office of Personnel Management
Employee Services
(202) 418-3218

On Jul 26, 2017, at 2:45 PM, Showman, John <Showman.John@epa.gov> wrote:

> Thanks Kimberly!
>
> **From:** Holden, Kimberly A. [mailto:Kimberly.Holden@opm.gov]
> **Sent:** Wednesday, July 26, 2017 2:44 PM
> **To:** Showman, John <Showman.John@epa.gov>; Reinhold, Mark D <Mark.Reinhold@opm.gov>
> **Cc:** Vizian, Donna <Vizian.Donna@epa.gov>
> **Subject:** RE: EPA Administrator Request

to OPM regarding waiver for IPA extension

Hi John,

I will check on this for you and get back to you quickly.

Kimberly A. Holden
Deputy Associate Director Recruitment and Hiring
Office of Personnel Management
Employee Services
1900 E Street, N.W.
6500AJ
Washington, DC 20415
(202) 418-3218

From: Showman, John [mailto:Showman.John@epa.gov]
Sent: Wednesday, July 26, 2017 2:41 PM
To: Reinhold, Mark D
Cc: Vizian, Donna; Holden, Kimberly A.
Subject: EPA Administrator Request to OPM regarding waiver for IPA extension

Mark –

Donna is on vacation this week but we are being asked to check on the status of this request from EPA's Administrator to the OPM Acting Administrator related to a waiver for an IPA extension. If you aren't the right person to follow-up with please let me know who I should contact. Thanks.

John L Showman III,
Acting Principal Deputy
Assistant Administrator
Office of Administration
and Resources
Management
US Environmental
Protection Agency
202-564-5341

Message

From: Vizian, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB2401BF8D4F441DBF27F21E122BE2C5-VIZIAN, DONNA]
Sent: 2/27/2017 2:01:06 PM
To: Greaves, Holly [greaves.holly@epa.gov]
Subject: RE: Request for QRB Review -- Deputy Office Director, Office of Acquisition Management

Thanks Holly and happy Monday

From: Greaves, Holly
Sent: Monday, February 27, 2017 8:45 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: FW: Request for QRB Review -- Deputy Office Director, Office of Acquisition Management

Good morning Donna,

I think you Deliberative Process / Ex. 5

Best,
Holly

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Saturday, February 25, 2017 5:37 PM
To: Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: Request for QRB Review -- Deputy Office Director, Office of Acquisition Management

Thank you.

From: Greaves, Holly [mailto:greaves.holly@epa.gov]
Sent: Friday, February 24, 2017 1:36 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: FW: Request for QRB Review -- Deputy Office Director, Office of Acquisition Management

Hi Ryan,

Deliberative Process / Ex. 5

Please let me know if you have further questions.

Thanks,
Holly Greaves

From: Vizian, Donna
Sent: Thursday, February 23, 2017 5:27 PM
To: Greaves, Holly <greaves.holly@epa.gov>
Subject: Request for QRB Review -- Deputy Office Director, Office of Acquisition Management

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: "Wright, Nicole S." <Nicole.Wright@opm.gov>
Date: February 1, 2017 at 3:32:59 PM EST
To: "'Barnett, Howard'" <Barnett.Howard@epa.gov>
Cc: "Showman, John" <Showman.John@epa.gov>, "Higginbotham, Karen" <Higginbotham.Karen@epa.gov>, "Cooper, Marian" <Cooper.Marian@epa.gov>, "Gray, Linda" <gray.linda@epa.gov>, "Jefferson, Eloise" <Eloise.Jefferson@opm.gov>, "Kellner, Gregory" <Gregory.Kellner@opm.gov>
Subject: RE: Request for waiver to OPM imposed QRB moratorium

Good Afternoon,

In light of the new Administration, new agency leadership, the recently issued Presidential Memorandum entitled "Hiring Freeze", and initial guidance by OMB Memorandum M-17-17 and M-17-18, OPM is requesting additional information regarding your request for an exception to the QRB Moratorium. In order to recognize agency requests for exceptions to QRB moratorium received prior to January 20, 2017, and balance possible new administration changes, OPM is requesting for agency Senior Leadership or CHCO's review and confirmation of the following (email response is sufficient):

1) Fill of the identified SES position is still critical;
2) The agency still wishes to move forward with the previously selected candidate;
3) An offer was extended to the subject candidate prior to January 22, 2017; and
4) The agency wishes to proceed with the request for exception to the moratorium on QRB case processing, and further to that, submission and processing of the QRB case for the identified selectee.

Upon confirmation and receipt of the above information, OPM will move forward with processing your request.

Please keep in mind this correspondence pertains specifically to the SES Qualifications Review Board and certification of the executive core qualifications of the agency's selectee for initial appointment to the Senior Executive Service. It does not circumvent the freeze on the hiring of federal civilian employees as directed by the President on January 23, 2017, via Presidential Memorandum.

Please feel free to contact Nicole Wright at nicole.wright@opm.gov for any questions or clarification.

v/r

Nicole S. Wright

Lead HR Specialist, MS., M.Ed.
Senior Executive Resources Services (SERS)
Senior Executive Resources and Performance Management (SESPM)
U.S. Office of Personnel Management (OPM)
Phone: 202-606-1351
Email: nicole.wright@opm.gov

We are what we repeatedly do. Excellence then, is not an act, but a habit. (Aristotle)

Service-Excellence-Resilience-Stewardship (Public Stewardship)

Message

From: Moore, Patricia [Moore.Patricia@epa.gov]
Sent: 9/6/2017 9:36:41 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Tellis, Vickie [Tellis.Vickie@epa.gov]
Subject: FW: PD Question for ORD DAA
Attachments: image2017-09-06-173950.pdf

Importance: High

Hi Donna

I'm sending this position description on behalf of Vickie Tellis per your request for the SES position for ORD DAA. Please let me know if there's anything else that you may need.

Thanks and have a nice day!

Pat Moore, Human Resources Specialist
OARM/OHR/Executive Resources Division
4358 WJC North Bldg
202-564-0570 (desk)

United States Environmental Protection Agency
POSITION DESCRIPTION COVERSHEET

1. DUTY LOCATION: Washington, DC

2. POSITION NUMBER: EP6517020

3. CLASSIFICATION ACTION: a. Reference Number and Date of Standards Used for Classification

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	Deputy Assistant Administrator for Research and Development	ES	0340	00	
4. Supervisor's Recommendation	Deputy Assistant Administrator for Research and Development	ES	340	00	

5. ORGANIZATIONAL TITLE OF POSITION (If any):

6. NAME OF EMPLOYEE: Vacant Vacanda

7. ORGANIZATION (Give complete organizational breakdown):

a. U.S. ENVIRONMENTAL PROTECTION AGENCY

b. Office of Research and Development

c. Immediate Office

d.

e.

f.

g. Employing Office Location: Washington, DC

h. Organization Code: N0000000

8. SUPERVISORY STATUS

☒ [2] **Supervisor or Manager**. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

☐ [4] **Supervisor**. Position meets the definition of Supervisor in 5 U.S.C. 7103(a)(13), but does not meet the minimum requirements for application of the GSSG.

☐ [5] **Management Official**. Position meets the definition of Management Official in 5 U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5 U.S.C. 7103(a)(13).

☐ [6] **Lead**. Position leads a team performing one grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

☐ [7] **Team Leader**. Position leads a team performing two grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

☐ [8] **All Other Positions**. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION: I certify that this statement is accurate to the best of my knowledge and belief, that I have the authority to make the position management decisions described herein, and that the duties and responsibilities of this position and its organizational relationships and the nature of supervision are as described. I understand that falsification of Government records is a violation of law. The details, views made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor: Robert Kavlock, Acting AA for Research and Development

c. Typed Name and Title of Second-Level Supervisor: Scott Pruitt, Administrator

b. Signature: Robert Kavlock — d. Date: 5/23/17

e. Signature: Scott Pruitt — f. Date: 5/24/17

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified in accordance with Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management, or other authoritative standards, and that it is assigned to the proper series and grade in accordance with the prescribed applicable published standards.

a. Promotion Potential

☒ This position has no promotion potential.

☐ If position is currently occupied, and employee is performing satisfactorily, this position has known promotion potential to grade ___.

Privacy Info in Enforcement Records / Ex. 7(c)	c. Financial Disclosure Form	d. Identical Additional Positions	e. FLSA Determination	f. Functional Classification Code
	☐ OGE-450 required ☒ OGE-278 Required ☐ No financial disclosure forms required	Allocation (Explain) ☐ Key Position ☒ Not a CXO ☐ Is Political or Confidential Position	☐ NONEXEMPT / ☒ EXEMPT (Check exemption category) ☐ Administrative ☐ Professional / ☒ Executive	

g. Bargaining Unit Code	h. Check, if applicable:	i. Classifier's Signature	j. Date
8888	☐ Medical Monitoring Required ☐ Performance Rating Required ☐ This position is subject to random drug testing		05/31/17

11. REMARKS:

Privacy Info in Enforcement Records / Ex. 7(c)

EPA Form 3290-1 (Rev. 3-94) Supersedes Previous Editions

Deputy Assistant Administrator for Research and Development

I. INTRODUCTION

The Deputy Assistant Administrator for Research and Development serves under the Assistant Administrator for Research and Development. The incumbent to this position will provide input in the planning, policy development and implementation, oversight and direction of management and administrative initiatives underway within the Office of Research and Development; and provide senior level expertise in strengthening the Agency's research program. The primary responsibilities are to oversee and coordinate the development of management policies and strategies and to provide expert scientific leadership and direction for scientific and technical matters in the regulatory process as well as other high priority areas. The duties will involve interactions that are both international and national in scope.

II. MAJOR DUTIES AND RESPONSIBILITIES

1. The Deputy Assistant Administrator proposes means for improving the quality and content of the organization's management structure; and recommends and advises on the content and conduct of responses to Agency requests and legislative mandates.
2. Advises the Assistant Administrator for ORD on overall program goals, objectives, policies, strategies and managerial approaches, and program plans.
3. Reviews and evaluates documents and correspondence requiring approval by the Assistant Administrator for ORD.
4. Assesses critical, ORD-wide organizational issues across programmatic lines and directs assignment to appropriate ORD office for response to and/or implementation of new Agency policies or programs. Develops options and mechanisms to identify issues of concern and ensures systems are in place to ensure the programs' success and policies are fully implemented.
5. Represents ORD and the Office of the Assistant Administrator for ORD on high level interagency committees. Represents ORD as a senior manager within professional, academic, state and local groups and associations. Maintains continuing contact with various governmental and nongovernmental agencies, universities and associations and participates in seminars, conferences and meetings to ensure ORD's managerial and organizational initiatives and programmatic goals are in sync with Agency mission statements and policies.
6. Directs organizational studies and general management reviews for submission to the Assistant Administrator for ORD, OMB, Congress and others, as required. Based upon analysis of problem trends and critical areas identified and defined, recommends redirection of programmatic efforts and development of new or modified methods, policies, procedures, programs, and strategies.
7. Evaluates status and trends of management and administrative systems in place and based on a broad understanding of organizational goals and mission objectives, recommends new directions, policies and areas of study. Directs ORD actions concerning emerging problems of national significance. Determines the existence of trends and developments which appear to significantly influence long-range organizational plans. Recognizes the need for further

ED_002324_00025936-00002

studies and development, if necessary. Based upon the analysis of trends and problem areas and the organization's demographical base, recommends the development of new or modified methods, policies, programs, and strategies.

8. Conducts and oversees a comprehensive program, staff and technical analyses of science policy issues and problems as well as providing general advice and guidance covering all aspects of ORD activities.
9. Assists in the development of policies affecting ORD which includes reviewing, evaluating, and recommending adjustments in the Agency science policies and regulations.
10. Facilitates working relationships between science programs in ORD and science and regulatory programs in EPA's Program and Regional Offices and outside organizations on the scientific aspects of regulatory issues of mutual interest in order to support communication and cooperation.
11. Works collaboratively with appropriate ORD and EPA program office experts to provide advanced guidance and information, reviews, analyses, and coordination in support of regulatory and guidance initiatives and makes recommendations to the Administrator and Deputy Administrator.
12. Represents, as appropriate and requested, the Administrator and Deputy Administrator at various task force, panel, and committee meetings as an expert, recognized by peers, at all levels of government, on science and operational program activities concerning or related to the development of Agency science policies and regulations.
13. Undertakes assignments on projects of special concern to the Administrator and Deputy Administrator; establishing contacts at the highest levels of governmental and non-government organizations in order to develop information, evaluate findings, and prepare reports incorporating conclusions and specific recommendations. The individual is capable of addressing national level issues.
14. Performs other related executive duties as assigned.

III. SUPERVISORY CONTROLS

The incumbent receives broad direction and general policy guidance from the Assistant Administrator for the Office of Research and Development. Within this framework, is delegated full and complete authority for the direction, management, and implementation of assigned duties. Exercises independent initiative in accomplishing missions and objectives in representing the Office of Research and Development, U.S. Environmental Protection Agency, in his/her area of responsibility.

United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Personnel Security Branch – Risk Communication Checklist

HR SSC Specialists must complete this form for all personnel actions (recruitments, appointments, promotions, reassignments) that involve a change in position or position description. The completed form will help the Personnel Security Branch (PSB) process individuals for background investigations and access badges.

Answer all questions based on the full performance level (FPL) position description.

SF-52 / Action Number:	IOAA-17-36
HR Specialist's Name:	Howard Barnett
HR Specialist's Email:	Barnett.howard@epa.gov
HR Specialist's Phone #:	564-0394
"Action Requested By" Name:	Robert Kavlock
"Action Requested By" Email:	kavlock.robert@epa.gov
"Action Requested By" Phone #:	564-0225

Employee Common Identifier (ECI):	Nonresponsive Discussion of Personal Matters / Ex. 6 *Please enter the Employee Common Identifier (ECI) if available.*
Last Name:	Yamada
First Name:	Yujiro
Employee Email:	Nonresponsive Discussion of Personal Matters / Ex. 6 *For Recruitment and Appointment actions, this should not be an EPA email address*
Program Office / Region:	ORD
Location City and State:	Washington, DC
Building Name:	RRB
Action Requested:	☒ Appointment ☐ Recruitment ☐ Promotion ☐ Reassignment
Position Title:	Deputy Assistant Administrator for Research and Development
Functional Title (if applicable):	Enter in the Functional Title (if applicable).
Pre-designated Position:	☐ Yes ☐ No
Eligible for EPASS Badge:	☐ Yes ☐ No *EPASS badge eligibility is based on the duration of the action. If the duration is greater than 6 months, eligibility is "Yes." If the duration is 6 months or less, eligibility is "No."*
Service Agreement Number (SAN):	Enter in the Service Agreement Number (SAN). *The SAN will be used to pay for the fingerprint check and the background investigation, if needed. For help, please see http://intranet.epa.gov/oa/smd/hqsecurity/pss_san.htm*

Complete the following section if the Employee is here for more than (6) months;

From the OPM Tool or the Position Designation Summary document, please identify the following:

Specify the Risk Designation Level and Background Investigation for the position:

Privacy Info in Enforcement Records / Ex. 7(c)

e

emo for the

EPA Form 1480-96

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 5/18/2018 7:48:22 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: Fwd: QFRs
Attachments: CAL -005.docx; ATT00001.htm; McC -001-002.docx; ATT00002.htm; McC -003-006.docx; ATT00003.htm; McC -012-016.docx; ATT00004.htm; McC -019.docx; ATT00005.htm; McC -020-021.docx; ATT00006.htm; McC -022.docx; ATT00007.htm; McC -023.docx; ATT00008.htm; McC -024-026.docx; ATT00009.htm; McC -027-031.docx; ATT00010.htm; McC -032-034.docx; ATT00011.htm

FYI.

Helena Wooden-Aguilar
Acting Deputy Chief of Staff
Office of the Administrator
U.S. Environmental Protection Agency
202-564-0792 (office)
Deliberative Process / Ex. 5 (mobile)
wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "McCluney, Lance" <McCluney.Lance@epa.gov>
Date: May 18, 2018 at 3:47:36 PM EDT
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: QFRs

Lance O. McCluney
Assistant Director, Resource Management Staff
Office of Administrative and Executive Services
Office of the Administrator
202-564-2944
mccluney.lance@epa.gov

Staff Retaliation and Morale

McCollum Q12: Mr. Pruitt testified that he was not aware of any retaliation against staff and that he did not force out Kevin Chmielewski for refusing to sign off on Mr. Pruitt's first class flights.

After conclusion of the hearing, however, Mr. Chmielewski told ABC News that chief of staff, Ryan Jackson, called him into his office and said: "Hey — Administrator Pruitt either wants me to fire you or put you in an office so that he doesn't have to see you again. And in addition to that, he wants to put Millan (Hupp) in your spot, as your title and your pay grade."

Answer:

McCollum Q13: How does the Administrator feel his ethics scandals are impacting employee morale?

Answer:

McCollum Q14: How will the Administrator overcome his reputation so that staff do not fear retaliation if their scientific or technical recommendation does not support his agenda?

Answer:

McCollum Q15: What is the Administrator doing to regain the trust of his staff?

Answer:

McCollum Q16: EPA political staff have been reportedly shopping stories to the press that would cast a negative shadow over Ryan Zinke, Secretary of the Department of the Interior, in order to redirect public scrutiny away from Mr. Pruitt. Did Administrator Pruitt direct staff to do this? What corrective action will be taken in response to this behavior?

Answer:

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 5/17/2018 4:28:37 PM
To: McCluney, Lance [McCluney.Lance@epa.gov]; Moody, Christina [Moody.Christina@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Benton, Michael [benton.michael@epa.gov]
Subject: RE: QFRs
Attachments: McC -012-016 - AR Edits.docx

Here's a doc with my draft responses.

-Aaron

-----Original Message-----
From: McCluney, Lance
Sent: Thursday, May 17, 2018 11:54 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Moody, Christina <Moody.Christina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Benton, Michael <benton.michael@epa.gov>
Subject: RE: QFRs

Aaron,

See attached. Nancy is working on MCC 016.

Thanks,
Lance

-----Original Message-----
From: Ringel, Aaron
Sent: Thursday, May 17, 2018 11:52 AM
To: Moody, Christina <Moody.Christina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; McCluney, Lance <McCluney.Lance@epa.gov>; Benton, Michael <benton.michael@epa.gov>
Subject: Re: QFRs

Can you send us an electronic copy of the questions please.

Sent from my iPhone

> On May 17, 2018, at 10:44 AM, Moody, Christina <Moody.Christina@epa.gov> wrote:
>
> I can send you the batch in my next email.
>
> Thanks!
>
> Christina J. Moody
> Environmental Protection Agency
> Office of Congressional Relations
> Moody.Christina@epa.gov
>
>> On May 17, 2018, at 10:42 AM, Palich, Christian <palich.christian@epa.gov> wrote:
>>
>> Yep, Aaron and I will handle. Paige should be sending them my way today.
>>
>> Christian R. Palich
>> Deputy Associate Administrator
>> Office of Congressional & Intergovernmental Affairs U.S Environmental
>> Protection Agency
>> O: 202.564.4944
>> C: Deliberative Process / Ex. 5
>> E: Palich.Christian@epa.gov
>>
>> -----Original Message-----
>> From: Wooden-Aguilar, Helena
>> Sent: Thursday, May 17, 2018 10:40 AM
>> To: Moody, Christina <Moody.Christina@epa.gov>
>> Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy

>> <Grantham.Nancy@epa.gov>; Palich, Christian
>> <palich.christian@epa.gov>; McCluney, Lance <McCluney.Lance@epa.gov>;
>> Benton, Michael <benton.michael@epa.gov>
>> Subject: RE: QFRs
>>
>> Ok. Thanks!
>>
>> -----Original Message-----
>> From: Moody, Christina
>> Sent: Thursday, May 17, 2018 10:40 AM
>> To: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
>> Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy
>> <Grantham.Nancy@epa.gov>; Palich, Christian
>> <palich.christian@epa.gov>; McCluney, Lance <McCluney.Lance@epa.gov>;
>> Benton, Michael <benton.michael@epa.gov>
>> Subject: QFRs
>>
>> Helena,
>>
>> We just learned that Christian spoke to Paige last night about those QFRs and he agreed to draft them, McC 12-15.
>>
>> Christian, please confirm that this is the case.
>>
>> Thanks!
>>
>> Christina J. Moody
>> Environmental Protection Agency
>> Office of Congressional Relations
>> Moody.Christina@epa.gov

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 1/4/2018 7:51:16 PM
To: Cortes, Emilio [Cortes.Emilio@epa.gov]
Subject: Fwd: Greenwalt/McMurray
Attachments: Greenwalt_Sarah_SC_Binder.pdf; ATT00001.htm; McMurray_Forrest_UPDATED_Binder.pdf; ATT00002.htm

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

Begin forwarded message:

From: "Allen, Reginald" <Allen.Reginald@epa.gov>
Date: January 4, 2018 at 11:39:08 AM EST
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: FW: Greenwalt/McMurray

FYI

Reginald E. Allen, SES
Assistant Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct Personal Matters / Ex. 6
Cell Personal Matters / 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
202-380-7967

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 4/5/2018 3:24:11 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]

FYI. I am assuming you will be looped in but wanted to share as a FYI.

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

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: April 5, 2018 at 10:57:32 AM EDT
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: FW: Request for comment please

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Personal Matters / Ex. 6 **bile)**

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Thursday, April 05, 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;

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++ 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

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++ 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

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Lisa Friedman
Reporter, New York Times
(202) 862-0306 office

Personal Matters / Ex. 6

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 1/4/2018 6:21:06 PM
To: Perrotta, Pasquale [Perrotta.Pasquale@epa.gov]
Subject: Fwd: Greenwalt/McMurray
Attachments: Greenwalt_Sarah_SC_Binder.pdf; ATT00001.htm; McMurray_Forrest_UPDATED_Binder.pdf; ATT00002.htm

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wooden-aguilar.helena@epa.gov

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From: "Allen, Reginald" <Allen.Reginald@epa.gov>
Date: January 4, 2018 at 11:39:08 AM EST
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: FW: Greenwalt/McMurray

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Environmental Protection Agency
202-380-7967

14 POINTS MEMO: Personnel Change Approval Request

AGENCY:

APPOINTEE INFORMATION

- **NAME:** Forrest McMurray
- **WORK PHONE:**
- **WORK EMAIL:** McMurray.Forrest@epa.gov
- **PLACE OF BIRTH:** 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**

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REQUESTED EFFECTIVE DATE: 1/16/18

SENIOR ADVANCE ASSSOCIATE

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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.

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Forrest W. McMurray

Personal Address / Ex. 6

OBJECTIVE
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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

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Tulsa Area United Way
• Managed volunteers with campaign assignments in analyzing, organizing, and executing campaign effort.
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REFERENCES

Personal Matters / Ex. 6

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 4/5/2018 3:21:43 PM
To: Hupp, Millan [hupp.millan@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]
Subject: Fwd: Request for comment please

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

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: April 5, 2018 at 10:57:32 AM EDT
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
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Nancy Grantham
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US Environmental Protection Agency
202-564-6879 (desk)
Personal Matters / Ex. 6 **(mobile)**

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Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
Personal Matters / Ex. 6 cell

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 1/4/2018 5:41:42 PM
To: Hupp, Millan [hupp.millan@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Fwd: Greenwalt/McMurray
Attachments: Greenwalt_Sarah_SC_Binder.pdf; ATT00001.htm; McMurray_Forrest_UPDATED_Binder.pdf; ATT00002.htm

FYI only.

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

Begin forwarded message:

From: "Allen, Reginald" <Allen.Reginald@epa.gov>
Date: January 4, 2018 at 11:39:08 AM EST
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Subject: FW: Greenwalt/McMurray

FYI

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U.S. Environmental Protection Agency
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14 POINTS MEMO: Personnel Change Approval Request

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

Resume Attached

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Personal Matters / Ex. 6

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HIGHLIGHTS OF QUALIFICATIONS
• Fast to learn and listen to others
• Excellent independent and team worker
• Problem-solving skills and attention to detail
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EDUCATION
University of Oklahoma, Norman, OK Graduated May 2016

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Minor in Constitutional Studies

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• Managed volunteers with campaign assignments in analyzing, organizing, and executing campaign effort.
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• 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: Wooden-Aguilar, Helena [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=991AB84F64BE4B6B9DD10A68C81887B0-HAWODD]
Sent: 1/4/2018 7:51:16 PM
To: Cortes, Emilio [Cortes.Emilio@epa.gov]
BCC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: Fwd: Greenwalt/McMurray
Attachments: Greenwalt_Sarah_SC_Binder.pdf; ATT00001.htm; McMurray_Forrest_UPDATED_Binder.pdf; ATT00002.htm

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

Begin forwarded message:

From: "Allen, Reginald" <Allen.Reginald@epa.gov>
Date: January 4, 2018 at 11:39:08 AM EST
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: FW: Greenwalt/McMurray

FYI

Reginald E. Allen, SES
Assistant Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct Personal Matters / Ex. 6
Cell Personal Matters / 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>
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Thank you,

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

14 POINTS MEMO: Personnel Change Approval Request

AGENCY:

APPOINTEE INFORMATION

- **NAME:** Forrest McMurray
- **WORK PHONE:**
- **WORK EMAIL:** McMurray.Forrest@epa.gov
- 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
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- **JOB DESCRIPTION:** PDF Attached

REQUESTED EFFECTIVE DATE: 1/16/18

SENIOR ADVANCE ASSSOCIATE

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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.

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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
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• Fast to learn and listen to others
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Sent: 1/4/2018 6:21:06 PM
To: Perrotta, Pasquale [Perrotta.Pasquale@epa.gov]
BCC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: Fwd: Greenwalt/McMurray
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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** 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
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Forrest W. McMurray

Personal Matters / Ex. 6

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AGENCY: EPA

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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: Wooden-Aguilar, Helena [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=991AB84F64BE4B6B9DD10A68C81887B0-HAWODD]
Sent: 1/17/2018 8:01:35 PM
To: McMurray, Forrest [mcmurray.forrest@epa.gov]
BCC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: Fwd: Greenwalt/McMurray
Attachments: Greenwalt_Sarah_SC_Binder.pdf; ATT00001.htm; McMurray_Forrest_UPDATED_Binder.pdf; ATT00002.htm

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

Begin forwarded message:

From: "Allen, Reginald" <Allen.Reginald@epa.gov>
Date: January 4, 2018 at 11:39:08 AM EST
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: FW: Greenwalt/McMurray

FYI

Reginald E. Allen, SES
Assistant Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Personal Matters / 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
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.

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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
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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

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- 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.
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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

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- Gained a practical understanding of both Administrative and Health Law.

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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

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

Forrest W. McMurray

Personal Matters / Ex. 6

OBJECTIVE
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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

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Minor in Constitutional Studies

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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.

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• Acquired marketing experience through specialized training including modern marketing platforms.
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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
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• 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: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 4/26/2018 7:30:58 PM
To: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: FW: Pay Raises
Attachments: image2018-04-26-153616.pdf

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Personal Matters / Ex. 6 **(mobile)**

From: Wilcox, Jahan
Sent: Thursday, April 26, 2018 3:29 PM
To: Press <Press@epa.gov>
Subject: FW: Pay Raises

From: Wilcox, Jahan
Sent: Thursday, April 26, 2018 3:27 PM
To: 'Killough, Ashley' <ashley.killough@turner.com>; Nobles, Ryan <Ryan.Nobles@cnn.com>; 'Raju, Manu' <Manu.Raju@cnn.com>
Subject: Pay Raises

Off-the-record, there has been some reporting that Pruitt contradicted himself regarding the raises, which is not accurate. Pruitt delegated to Jackson the ability to review and approve all personnel actions (which includes raises) for personnel appointed under the Safe Drinking Water Act (often referred to as AD) in the Office of the Administrator. Had he known what was taking place in this situation regarding the amounts and process of circumventing PPO, he would have stopped it from happening. But he is not involved in the raise process.

- REP. PAUL TONKO: "Thank you Mr. Chair. Recently it came out that two EPA employees who came with you to Washington from Oklahoma were given significant raises over the White House's objection. When you were interviewed by Ed Henry on Fox News, you claimed to have been unaware of those raises. At the time Ed Henry asked you whether you intentionally went around the White House or whether you simply had no idea what your staff was up to. The EPA inspector general is looking into those raises and last week the IG released preliminary information showing that the forms to grant the raises were signed by your chief of staff, Mr. Ryan Jackson, who wrote that he was signing on your behalf. This is your opportunity to set the record straight. did you, Administrator, authorize Mr. Jackson to sign those documents for you?"

- SCOTT PRUITT: "Congressman, those were delegated to and to Mr. Jackson and the inspector general did reference that in his management alert."

Attached is the documentation (which you can tweet, post and report on) which proves that on March 7, 2017, Administrator Pruitt delegated this authority to his Chief of Staff, Ryan Jackson.

###

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: Personal Matters / Ex. 6
Work Email: wilcox.jahan@epa.gov

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

MAR 0 7 2017

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt

TO: Donna Vizian, Acting Assistant Administrator
Office of Administration and Resources Management

I am delegating to Ryan T. Jackson, in his capacity as Chief of Staff, the authority to approve all personnel actions for personnel appointed under the Safe Drinking Water Act, as amended, P.L. 95-190, § 11(b) (often referred to as "administratively determined or AD appointments) in the Office of the Administrator. This delegation supersedes that portion of the July 9, 2013 delegation to the Deputy Chief of Staff dealing with Administratively Determined positions.

I retain the right to exercise or withdraw the authority that I have delegated.

cc: Ryan T. Jackson
John E. Reeder
Reginald E. Allen
Brian Hope

Printed on Recycled Paper

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 4/17/2018 1:47:45 AM
To: Maher, Karen [Maher.Karen@epa.gov]
CC: Lesperance, Twanna [Lesperance.Twanna@epa.gov]; Peppins, Felicia [Peppins.Felicia@epa.gov]; McCluney, Lance [McCluney.Lance@epa.gov]
Subject: Heads Up
Attachments: _epaoig_20180416-18-n-0154.pdf; ATT00001.htm

Karen - I would like to discuss our role in this process. I also recommend that we be prepared to document our role in processing and advising. I am not involved in this process but I recall seeing the Director of OAES on emails.

Let's schedule time next to discuss.

Helena

https://www.epa.gov/sites/production/files/2018-04/documents/_epaoig_20180416-18-n-0154.pdf

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

THE INSPECTOR GENERAL

April 16, 2018

MEMORANDUM

SUBJECT: Management Alert: Salary Increases for Certain Administratively Determined Positions
Report No. 18-N-0154

FROM: Arthur A. Elkins Jr.

TO: Scott Pruitt, Administrator

As you know, the U.S. Environmental Protection Agency Office of Inspector General (OIG) is conducting an audit of the Office of the Administrator's (present and prior administrations) use of administratively determined (AD) positions. Our objective is to determine how the agency has used its authority under the Safe Drinking Water Act to fill up to 30 AD positions. The purpose of this management alert is to notify you of certain factual information while our audit continues.

This management alert was not performed in accordance with generally accepted government auditing standards and does not present any conclusions or recommendations.

A *Request for Personnel Action,* Standard Form 52 (SF-52), is used to request some types of personnel action. Supervisors and managers use the SF-52 to request position actions, such as the establishment of a new position or the reclassification of an existing position and reassignment of an employee to the reclassified position. The manager who requested the action is identified by signature in Box 5, and the supervisor authorizing the action is identified by signature in Box 6. For actions requiring a position change, the details of the requested changes (such as salary) are noted in Boxes 7-14 and 15-22.

A *Notification of Personnel Action*, Standard Form 50 (SF-50), is written documentation of a personnel action taken affecting position or pay. All SF-50s must be supported by an accompanying SF-52. The Nature of Action, Block 5-B, indicates the action being taken. The details of any change in position title, pay plan, pay grade or total salary are identified in Blocks 7-14 and 15-22.

We examined the personnel files for certain employees who occupied AD positions. Of the files examined, we identified six employees whose files contained at least three SF-52s and the corresponding SF-50s. The attached documents (Appendices A through F) identify that for these six employees, three of the original SF-52s were signed and requested (Box 5) by the Chief of Staff (Appendices C through E) and three of the original SF-52s were signed and requested by the acting Deputy Administrator (Appendices A, B and F). The authorizations for three of these original actions were personally signed (Box 6) by the Administrator (Appendices A, B and F); the other three authorizations were signed by the Chief of Staff "for Scott Pruitt" (Appendices C through E). The remaining 12 SF-52s for these employees were signed and requested by the Chief of Staff and authorized by the Chief of Staff "for Scott Pruitt" (Appendices A through F).

ED_002324_00039328-00001

Three employees who were originally hired under Safe Drinking Water Act authority (AD positions) were converted to Schedule C[1] positions and then later converted back to AD positions (Appendices A through C). Five of these six actions were accompanied by salary increases, as shown in Table 1 (Employees A through C). In one case, the total salary increased $66,244, or 67.6 percent (Employee A). In another case, the total salary increased $48,080, or 72.3 percent (Employee B).

Table 1: Employees converted back to AD positions

		Original AD appointment	Schedule C appointment	Final AD appointment	Total increase
Employee A	Date	3/8/2017	7/9/2017	4/1/2018	67.6%
	Salary	$97,956	$107,435	$164,200	
	Increase		9.7%	52.8%	
Employee B	Date	3/13/2017	7/9/2017	4/1/2018	72.3%
	Salary	$66,510	$86,460	$114,590	
	Increase		30.0%	32.5%	
Employee C	Date	5/7/2017	7/16/2017	2/18/2018	25.1%
	Salary	$44,941	$44,941	$56,233	
	Increase		0.0%	25.1%	

Source: OIG tabulation of agency SF-50 information.

The other three employees were converted from AD positions to Schedule C and then noncareer Senior Executive Service (SES) positions (Appendices D through F). None of the three included raises when converting from AD positions to Schedule C positions. However, all included raises when converting to noncareer SES positions (Appendices D through F). In one case, the conversion from Schedule C to noncareer SES 3 months later included an increase in salary of $31,208, or 23.9 percent (Employee D). In another case, the conversion from Schedule C to noncareer SES 2 months later included an increase in salary of $24,245, or 20.9 percent (Employee E). The conversion from Schedule C to noncareer SES for the remaining employee included a salary increase of $2,363, or 1.6 percent (Employee F). Details are in Table 2.

Table 2: Employees converted from AD positions to Schedule C and noncareer SES positions

		Original AD appointment	Schedule C appointment	Noncareer SES appointment	Total increase
Employee D	Date	3/26/2017	5/14/2017	8/13/2017	23.9%
	Salary	$130,692	$130,692	$161,900	
	Increase		0.0%	23.9%	
Employee E	Date	4/23/2017	5/14/2017	7/16/2017	20.9%
	Salary	$115,755	$115,755	$140,000	
	Increase		0.0%	20.9%	
Employee F	Date	3/26/2017	5/14/2017	7/16/2017	1.6%
	Salary	$149,337	$149,337	$151,700	
	Increase		0.0%	1.6%	

Source: OIG tabulation of agency SF-50 information.

[1] Appointments are noncompetitive and involve determining policy or require a close, confidential working relationship with the agency head or other key appointed officials. Schedule C appointees serve at the pleasure of the agency head.

ED_002324_00039328-00002

We requested from the agency any documentation indicating modifications to the salary of any of the employees subsequent to the personnel actions noted above. As of report issuance, the agency was unable to provide us with complete information or confirmation of any modifications.

In addition to the information above, we have currently identified one other employee with personnel actions documenting direct involvement by the Administrator. Table 3 provides details on an employee who started with the agency in an AD position and 6 months later had their title changed with a 26.7 percent pay increase while staying in an AD position. Both SF-52s were authorized by the personal signature of the Administrator.

Table 3: Employee job title conversion within AD position

Employee G		
Action	**AD appointment**	**AD appointment**
Date	3/13/2017	9/03/2017
Salary	$79,720	$100,981
Increase		26.7%

Source: OIG tabulation of agency SF-50 information.

Agency Response and OIG Evaluation

We issued a draft report on April 11, 2018. The agency provided the following response on April 15, 2018:

> These salary determinations for appointees were made by the Agency chief of staff, White House liaison, and Agency human resources staff based on previous salary history and increases in salary were made due to either new and additional responsibilities or promotions. The salaries involved were meant to correspond directly with the responsibilities the individual held and to attempt to ensure no salary disparities among positions of equivalent or similar responsibilities with other political appointees as much as possible. As employees continue to work in the agency reaching milestones like one year of employment and/or continue to take on new responsibilities, we will further evaluate their salaries to ensure the employees compensation is commensurate with their seniority and work.

The purpose of our management alert is to provide certain factual information. The OIG did not evaluate the agency's response. We are continuing our audit of the Office of the Administrator's (present and prior administrations) use of AD positions.

Please send all inquiries to our public affairs office at (202) 566-2391 or visit www.epa.gov/oig.

Attachments

cc: Donna Vizian, Principal Deputy Assistant Administrator for Administration and Resources Management
Ryan Jackson, Chief of Staff, Office of the Administrator
Matthew Leopold, General Counsel
Kevin Minoli, Deputy General Counsel
Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations

ED_002324_00039328-00003

Appendix A: Employee A

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03/08/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
170	EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P. L. 95-190
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

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

[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	97956	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
97956	0	97956	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/08/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: N (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks

APPOINTMENT AFFIDAVIT EXECUTED 03-08-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
FROZEN SERVICE NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
APPOINTMENT IS INDEFINITE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY

46. Employing Department or Agency
EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	03/08/2017

50. Signature/Authentication and Title of Approving Official
170593962 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 3/8/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

[redacted]

1. Actions Requested: Administratively Determined Appointment	2. Request Number: IO-2017-057
3. For Additional Information Call (Name and Telephone Number): [redacted] Local Tracking No:	4. Proposed Effective Date: 03/06/2017
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Michael Flynn Acting Deputy Administrator 2/28/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt / Administrator

[redacted]

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03-08-17

[redacted]

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
2LM	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$97,956.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	A0000000 - USEPA, Office of the Administrator Immediate Office Washington, DC 20460

[redacted]

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other)	0 (0 - None, 2 - Conditional)		YES [ ] NO [X]
27. FEGLI	**28. Annuitant Indicator**		**29. Pay Rate Determinant**
[redacted]	9		0
30. Retirement Plan	**31. Service Comp. Date (Leave)**	**32. Work Schedule**	**33. Part Time Hours Per Biweekly Pay Period**
KF	03-08-17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 3 - SES General)	N	17/18 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
[redacted]	[redacted]	[redacted]	—	1 (1 - USA, 8 - Other)	[X]	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Paul Hackley	03-08-17
B. PSB	[signature]	3/7/17	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: Paul Hackley	Approval Date: 03-08-17

CONTINUED ON NEXT PAGE

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: 03-08-17.
M39: Creditable Military Service: None.
M40: Previous Retirement Coverage: Never Covered.
M45: Employee is automatically covered under FERS.
K18: Employee position is at the full performance level.
ZZZ: This position is designated for Drug Testing.
ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.
E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	07/09/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
Y7M	SCH C, 213.33SCH C, 213.3321 AGE
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
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	97956	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
97956	0	97956	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	13	05	107435	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
84528	22907	107435	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure
3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use

26. Veterans Preference for RIF
YES [ ] NO [X]

27. FEGLI
[redacted]

28. Annuitant Indicator
9 NOT APPLICABLE

29. Pay Rate Determinant
0

30. Retirement Plan
KF FERS-FRAE & FICA

31. Service Comp. Date (Leave)
03/08/2017

32. Work Schedule
F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category
N (E – Exempt; N – Nonexempt)

36. Appropriation Code

37. Bargaining Unit Status
8888

38. Duty Station Code
11-0010-001

39. Duty Station (City – County – State or Overseas Location)
WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks
CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102

46. Employing Department or Agency
EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	07/12/2017

50. Signature/Authentication and Title of Approving Official
171236831 / ELECTRONICALLY SIGNED BY:
BENJAMIN H. PEABODY
ACTG DIR, EXEC RESOURCES DIV, OHR

FPRS 7/12/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

[redacted]

1. Actions Requested: Conversion to Schedule C Appt.
2. Request Number: IO-2017-111
3. For Additional Information Call (Name and Telephone Number): [redacted]
Local Tracking No:
4. Proposed Effective Date: ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff
6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt / Administrator

1. Name: [redacted]
2. Social Security Number: [redacted]
3. Date of Birth:
4. Effective Date: 07-09-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Excepted Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
9TM	Sch C 213.3321 Agency-Unique		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
	Schedule C Authority		

7. FROM: Position Title and Number: [redacted]
15. TO: Position Title and Number: [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00			GS	0301	13	05	$107,435.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization: Same →
22. Name and Location of Position's Organization:
A000000 - USEPA, Office of the Administrator
Immediate Office
Washington, DC 20460

23. Veterans Preference: 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other
24. Tenure: 3 (0 - None 2 - Conditional 1 - Permanent 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:
34. Position Occupied: 2 (1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved)
35. FLSA Category: E
36. Appropriation Code: 17/18 B 11A ZZZME8
37. Bargaining Unit Status: 8888
38. Duty Station Code: 11-0010-001
39. Duty Station: Washington, DC 20460
40. Agency Data:
41.
42.
43.
44.
45. Educational Level:
46. Year Degree Attained:
47. Academic Discipline:
48. Functional Class:
49. Citizenship: (1 - USA 8 - Other)
50. Veterans Status:
51. Supervisory Status: N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ryan Jackley	07-11-17
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: Ryan Jackley
Approval Date: 07-11-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.)

☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

M39 - Creditable Military Service: None
M40 - Previous Retirement Coverage: Previously Covered
M45 - Employee is automatically covered under FERS.
ZZZ - This position is designated for Drug Testing.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	04/01/2018

FIRST ACTION		SECOND ACTION	
5-A. Code: 570	5-B. Nature of Action: CONV TO EXC APPT	6-A. Code	6-B. Nature of Action
5-C. Code: ZLM	5-D. Legal Authority: P.L. 95-190	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	13	05	109900	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
85712	24188	109900	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0905	00	00	164200	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
136659	27541	164200	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/08/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
APPOINTMENT IS INDEFINITE.
OPF MAINTAINED BY US EPA, HRMD, MD-C639-02, RTP, NC 27711.
HEALTH BENEFITS COVERAGE CONTINUES.
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO A CAREER-CONDITIONAL OR CAREER APPOINTMENT.

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	04/01/2018

50. Signature/Authentication and Title of Approving Official
180569123 / ELECTRONICALLY SIGNED BY:
JEREMY A. TAYLOR
HUMAN RESOURCES OFFICER

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)* [redacted]
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)*: [redacted]
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

[redacted]

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

[redacted]

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.COURSE ATTAINED	47. Academic Discipline	48. FUNCTIONAL CLASS	49. CITIZENSHIP: 1-USA 8-OTHER	50. Veteran Ent 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:** [redacted]
- **WORK PHONE:**
- **WORK EMAIL:** [redacted]@epa.gov
- **PLACE OF BIRTH:** [redacted]

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** [redacted]
- **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:** [redacted]
- **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 [redacted]

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 [redacted]. I'm approving the appointment of [redacted] at a salary equivalent to a Grade 15, Step 10 in the D.C. region. [redacted] has shown to have knowledge of broad-ranging policies and leaderships skills since [redacted] began. Based on the reason's listed above, I believe that [redacted] will have an immediate, positive impact on one of the agency's most important office's and that [redacted] compensation should reflect [redacted] 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 [redacted] to serve as [redacted] will be compensated at the rate of $164, 200 per annum.

E. Scott Pruitt
Administrator

Appendix B: Employee B

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03/13/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action	5-C. Code	5-D. Legal Authority	5-E. Code	5-F. Legal Authority
170	EXC APPT	ZLM	P. L. 95-190		

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	15. TO: Position Title and Number
	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	66510	PA

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

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
52329	14181	66510	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/13/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: N (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks
FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 03-13-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
APPOINTMENT IS INDEFINITE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code: EP00

48. Personnel Office ID: 3216

49. Approval Date: 03/06/2017

50. Signature/Authentication and Title of Approving Official
170562567 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

FAS 03.15.17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Administratively Determined Appointment	2. Request Number: IO-2017-056
3. For Additional Information Call (Name and Telephone Number): [redacted] Local Tracking No:	4. Proposed Effective Date: 03/05/2017
5. Action Requested By (Typed Name, Title, Signature and Request Date): Michael Flynn Acting Deputy Administrator 2/23/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt / Administrator

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03-13-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
2m	P.L. 95-190		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$66,510	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	A0000000 - USEPA, Office of the Administrator Immediate Office Washington, DC 20460

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 - None 3 - 10-Point/Disability 5 - 10-Point/Other	3 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		YES [X] NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]	9	D

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF	03-13-17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 1 - Competitive Service 3 - SES General 7 - Excepted Service 4 - SES Career Reserved	N	17/18 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Education Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
[redacted]	[redacted]	[redacted]	—	1 - USA 8 - Other 1	X	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Paul Dackey	03.06.17
B. PSB	[signature]	3/16/17	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: Paul Dackey	Approval Date: 03.06.17

CONTINUED ON NEXT PAGE

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have, (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: 03-13-17

M39: Creditable Military Service: None

M40: Previous Retirement Coverage: Non Covered

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

ZZZ: This position is designated for Drug Testing.

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	07/09/2017

FIRST ACTION

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

SECOND ACTION

6-A. Code	6-B. Nature of Action
570	CONV TO EXC APPT
6-C. Code	6-D. Legal Authority
Y7M	SCH C, 213.33SCH C, 213.3322 AGE
6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
[redacted]	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	66510	PA

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	11	10	86460	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
52329	14181	66510	0

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
68025	18435	86460	0

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE ADMINISTRATOR WASHINGTON,DC	ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE ADMINISTRATOR WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)	3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)		YES [ ] NO [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]	9 NOT APPLICABLE	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
KF FERS-FRAE & FICA	03/13/2017	F FULL-TIME	

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)	E (E – Exempt; N – Nonexempt)		8888

38. Duty Station Code	39. Duty Station (City – County – State or Overseas Location)
11-0010-001	WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 2	POSITION SENSITIVITY MODERATE RISK

45. Remarks
CORRECTS ITEM NUMBER 35 FROM N - NONEXEMPT

46. Employing Department or Agency	50. Signature/Authentication and Title of Approving Official
EP - ENVIRONMENTAL PROTECTIO	180008549 / ELECTRONICALLY SIGNED BY: VICKIE H. TELLIS ACTG DIR, EXEC RESOURCES DIV, OHR

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	01/03/2018

5-Part 50-116

2 - OPF Copy - Long-Term Record - DO NOT DESTROY

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-4338

FPPS
7/13/17

SF 52 (EF Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 38.)

1. Actions Requested: Conversion to Schedule C. Appt.

2. Request Number: IO-2017-109

3. For Additional Information Call (Name and Telephone Number): [redacted] (HR- [redacted])

Local Tracking No:

4. Proposed Effective Date

5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff

6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt / Administrator

(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)

1. Name: [redacted]

2. Social Security Number: [redacted]

3. Date of Birth

4. Effective Date: 07-09-17

FIRST ACTION		SECOND ACTION	
5-A. Code: 570	5-B. Nature of Action: Conv to Excepted Appt	6-A. Code	6-B. Nature of Action
5-C. Code: 7TM	5-D. Legal Authority: Sch C, 213.3322 Agency Unique	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority: Schedule C Authority dated 07/05/17	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number: [redacted]

15. TO: Position Title and Number: [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	$66,510.00		GS	0301	11	10	$86,460.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization
A0000000 - USEPA, Office of the Administrator
Immediate Office
Washington, DC 20460

22. Name and Location of Position's Organization
A0000000 - USEPA, Office of the Administrator
Immediate Office
Washington, DC 20460

23. Veterans Preference: 1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other; 2 - 5-Point; 4 - 10-Point/Compensable; 6 - 10-Point/Compensable/30%

24. Tenure: 0 - None; 2 - Conditional; 1 - Permanent; 3 - Indefinite

25. Agency Use

26. Veterans Preference: YES / NO / RIF

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

34. Position Occupied: 2 - 1 - Competitive Service; 3 - SES General; 4 - SES Career Reserved; 5 - Excepted Service

35. FLSA Category: E

36. Appropriation Code: 17/18 B 11A ZZZME8

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station: Washington, DC 20460

40. Agency Data | 41. | 42. | 43. | 44.

45. Educational Level | 46. Year Degree Attained | 47. Academic Discipline | 48. Functional Class | 49. Citizenship: 1 - USA, 8 - Other | 50. Veterans Status | 51. Supervisory Status: S

(Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ryan Jackley	07-13-17
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: Ryan Jackley

Approval Date: 07-13-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39: Creditable Military Service: None
M40: Previous Retirement Coverage: Previously Covered
M45: Employee is automatically covered under FERS
E01: Appointment is indefinite.
ZZZ: This appt does not confer eligibility to be noncompetitively converted to Career-Cond. or Career Appointment
ZZZ: This position is designated for Drug Testing

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	04/01/2018

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L. 95-190
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
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	11	10	88450	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
68983	19467	88450	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	114590	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
89370	25220	114590	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference
1 — 1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%

24. Tenure
3 — 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite

25. Agency Use

26. Veterans Preference for RIF
YES [ ] NO [X]

27. FEGLI
[redacted]

28. Annuitant Indicator
9 NOT APPLICABLE

29. Pay Rate Determinant
0

30. Retirement Plan
KF FERS-FRAE & FICA

31. Service Comp. Date (Leave)
03/13/2017

32. Work Schedule
F FULL-TIME

33. Part-Time Hours Per
Biweekly Pay Period

POSITION DATA

34. Position Occupied
2 — 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved

35. FLSA Category
E — E - Exempt; N - Nonexempt

36. Appropriation Code

37. Bargaining Unit Status
8888

38. Duty Station Code
11-0010-001

39. Duty Station (City - County - State or Overseas Location)
WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
APPOINTMENT IS INDEFINITE.
OPF MAINTAINED BY US EPA, HRMD, MD-C639-02, RTP, NC 27711.
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO A CAREER-CONDITIONAL OR CAREER APPOINTMENT.
HEALTH BENEFITS COVERAGE CONTINUES.

46. Employing Department or Agency
EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	04/01/2018

50. Signature/Authentication and Title of Approving Official
180569043 / ELECTRONICALLY SIGNED BY:
JEREMY A. TAYLOR
HUMAN RESOURCES OFFICER

5-Part 50-316

2 - OPF Copy - Long-Term Record - DO NOT DESTROY

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-383-6238

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 1

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)*: [redacted]
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)*: [redacted]
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	6-F. Legal Authority

7. FROM: Position Title and Number

[redacted]

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

13A. Basic Pay	13B. Locality Adj.	13C. Adj. Basic Pay	13D. 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

[redacted]

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. Veteran Ben Vet	51. SUPERVISORY STATUS

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

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

52. 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:** [redacted]
- **WORK PHONE:**
- **WORK EMAIL:** [redacted]@epa.gov
- **PLACE OF BIRTH:** [redacted]

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** SKC
- **OFFICE:** AO
- **SUBOFFICE:** [redacted]
- **POSITION TITLE:** [redacted]
- **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:** [redacted]
- **POSITION TITLE:** [redacted]
- **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 [redacted]

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 [redacted] I'm approving the appointment of [redacted] at a salary equivalent to a Grade 14, Step 1 in the D.C. region [redacted] and is well respected throughout the agency. [redacted] has shown unparalleled work-ethic and organizational skills since [redacted] began. Based on the reason's listed above, I believe that [redacted] will have an immediate, positive impact on one of the agency's most important office's and that [redacted] compensation should reflect [redacted] 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 [redacted] to serve as [redacted] will be compensated at the rate of $114,590 per annum.

E. Scott Pruitt
Administrator

Appendix C: Employee C

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	05/07/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
170	EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L. 95-190
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

15. TO: Position Title and Number
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	44941	PA

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

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
35359	9582	44941	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure
3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use

26. Veterans Preference for RIF
YES [ ] NO [X]

27. FEGLI
[redacted]

28. Annuitant Indicator
9 NOT APPLICABLE

29. Pay Rate Determinant
0

30. Retirement Plan
KF FERS-FRAE & FICA

31. Service Comp. Date (Leave)
05/07/2017

32. Work Schedule
F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category
E (E – Exempt; N – Nonexempt)

36. Appropriation Code

37. Bargaining Unit Status
8888

38. Duty Station Code
11-0010-001

39. Duty Station (City – County – State or Overseas Location)
WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks
FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 05/08/17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT.
APPOINTMENT IS INDEFINITE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING

46. Employing Department or Agency
EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	05/04/2017

50. Signature/Authentication and Title of Approving Official
170791017 / ELECTRONICALLY SIGNED BY:
BENJAMIN H. PEABODY
ACTG DIR, EXEC RESOURCES DIV, OHR

ECI: [redacted]

FPPS 5/8/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

[redacted]

1. Actions Requested: Administratively Determined Appointment

2. Request Number: IO-2017-088

3. For Additional Information Call (Name and Telephone Number): [redacted] (HR-[redacted])

Local Tracking No:

4. Proposed Effective Date: 05/08/2017

5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff

6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

[redacted]

1. Name: [redacted]

2. Social Security Number: [redacted]

3. Date of Birth: [redacted]

4. Effective Date: 5-7-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
2UM	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number

15. TO: Position Title and Number [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$44,941.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization

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

[redacted]

23. Veterans Preference: 1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other)

24. Tenure: 3 (0 - None, 2 - Conditional)

25. Agency Use:

26. Veterans Preference: YES [ ] NO [X] RIF

27. FEGLI: [redacted]

28. Annuitant Indicator: 9

29. Pay Rate Determinant: 0

30. Retirement Plan: KF

31. Service Comp. Date (Leave):

32. Work Schedule: F

33. Part Time Hours Per Biweekly Pay Period: 00

[redacted]

34. Position Occupied: 2 (1 - Competitive Service, 3 - SES General)

35. FLSA Category: N

36. Appropriation Code: 1718 B 11A ZZZME8

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station: Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
[redacted]	[redacted]	[redacted]		1 (1 - USA, 8 - Other)	N	N

[redacted]

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staffing	[signature]	5/4/17
B. PSB	[signature]	4/24/17	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: [signature]

Approval Date: 5/4/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a seperate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

A30: This appointment does not confer eligibility to be noncompetitively converted to career-conditional or career appointment.
E01: Appointment Indefinite
K18: Position at full performance level
M01: Appointment affidavit executed on 05/08/2017
M39: Creditable military service: None
M40: Previous Retirement Coverage: None
M45: Employee is automatically covered under FERS.
Z66: This position is designated for Drug Testing.

FPPS
7/20/16

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion to Schedule C Appt.

2. Request Number: IO-2017-113

3. For Additional Information Call: [redacted] (Name and Telephone Number) (HR-[redacted]

Local Tracking No:

4. Proposed Effective Date: ASAP

5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff

6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

1. Name: [redacted]

2. Social Security Number: [redacted]

3. Date of Birth:

4. Effective Date: 07-16-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Excepted Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
47M	Sch C, 213.3324 Agency-Unique		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
	Schedule C Authority dated 07-13-17		

7. FROM: Position Title and Number: Same →

15. TO: Position Title and Number: [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	$44,941		GS	0301	07	01	$44,941.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization: Same →

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

23. Veterans Preference: 1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other

24. Tenure: 0 - None; 2 - Conditional

25. Agency Use

26. Veterans Preference: YES NO RIF

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

34. Position Occupied: 2 - 1 - Competitive Service; 3 - SES General

35. FLSA Category: N

36. Appropriation Code: 1718 B 11A ZZZME8

37. Bargaining Unit Status: 8888

38. Duty Station Code

39. Duty Station: Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 - USA 8 - Other		N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ryan Jackson	07-19-17
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: Ryan Jackson

Approval Date: 07-19-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-8233

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

M39: Creditable Military Service: NONE

M40: Previous Retirement Coverage: Previously Covered

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

M38: Frozen Service: 00-00

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	02/18/2018

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L. 95-190
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
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	07	01	45972	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
35854	10118	45972	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	56233	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
43857	12376	56233	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 05/07/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: N (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

```
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
APPOINTMENT IS INDEFINITE.
OPF MAINTAINED BY U.S. EPA, HRMD, MD C639-02, RTP, NC 27711
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT.
```

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	02/18/2018

50. Signature/Authentication and Title of Approving Official
180483764 / ELECTRONICALLY SIGNED BY:
JEREMY A. TAYLOR
HUMAN RESOURCES OFFICER

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

REQUEST FOR PERSONNEL ACTION

[redacted]

1. Action Requested Conversion - AD Appt.	2. Request Number IO-2018-035
3. For Additional Information Call *(Name and Telephone Number)* [redacted]	4. Proposed Effective Date
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)* Ryan T. Jackson, Chief of Staff 1/17/18	6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date* E. Scott Pruitt, Administrator 1/17/18

[redacted]

1. Name *(Last, First, Middle)*	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]		2-18-2018

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Exc Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
2lm	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number
[redacted]	[redacted]

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	07	01	$45,972	PA	AD	0301	00	00	$56,233	PA
12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay			20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay		

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
US, EPA - OFFICE OF THE ADMINISTRATOR IMMEDIATE OFFICE A0000000	US, EPA - OFFICE OF THE ADMINISTRATOR IMMEDIATE OFFICE A00000000

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%)	3 (0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite)		☐ YES ☒ NO
27. FEGLI [redacted]	28. Annuitant Indicator 9		29. Pay Rate Determinant 0
30. Retirement Plan KF	31. Service Comp. Date (Leave) 05/07/2017	32. Work Schedule F	33. Part-Time Hours Per Biweekly Pay Period 0
34. Position Occupied 2 (1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved)	35. FLSA Category N (E - Exempt; N - Nonexempt)	36. Appropriation Code 2018/2019 B 11A 000ME8	37. Bargaining Unit Status 9999
38. Duty Station Code 11-0010-001	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
						N

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
	Paulina Moore	2/15/2018

CONTINUED ON REVERSE **OVER**

52-118

7PPS

(Note to Supervisor: [illegible] conflicting reasons [illegible] resignation/retirement? If "Yes", please state these facts on a separate sheet and attach to SF 52.)

☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address [illegible] in any future decision regarding your re-employment [illegible] used to determine your [illegible] unemployment [illegible] will be used [illegible] your [illegible] or compensation to which you are entitled.

This information [illegible] sections 301, 3301, and 8506 of title 5, U.S. Code. Sections [illegible] and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalization. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (Number, Street, City, State, ZIP Code)

M39: Creditability military service: none

M45: Employee is automatically covered under FERS, FERS-RAE or FERS-FRAE

M40: Previous Retirement Coverage: previously covered

K18: Position is at the full performance level

M38: Frozen service: 0000

E01: Appointment is Indefinite

ZZZ: This appointment does not confer eligibility to be noncompetitively Converted to career-conditional or career appointment.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

February 6, 2018

[redacted]

Congratulations! You have been selected for an appointment with the U.S. Environmental Protection Agency (EPA). This is to officially inform you of your position as [redacted] Office of the Administrator. This position is in the Immediate Office of the Administrator; Washington, DC.

This position is an Excepted Service Administratively Determined (AD) position. Pursuant to the authority vested in the Administrator under Public Law 95-190, your compensation for this position has been set at $56,233 per annum. Your acceptance of this position means that: (1) your position is not in the competitive service; (2) you will serve at the pleasure of the Administrator; and (3) termination of your appointment may occur at any time upon notice thereof. During a change in Administration, each position is generally reviewed on a case-by-case basis to determine if they meet the needs of the new Administration's goals and objectives for the Agency.

Information About Your Position

- Your annual salary will increase to the amount of $56,233;
- Your immediate supervisor will be [redacted] Office of the Administrator; your second level supervisor will be Ryan Jackson, Chief of Staff to the Administrator; and
- You will continue to work a full-time schedule.

Benefits

[redacted]

We are pleased that you have chosen to continue your Federal career at the U.S. Environmental Protection Agency. We hope that you will find your new assignment both challenging and rewarding. If you have questions or concerns, please feel free to call me on [redacted]

Sincerely

[redacted]

Executive Resources Staff
Office of Human Resources

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

OFFICE OF
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 [redacted] in the Office of Administrator. [redacted] will be compensated at the rate of ~~$61,926.00~~ per annum.
$56,233.00 CPM

E. Scott Pruitt
Administrator

Printed on Recycled Paper

Appendix D: Employee D

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03/26/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
170	EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P. L. 95-190
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

1 [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	130692	PA

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

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
102826	27866	130692	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
OFFICE OF PUBLIC AFFAIRS

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks

FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 03-26-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
APPOINTMENT IS INDEFINITE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	03/27/2017

50. Signature/Authentication and Title of Approving Official
170633719 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 3/27/17

SF 52 (E Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Administratively Determined Appt.	2. Request Number: IO-2017-078
3. For Additional Information Call (Name and Telephone Number): [redacted] (HR-[redacted]) Local Tracking No:	4. Proposed Effective Date: 03/27/2017
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator, EPA

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03-26-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
ZLM	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number
	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$130,692.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other)	3 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES / NO for RIF

27. FEGLI	28. Annuitant Indicator	29. Pay Rate
[redacted]	9	0 Determinant

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF	03/26/17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 3 - SES General)	E	17/18 B 11H ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
[redacted]	[redacted]	[redacted]	—	1 (1 - USA, 8 - Other)	X	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	A. Fearles	3/24/17
B. PSB	[signature]	3/16/17	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: Cecilia Fearles — Approval Date: 3/24/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: _____.
M39: Creditable Military Service: None
M40: Previous Retirement Coverage: Never Covered.
M45: Employee is automatically covered under FERS.
K18: Employee position is at the full performance level.
ZZZ: This position is designated for Drug Testing.
ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.
E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	05/14/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 570	5-B. Nature of Action: CONV TO EXC APPT	6-A. Code	6-B. Nature of Action
5-C. Code: Y7M	5-D. Legal Authority: SCH C, 213.33SCH C, 213.3313 AGE	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
[redacted]	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	130692	PA

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	06	130692	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
102826	27866	130692	0

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
102826	27866	130692	0

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR OFFICE OF PUBLIC AFFAIRS WASHINGTON,DC	OFFICE OF THE ADMINISTRATOR OFFICE OF PUBLIC AFFAIRS WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)	3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)		YES [ ] NO [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]	9 NOT APPLICABLE	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
KF FERS-FRAE & FICA	03/26/2017	F FULL-TIME	

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)	E (E – Exempt; N – Nonexempt)		8888

38. Duty Station Code	39. Duty Station (City – County – State or Overseas Location)
11-0010-001	WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks

```
FROZEN SERVICE NONE
CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOIMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT
APPOINTMENT IS INDEFINITE.
```

46. Employing Department or Agency	47. Agency Code	48. Personnel Office ID	49. Approval Date
EP - ENVIRONMENTAL PROTECTIO	EP00	3216	05/15/2017

50. Signature/Authentication and Title of Approving Official
170893972 / ELECTRONICALLY SIGNED BY:
BENJAMIN H. PEABODY
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS
5/15/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested Conversion 10 — Schedule C Appointment		2. Request Number OPA-2017-010
3. For Additional Information Call (Name and Telephone Number) [redacted] (HR-[redacted]	Local Tracking No:	4. Proposed Effective Date ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date) Ryan T. Jackson Chief of Staff — 4/5/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date) E. Scott Pruitt, Administrator, EPA	

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]		05-14-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Excepted Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
YTM	Sch C, 213.3313, Agency-Unique		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
	Schedule C Authority		

7. FROM: Position Title and Number	15. TO: Position Title and Number
Same →	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00			GS	0301	14	6	$130,692	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
Same →	A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs

23. Veterans Preference: 1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other
24. Tenure: 3 — 0 - None; 2 - Conditional
25. Agency Use
26. Veterans Preference: YES / NO RIF
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
34. Position Occupied: 2 — 1 - Competitive Service; 3 - SES General
35. FLSA Category: E
36. Appropriation Code: 17/18 B 11H ZZZME8
37. Bargaining Unit Status: 8888
38. Duty Station Code: 11-0010-001
39. Duty Station: Washington, DC 20460
40. Agency Data
41.
42.
43.
44.
45. Educational Level
46. Year Degree Attained
47. Academic Discipline
48. Functional Class
49. Citizenship: 1 - USA; 8 - Other
50. Veterans Status
51. Supervisory Status: S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	[signature]	5.15.17
B. PSB	[signature]	4/12/17	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: [signature]
Approval Date: 5.15.17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 8/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39: Creditable Military Service: None

M40: Previous Retirement Coverage: Previously Covered.

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

ZZZ: This position is designated for Drug Testing.

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	08/13/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 546	5-B. Nature of Action: CONV TO SES NONCAREER APPT	6-A. Code	6-B. Nature of Action
5-C. Code: V4L	5-D. Legal Authority: 5 U.S.C. 3394(A) NONCAREER	6-C. Code	6-D. Legal Authority
5-E. Code: AWM	5-F. Legal Authority: NON CAREER OPM FORM1652 80917	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
[redacted]	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	06	130692	PA	ES	0340	00	00	161900	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
102826	27866	130692	0	161900	0	161900	0

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR OFFICE OF PUBLIC AFFAIRS WASHINGTON,DC	OFFICE OF THE ADMINISTRATOR OFFICE OF PUBLIC AFFAIRS WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)	0 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)		YES [ ] NO [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]	9 NOT APPLICABLE	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
KF FERS-FRAE & FICA	03/26/2017	F FULL-TIME	

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
3 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)	E (E – Exempt; N – Nonexempt)		8888

38. Duty Station Code	39. Duty Station (City – County – State or Overseas Location)
11-0010-001	WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

4 [redacted]

CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE.
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NON-COMPETIVITELY

46. Employing Department or Agency	47. Agency Code	48. Personnel Office ID	49. Approval Date	50. Signature/Authentication and Title of Approving Official
EP - ENVIRONMENTAL PROTECTIO	EP00	3216	08/24/2017	171580091 / ELECTRONICALLY SIGNED BY: VICKIE H. TELLIS ACTG DIR, EXEC RESOURCES DIV, OHR

SF 52 (E Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 298-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion to Non Career SES Appt.	2. Request Number: OPA-2017-016
3. For Additional Information Call (Name and Telephone Number): [redacted] (HR-[redacted] Local Tracking No.	4. Proposed Effective Date: ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator, EPA

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]		08-13-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
546	Conv to SES Non-Career Appt		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
Y4L	5 U.S.C. 3394(A)		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**
AWM	non career on OPM FER 1652	8-9-17	

7. FROM: Position Title and Number	15. TO: Position Title and Number
[redacted]	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	6	$130,692		ES	0340	00	00	$161,900.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs	A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference
1 (1 - None, 2 - 5-Point, 3 - 10-Point/Disability, 4 - 10-Point/Compensable, 5 - 10-Point/Other, 6 - 10-Point/Compensable/30%)	0 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES / NO for RIF

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]		0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF	3-26-17	F	0

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
3 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	E	17/18 B 11H ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship (1 - USA, 8 - Other)	50. Veterans Status	51. Supervisory Status
						S

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: Patricia Mack — Approval Date: 8-17-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-8239

FPPS

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39 - Creditable Military Service - None
M40 - Previous Retirement Covered ; Previously Covered
M45 - Employee is automatically covered under FERS.
K18 - Employee position is at the full performance level.
222 - This position is designated for Drug Testing
222 - This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or career appointment
Appointment is Indefinite.

United States Environmental Protection Agency
POSITION DESCRIPTION COVERSHEET

1. DUTY LOCATION Washington, DC

2. POSITION NUMBER [redacted]

3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position:

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	[redacted]	ES	0340	00	
4. Supervisor's Recommendation	[redacted]	ES	0301	00	

5. ORGANIZATIONAL TITLE OF POSITION (if any)

6. NAME OF EMPLOYEE [redacted]

7. ORGANIZATION (Give complete organizational breakdown)

a. U.S. ENVIRONMENTAL PROTECTION AGENCY

b. Office of the Administrator

c. Office of Public Affairs

d.

e.

f.

g.

h. Employing Office Location Washington, DC

i. Organization Code [redacted]

8. SUPERVISORY STATUS

☒ [2] **Supervisor or Manager.** Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

☐ [4] **Supervisor.** Position meets the definition of Supervisor in 5 U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.

☐ [5] **Management Official.** Position meets the definition of Management Official in 5 U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5 U.S.C. 7103(a)(10).

☐ [6] **Lead.** Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

☐ [7] **Team Leader.** Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

☐ [8] **All Other Positions.** Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor		d. Typed Name and Title of Second-Level Supervisor	
Ryan T. Jackson, Chief of Staff		E. Scott Pruitt, Administrator	
b. Signature	c. Date 3/10/17	e. Signature	f. Date 3/10/17

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. Promotion Potential
☒ This position has no promotion potential ☐ If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade: _____

b. PSB Risk Designation	c. Financial Disclosure Form	d. "Identical, Additional" (IA) Allocation	e. FLSA Determination	f. Functional Classification Code
☐ 1 Low ☐ 2 Moderate ☒ 3 High Security Clearance Required: ☒ Yes ☐ No	☐ OGE-450 Required ☒ OGE-278 Required ☐ No financial disclosure forms required	This position ☐ may be IA'ed ☒ may not be IA'ed ☐ is limited to current incumbent	☐ NONEXEMPT ☒ EXEMPT* (*check exemption category) ☐ Administrative ☐ Professional ☒ Executive	

g. Bargaining Unit Code	h. Check, if applicable:	i. Classifier's Signature	j. Date
38666	☐ Medical Monitoring Required ☐ Extramural Resources Management Duties (____% of time) ☐ This position is subject to random drug testing (____)		03/13/17

11. REMARKS

Top Secret

EPA Form 3130-1 (Rev 8/2009) Previous Versions are Obsolete

Request for Senior Executive Service Appointing Authority

Agency Name: ENVIRONMENTAL PROTECTION AGENCY Print Date: 07/26/2017

POC: [redacted] Phone: [redacted] Fax: (202) 564-9612

Request No: [redacted] Request Type: APPOINTMENT

Appointment Authority: NONCAREER

Extension: No Duration: ES Pay Level: $161,900 Temporary Allocation: No

Candidate: [redacted]

Position No: [redacted] Title: [redacted]

Organization Name: OFFICE OF PUBLIC AFFAIRS

Recruited From: SAME BUREAU, SAME AGENCY GEO Location: WASHINGTON

Current Title: [redacted]

Proposed Title:

SES Endorsement Statement

I endorse the above request made to the Office of Personnel Management. I certify that the position is a General position and certify that the candidate meets the professional/technical, executive and managerial qualifications for the position.

Agency/Dept. Head: E. Scott Pruitt, Administrator

Signature: For Date Signed: 7/27/17

Agency White House Liaison

Name: Charles Munoz Phone: 202-564-3097

Signature: for Charles Munoz Date Signed: 7/27/17

OPM USE ONLY

Check the appropriate Box(es)

- [ ] Your request for a new noncareer appointment authority, reassignment or pay level change is:
- [ ] Your request for a limited term emergency appointment authority for the duration of _____ is:
- [ ] Your request for temporary space allocation

- [x] Approved
- [ ] Approved with Modification *
- [ ] Disapproved
- [ ] Return without Action

* Modification

Number of non-career allocations: _____ Percent of SES space allocation: _____ %

OPM Approving Official: Date Signed: 8/9/17

EMAIL: SERS@opm.gov ATTENTION: Senior Executive Resource Services

Source: Office of Personnel Management Report 1652, Version November 2008

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

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

AUG 10 2017

[redacted]

Congratulations! You have been selected for an appointment with the U.S. Environmental Protection Agency (EPA). This is to officially inform you of your position as [redacted] This position is located in the Office of the Administrator, Office of Public Affairs, Immediate Office; Washington, DC. Your appointment to this position will be made effective August 13, 2017.

This position is a Non-Career Senior Executive Service (SES) position. Your acceptance of this position means that: (1) your position is not in the competitive service; (2) you will serve at the pleasure of the Administrator; and (3) termination of your appointment may occur at anytime upon notice thereof. During a change in Administration, each position is generally reviewed on a case-by-case basis to determine if they meet the needs of the new Administration's goals and objectives for the Agency.

Information About Your Position

- Your annual salary will increase to the level of $161,900;
- Your immediate supervisor will be Ryan Jackson, Chief of Staff to the Administrator; your second level supervisor will be E. Scott Pruitt, Administrator
- You will continue to work a full-time schedule;
- You will earn 8 hours of annual leave per pay period and 4 hours of sick leave per pay period. A maximum of 720 hours of annual leave can be carried forward into next leave year; and there is no cap on accrued sick leave;
- You may be required to update your SF-278 Financial Disclosure form. Please contact [redacted] to obtain additional information;
- Your position has been designated by our Personnel Security Office as a High Risk position. This designation will require your position to be subject to random drug testing procedures.

Benefits

[redacted]

We are pleased that you have chosen to continue your Federal career at the U.S. Environmental Protection Agency. We hope that you will find your new assignment both challenging and rewarding. If you have questions or concerns, please feel free to call me on [redacted]

Sincerely yours,

[redacted]

Office of Human Resources

Appendix E: Employee E

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	04/23/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
170	EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L. 95-190
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

15. TO: Position Title and Number
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	115755	PA

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

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
91074	24681	115755	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 04/23/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 04/24/17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
APPOINTMENT IS INDEFINITE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	04/24/2017

50. Signature/Authentication and Title of Approving Official
170696199 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

ECI: [redacted]

FPPS
4/24/17

SF 52 (E"Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: AD Appointment	2. Request Number: IO-2017-083
3. For Additional Information Call (Name and Telephone Number): [redacted] Local Tracking No:	4. Proposed Effective Date: 04-23-17
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff 3/27/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	04-23-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
2LM	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number
	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
					PA	AD	0301	00	00	$115,755.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	A0000000 - U.S. EPA, Office of the Administrator, Immediate Office

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other, 2 - 5-Point, 4 - 10-Point/Compensable, 6 - 10-Point/Compensable/30%)	3 (0 - None, 2 - Conditional, 1 - Permanent, 3 - Indefinite)		YES / NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KP	04-19-17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 3 - SES General, 2 - Excepted Service, 4 - SES Career Reserved)	N	1718 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
[redacted]	[redacted]	[redacted]		1 (1 - USA, 8 - Other)	1	8

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	[signature]	4/19/17
B. PSB	[signature]	4/12/17	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: [signature] Approval Date: 4/19/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6238

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

M01: Appointment Affidavit executed 04-24-17
M39: Creditable Military Service: None
M40: Previous Retirement Coverage: Never Covered
M45: Employee is automatically covered under FERS.
K18: Employee position is at the full performance level.
ZZZ: This position is designated for Drug Testing.
ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.
F01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	05/14/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
Y7M	SCH C, 213.33SCH C 3317
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
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	115755	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
91074	24681	115755	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	02	115755	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
91074	24681	115755	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure
3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use

26. Veterans Preference for RIF
YES [ ] NO [X]

27. FEGLI
[redacted]

28. Annuitant Indicator
9 NOT APPLICABLE

29. Pay Rate Determinant
0

30. Retirement Plan
KF FERS-FRAE & FICA

31. Service Comp. Date (Leave)
04/23/2017

32. Work Schedule
F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category
E (E – Exempt; N – Nonexempt)

36. Appropriation Code

37. Bargaining Unit Status
8888

38. Duty Station Code
11-0010-001

39. Duty Station (City – County – State or Overseas Location)
WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks
FROZEN SERVICE NONE
CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102

46. Employing Department or Agency
EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	05/18/2017

50. Signature/Authentication and Title of Approving Official
170921379 / ELECTRONICALLY SIGNED BY:
BENJAMIN H. PEABODY
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 5/18/17

SF 52 (E*Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

[redacted]

1. Actions Requested: Schedule C. Appt. Conversion to	2. Request Number: IO-2017-094
3. For Additional Information Call (Name and Telephone Number): [redacted] Local Tracking No:	4. Proposed Effective Date
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator /

[redacted]

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]		05-14-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Exc Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
Y7M	Sch C 3317		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
Same →	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00		PA	GS	0301	14	02	$115,755.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
Same →	A0000000 - U.S. EPA, Office of the Administrator, Immediate Office

[redacted]

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference
1 (1 - None, 2 - 5-Point, 3 - 10-Point/Disability, 4 - 10-Point/Compensable, 5 - 10-Point/Other, 6 - 10-Point/Compensable/30%)	3 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES [X] NO for RIF

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]	9	0

30. Retirement Plan	31. Service/Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KR	4/23/17	F	00

[redacted]

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	E	1718 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
[redacted]	—	—		1 (1 - USA, 8 - Other)	X	S

[redacted]

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staffing	A. Feaster	5/18/17
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: Amelia Feaster	Approval Date: 5/18/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.)

☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	07/16/2017

FIRST ACTION

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

SECOND ACTION

6-A. Code	6-B. Nature of Action
546	CONV TO SES NONCAREER APPT
6-C. Code	6-D. Legal Authority
V4L	5 U.S.C. 3394(A) NONCAREER
6-E. Code	6-F. Legal Authority
AWM	07-13-17

7. FROM: Position Title and Number
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	14	02	115755	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
91074	24681	115755	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	140000	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
140000	0	140000	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (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 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 04/23/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 3 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks
CORRECTS ITEM NUMBER 15 FROM [redacted]

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	01/18/2018

50. Signature/Authentication and Title of Approving Official
180317519 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPRS
7/20/17

SF 52 (EO Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

[redacted]

1. Actions Requested: Conversion to NC SES Appt

2. Request Number: IO-2017-110

3. For Additional Information Call (Name and Telephone Number): [redacted]

Local Tracking No.:

4. Proposed Effective Date: ASAP

5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff

6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

1. Name: [redacted]

2. Social Security Number: [redacted]

3. Date of Birth

4. Effective Date: 07-16-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
546	Conv to SES Non-Career Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
V4L	5 U.S.C. 3394(a) Non-Career		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
AWM	and OPM Form 1652 dated 07-13-17		

7. FROM: Position Title and Number: [redacted]

15. TO: Position Title and Number: [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	02	$115,755.00	PA	ES	0340	00	00	$140,000	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization: A0000000 - U.S. EPA, Office of the Administrator, Immediate Office

22. Name and Location of Position's Organization: A0000000 - U.S. EPA, Office of the Administrator, Immediate Office

23. Veterans Preference: 1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other

24. Tenure: 0 - None, 2 - Conditional

25. Agency Use

26. Veterans Preference: YES / NO / RIF

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

34. Position Occupied: 3 — 1 - Competitive Service, 3 - SES General

35. FLSA Category: E

36. Appropriation Code: 1718 B 11A ZZZME8

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station: Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 - USA 8 - Other		S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Pstaff	Ryan Jackley	07.19-17
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: Ryan Jackley

Approval Date: 07-19-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39: Creditable Military Service: NONE

M40: Previous Retirement Coverage: Previously Covered

M45: Employee is automatically covered under FERS.

M38: Frozen Service: 00-00

T55: Tenure as used for U. S. C. is not applicable to the Senior Executive Service.

ZZZ: This position is designated for Drug Testing.

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 Resignation	2. Request Number TBA
3. For Additional Information Call *(Name and Telephone Number)* [redacted]	4. Proposed Effective Date 3/17/18
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)* Ryan Jackson, Chief of Staff [signature] for Scott Pruitt 4/17/18	6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date* E. Scott Pruitt, Administrator [signature] for Scott Pruitt 4/5/18

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)*	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]			

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	15. TO: Position Title and Number
[redacted]	

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	$140,000	PA						

12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay

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

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%	0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite		☐ 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	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved	E - Exempt; N - Nonexempt	18/19 B 11A 000ME8	

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	50. Vietnam Era Vet	51. SUPERVISORY STATUS
				1-USA 8-OTHER		

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

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? ☐ YES ☐ NO
If "YES", please state these facts on a separate sheet and attach to SF 52.)

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U. S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal Service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary, however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Date Signed	4. Forwarding Address (Number, Street, City, State, ZIP Code)
3/17/19 [redacted]	3/17/19	

PART F - Remarks for SF 50

Appendix F: Employee F

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03/26/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
170	EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P. L. 95-190
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

15. TO: Position Title and Number
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	149337	PA

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

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
117496	31841	149337	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
[redacted]
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference
1 | 1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%

24. Tenure
3 | 0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite

25. Agency Use

26. Veterans Preference for RIF
YES [ ] NO [X]

27. FEGLI
[redacted]

28. Annuitant Indicator
9 NOT APPLICABLE

29. Pay Rate Determinant
0

30. Retirement Plan
KF FERS-FRAE & FICA

31. Service Comp. Date (Leave)
03/26/2017

32. Work Schedule
F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied
2 | 1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved

35. FLSA Category
E | E – Exempt; N – Nonexempt

36. Appropriation Code

37. Bargaining Unit Status
8888

38. Duty Station Code
11-0010-001

39. Duty Station (City – County – State or Overseas Location)
WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

```
FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 03-27-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
APPOINTMENT IS INDEFINITE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DIES BIT CIBFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT
```

46. Employing Department or Agency
EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	03/13/2017

50. Signature/Authentication and Title of Approving Official
170620790 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 3/27/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____ John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Administratively Determined Appointment	2. Request Number: OP-2017-017
3. For Additional Information Call (Name and Telephone Number): [redacted] (HR-[redacted]	Local Tracking No: / 4. Proposed Effective Date: 03/27/2017
5. Action Requested By (Typed Name/Title, Signature, and Request Date): Michael Flynn, Acting Deputy Administrator 3/3/17	6. Approval Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator /

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	03-26-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
Zim	P.L. 95-190		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
	[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
					PA	AD	0301	00	00	$149,337.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	AA000000 - U.S. Environmental Protection Agency, Office of the Administrator, Office of Policy

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other)	03 (0 - None, 2 - Conditional)		YES [ ] NO [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
[redacted]	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF	03-26-17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 3 - SES General)	E	1718 B 11B ZZZMH9	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
[redacted]	[redacted]	[redacted]	—	1 (1 - USA, 8 - Other)	X	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Gwen Hackley	3-23-17
B. PSB	[signature]	3/16/17	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: Gwen Hackley	Approval Date: 3-23-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: _____.

M39: Creditable Military Service: None.

M40: Previous Retirement Coverage: Previously Covered.

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

ZZZ: This position is designated for Drug Testing.

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	05/14/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 002	5-B. Nature of Action: CORRECTION	6-A. Code: 570	6-B. Nature of Action: CONV TO EXC APPT
5-C. Code:	5-D. Legal Authority:	6-C. Code: Y7M	6-D. Legal Authority: SCH C, 213.33SCH C 3316
5-E. Code:	5-F. Legal Authority:	6-E. Code:	6-F. Legal Authority:

7. FROM: Position Title and Number
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	149337	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
117496	31841	149337	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
[redacted] OFFICE OF POLICY
WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	15	05	149337	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
117496	31841	149337	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
[redacted] OFFICE OF POLICY
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks
CORRECTS ITEM NUMBER 31 FROM 03-26-17

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code: EP00

48. Personnel Office ID: 3216

49. Approval Date: 08/21/2017

50. Signature/Authentication and Title of Approving Official
171535155 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 5/18/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion To Schedule C Appointment

2. Request Number: OP-2017-020

3. For Additional Information Call (Name and Telephone Number): [redacted] (HR-[redacted]) Local Tracking No:

4. Proposed Effective Date: ASAP

5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff 4/18/17

6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

1. Name: [redacted]

2. Social Security Number: [redacted]

3. Date of Birth:

4. Effective Date: 05-14-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Exc Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
V7M	Schc 3317		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number: Same →

15. TO: Position Title and Number: [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00		PA	GS	0301	15	05	$149,337.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization: Same →

22. Name and Location of Position's Organization: AA000000 - U.S. Environmental Protection Agency, Office of the Administrator, Office of Policy

23. Veterans Preference: 1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other)

24. Tenure: 3 (0 - None, 2 - Conditional)

25. Agency Use:

26. Veterans Preference for RIF: YES / NO

27. FEGLI: [redacted]

28. Annuitant Indicator: 9

29. Pay Rate Determinant: D

30. Retirement Plan: KR

31. Service Comp. Date (Leave):

32. Work Schedule: F

33. Part Time Hours Per Biweekly Pay Period: 00

34. Position Occupied: 2 (1 - Competitive Service, 3 - SES General)

35. FLSA Category: E

36. Appropriation Code: 1718 B 11B ZZZMH9

37. Bargaining Unit Status: 8888

38. Duty Station Code:

39. Duty Station: Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 (1 - USA, 8 - Other)	A	S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff		5/18/17
B. PSB		4/12/17	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: 5/18/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 8/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
[redacted]	[redacted]	[redacted]	07/16/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 002	5-B. Nature of Action: CORRECTION	6-A. Code: 546	6-B. Nature of Action: CONV TO SES NONCAREER APPT
5-C. Code:	5-D. Legal Authority:	6-C. Code: V4L	6-D. Legal Authority: 5 U.S.C. 3394(A) NONCAREER
5-E. Code:	5-F. Legal Authority:	6-E. Code: AWM	6-F. Legal Authority: 07-13-17

7. FROM: Position Title and Number
[redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	15	05	149337	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
117496	31841	149337	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
[redacted]OFFICE OF POLICY
WASHINGTON,DC

15. TO: Position Title and Number
[redacted]

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	151700	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
151700	0	151700	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
[redacted]OFFICE OF POLICY
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (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 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: [redacted]

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 3 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL [redacted]	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks
CORRECTS ITEM NUMBER 31 FROM 03-26-17

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	08/21/2017

50. Signature/Authentication and Title of Approving Official
171581755 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS
7/20/17

SF 52 (E*Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

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

1. Actions Requested: Non Career - SES
Conversion TO

2. Request Number: OP-2017-025

3. For Additional Information Call *(Name and Telephone Number)*: [redacted] (HR-[redacted]

Local Tracking No:

4. Proposed Effective Date

5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson Chief of Staff

6. Action Authorized By *(Typed Name, Title, Signature, and Concurrence Date)*: E. Scott Pruitt / Administrator

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: [redacted]

2. Social Security Number: [redacted]

3. Date of Birth

4. Effective Date: 07-16-17

FIRST ACTION

5-A. Code	5-B. Nature of Action
546	Conv to SES Non-Career Appt
5-C. Code	**5-D. Legal Authority**
V4L	5 U.S.C. 3394(a) Non-Career and
5-E. Code	**5-F. Legal Authority**
AWM	OPM Form 1652 dated 07-13-17

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: [redacted]

15. TO: Position Title and Number: [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	301	15	05	$149,337.00	PA

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	$151,700	PA

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

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

14. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

22. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other; 2 - 5-Point; 4 - 10-Point/Compensable; 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: 3 — 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved

35. FLSA Category: E

36. Appropriation Code: 2017/2018 B 11B ZZZMH9

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station: Washington, DC

40. Agency Data

41.

42.

43.

44.

45. Educational Level

46. Year Degree Attained

47. Academic Discipline

48. Functional Class

49. Citizenship: 1 - USA; 8 - Other

50. Veterans Status

51. Supervisory Status: S

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. Staff	Ann Hackley	07-19-17
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: Ann Hackley

Approval Date: 07-19-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-8239

ED_002324_00039328-00074

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

___ OGE 450 Not Required

___ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

M39: Creditable Military Service: None

M40: Previous Retirement Coverage: Previously Covered

M45: Employee is automatically covered under FERS.

M38: Frozen Service: 00-00

T55: Tenure as used for U. S. C. is not applicable to the Senior Executive Service.

ZZZ: This position is designated for Drug Testing.

Request for Senior Executive Service Appointing Authority

Agency Name: ENVIRONMENTAL PROTECTION AGENCY **Print Date:** 07/06/2017

POC: [redacted] **Phone:** [redacted] **Fax:** (202) 564-9612

Request No: EP170079 **Request Type:** APPOINTMENT

Appointment Authority: NONCAREER

Extension: No **Duration:** **ES Pay Level:** $151,700 **Temporary Allocation:** No

Candidate: [redacted]

Position No: [redacted] **Title:** [redacted]

Organization Name: [redacted]

Recruited From: SAME BUREAU, SAME AGENCY **GEO Location:** WASHINGTON

Current Title: [redacted]

Proposed Title:

SES Endorsement Statement

I endorse the above request made to the Office of Personnel Management. I certify that the position is a General position and certify that the candidate meets the professional/technical, executive and managerial qualifications for the position.

Agency/Dept. Head or: E. Scott Pruitt, Administrator

Signature: [signature] Date Signed: 7/5/17

Agency White House Liaison

Name: Charles Munoz Phone: 564-3097

Signature: [signature] Date Signed: 7/10/17

OPM USE ONLY

Check the appropriate Box(es)

- [ ] Your request for a new noncareer appointment authority, reassignment or pay level change is:
- [ ] Your request for a limited term emergency appointment authority for the duration of _____ is:
- [ ] Your request for temporary space allocation

- [x] Approved
- [ ] Approved with Modification *
- [ ] Disapproved
- [ ] Return without Action

* Modification:

Number of non-career allocations: _____ Percent of SES space allocation: _____ %

OPM Approving Official: [signature] Date Signed: 7/13/17

EMAIL: SERS@opm.gov ATTENTION: Senior Executive Resource Services

Source: Office of Personnel Management Report 1652, Version November 2008

United States Environmental Protection Agency **POSITION DESCRIPTION COVERSHEET**	**1. DUTY LOCATION** Washington, DC	**2. POSITION NUMBER** [redacted]

3. **CLASSIFICATION ACTION**: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	[redacted]	ES	0340	OD	
4. Supervisor's Recommendation	[redacted]	ES	0340		

5. ORGANIZATIONAL TITLE OF POSITION (if any)	**6. NAME OF EMPLOYEE** [redacted]
	c.
a. U.S. ENVIRONMENTAL PROTECTION AGENCY	f.
b. OFFICE OF THE ADMINISTRATOR	g.
c. Office of Policy	h. Employing Office Location Washington, DC
d.	i. Organization Code AA000000

8. SUPERVISORY STATUS

☒ **[2] Supervisor or Manager**. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

☐ **[4] Supervisor**. Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.

☐ **[5] Management Official**. Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10).

☐ **[6] Lead**. Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

☐ **[7] Team Leader**. Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

☐ **[8] All Other Positions**. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. **Typed Name and Title of Immediate Supervisor**		d. **Typed Name and Title of Second-Level Supervisor**	
Ryan T. Jackson, Chief of Staff		**E. Scott Pruitt, Administrator, EPA**	
b. **Signature**	c. **Date** 7/1/17	e. **Signature**	f. **Date** 7/2/17

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. Promotion Potential

☒ This position has no promotion potential ☐ If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:

b. **PSB Risk Designation**	c. **Financial Disclosure Form**	d. **"Identical, Additional" (IA) Allocation**	e. **FLSA Determination**	f. **Functional Classification Code**
☐ 1 Low ☐ 2 Moderate ☒ 3 High Security Clearance Required: **Yes**	OGE-450 Required ☒ OGE-278 Required No financial disclosure forms required	This position ☐ may be IA'ed ☒ may not be IA'ed ☐ is limited to current incumbent	☐ NONEXEMPT ☐ EXEMPT (*check exemption category*) ☐ Administrative ☐ Professional ☒ Executive	

g. **Bargaining Unit Code**	h. **Check, if applicable:**	i. **Classifier's Signature**	j. **Date**
8888	☐ Medical Monitoring Required ☐ Extramural Resources Management Duties (% of time) ☐ This position is subject to random drug testing ( )		07/06/17

11. REMARKS

Secret Clearance

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, items 1, 7-22, 32, 33, 38 and 39.)*

1. Actions Requested: Non Career - SES
2. Request Number: OP-2018-000
3. For Additional Information Call *(Name and Telephone Number)*: [redacted] (HR-[redacted]) Local Tracking No:
4. Proposed Effective Date:
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson Chief of Staff
6. Action Authorized By *(Typed Name, Title, Signature, and Concurrence Date)*: E. Scott Pruitt / Administrator

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: [redacted]
2. Social Security Number: [redacted]
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	6-F. Legal Authority

7. FROM: Position Title and Number: [redacted]

15. TO: Position Title and Number: [redacted]

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES					PA	ES	0343			$161,900.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

22. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

EMPLOYEE DATA

23. Veterans Preference: 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other
24. Tenure: 0 - None 2 - Conditional
25. Agency Use
26. Veterans Preference: YES NO RIF
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 3 - SES General
35. FLSA Category
36. Appropriation Code: 2018/2019 B 11B 000MH9
37. Bargaining Unit Status
38. Duty Station Code
39. Duty Station: Washington, DC
40. Agency Data
41.
42.
43.
44.
45. Educational Level
46. Year Degree Attained
47. Academic Discipline
48. Functional Class
49. Citizenship: 1 - USA 5 - Other
50. Veterans Status
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

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