Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 5/25/2018 8:00:21 PM
To: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: Did you release security docs today?

We had no problems with the CBS story - tough but fair - and hope you have a great Memorial Day weekend!

Jahan

On May 25, 2018, at 3:32 PM, Ebbs, Stephanie <Stephanie.Ebbs@abc.com> wrote:

> Just wanted to run these numbers by you before we publish. My math has the payroll and travel for the security detail from April 2017 (the first full quarter after Adm Pruitt was confirmed) to March 2018 at about $3.5 million.
>
> The comparable time periods look like almost $2 million for the first year under Adms. Jackson and McCarthy
>
> Stephanie Ebbs
>
> ABC News-Washington
>
> (desk) 202-222-7015
>
> (cell) 202-875-4377
>
> @stephebbs
>
> ---
>
> **From:** Ebbs, Stephanie
> **Sent:** Friday, May 25, 2018 1:24:29 PM
> **To:** Wilcox, Jahan
> **Cc:** Press
> **Subject:** Re: Did you release security docs today?
>
> Thank you.
>
> Can you give any more detail on background on what these numbers include? For example are the travel numbers all costs and expenses while traveling including flights and lodging? What documents were used to compile them and do the payroll numbers include overtime?
>
> Stephanie Ebbs

ABC News-Washington

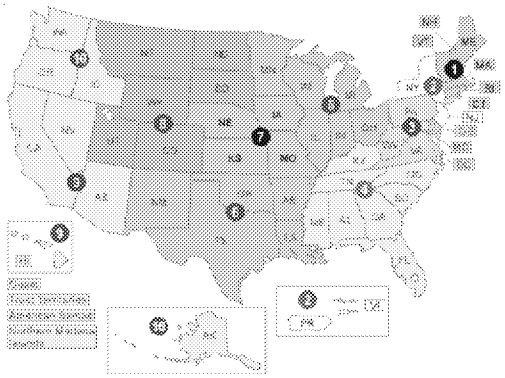
(desk) 202-222-7015

(cell) 202-875-4377

@stephebbs

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Friday, May 25, 2018 12:54:25 PM
To: Ebbs, Stephanie
Cc: Press
Subject: Re: Did you release security docs today?

The numbers posted are for McCarthy, Jackson and Pruitt and available at https://www.epa.gov/foia/national-online-foia-library#request.



National Online FOIA Library | Freedom o
Information Act ...

www.epa.gov

Online and downloadable tools to access environmental dat
Enforcement and Compliance History Online (ECHO) lets you
for facilities in your community to determine if EPA or State/
governments have conducted compliance inspections, whetl
violations were detected or enforcement actions ...

"Administrator Pruitt has faced an unprecedented amount of death threats against him and to provide transparency EPA will post the costs of his security detail and pro-actively release these numbers on a quarterly basis. Americans should all agree that members of the President's cabinet should be kept safe from violent threats." – EPA spokesman, Jahan Wilcox

BACKGROUND ...

Here are some of the threats made against EPA Administrator Scott Pruitt. "CBS News has obtained an August 2017 report prepared by the Environmental Protection Agency's office of inspector general that contains a list of 13 threats made against

EPA Administrator Scott Pruitt and his family. The threats range in severity, credibility and specificity." (CBS News, 04/11/18)

Patrick Sullivan, EPA's Assistant Inspector General For Investigations said there are a number of threats against EPA Administrator Scott Pruitt. "'We have at least four times -- four to five times the number of threats against Mr. Pruitt than we had against Ms. [Gina] McCarthy,' said Patrick Sullivan, EPA's assistant inspector general for investigations, referring to Pruitt's predecessor during the Obama administration. He declined to provide the specific numbers of threats against Pruitt. 'They run the variety of direct death threats -- 'I'm going to put a bullet in your brain' -- to implied threats -- 'if you don't classify this particular chemical in this particular way, I'm going to hurt you,'' Sullivan told CNN in an interview. 'Then there's implied threats -- like they say in New York, with the mafia: 'If you come after me and my family, I'll come after you and your family.'' (CNN, 11/28/17)

According to Patrick Sullivan, threats have nearly doubled against Pruitt. "In an interview with E&E News, Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." (E&E News, 01/11/18)

Threats have been made against Pruitt and his family. "The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family. 'The quantity and the volume -- as well as the type -- of threats are different," Pruitt said in an interview with Bloomberg News. "What's really disappointing to me as it's not just me -- it's family.'" (Bloomberg, 10/26/17)

Pruitt said threats the level of protection is decided by the threat. "The level of protection is dictated by the level of threat," Pruitt said, noting security arrangements are decided by others assessing the situation." (Bloomberg, 10/26/17)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said there have been incidents of aggressive behavior against Pruitt. "There were 'incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation

-- a memo -- to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/18)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said it's their job to ensure they can pull Pruitt away from threats. "The agents have to make sure he's in a position where they can protect him," the director of EPA's Office of Criminal Enforcement, Henry Barnet, said in an interview. "If he's surrounded by other members of the public or it's a threat, their job is to push him and pull him away from those threats. That's why it is imperative to keep him away from the individuals so they can keep him safe." (Bloomberg, 02/15/18)

EPA's Protective Service Detail says there is a high level of interest against Pruitt. "Perrotta described a "high level of unusual interest in the administrator," calling it the most he's ever seen while safeguarding EPA chiefs." (Bloomberg, 02/15/18)

On May 25, 2018, at 12:51 PM, Ebbs, Stephanie <Stephanie.Ebbs@abc.com> wrote:

Hey Jahan,

I saw the CBS story about security costs, did those numbers come from you or from FOIA docs? Your quote says that EPA will now pro-actively release security costs, how is that being distributed?

Thanks

Stephanie Ebbs

ABC News-Washington

(desk) 202-222-7015

(cell) 202-875-4377

@stephebbs

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 5/7/2018 8:34:07 PM
To: Eilperin, Juliet [Juliet.Eilperin@washpost.com]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]; Dennis, Brady [Brady.Dennis@washpost.com]
Subject: RE: checking in on a couple of stories related to the House Oversight and Government Reform probe

"We are working diligently with Chairman Gowdy and are in full cooperation in providing the Committee with the necessary documents, travel vouchers, receipts and witnesses to his inquiries."

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Monday, May 7, 2018 4:27 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Press <Press@epa.gov>; Dennis, Brady <Brady.Dennis@washpost.com>
Subject: checking in on a couple of stories related to the House Oversight and Government Reform probe

Dear Jahan and Lincoln,
Brady and I wanted to check in on a few fronts. Here are our questions.

1. We just obtained through FOIA the May 1, 2017 memo from Mr. Perrotta to the Administrator's travel coordinator (attached), requesting that he sit in either business or first class in order to avoid "lashing out" from passengers and the fact that "continued use of coach seats for the Administrator would endanger his life." We understand this request was granted on June 2, 2017. Since the EPA did not turn over additional documents to HOGR on this issue, is this tantamount to the "blanket waiver" Jahan referred to in February?
2. We understand Mr. Pruitt is taking steps to establish a legal defense fund to defray the costs associated with the different federal inquiries he now faces. Can you provide details about the establishment of this fund, including how Mr. Pruitt intends to get donations for it? And as we understand, this is to defray his own legal costs, and not those of his staff, correct?
3. In terms of current and former EPA staffers who have been asked to appear before HOGR, we understand that Mr. Perrotta appeared in Wednesday, and was represented by EPA counsel, and both Sarah Greenwalt and Millan Hupp are scheduled to talk to investigators in the next two weeks. Our understanding is that Ms. Greenwalt will be represented by private counsel. Is that accurate? And has a date been scheduled for Ryan Jackson or Samantha Dravis, both of whom we understand are represented by private counsel?
4. Separately, we just saw the NYT account that Mr. Pruitt's meal at Al Ceppo was originally paid for by Leonard Leo. Can you clarify how much that meal cost, and when Mr. Pruitt reimbursed Leo. Also, since Mr. Leo organized multiple meals in Rome, did he initially pay for other meals for the Administrator?

Thanks so much, and we are reachable the usual ways,
Juliet

Juliet Eilperin
Senior National Affairs Correspondent
Washington Post
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(O) 202-334-7774
(C) 202-302-3663
@eilperin

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 5/25/2018 8:56:12 PM
To: Plumer, Brad [brad.plumer@nytimes.com]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: quick press question from NYT on new EPA security spending numbers

Every quarter as my quote says

On May 25, 2018, at 4:20 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> The numbers posted are for McCarthy, Jackson and Pruitt and available at https://www.epa.gov/foia/national-online-foia-library#request.
>
> > **"Administrator Pruitt has faced an unprecedented amount of death threats against him and to provide transparency EPA will post the costs of his security detail and pro-actively release these numbers on a quarterly basis. Americans should all agree that members of the President's cabinet should be kept safe from violent threats."** – EPA spokesman, Jahan Wilcox
> >
> > **BACKGROUND …**
> >
> > **Here are some of the threats made against EPA Administrator Scott Pruitt.** "CBS News has obtained an August 2017 report prepared by the Environmental Protection Agency's office of inspector general that contains a list of 13 threats made against EPA Administrator Scott Pruitt and his family. The threats range in severity, credibility and specificity." (CBS News, 04/11/18)
> >
> > **Patrick Sullivan, EPA's Assistant Inspector General For Investigations said there are a number of threats against EPA Administrator Scott Pruitt.** "'We have at least four times -- four to five times the number of threats against Mr. Pruitt than we had against Ms. [Gina] McCarthy,' said Patrick Sullivan, EPA's assistant inspector general for investigations, referring to Pruitt's predecessor during the Obama administration. He declined to provide the specific numbers of threats against Pruitt. 'They run the variety of direct death threats -- 'I'm going to put a bullet in your brain' -- to implied threats -- 'if you don't classify this particular chemical in this particular way, I'm going to hurt you,'' Sullivan told CNN in an interview. 'Then there's implied threats -- like they say in New York, with the mafia: 'If you come after me and my family, I'll come after you and your family.'' (CNN, 11/28/17)
> >
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Threats have been made against Pruitt and his family. "The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family. 'The quantity and the volume -- as well as the type -- of threats are different," Pruitt said in an interview with Bloomberg News. "What's really disappointing to me as it's not just me -- it's family.'" (Bloomberg, 10/26/17)

Pruitt said threats the level of protection is decided by the threat. "The level of protection is dictated by the level of threat," Pruitt said, noting security arrangements are decided by others assessing the situation." (Bloomberg, 10/26/17)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said there have been incidents of aggressive behavior against Pruitt. "There were 'incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation -- a memo -- to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/18)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said it's their job to ensure they can pull Pruitt away from threats. "The agents have to make sure he's in a position where they can protect him," the director of EPA's Office of Criminal Enforcement, Henry Barnet, said in an interview. "If he's surrounded by other members of the public or it's a threat, their job is to push him and pull him away from those threats. That's why it is imperative to keep him away from the individuals so they can keep him safe." (Bloomberg, 02/15/18)

EPA's Protective Service Detail says there is a high level of interest against Pruitt. "Perrotta described a "high level of unusual interest in the administrator," calling it the most he's ever seen while safeguarding EPA chiefs." (Bloomberg, 02/15/18)

Sent from my iPhone

On May 25, 2018, at 4:19 PM, Plumer, Brad <brad.plumer@nytimes.com> wrote:

Hi Jahan,

Quick question about the security spending data released today — is this something that is going to be released periodically going forward? And do you have a comment from the EPA we'd be able to use on this if we did do a story?

Thanks so much—

Brad

--
Reporter, New York Times
Phone: 202-862-0369
Cell: 303-519-9614
twitter.com/bradplumer

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 4/12/2018 4:11:02 PM
To: Geoff Earle [Geoff.Earle@mailonline.com]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: RE: letter response?

"We will respond to Members of Congress through the proper channel." - EPA spokesman, Jahan Wilcox

From: Geoff Earle [mailto:Geoff.Earle@mailonline.com]
Sent: Thursday, April 12, 2018 12:10 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: letter response?

Hey Jahan.

Have you got a response to the letter from the Hill laying out Chmielewski's claims?

Also, is it accurate that administrator Pruitt approved Samantha Dravis' first class ticket from Morocco? Why did he feel it was so important that she fly first class? Was Kevin's failure to give approval the reason he got put on leave?

Thanks,

Geoff

Geoff Earle
U.S. Deputy Political Editor

The Daily Mail | 51 Astor Place, 9th Floor, New York, NY 10003

DailyMail.com

M: +1 202 441 6144
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T: @geoffearle

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Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 3/29/2018 4:19:03 PM
To: Ganim, Sara [Sara.Ganim@turner.com]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
Subject: RE: QUESTIONS FROM CNN: Pruitt personal travel and security

"Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity." – EPA spokesman, Jahan Wilcox

---

From: Ganim, Sara [mailto:Sara.Ganim@turner.com]
Sent: Thursday, March 29, 2018 12:14 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: QUESTIONS FROM CNN: Pruitt personal travel and security

Good afternoon --

CNN is working on a story about Administrator Pruitt's travel and his security, and we would like to give you a chance to respond. Our deadline is 3p today.

We intend to report the following facts.

-Senator Sheldon Whitehouse has written a letter to the EPA IG with new information, suggesting that Pruitt's 24-7 security extends beyond his official business, and that security teams have accompanied him on several personal trips.
Those trips include:
- to his home in Tulsa, Ok. for unofficial business
- to a Dec. 29 University of Kentucky basketball game in Lexington.
- from Cincinnati to Los Angeles with his family for a trip to the Rose Bowl on January 1, followed by two days in Disneyland.

-The letter also states that documents obtained by Whitehouse show Pruitt used 32 different agents during a six-week period.
-Some of those agents were reassigned from investigating environmental crimes.

-A source has told CNN that some in Pruitt's security detail have grown frustrated with having to protect the him on non-official business, and the frustration really boiled over with the trip to Disneyland.

- Whitehouse's letter also states that "more than one source" says Pruitt "frequently requested per diem lodging expenses in excess of the federal government's established daily rate."

Additionally, can you tell me if Pruitt's security flies first class on his non-official travel? Does Pruitt fly first for non-official travel? If not, can you tell me why?

Who pays for the flights, per diem, and accommodations when Pruitt brings security for personal travel?

--

Sara Ganim
CNN Washington
954-663-2523

Message

From: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]
Sent: 4/10/2018 3:55:21 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: New letter on administrator's security

Thank you.

Thanks for flagging the comments from Sullivan as well, but as far as I understand it the IG's office doesn't determine security procedures. The documents cited in the letter seem to say that the process for determining those procedures did not include specific information on threats to support some of the decisions and another document indicates that the threats might not all have been serious.

Can you provide any more information on why these internal documents would say there is no evidence of a direct threat if that's not the case?

Stephanie Ebbs
ABC News-Washington
(desk) 202-222-7015
(cell) 202-875-4377
@stephebbs

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Tuesday, April 10, 2018 11:30:45 AM
To: Ebbs, Stephanie; Bowman, Liz
Cc: Press
Subject: RE: New letter on administrator's security

"Scott Pruitt has faced an unprecedented amount of death threats against him and these threat assessments are conducted within OECA using information collected from the PSD, EPA's Office of Homeland Security, and Inspector General. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats." – EPA spokesman, Jahan Wilcox

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From: Ebbs, Stephanie [mailto:Stephanie.Ebbs@abc.com]
Sent: Tuesday, April 10, 2018 11:25 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: New letter on administrator's security

Hi Jahan and Liz,

I'm reading this new letter from Sen. Whitehouse and the documents they're citing seem to contradict some of the previous statements about the justification for the administrator's security. Do you have any additional information on these documents they're citing or provide any clarification?

Thank you

Stephanie Ebbs
ABC News-Washington
(desk) 202-222-7015
(cell) 202-875-4377
@stephebbs

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 4/10/2018 3:33:34 PM
To: Emily Holden [eholden@politico.com]; Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: RE: "EPA Intelligence has not identified any specific credible direct threat to the EPA Administrator"

It's actually different.

From: Emily Holden [mailto:eholden@politico.com]
Sent: Tuesday, April 10, 2018 11:32 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: RE: "EPA Intelligence has not identified any specific credible direct threat to the EPA Administrator"

This is the same response from last week. Can you address your own internal reports suggesting the actual threats don't justify his security arrangements? Thank you.

Emily Holden
Reporter, energy/climate
POLITICO
eholden@politico.com
+1 225 284 8303 (Mobile, WhatsApp, Signal, Confide)
@emilyhholden

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, April 10, 2018 11:31 AM
To: Emily Holden <eholden@politico.com>; Press <Press@epa.gov>
Subject: RE: "EPA Intelligence has not identified any specific credible direct threat to the EPA Administrator"

"Scott Pruitt has faced an unprecedented amount of death threats against him and these threat assessments are conducted within OECA using information collected from the PSD, EPA's Office of Homeland Security, and Inspector General. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats." – EPA spokesman, Jahan Wilcox

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According to Patrick Sullivan, threats have nearly doubled against Pruitt. "In an interview with E&E News,

Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." (E&E News, 01/11/18)

Threats have been made against Pruitt and his family. "The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family. 'The quantity and the volume -- as well as the type -- of threats are different," Pruitt said in an interview with Bloomberg News. "What's really disappointing to me as it's not just me -- it's family.'" (Bloomberg, 10/26/17)

Pruitt said threats the level of protection is decided by the threat. "The level of protection is dictated by the level of threat," Pruitt said, noting security arrangements are decided by others assessing the situation." (Bloomberg, 10/26/17)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said there have been incidents of aggressive behavior against Pruitt. "There were 'incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation -- a memo -- to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/18)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said it's their job to ensure they can pull Pruitt away from threats. "The agents have to make sure he's in a position where they can protect him," the director of EPA's Office of Criminal Enforcement, Henry Barnet, said in an interview. "If he's surrounded by other members of the public or it's a threat, their job is to push him and pull him away from those threats. That's why it is imperative to keep him away from the individuals so they can keep him safe." (Bloomberg, 02/15/18)

EPA's Protective Service Detail says there is a high level of interest against Pruitt. "Perrotta described a "high level of unusual interest in the administrator," calling it the most he's ever seen while safeguarding EPA chiefs." (Bloomberg, 02/15/18)

From: Emily Holden [mailto:eholden@politico.com]
Sent: Tuesday, April 10, 2018 11:25 AM
To: Press <Press@epa.gov>
Subject: FW: "EPA Intelligence has not identified any specific credible direct threat to the EPA Administrator"

Do you have a comment on this letter? Are these examples of threats all of what you have used to justify Pruitt's higher security level and expenses? Why doesn't the report list any threats during air travel? Would need a comment ASAP, thanks.

Emily Holden
Reporter, energy/climate
POLITICO
eholden@politico.com
+1 225 284 8303 (Mobile, WhatsApp, Signal, Confide)
@emilyhholden

From: Davidson, Richard (Whitehouse) [mailto:Richard_Davidson@whitehouse.senate.gov]
Sent: Tuesday, April 10, 2018 10:47 AM
To: Davidson, Richard (Whitehouse) <Richard_Davidson@whitehouse.senate.gov>
Cc: Brennan, Christine (EPW) <Christine_Brennan@epw.senate.gov>
Subject: "EPA Intelligence has not identified any specific credible direct threat to the EPA Administrator"

Hi again, all,

We have another letter for you from Senators Whitehouse and Carper on Pruitt. This one calls into question the justification for Pruitt's 24-7 security detail and other security measures (first-class flights, security sweeps of EPA facilities, etc.) based on documents brought to our attention by a whistleblower. This information is being sent to Senator Barrasso calling for bipartisan oversight hearings by Senate EPW. The full details are below, but here are the key take-aways:

- Secret Service security threat assessments from 2017 and 2018 identify no "reports of behaviors of interest" against the administrator
- The Joint Terrorism Task Force reported in October there are "no known investigations underway concerning threats to Scott Pruitt"
- Pruitt's security detail's justification for the extensive security measures Pruitt enjoys relies largely on negligible threats such as non-violent protests, negative feedback about the Administrators actions or other First Amendment protected activity
- An internal EPA review of Pruitt's security justification concludes it "DOES NOT employ sound analysis or articulate relevant 'threat specific' information appropriate to draw any resource or level of threat conclusions regarding the protection posture for the Administrator"; and that "[u]sing all source intelligence resources, EPA Intelligence has not identified any specific credible direct threat to the EPA Administrator"
- The internal review also concludes that it has "not seen any analysis to indicate why the Administrator would be at any greater risk on a commercial airline than any other passenger, or why a trained EPA PSD member could not protect the Administrator in a different location on the aircraft [than in the business or first-class section]"

Note: Given that this information deals with details of threats to a cabinet official, we are not making the underlying reports available.
Full text of the Senators' letter is below. A PDF is attached.

April 10, 2018

The Honorable John Barrasso
Chairman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso,

We write to request that the Senate Environment and Public Works (EPW) Committee immediately initiate bipartisan oversight hearings into the extent and justification of security spending for Environmental Protection Agency (EPA) Administrator Scott Pruitt. Documents provided to us by EPA official(s) suggest the agency has relied on questionable "threats" to the Administrator, including reports of non-violent protests, negative feedback about the Administrator's actions, or other First Amendment protected activity, to justify millions of dollars in

additional security spending, including first-class air travel, as compared to his predecessors at the agency. These non-public documents include security threat assessments from the United States Secret Service that identify no "reports of behaviors of interest" against Administrator Pruitt, and an internal EPA Intelligence Office report that disputes the Administrator's claims that the nature of the threats against him justify his expenditures. We are providing this information to you under confidential cover in an abundance of caution to protect any specific ongoing security efforts.

Administrator Pruitt has adopted numerous, unprecedented safety measures during his tenure at EPA: 24-7 security staffed by a detail of as many as 20 EPA officers, first-class flights ostensibly to more effectively protect the Administrator while travelling by air, and a security sweep of and biometric locks for the Administrator's office. The Associated Press reported this weekend that total security costs and associated travel expenses have already cost taxpayers $3 million.[1]

EPA spokesman Jahan Wilcox was quoted on April 6 as saying the Administrator and his family have faced an "unprecedented" number of death threats, a statement that was amplified the following day by President Trump who stated that "Scott Pruitt has received death threats because of his bold actions at EPA."[2] In its March 21, 2018 response to a February 15, 2018 letter from Senators Tom Carper and Gary Peters about the Administrator's first-class flights, EPA wrote that its Protective Security Detail (PSD) "has identified specific, ongoing threats associated with the Administrator's air travel" and has relied on assessments from EPA's Office of Inspector General (EPA OIG) that the Administrator is facing more security threats than his predecessor. These assertions do not appear to be consistent with the non-public EPA documents we have obtained and enclose here.

For example, one document we are providing to you is an October 17, 2017 memorandum from William Stull, Special Agent on the Administrator's PSD, to Pasquale Nino Perrotta, the PSD's Special Agent in Charge.[3] The memo purports to summarize available threat information regarding Administrator Pruitt, claiming that the EPA OIG data showed 16 threats directed against the Administrator, a 400% increase over threats in the previous fiscal year against then-EPA Administrator Gina McCarthy. A closer look at the description of many of these threats cast doubt that they appropriately justify the kinds of security measures Mr. Pruitt has sought, as they include:

- Protestors attempting to disrupt a speech given by Mr. Pruitt at a closed event.
- A social media post in which an individual "stated he is not happy with some of the Administrator's policies and wanted to express his displeasure."
- A postcard sent to the Administrator stating "CLIMATE CHANGE IS REAL!!! We are watching you. For the sake of our planet, our children & our grandchildren, will you be a reasonable man? I repeat, we are watching you!"
- An email stating: "Hi, I am considering dumping the old paint I just scraped off of my home outside your office door on Tuesday."
- A letter addressed to the Administrator that did not include "overt threatening language" from an incarcerated individual.

Notably, none of the incidents listed in this report concerned air travel and the only threat to Administrator Pruitt currently being prosecuted by a United States Attorney's office was a threat made to him <u>and</u> his predecessor Gina McCarthy.

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[1] Michael Biesecker, "AP sources: EPA chief spent millions on security and travel," *The Associated Press*, April 7, 2018 https://www.apnews.com/e2fdc3fc88be43279281779 5a34fda46.

[2] https://twitter.com/realDonaldTrump/status/982770847046922240?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Fwww.cnn.com%2F2018%2F04%2F07%2Fpolitics%2Ftrump-pruitt-epa-tweet%2Findex.html

[3] We wrote to EPA on March 6, 2018, raising numerous concerns about Mr. Perrotta, including potential self-dealing, and questioning his ability to run a security consulting business while employed at EPA. We also raised concerns about how Mr. Perrotta came to be Special Agent in Charge, which have been heightened in light of recent reporting by the New York Times that Mr. Perrotta's predecessor, Eric Weese, was removed from his position for when he "questioned Mr. Pruitt's desire to use flashing lights and sirens in his motorcade." *See* Eric Lipton, Kenneth P. Vogel, Lisa Friedman, "E.P.A. Officials Sidelined After Questioning Scott Pruitt," *New York Times,* April 5, 2018. We have not yet received a response from EPA to that letter.

The October 17 assessment also states that at the time there were "no known investigations underway concerning threats to Scott Pruitt" by the Joint Terrorism Task Force, and that an open-source review of social media uncovered "no evidence of a direct threat to the Administrator's life or physical well-being."

We have also obtained, and are providing to you, a document dated February 14, 2018, from EPA's Office of Homeland Security Intelligence Team titled "Preliminary Intelligence Enterprise Threat Assessment Review," which reviewed the PSD's October 17, 2017 memo. This memo concluded PSD's October 17 memo "***DOES NOT*** employ sound analysis or articulate relevant 'threat specific' information appropriate to draw any resource or level of threat conclusions regarding the protection posture for the Administrator." (Emphasis in original.) The memo states that "[u]sing all source intelligence resources, **EPA Intelligence has not identified any <u>specific</u> credible direct threat to the EPA Administrator**."[4] (Emphasis in original.)

The February 2018 memo describes repeated efforts by EPA Intelligence officials to tell EPA OIG and EPA's senior leadership that "the 'threat' to the Administrator was being inappropriately mischaracterized by the Protective Service Detail (PSD) and the OIG" and notes that EPA Intelligence has "not seen any analysis to indicate why the Administrator would be at any greater risk on a commercial airline than any other passenger, or why a trained EPA PSD member could not protect the Administrator in a different location on the aircraft [than in the business or first-class section]."

EPA's Intelligence Team requested from the United States Secret Service a "Direction of Interest Query" on February 21, 2017 and on February 22, 2018 for potential threats against Administrator Pruitt. Neither query returned any "reports of behaviors of interest directed toward EPA Administrator Pruitt." We have provided you both United States Secret Service reports with this letter.

It is hard to reconcile the public statements of EPA, and the President, with these internal and external assessments. It may be that the materials we have been provided are incomplete and that EPA has additional information that justifies its public position. However, another view is that certain factions within EPA have justified the exorbitant taxpayer spending incurred by the Administrator's first-class travel and large entourage of security personnel through unsubstantiated claims about threats to his security, either at the direction of the Administrator himself or others in the agency. Either way, the EPW Committee has a responsibility to look into these matters.

As you review this information, we urge you to remind EPA of its obligations under the Whistleblowers Protection Act, as amended. In our view, the documents provided to us may constitute evidence of a "violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety."[5] As such, any adverse personnel action against a person providing this information to Congress is prohibited, and it is in our shared interest that these rights be protected.

We thank you for your prompt attention to this matter, and look forward to working with you.

Sincerely,

Thomas R. Carper United States Senator	Sheldon Whitehouse United States Senator

cc: Arthur A. Elkins, Jr., Inspector General, Environmental Protection Agency

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[4] One role of this office "is to identify potential vulnerabilities, and to provide information and guidance to mitigate potential violent actions evolving from inappropriate communications and/or threats that are directed at EPA protected persons and facilities." Apparently it has been excluded from assessments and decision-making related to the Administrator's security. This suggests a breakdown of communication and coordination within EPA that should also be an area of inquiry by the EPW Committee.
[5] 5 U.S.C. 2302(b)

Rich Davidson
Deputy Communications Director
(202) 228-6291 (office)
(401) 345-1225 (cell)

Message

From: Wallace, Gregory [gregory.wallace@turner.com]
Sent: 4/11/2018 7:39:35 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: questions regarding security

Thank you very much. I appreciate it.

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Wednesday, April 11, 2018 1:37 PM
To: Wallace, Gregory
Cc: Press
Subject: RE: questions regarding security

"Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government." EPA spokesman, Jahan Wilcox

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From: Wallace, Gregory [mailto:gregory.wallace@turner.com]
Sent: Wednesday, April 11, 2018 1:09 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: questions regarding security

Good afternoon, Jahan,

We have two questions regarding the Administrator's security.

Who determined the threat assessment against the Administrator warranted 24/7 security and traveling in first and business class airplane seats?

Who determined that the security detail should be expanded?

Thank you, Greg

Gregory Wallace
CNN
202-738-3113

Message

From: Lisa Friedman [lisa.friedman@nytimes.com]
Sent: 4/10/2018 3:23:57 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: security threat - comment request

they said they have

Lisa Friedman
Reporter, The New York Times
202-862-0306 office
202-251-2083 cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

On Apr 10, 2018, at 11:09 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

OTR – Have they sent this letter to John Barrasso yet?

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 10:49 AM
To: 'Friedman, Lisa' <lisa.friedman@nytimes.com>; Press <Press@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: security threat - comment request

"Scott Pruitt has faced an unprecedented amount of death threats against him and these threat assessments are conducted within OECA using information collected from the PSD, EPA's Office of Homeland Security, and Inspector General. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats." – EPA spokesman, Jahan Wilcox

BACKGROUND …

Patrick Sullivan, EPA's Assistant Inspector General For Investigations said there are a number of threats against EPA Administrator Scott Pruitt. "'We have at least four times -- four to five times the number of threats against Mr. Pruitt than we had against Ms. [Gina] McCarthy,' said Patrick Sullivan, EPA's assistant inspector general for investigations, referring to Pruitt's predecessor during the Obama administration. He declined to provide the specific numbers of threats against Pruitt. 'They run the variety of direct death threats -- 'I'm going to put a bullet in your brain' -- to implied threats -- 'if you don't classify this particular chemical in this particular way, I'm going to hurt you,'' Sullivan told CNN in an interview. 'Then there's implied threats -- like they say in New York, with the mafia: 'If you come after me and my family, I'll come after you and your family.'' (CNN, 11/28/17)

According to Patrick Sullivan, threats have nearly doubled against Pruitt. "In an interview with E&E News, Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." (E&E News, 01/11/18)

Threats have been made against Pruitt and his family. "The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family. 'The quantity and the volume -- as well as the type -- of threats are different," Pruitt said in an interview with Bloomberg News. "What's really disappointing to me as it's not just me -- it's family.'" (Bloomberg, 10/26/17)

Pruitt said threats the level of protection is decided by the threat. "The level of protection is dictated by the level of threat," Pruitt said, noting security arrangements are decided by others assessing the situation." (Bloomberg, 10/26/17)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said there have been incidents of aggressive behavior against Pruitt. "There were 'incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation -- a memo -- to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/18)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said it's their job to ensure they can pull Pruitt away from threats. "The agents have to make sure he's in a position where they can protect him," the director of EPA's Office of Criminal Enforcement, Henry Barnet, said in an interview. "If he's surrounded by other members of the public or it's a threat, their job is to push him and pull him away from those threats. That's why it is imperative to keep him away from the individuals so they can keep him safe." (Bloomberg, 02/15/18)

EPA's Protective Service Detail says there is a high level of interest against Pruitt. "Perrotta described a "high level of unusual interest in the administrator," calling it the most he's ever seen while safeguarding EPA chiefs." (Bloomberg, 02/15/18)

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Tuesday, April 10, 2018 10:32 AM
To: Press <Press@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: security threat - comment request

Sen. Whitehouse has sent a letter to Barrass - he said he has an EPA Homeland Security intelligence assessment that he says undercuts the October memo of Mr. Pruitt's security detail justifying the need for first-class travel, etc. as security measures. We're doing a story quickly - if you have any immediate comment I will put it in as quickly as possible; we are also writing through the story today.

Best,
Lisa

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 3/23/2018 7:04:16 PM
To: Miranda Green [mgreen@thehill.com]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
Subject: RE: New Duckworth Bill Would Require Public Disclosure of Trump Administration's Travel Spending

We will refer you to Administrator Pruitt's comments that he made with …

CBS News' Major Garrett: **https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/**
Portland-based (Oregon) radio host Lars Larson (7:10 mark): **https://soundcloud.com/thelarslarsonshow/epa-administrator-scott-pruitt-can-the-epa-stop-bullying-america-please**
St. Louis based radio host Mark Reardon (24:30 mark) **http://stlouis.cbslocal.com/audio/mark-reardon-show/march-22nd-2018-3-4pm/.**

From: Miranda Green [mailto:mgreen@thehill.com]
Sent: Friday, March 23, 2018 2:52 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Fwd: New Duckworth Bill Would Require Public Disclosure of Trump Administration's Travel Spending

Can I get a comment from EPA in response to this bill and the fact that Pruitt is named?

Thanks,
Miranda

---------- Forwarded message ----------
From: **Press (Duckworth)** <Press@duckworth.senate.gov>
Date: Fri, Mar 23, 2018 at 11:25 AM
Subject: New Duckworth Bill Would Require Public Disclosure of Trump Administration's Travel Spending
To: "Press (Duckworth)" <Press@duckworth.senate.gov>

TAMMY DUCKWORTH
U.S. SENATOR FOR ILLINOIS

FOR IMMEDIATE RELEASE

March 23, 2018
Contact: Sean Savett, sean_savett@duckworth.senate.gov

New Duckworth Bill Would Require Public Disclosure of Trump Administration's Travel Spending

Trump Cabinet officials have wasted exorbitant amounts of taxpayer dollars traveling on private planes & purchasing first class tickets

[WASHINGTON, D.C.] – After several Trump Administration senior officials including Secretaries Zinke, Mnuchin and Pruitt violated the Federal Travel Regulation by wasting exorbitant amounts of taxpayer dollars on inappropriate travel expenses like charter jets and first class airfare, U.S Senator Tammy Duckworth (D-IL) introduced legislation today to help ensure the Trump Administration—and any future administration—spends taxpayer dollars more responsibly. Duckworth's new *Federal Travel Transparency Act* would increase transparency and oversight by making the air travel activities of cabinet secretaries and agency leaders available to the public online and requiring that the data be in an open, easily accessible format.

"Every public servant has a responsibility to be a good steward of public dollars but it's clear that Donald Trump and his Cabinet secretaries do not always see it that way," said Duckworth. "**When Trump Administration officials spend thousands of taxpayer dollars to charter a private or military plane or purchase a first-class ticket, they should—at the very least—be required to tell the American people who are bankrolling their luxurious travel why it is necessary. By shining a light on the travel practices of Trump Cabinet officials, this bill would protect taxpayers from the Trump Administration's wasteful spending on needless luxury travel."**

The *Federal Travel Transparency Act* follows a number of reports revealing Trump Cabinet Secretaries have spent an exorbitant amount of taxpayer dollars to fly themselves around the country and the world on private and military planes and in first-class. For instance, Interior Secretary Ryan Zinke is being investigated for mixing government travel with political events, and he is under public scrutiny this week for bringing his government-funded security detail on a two-week vacation to Europe last summer. Treasury Secretary Steven Mnuchin spent nearly $1 million dollars to charter eight flights on U.S. military planes, and he even requested the use of a military aircraft to fly him and his wife around Europe on their honeymoon before withdrawing his request after coming under public scrutiny. EPA Administrator Scott Pruitt spent more than $163,000 of taxpayer dollars on air travel in 2017, including $105,000 on first class seats that he insists are necessary for his security. Former Health and Human Services Secretary Tom Price was also forced to resign last year after reports revealed he unnecessarily spent more than $1 million to travel on dozens of private and government planes instead of taking cheaper, widely available commercial alternatives.

Senator Duckworth's new good government legislation does not seek to reinvent the wheel on travel rules and would avoid establishing new bureaucracies or offices. It would simply require the government to publicly disclose, on a quarterly basis, the official air travel activities of agency leadership, including the duration, destination(s), travel party, justification and costs of official travel on an existing website such as USASpending.gov. That would save the government from having to expend resources responding to numerous FOIA requests for agency leadership travel information, while pushing top administration officials to make better official travel decisions and allow the public to track how its taxpayer dollars are being spent. USASpending.gov was created by the bipartisan *Coburn-Obama Federal Funding Accountability and Transparency Act of 2006*, which then-U.S. Senators Barack Obama (D-IL) and Tom Coburn (R-OK) passed to increase transparency of federal spending.

The *Federal Travel Transparency Act* has been endorsed by the Sunlight Foundation and the Project On Government Oversight (POGO). More information on the *Federal Travel Transparency Act* is available here and here. A list of the positions in the administration it would apply to is available here.

-30-

--
Miranda Green
Energy and Environment Reporter, The Hill
202-999-0660
mgreen@thehill.com
@mirandacgreen

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 3/21/2018 1:27:53 PM
To: Mangan, Daniel (NBCUniversal) [Daniel.Mangan@nbcuni.com]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: RE: cnbc.com query - EPA Admin Scott Pruitt travel

Answers in bold.

From: Mangan, Daniel (NBCUniversal) [mailto:Daniel.Mangan@nbcuni.com]
Sent: Wednesday, March 21, 2018 9:17 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: cnbc.com query - EPA Admin Scott Pruitt travel

Jahan –

Good morning. I'm doing a story off of Politico's report about Administrator Pruitt's use of first-class flights and the new cost figures for those flights. Please send me any comment you have on that report and its contents.

"We have responded to Chairman Gowdy. The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane." – EPA spokesman, Jahan Wilcox

I'd also like to know if Mr. Pruitt has made any changes in the way he travels as a result of the controversy over the issue of costs.

"We answered this in a podcast with CBS News."

https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/

Thanks –

Dan Mangan

Dan Mangan
Reporter
CNBC.com
201-735-3159 (o)
917-887-1383 (m)

Message

From: Ganim, Sara [Sara.Ganim@turner.com]
Sent: 3/14/2018 6:32:41 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: voucher requests

Thank you.

--
Sara Ganim
CNN Washington
954-663-2523

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Wednesday, March 14, 2018 2:26:05 PM
To: Ganim, Sara
Cc: Press; Bowman, Liz
Subject: RE: voucher requests

Answers in bold.

From: Ganim, Sara [mailto:Sara.Ganim@turner.com]
Sent: Wednesday, March 14, 2018 2:22 PM
To: Press <Press@epa.gov>
Subject: voucher requests

Hi there -- Checking in, because I noticed that the deadline for the request from Trey Gowdy's office for all of Secretary Pruitt's travel vouchers was last week, and I'm wondering if EPA cooperated.

"We have been in contact with Chairman Gowdy and are accommodating his request as quickly as possible." – EPA spokesman, Jahan Wilcox

In addition, can you tell me if the Secretary is still traveling in first class, or if the switch has been made to coach travel? Thanks.

https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/

Sara

--
Sara Ganim
CNN Washington
954-663-2523

International Travel

FALSE CLAIM ...

EPA Administrator Scott Pruitt wasted taxpayer money on three international travel trips. Not told is that the trip to Italy was for the G-7 environmental summit and the Morocco trip was to meet with government leaders about environmental issues. Finally, a planned trip to Australia was cancelled so Administrator Pruitt could stay in the U.S. and monitor relief efforts related to Hurricane Harvey.

Additionally, Pruitt's international travel has been criticized despite having taken fewer international trips and ~~spent~~ less money spent than his two predecessors: Gina McCarthy and Lisa Jackson.

PRECENDENT FOR EPA INTERNATIONAL TRAVEL ...

- Administrator Pruitt has taken 2 international trips: total cost $160,000.
- Administrator McCarthy took 10 international trips: total cost $630,000.
- Administrator Jackson took 4 international trips: total cost $332,000 (including $155,000 on one trip to China.)

Former EPA Administrators Gina McCarthy And Lisa Jackson Spent More On International Travel Than Pruitt. "Internal EPA documents provided to the Washington Free Beacon reveal Obama administration EPA administrators jet setting cost taxpayers roughly $1 million. The EPA has spent $124,000 for Pruitt and his security detail to travel to the G-7 summit in Italy and a trip to Morocco. McCarthy took 10 international trips in three years, including trips to Paris, Florence, Dubai, and Tokyo. Pruitt has come under scrutiny from the media for the travel costs, which include $84,000 for the G-7 summit in Italy last summer in airfare for Pruitt and security... McCarthy spent $629,743 on airfare and security for international trips between 2013 and 2016...Internal EPA documents show costs for trips to Ghana ($68,382), Peru ($45,140), Tokyo ($74,738), Paris ($41,321), Dubai ($90,368), Tokyo ($67,703), Florence ($56,193), Vancouver ($62,247), Vietnam ($68,268), and Beijing ($55,385)." ([HYPERLINK "http://freebeacon.com/issues/obama-epa-administrators-spent-eight-times-pruitt-international-travel/"] 03/21/2018)

Lisa Jackson's China Trip Exceeded $155,000. "Between 2009 and 2012, Jackson spent $64,963 for trips to Tel Aviv; $59,950 to Rio de Janeiro; $51,436 to Montreal; and $155,764 to Beijing, Guangzhou, and Shanghai." ([HYPERLINK "http://freebeacon.com/issues/obama-epa-administrators-spent-eight-times-pruitt-international-travel/"] 03/21/2018)

ITALY ...

Administrator Pruitt Promoted The Importance Of International Engagement At His First G7 Meeting. "U.S. EPA Administrator Scott Pruitt attended his first G7 Environmental Ministerial Meeting, taking part in thoughtful bilateral discussions with his G7 counterparts. Less than two weeks after President Trump announced the United States' withdrawal from the Paris Accord, Administrator Pruitt emphasized now is the time to move forward with a discussion to find ways to positively engage with other countries in order to protect and use our natural

resources. 'The United States has always been a world leader when it comes to environmental stewardship, and that was demonstrated on a global stage today,' Administrator Pruitt said. 'I believe engaging in international discussion is of the utmost importance to the United States when it comes to environmental issues. I want to thank the government of Italy and Minister Galletti for the tremendous hospitality and leadership over this meeting.' 'The protection of the environment and public health,' said Italian Minister of the Environment Gian Luca Galletti, 'is a common goal for Italy and the United States. There are many themes that see our common commitment. The presence of Administrator Pruitt at the G7 Environment in Bologna has been a very important element that allowed us to start constructive dialogue on all environmental issues as well as to open new channels of business cooperation between our two countries.' Administrator Pruitt returned to the United States Sunday evening in order to attend the President's first full cabinet meeting scheduled for Monday. ([HYPERLINK "https://www.epa.gov/newsreleases/administrator-pruitt-promotes-importance-international-engagement-first-g7-meeting"], 06/11/17)

Both Lisa Jackson And Gina McCarthy Attended The Same G-7 Meeting As Pruitt And EPA Security Details Followed The Same Protocol As Past Trips. "'Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson and Gina McCarthy's trips to Italy,' agency spokesman Jahan Wilcox said in an email. 'EPA's security procedures have not deviated over the past 14 years.'" ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2018/03/20/on-italy-trip-travel-costs-for-epa-chiefs-security-detail-topped-30000/?utm_term=.f2660d3a8d9e"], 03/20/2018)

- **Gina McCarthy Also Visited The Vatican While In Rome**. "Explaining her visit Friday to the Vatican, the head of the U.S. Environmental Protection Agency said she wanted to let Pope Francis know that President Barack Obama is 'aligned with him' on the issue of climate change and is taking action.'" ([HYPERLINK "http://fore.yale.edu/news/item/epa-chief-at-vatican-obama-aligned-with-francis-on-climate-change/"], 01/30/2015)

Media Reports Suggest Pruitt's Trip To Italy ~~Spent~~ Cost **Too Much On Travel And Security**. "Pruitt said he took official meetings during the entire four-day trip to Italy for the G-7 environmental summit in June of last year…Documents released earlier this week show that the cost of the trip was $30,000 more than previously reported, bringing the total to around $120,000. An EPA document showed that the cost of travel for Pruitt's security detail was $30,559 the week of the trip. ([HYPERLINK "http://abcnews.go.com/Politics/scott-pruitt-defends-italy-trip-increased-scrutiny-travel/story?id=53947254"], 03/22/2018)

Pruitt Critics ~~Downplay~~ Purposefully Ignore The **Significance Of** The G7 **Italy Trip**. "That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter," Eric Schaeffer, executive director of the Environmental Integrity Project, said in a statement Tuesday. "And it doesn't even include salary costs for everyone who signed up for this tour. Maybe next time he should just send his regrets." ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2018/03/20/on-italy-

trip-travel-costs-for-epa-chiefs-security-detail-topped-30000/?utm_term=.f2660d3a8d9e"], 03/20/2018)

EPA STATEMENT: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman

On February 13, 2018 CBS News Reported That EPA Had "A Certificate Justifying The Return Flight From Milan," Allowing Administrator Pruitt To Fly On A Foreign Carrier Due To Lack Of Options Available From American Carriers. "A certificate justifying the return flight from Milan that the EPA provided to CBS News said Pruitt flew on a foreign carrier because it was the only available flight 'that would get the administrator back in time' to attend a Cabinet meeting with President Trump the next day." ([HYPERLINK "https://www.cbsnews.com/news/epas-scott-pruitt-got-waiver-to-fly-business-class-on-non-u-s-carrier-from-italy-to-u-s/"], 2/13/18)

MOROCCO …

Administrator Pruitt Promotes Environmental Cooperation With ~~U.S. Partners in Morocco~~Moroccan Government Officials. "U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt attended bilateral meetings in Morocco this week where he outlined U.S. environmental priorities for updating the Environmental Work Plan under the U.S.-Morocco Free Trade Agreement and the potential benefit of ~~liquified~~liquefied natural gas (LNG) imports on Morocco's economy. This visit comes on the heels of an EPA-led workshop in Rabat that shared U.S. best practices for solid waste management, public participation and crisis communication pursuant to the former Environmental Work Plan. 'These meetings allowed us to directly convey our priorities and best practices with Moroccan leaders, as well as identify opportunities for continued cooperation, as our two countries further talks around the Environmental Work Plan,' said EPA Administrator Scott Pruitt. 'We are committed to working closely with countries like Morocco to enhance environmental stewardship around the world.' Administrator Pruitt met with Moroccan Secretary of State of Ministry of Foreign Affairs, Mounia Boucetta, where the two discussed the importance of continued collaboration between the two countries. Following the meeting with Secretary Boucetta, he met with the Moroccan Minister of Energy, Mines and Sustainable Development, Aziz Rabbah, to discuss new and ongoing areas of collaboration under the Free Trade Agreement and the country's interest in importing LNG. Also during the visit to Morocco, Administrator Pruitt met with Moroccan Minister of Justice and Liberties, Mohamed Aujjar. The two focused on the importance of adhering to rule of law and the ongoing strategic cooperation between the two countries. Administrator Pruitt also toured the IRESEN Green Energy Park, where he saw firsthand the work being done to promote environmental innovation including solar energy across Morocco. ([HYPERLINK "https://www.epa.gov/newsreleases/administrator-pruitt-promotes-environmental-cooperation-us-partners-morocco"], 12/12/17)

The Washington Post Criticized Pruitt For Spending A Night In Paris, When In Reality His

Outbound Flight Was Cancelled And He Was Forced To Spend A Night Near Charles De Gaulle Airport In France. "An EPA official said the trip was affected by weather delays, which prompted the group to stay in Paris on Dec. 10 before arriving in Rabat the next day." ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2018/03/20/new-documents-show-nearly-68000-in-recent-premium-flights-hotel-stays-for-epas-pruitt/?utm_term=.31763eee1f18"], 03/20/18)

ABC News Falsely Reported That Pruitt Had One Scheduled Meeting For The First Day, When In Fact His Flight Was Cancelled Due To Snow At Dulles And His Schedule Had To Be Adjusted. "Wilcox said Saturday that Pruitt originally had more meetings scheduled that first day in Morocco but his plans changed after weather delayed his flight out of Dulles International Airport on Dec. 9" ([HYPERLINK "http://abc7news.com/epa-chief-recorded-a-single-one-hour-meeting-on-day-1-of-morocco-trip/3375083/"], 04/21/18)

ABC News Criticized EPA Over That A Portion Of Pruitt's Calendar Which Was Redacted, When The Redaction Was For A Senior Staff Meeting, It Listed Of All 98 Attendees For A Meeting In Washington That He Never Attended. "The four-page redaction to the Morocco schedule is simply a calendar entry for a Senior Staff Meeting at EPA Headquarters in DC, which the Administrator did not attend because he was in Morocco. The entry includes all attendees invited to the meeting, which is the reason for the extensive redaction. Every meeting that took place in Morocco has been publicized and included on the Administrator's schedule."

Despite The False Narrative From The Media That Pruitt Went To Morocco To Solely Promote Natural Gas, He Attended Numerous Meetings On A Wide Range Of Topics. "Environmental Protection Agency Administrator Scott Pruitt returned Wednesday from a trip to Morocco, where he talked with officials about their interest in importing natural gas as well as other areas of "continued cooperation" between the two countries… The purpose of the trip sparked questions from environmental groups, Democratic lawmakers and some industry experts, who noted that EPA plays no formal role in overseeing natural gas exports. Such activities are overseen primarily by the Energy Department and Federal Energy Regulatory Commission." ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2017/12/13/scott-pruitt-and-a-crew-of-epa-aides-just-spent-four-days-in-morocco-promoting-natural-gas/?utm_term=.106293b9e412"], 12/13/2017)

Pruitt Had Numerous Meetings Pertaining To Agency Priorities, Including Disaster Relief, Solid Waste Response, And The Bilateral Free Trade Agreement Between The U.S. And Morocco. "Pruitt met with three top Moroccan officials, according to the agency statement, including the minister of energy, mines and sustainable development; the minister of justice and liberties; and the secretary of state to the minister of foreign affairs. Wilcox said Pruitt 'discussed our bilateral free trade agreement, solid waste response, disaster relief and communications with top Moroccan officials…' His visit came shortly after the EPA held a workshop in Rabat about solid waste management, public participation and crisis communication. Morocco, the only African country with which the United States has a free-trade agreement, is a signatory to the 2015 Paris climate agreement and has collaborated in the past with U.S. officials on its push to

expand domestic solar energy production. During the trip, Moroccan officials took Pruitt on a tour of the IRESEN Green Energy Park, which the EPA said showed the administrator 'firsthand the work being done to promote environmental innovation, including solar energy across Morocco.' ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2017/12/13/scott-pruitt-and-a-crew-of-epa-aides-just-spent-four-days-in-morocco-promoting-natural-gas/?utm_term=.106293b9e412"], 12/13/2017)

AUSTRALIA …

Members Of Administrator Pruitt's Advance Team And Security Detail Traveled To Australia Prior To Administrator Pruitt's Scheduled Trip To Meet With Australian Officials. "Pruitt was scheduled to participate in environment-related meetings with Australian officials on a visit to Sydney and Canberra…Wilcox said the original itinerary included a meeting with Australia's parliament." ([HYPERLINK "https://www.reuters.com/article/us-usa-trump-pruitt-exclusive/exclusive-epa-chiefs-aides-security-agents-made-45000-trip-to-australia-idUSKBN1HQ2U7"] 04/19/2018)

EPA STATEMENT: "Government employees who travel for longer than 14 hours are able to fly in business class and our advance team, which included Millan Hupp and Kevin Chmielewski, were adhering to the federal government's travel policy. Their job was to arrive before Administrator Pruitt, who had meetings planned with the Australian government, but his trip was cancelled due to Hurricane Harvey." – EPA spokesman

Government Officials Are Authorized To Travel In Business Class If Flights Exceed 14 hours. "The purchase of business-class tickets was not a violation of U.S. government policy, which allows federal employees to travel business class on trips lasting 14 hours or more." ([HYPERLINK "https://www.reuters.com/article/us-usa-trump-pruitt-exclusive/exclusive-epa-chiefs-aides-security-agents-made-45000-trip-to-australia-idUSKBN1HQ2U7"] 04/19/2018)

The Trip Was Ultimately Cancelled Due To Emergency Agency Needs Surrounding Hurricane Harvey. "EPA spokesman Jahan Wilcox said Pruitt's trip was canceled because of Hurricane Harvey, which caused major flooding and damage in Texas. Pruitt ended up going to Corpus Christi, Texas to assess the agency's relief efforts instead." ([HYPERLINK "https://www.reuters.com/article/us-usa-trump-pruitt-exclusive/exclusive-epa-chiefs-aides-security-agents-made-45000-trip-to-australia-idUSKBN1HQ2U7"] 04/19/2018)

On August 30, 2017, EPA Administrator Scott Pruitt Visited Corpus Christi "To Assess EPA Relief Efforts And Thank Responders." "U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Corpus Christi today to assess EPA relief efforts and thank responders. Administrator Pruitt also met with local and state leaders to discuss continued relief measures in the aftermath of Hurricane Harvey.'" ([HYPERLINK "https://www.epa.gov/newsreleases/administrator-pruitt-meets-hurricane-harvey-responders-and-officials-texas"], 8/30/17)

Pruitt Stated That He Saw The "Devastation Endured By Texas" Firsthand While Visiting Corpus Christi. "'The devastation endured by Texas this week is unfathomable. As I saw

firsthand today, the Lone Star State has shown commendable perseverance in helping their fellow neighbors through this crisis," said Administrator Pruitt. 'EPA is committed to working with our federal, state, and local partners to provide relief to the affected regions.'" ([HYPERLINK "https://www.epa.gov/newsreleases/administrator-pruitt-meets-hurricane-harvey-responders-and-officials-texas"], 8/30/17)

Pruitt Had Been Scheduled To Participate In Environment-Related Meetings In Sydney And Canberra, Australia, But Cancelled The Trips Due To Hurricane Harvey. "Pruitt was scheduled to participate in environment-related meetings with Australian officials on a visit to Sydney and Canberra. EPA spokesman Jahan Wilcox said Pruitt's trip was canceled because of Hurricane Harvey, which caused major flooding and damage in Texas. Pruitt ended up going to Corpus Christi, Texas to assess the agency's relief efforts instead." ([HYPERLINK "https://www.reuters.com/article/us-usa-trump-pruitt-exclusive/exclusive-epa-chiefs-aides-security-agents-made-45000-trip-to-australia-idUSKBN1HQ2U7"], 4/19/18)

PRUITT'S ONE-BEDROOM LEASE ON CAPITOL HILL

VICKI AND STEVE HART ...
EPA STATEMENT: "When Administrator Pruitt arrived in Washington, he stayed at a condo owned by a friend and paid her for it. Vicki Hart is the sole owner of this complex and is a healthcare lobbyist." - EPA spokesman.

Steven Hart Is A Friend Of The Administrator's From Oklahoma And The Living Situation Was Temporary Until A Permanent Washington, DC Residence Could Be ~~Found~~Arranged. "'My wife wasn't here yet. My children were back in Oklahoma,' Pruitt said. 'The needs were different. As soon as my wife came up, we moved to a different location where I couldn't just be living out of a suitcase...' Speaking of Hart, Pruitt said: 'He's the chairman of a law firm. I've know this gentleman for years. He's an Oklahoman, and his firm represents these [energy industry] clients, not him. There has been no connection whatsoever in that regard.'" ([HYPERLINK "https://www.dailysignal.com/2018/04/03/ethics-officials-okd-bedroom-rental-epa-chief-says/"], 04/03/2018)

Steven Hart Did Meet With Administrator Pruitt in 2017 But Claims It Was Done For A Friend And Not In An Official Capacity. Mr. Hart disputed on Saturday that his story had changed, saying in a written statement that his work with Mr. Treacy was not compensated and not on behalf of Smithfield. 'I assisted a friend who serves on the Chesapeake Bay Commission, and this is inaccurately being tied to Smithfield Foods,' Mr. Hart said. 'I was not paid for this assistance and any suggestion that I lobbied for Smithfield Foods is inaccurate...' a spokesman for Mr. Hart, Ryan Williams, told The New York Times that Mr. Hart had met with Mr. Pruitt in 2017, along with Dennis Treacy, a former Smithfield executive vice president. Mr. Treacy now serves on the board of directors of the Smithfield Foundation, which the food company describes as its philanthropic arm with a focus of combating hunger." ([HYPERLINK "https://www.nytimes.com/2018/04/21/climate/pruitt-hart-condo-epa-lobbying.html"], 04/21/2018)

Steven Hart Attended A Meeting With Dennis Treacy, Former Executive Vice President Of Smithfield Foods, **And Administrator Pruitt Met To Discuss Restoring The Chesapeake Bay And Was Not Conducted At The Request of Smithfield Foods**. 'Smithfield Foods, Inc. has learned Williams & Jensen has advocated in support of Environmental Protection Agency (EPA) programs to help the Chesapeake Bay,' the company said in a statement Saturday. 'The objective, while laudable, was not undertaken at the direction of or on behalf of Smithfield Foods. These activities were conducted at the request of a then former executive and current Smithfield Foundation board member, Dennis Treacy, in his personal capacity.' ([HYPERLINK "https://www.nytimes.com/2018/04/21/climate/pruitt-hart-condo-epa-lobbying.html"], 04/21/2018)

EPA ETHICS OFFICIALS CLEARED PRUITT'S LEASE ...
On March 29, 2018 ABC News Reported EPA Administrator Scott Pruitt Lived In A Condo Owned By The Wife Of A ~~Top Energy~~ Lobbyist Steven Hart. "Hart confirmed to ABC News in a

brief interview that Pruitt had lived in the flat, which is owned by a limited liability company that links to an address listed to Hart and his wife Vicki Hart, a lobbyist with expertise in the healthcare arena. Steven Hart said Vicki Hart co-owns the condo. He said his wife was not the majority owner, but would not identify her partners." ([HYPERLINK "http://abcnews.go.com/Politics/exclusive-cabinet-trouble-trump-epa-chief-lived-condo/story?id=54095310"], 03/29/2018)

EPA Ethics Counsel Concludes Arrangement Wasn't Ethics Issue Because Pruitt Paid Rent. "Bloomberg reviewed six canceled checks paid by Pruitt totaling $6,100 from March 18 through Sept 1, 2017. He paid $450 on March 18, $900 on April 26, $850 on May 15, $700 on June 4, $1,500 on July 22 and $1,700 on Sept 1…Justina Fugh, who has been ethics counsel at the EPA for a dozen years, said the arrangement wasn't an ethics issue because Pruitt paid rent…Fugh, the EPA's ethics counsel, said no gift was involved. It was a routine business arrangement between Pruitt and an individual, not a lobbying firm, she added." ([HYPERLINK "https://www.bloomberg.com/news/articles/2018-03-30/epa-chief-s-50-a-night-rental-said-to-raise-white-house-angst"], 03/29/18)

EPA Ethics Official Concluded That Pruitt's $50 A Night / $1,500 A Month Was Market Rate For A One-Bedroom On Capitol Hill. "In a memo obtained by CBS News, the Environmental Protection Agency's Ethics Official and Deputy Counsel concluded that EPA Administrator's Scott Pruitt's housing arrangement did not breach any ethical violations or constitute a gift. The memo, signed by EPA Deputy Counsel Kevin Minoli, says that the EPA's investigation determined that 'when checked against the price of traditional month-to-month rentals that would most likely offer increased privacy and exclusivity of use, a converted amount of $1,500 for Tenant's portion of the rent under the lease is within the range of amounts charged for locations no further than three blocks away.'" ([HYPERLINK "file:///C:\\Users\\jhewit01\\Documents\\%3ehttps:\\www.cbsnews.com\\news\\epa-ethics-official-argues-scott-pruitts-condo-rental-wasnt-ethics-breach\\%3c"], 4/4/18)

OBAMA'S TREASURY SECRETARY TIMOTHY GEITNER LIVED RENT-FREE IN A BANKING EXECUTIVE'S HOME …

During The Last Previous Administration, Then-Treasury Secretary Timothy Geitner Lived Rent-Free In A $3.5 Million Townhouse Owned By A Bank Executive While Geitner Was Overseeingaw The Bailout Crisis For Wall Street Banks "Geithner lived with Zelikow's family in the six-bedroom house, which is next door to the residence of the ambassador of Monaco and not far from the home of Secretary of State Hillary Clinton, during most of his first eight months running the Treasury Department. At that time, Geithner was overseeing the bailout of several huge Wall Street banks, including JPMorgan, which received $25 billion in federal rescue funds from the TARP program…The bank, JPMorgan Chase, has just rehired one of Geithner's oldest and dearest friends, Daniel Zelikow, as a top executive, only a year after the Treasury secretary moved out of his rent-free accommodations in Zelikow's $3.5 million Washington townhouse."

([HYPERLINK "https://www.thedailybeast.com/treasury-secretary-timothy-geithners-wall-street-conflict"], 08/15/10)

THREATS AGAINS PRUITT

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ON APRIL 6, 2018 THE ASSOCIATED PRESS FALSELY CLAIMED THEIR WERE NO THREATS AGAINST ADMINISTRATOR PRUITT ...

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On April 6, 2018 The Associated Press Falsely Reported That There Are No Threats Against Administrator Pruitt Because No Arrests Or Charges Have Been Filed. "A nationwide search of state and federal court records by AP found no case where anyone has been arrested or charged with threatening Pruitt. EPA's press office did not respond Friday to provide details of any specific threats or arrests." ([HYPERLINK "http://www.therepublic.com/2018/04/06/us-trump-epa-security/"], 4/6/18)

PREVIOUS MEDIA REPORTS DISPUTE THIS CLAIM ...

On April, 11th 2018 CBS News Reported That Administrator Pruitt Received Numerous Threats Including One "Deemed Serious Enough To Prosecute" By The Department Of Justice. "CBS News has obtained an August 2017 report prepared by the Environmental Protection Agency's office of inspector general that contains a list of 13 threats made against EPA Administrator Scott Pruitt and his family. The threats range in severity, credibility and specificity. One tweet flagged by investigators said, 'Pruitt, I'm gonna find you and put a bullet between your eyes. Don't think I'm joking. I'm planning this.' Investigators believe the threat was made by someone living in India…In certain cases, cases were referred to the Justice Department, but just one was deemed serious enough to prosecute. The report covers the period from Oct. 2016 to Aug. 2017." ([HYPERLINK "https://www.cbsnews.com/news/here-are-some-of-the-threats-made-against-epa-administrator-scott-pruitt/"], 4/11/18)

On January 11, 2018 E&E News Reported That "Pruitt Has Faced More Threats Than His Immediate Predecessors, Former Administrators Gina McCarthy And Lisa Jackson." "In an interview with E&E News, Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." ([HYPERLINK "https://www.eenews.net/stories/1060070805"], 1/11/18)

On November 1, 2017 The Wall Street Journal Reported On "More Than 70 Credible Threats Against EPA Staffers, With A Disproportionate Number Menacing Administrator Scott Pruitt And His Family." "Since the Trump Administration took office, the agency has investigated more than 70 credible threats against EPA staffers, with a disproportionate number menacing Administrator Scott Pruitt and his family… Mr. Pruitt has received more than five times as many threats as his predecessor, Gina McCarthy. These include explicit death threats. Some have referenced Mr. Pruitt's home address. Federal law enforcement has determined that some of

those threatening Mr. Pruitt are likely capable of carrying out acts of violence. EPA security has already caught suspects prowling around the administrator's neighborhood." ([HYPERLINK "https://www.wsj.com/articles/keeping-scott-pruitt-safe-1509578717"], 11/1/17)

EPA'S PROTECTICE SERVICE DETAIL & SPENDING

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EPA STATEMENTS ...

Spending Decisions Are Made By EPA'S Protective Service Detail. "Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government." – EPA spokesman

Pruitt Has Faced An Unprecedented Amount Of Threats Against Him. "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats." – EPA spokesman

SECURE PHONE LINE ...

Pruitt's $43,000 Soundproof Phone Booth Started More Modestly. "In the beginning, it was supposed to be just a secure telephone line. But over the course of four months last year, that phone line destined for the office of Environmental Protection Agency Administrator Scott Pruitt morphed from a no-more-than $13,500 project into a $43,000 privacy booth, complete with silenced ventilation and "noise-lock" paneling to keep conversations from being overheard, according to documents obtained by Bloomberg News." ([HYPERLINK "https://www.bloomberg.com/news/articles/2018-04-20/pruitt-s-43-000-soundproof-phone-booth-started-more-modestly"], 4/20/18)

Costs Ballooned After Initial Cost Estimate Was Created ~~Went Through.~~ "EPA officials seeking bids for the project initially estimated a privacy booth would cost $13,500 on a July 24, 2017 requisition form. Another $11,500 was added on Aug. 17, and an additional $570 was included on Aug. 23 as the staff closed in on a final vendor. That $25,570, including a $1,000 after-hours delivery charge, was just for the booth itself; total costs ballooned to $43,000 after prep work and installation, including leveling a concrete floor to insert the pre-fabricated steel box. Former Assistant Deputy Chief of Staff Reginald Allen -- who had the top career post in the EPA -- sent booth costs of $24,570 to Chmielewski on Aug. 23, adding that he was waiting for an estimate for the floor from Jefferson's team. Another email says funding was being handled by Allen's office." ([HYPERLINK "https://www.bloomberg.com/news/articles/2018-04-20/pruitt-s-43-000-soundproof-phone-booth-started-more-modestly"], 4/20/18)

Career Staff, Not Pruitt, Were Behind EPA's $43K Phone Booth. "However, the documents "show the heavy role played by career officials who have purchasing power — and suggest political appointees without the authority to approve acquisitions were less involved," Dlouhy

reported. "Administrator Pruitt simply requested a secure phone line but never asked for a soundproof booth, nor did he have knowledge of its purchase," EPA spokesman Jahan Wilcox told Bloomberg. The secure phone booth was initially estimated to cost $13,500, but soon morphed into $43,000 project, "complete with silenced ventilation and 'noise-lock' paneling to keep conversations from being overheard," according to Bloomberg." ([HYPERLINK "http://dailycaller.com/2018/04/20/pruitt-soundproofphone-booth/"], 4/20/18)

EPA Career Officials Oversaw The Contract For The Phone Line Booth. Career officials at the Environmental Protection Agency who oversaw the funding and construction of a controversial secure phone booth for Administrator Scott Pruitt's office were acting at the behest of political appointees and security staff, documents obtained by CBS News show. The documents show that the project started soliciting bids at an estimated $13,500 last summer. It eventually cost $43,000, which included painting, floor and ceiling work and prepping the room. Presented with four pricing options ranging between $20,560 and $24,570, career officials chose the most expensively priced because it included 'expedited materials and working outside regular business hours.'" ([HYPERLINK "https://www.cbsnews.com/news/documents-provide-window-into-scott-pruitts-controversial-43000-phone-booth/"], 04/20/18)

The Daily Caller: Career Staff, Not Pruitt, Were Behind EPA's $43K Phone Booth [HYPERLINK "https://t.co/uaxNEzD695" \t "_blank"]
([HYPERLINK "https://twitter.com/DailyCaller/status/988015035032199168"], 04/22/2018)

Jennifer Dloughy, Bloomberg Reporter: New documents show how a possibly modest request for a secure phone line in EPA Chief Pruitt's office morphed into a $43,000 soundproof booth w/ noise-lock paneling & silenced ventilation. ([HYPERLINK "https://twitter.com/jendlouhyhc/status/987307909490110464"], 04/20/18)

Steve Milloy, JunkScience: JunkScience: Pfft... another line of attack on @EPAScottPruitt fizzles. Pruitt only asked for a secure phone line for $13,500. But the bureaucracy tripled the cost. ([HYPERLINK "https://twitter.com/JunkScience/status/987374401858560000"], 04/20/18)

Chris Mooney, Washington Post Reporter: Pruitt's $43,000 phone booth started more modestly [HYPERLINK "https://t.co/scXONahEuI" \t "_blank" \o "https://www.bloomberg.com/news/articles/2018-04-20/pruitt-s-43-000-soundproof-phone-booth-started-more-modestly"] via [HYPERLINK "https://twitter.com/bpolitics/" \t "_blank"] ([HYPERLINK "https://twitter.com/chriscmooney/status/987437139674763264"], 04/20/18)

Major Garrett, CBS Chief White House Correspondent: Documents provide window into Scott Pruitt's controversial $43,000 phone booth [HYPERLINK "https://t.co/TDsD5NjoIC" \t "_blank" \o "https://www.cbsnews.com/news/documents-provide-window-into-scott-pruitts-controversial-43000-phone-booth/"] via [HYPERLINK "https://twitter.com/CBSPolitics/" \t "_blank"] ([HYPERLINK "https://twitter.com/MajorCBS/status/987461116296159232"], 04/20/2018)

CBS News: Documents provide window into Scott Pruitt's controversial $43,000 phone booth [HYPERLINK "https://t.co/TDsD5NjoIC" \t "_blank" \o "https://www.cbsnews.com/news/documents-provide-window-into-scott-pruitts-controversial-43000-phone-booth/"] via [HYPERLINK "https://twitter.com/CBSPolitics/" \t "_blank"] ([HYPERLINK "https://twitter.com/CBSNews/status/987670556043628545"], 04/20/2018)

Commented [HJ1]: Not sure we need this

BULLET-PROOF VEHICLES MYTH ...

EPA Corrects Media Reports About Bulletproof Tires And Bullet-Resistant Seat Covers For Pruitt. "The Environmental Protection Agency is correcting the record, claiming news reports about bulletproof tires and bullet-resistant seat covers to protect its embattled chief Scott Pruitt at government expense were inaccurate. EPA spokesman Jahan Wilcox told Fox News: 'We would like to put this rumor to rest. EPA has no bulletproof vehicles, tires or seat covers, the agency has no contracts for any bulletproof vehicles, tires or seat covers, and the agency never sought any contracts for bulletproof vehicles, tires or seat covers.' Wilcox also sent to Fox News 'the federal purchase order, which reveals there was no purchase of bulletproof tires or bullet-resistant covers.' Wilcox added, 'In response to an individual attempting to assassinate numerous Congressional Republicans while they practiced for a charity baseball game, EPA's Protective Service Detail placed bullet-proof vests over each seat.'" ([HYPERLINK "http://www.foxnews.com/politics/2018/04/18/epa-corrects-reports-about-bulletproof-tires-and-bullet-resistant-seat-covers-for-pruitt.html"], 4/18/18)

SECURITY SWEEPS ...

Former EPA Administrators Lisa Jackson And Gina McCarthy Also Had Their Office Swept. "He added, 'According to EPA's Protective Service, security sweeps are common practice in government, as former EPA Administrators Lisa Jackson and Gina McCarthy also had their office swept.' While there was no competitive bidding for Steinmetz's [$3,000] contract, Wilcox said the agency considered multiple vendors for the biometric locks used in Pruitt's office and for the EPA inspector general." ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2018/03/06/man-hired-to-sweep-scott-pruitts-office-for-bugs-is-in-business-with-a-top-epa-security-official/?utm_term=.90f1a1719111"], 3/6/18)

FIRST CLASS TRAVEL

Security Incidents Prompted EPA Officials To Move Administrator Pruitt To First Or Business Class. "'The shift to first-class travel began after May 2017, when EPA officials saw how recognizable Pruitt was to the general public, Barnet said. There were 'incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation -- a memo -- to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" ([HYPERLINK "https://www.bloomberg.com/news/articles/2018-02-15/epa-chief-s-high-flying-travel-prompted-by-

vulgar-encounters"], 02/15/2018)

Prior To Every Flight, EPA Submitted A Security-Related Waiver To Approve Administrator Pruitt's Travel Arrangements. "EPA spokesman Jahan Wilcox said the agency submits a security-related waiver for each trip Pruitt takes." ([HYPERLINK "https://www.bloomberg.com/news/articles/2018-02-15/epa-chief-s-high-flying-travel-prompted-by-vulgar-encounters"], 02/15/2018)

EPA Submitted Letter To House Oversight Committee Chairman Explaining Waiver. "In a letter to Gowdy, EPA said that Pruitt's first class travel was approved 'on an individualized basis,' and was necessary due to security concerns. His security detail, the letter said, 'identified specific, ongoing threats associated with the administration administrator's air travel and, therefore, shifted his class based on security protocols that require him to be near the front of the plane.'" ([HYPERLINK "https://www.thedailybeast.com/scott-pruitt-spent-dollar105000-on-first-class-flights-2"], 3/20/18)

EPA Spent $105,000 On First Class Travel For Administrator Pruitt For Travel. "Environmental Protection Agency administration Scott Pruitt spent about $105,000 on first class airfare since assuming the post, records obtained by The Daily Beast show. The details of Pruitt's travel are spelled out in documents sent to congressional investigators on Tuesday as part of the House Oversight Committee's probe into the use of taxpayer resources for official government travel." ([HYPERLINK "https://www.thedailybeast.com/scott-pruitt-spent-dollar105000-on-first-class-flights-2"], 3/20/18)

In February 2018, Administrator Pruitt Announced He Directed Security Team To Accommodate Threats To Allow Him To Fly Coach. "'There's a change coming, because look the security threat matters,' Pruitt said. 'What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away.'" ([HYPERLINK "https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/"], 02/28/2018)

~~EPA Submitted Letter To House Oversight Committee Chairman Explaining Waiver. "In a letter to Gowdy, EPA said that Pruitt's first class travel was approved 'on an individualized basis,' and was necessary due to security concerns. His security detail, the letter said, 'identified specific, ongoing threats associated with the administration administrator's air travel and, therefore, shifted his class based on security protocols that require him to be near the front of the plane.'" ([HYPERLINK "https://www.thedailybeast.com/scott-pruitt-spent-dollar105000-on-first-class-flights-2"], 3/20/18)~~

The Associated Press Used Flights On Southwest Airlines – Which Does Not Have First Class – To Push Their False Narrative That Pruitt Flies ~~In Different Classes~~ Coach When He Is Paying For Person Travel. ~~On Personal And Official Travel.~~ "The AP released a report on Wednesday

titled: 'EPA chief sat in coach when not flying on taxpayer's dime.' The headline — and the opening lede — suggested that the leader of the EPA makes more economical decisions when taking personal flights, as opposed to his travel when conducting official business. However, there is one major detail included about Southwest Airlines: They do not offer first-class travel. This detail was included in the body of the AP article, but the headline and angle of the report framed Pruitt as a hypocrite when it comes to personal travel." ([HYPERLINK "http://dailycaller.com/2018/04/19/associated-press-scott-pruitt-travel/"], 4/19/18)

The Associated Press Falsely Reported That EPA Confirmed Their Claim. "This was not the only detail the EPA took issue with. The AP claimed on Twitter that it confirmed their story with the agency. However, EPA spokesperson Jahan Wilcox said this tweet is false and that the agency never confirmed their report. 'The same security procedures are followed whether Administrator Pruitt is on official or personal travel,' the official statement provided to the AP read. The statement neither confirmed nor denied the story." ([HYPERLINK "http://dailycaller.com/2018/04/19/associated-press-scott-pruitt-travel/"], 4/19/18)

KEVIN CHMIELEWESKI/SENATE DEMOCRATS LETTER

ALLEGATION 1 …

Mr. Chmielewski provided several examples to lawmakers of wasteful security spending beyond justifying the use of first-class travel under the guise of security. This includes the purchase of bulletproof vests and weapons, biometric looks, a security sweep of Administrator Pruitt's office, one or more new SUVs for Administrator Pruitt's travel (rather than obtaining vehicles from the General Services Administration), and a $30,000 contract with private Italian security personnel entered into by Mr. Nino Perrotta, the Special Agent who leads Administrator Pruitt's security detail. Mr. Chmielewski explained that at least one security-related contract was awarded to an individual who works at Mr. Perrotta's private security firm, and he believes that other contracts may also have been awarded to friends or associates of Mr. Perrotta's.

SECURITY DETAIL FOR THE G-7 SUMMIT IN ITALY …

EPA Security Detail Followed The Same Security Procedures On The G7 Trip That Have Been Used For The Previous 14 Years. "EPA spokesman Jahan Wilcox said the security detail 'followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years.'" ([HYPERLINK "https://www.reuters.com/article/us-usa-epa-spending/epa-chiefs-security-detail-on-italy-trip-cost-30000-document-idUSKBN1GW29H?il=0"], 3/20/18)

EPA STATEMENT: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman

BULLETPROOF VEHICLES …

On April 19, 2018 Fox News Reported That EPA Pushed Back On Claims Of Purchasing Bulletproof Materials, Stating That The Agency Has Never Sought Nor Purchased Any Bulletproof Vehicles, Tires, Or Seat Covers. "EPA spokesman Jahan Wilcox told Fox News: 'We would like to put this rumor to rest. EPA has no bulletproof vehicles, tires or seat covers, the agency has no contracts for any bulletproof vehicles, tires or seat covers, and the agency never sought any contracts for bulletproof vehicles, tires or seat covers.'" ([HYPERLINK "http://www.foxnews.com/politics/2018/04/18/epa-corrects-reports-about-bulletproof-tires-and-bullet-resistant-seat-covers-for-pruitt.html"], 4/19/18)

SECURITY SWEEPS/LOCKS …

EPA Spokesman Jahan Wilcox Stated That "Security Sweeps Are Common Practice In Government, As Former EPA Administrators Lisa Jackson And Gina McCarthy Also Had Their Office Swept." "He added, 'According to EPA's Protective Service, security sweeps are common practice in government, as former EPA Administrators Lisa Jackson and Gina McCarthy also had their office swept.' While there was no competitive bidding for Steinmetz's contract, Wilcox

said the agency considered multiple vendors for the biometric locks used in Pruitt's office and for the EPA inspector general." ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2018/03/06/man-hired-to-sweep-scott-pruitts-office-for-bugs-is-in-business-with-a-top-epa-security-official/?utm_term=.90f1a1719111"], 3/6/18)

ALLEGATION 2 ...

Mr. Chmielewski told Congressional staff that Administrator Pruitt spent well beyond the $5,000 allowed by law to decorate his office, including refinishing an antique desk, purchasing an additional standing desk, paying leases for art on loan from the Smithsonian Institution, framing an 8x10 foot United States flag, and building a $43,000 soundproof phone booth.

SMITHSONIAN'S POLICY/STATEMENT ...

Chmielewski Claimed That EPA Was Paying Leases For Artwork On Loan From The Smithsonian Institution, This Claim Is False As The Smithsonian Routinely Loans Cabinet Officials Paintings Free Of Charge. "One thing Chmielewski told Democrats was that EPA was 'paying leases for art on loan from the Smithsonian Institution' to furnish Pruitt's office. Chmielewski's also claimed Pruitt 'spent well beyond the $5,000 allowed by law to decorate' his office, which included 'refinishing an antique desk, purchasing an additional standing desk.' Smithsonian Institution's chief spokeswoman, however, told the New Republic's Emily Atkin they don't lease artwork to federal agencies. Spokeswoman Linda St. Thomas 'we do not charge' for artwork on loan. Atkin noted '[p]aintings and sculptures not on view in the museums are routinely loaned to members of Congress, the Supreme Court, and the White House, she said.' St. Thomas said 'President Barack Obama's EPA administrators also loaned paintings from the Smithsonian American Art Museum,' Atkin reported." ([HYPERLINK "http://dailycaller.com/2018/04/13/accusation-dems-leveled-pruitt-proven-wrong/"], 4/13/18)

DESKS ...

EPA Spokesman Jahan Wilcox Stated That "The Administrator Never Considered The Proposal," Regarding Desks. "Asked about the proposed desk purchases, Mr. Wilcox, the E.P.A. spokesman, said that 'the administrator never considered the proposal.'" ([HYPERLINK "https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html"], 4/5/18)

ALLEGATION 3 ...

Mr. Chmielewski said that Administrator Pruitt insisted on the use of lights and sirens to transport more quickly through traffic to the airport, meetings, and social events on numerous occasions, and that Administrator Pruitt permitted his drivers to speed through residential neighborhoods and red lights, far in excess of posted speed limits.

LIGHTS & SIRENS ...

EPA Stated That "The Security Detail For The Past 15 Years Has Used Them In Very Limited Fashion." "The agency said Mr. Pruitt played no role in deciding when the sirens and lights would be used. 'The security detail for the past 15 years has used them in very limited fashion,'

Mr. Wilcox said." ([HYPERLINK "https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html"], 4/5/18)

ALLEGATION 4 ...

Mr. Chmielewski said that Administrator Pruitt his Director of Scheduling and Advance Millan Hupp act as a personal real estate representative, spending weeks improperly using federal government resources and time to contact rental and seller's agents, and touring numerous properties in which he might wish to reside.

HOUSING SEARCH ...

EPA Said That Government Resources Were Used To Find Administrator Pruitt Housing Is "Categorically False." "In a statement, EPA spokesman Jahan Wilcox responded, 'The notion that government resources were used to assist in finding housing is categorically false.'" ([HYPERLINK "https://www.washingtonpost.com/news/energy-environment/wp/2018/04/03/epas-pruitt-gave-big-raises-to-two-close-aides-after-being-rebuffed-by-the-white-house/?utm_term=.ea0295364879"], 4/3/18)

ALLEGATION 5 ...

Mr. Chmielewski said that Ms. Hupp, at Administrator Pruitt 's direction, sought to have the agency enter into a $100,000 per month contract to rent a private jet, which would have cost more than the Administrator's annual travel budget of approximately $450,000. Mr. Chmielewski claimed he successfully prevented this from occurring, as it would have been far in excess of the total travel budget of the office.

PRIVATE PLANE CONTRACT ...

On April 2, 2018 The Washington Post Reported That EPA Received A Solicitation From A Private Jet Firm, But Decided To Reject It And Continue To Fly Commercial. "'This is not news,' EPA spokesman Jahan Wilcox said in a statement Monday. 'EPA's [chief financial officer] regularly receives solicitations for this type of travel, we did our due diligence, found it was not as cost efficient and continued to fly commercial.'" ([HYPERLINK "https://www.washingtonpost.com/national/health-science/epa-explored-private-jet-lease-for-pruitts-travels-last-year/2018/04/02/8651deb8-3607-11e8-8fd2-49fe3c675a89_story.html?noredirect=on&utm_term=.e34e32cbc3b8"], 4/2/18)

ALLEGATION 6 ...

Mr. Chmielewski said he observed that Administrator Pruitt 's travel destinations are often dictated by his desire to visit particular cities or countries rather than official business, and that he told staff to something to do [in those locations]? to justify the use of taxpayer funds. He stated that you direct your staff to book flights on Delta, even when they are not the federal government's contract carrier for the route, because Administrator Pruitt wanted to accrue more frequent flyer miles.

PRUITT'S TRAVEL OUTSIDE OF WASHINGTON …

On October 1, 2017 Tulsa World Reported That EPA Spokesman Stated That "Administrator Pruitt Has Made It A Priority To Get Out Of The Deep State Of Washington," And Hear From Americans That Were Ignored By The Past Administration. "'Administrator Pruitt has made it a priority to get out of the deep state of Washington and into cities, towns and states across the country hearing from Americans that were ignored by the past Administration,' said EPA Spokesman Jahan Wilcox. 'When traveling, it is our policy to always fly commercial. There were few instances that dictated otherwise and the decision to fly private or government aircraft was made based on necessity or efficiency.'" ([HYPERLINK "http://www.tulsaworld.com/homepagelatest/d-c-report-scott-pruitt-s-staff-defends-non-commercial/article_6caf81cf-4c47-57da-8bc5-af486092980c.html"], 10/1/17)

On April 21, 2018 The Washington Post Reported That Pruitt Has Visited Over 30 States. "'Administrator Pruitt has visited over 30 states. We will continue to visit those ignored by the Obama administration and implement President Trump's agenda of regulatory certainty and environmental stewardship,' Wilcox said." ([HYPERLINK "https://www.washingtonpost.com/national/health-science/a-factory-of-bad-ideas-how-scott-pruitt-undermined-his-mission-at-epa/2018/04/20/695fa2c0-42ac-11e8-bba2-0976a82b05a2_story.html?utm_term=.ac555b80f61b"], 4/21/18)

ALLEGATION 7 …

He also informed Congressional staff that Administrator Pruitt directed EPA staff to find reasons for you to travel to Oklahoma, so that he could be in his home state for long weekends at taxpayers? expense. Mr. Chmielewski described the official meetings in Oklahoma as being pretextual, such as scheduling an official meeting with an old friend. According to Mr. Chmielewski, Administrator Pruitt frequently stayed in hotels that exceeded the allowable US. government per diem, sometimes even exceeding the 300 percent cap permitted in exceptional circumstances. He added that while Administrator Pruitt was reimbursed for these expenses, on some occasions members of his security detail were not reimbursed for the portion of their expenses that exceeded allowable maximums.

OKLAHOMA TRAVEL …

On February 17th, 2018 CNN Reported That EPA Officials Treat Oklahoma "Exactly Like We Did North Dakota, Minnesota, Indiana And Every Other State We Visited During The Tour." "Reached for comment, EPA spokeswoman Liz Bowman said: 'With respect to visiting Guymon, it was an important stop on our WOTUS [Waters of the United States] tour where we were able to hear comments from people who have been directly affected by the rule, whose voices have been disregarded in the rulemaking process. By visiting with government officials and citizens, we treated Oklahoma exactly like we did North Dakota, Minnesota, Indiana and every other state we visited during the tour.'" ([HYPERLINK "file:///C:\\Users\\jhewit01\\AppData\\Local\\Microsoft\\Windows\\INetCache\\Content.Outlook\\VZZLRGIX\\Reached%20for%20comment,%20EPA%20spokeswoman%20Liz%20Bowman%20said:%20%22W

ith%20respect%20to%20visiting%20Guymon,%20it%20was%20an%20important%20stop%20on%20our%20WOTUS%20%5bWaters%20of%20the%20United%20States%5d%20tour%20where%20we%20were%20able%20to%20hear%20comments%20from%20people%20who%20have%20been%20directly%20affected%20by%20the%20rule,%20whose%20voices%20have%20been%20disregarded%20in%20the%20rulemaking%20process.%20By%20visiting%20with%20government%20officials%20and%20citizens,%20we%20treated%20Oklahoma%20exactly%20like%20we%20did%20North%20Dakota,%20Minnesota,%20Indiana%20and%20every%20other%20state%20we%20visited%20during%20the%20tour.%22"],
2/17/18)

ALLEGATION 8 ...

After the EPA Chief of Staff raised concerns about Administrator Pruitt travel, Mr. Chmielewski reported that he texted his Chief of Staff to tell him that his presence was no longer welcome at scheduling meetings for your travel. Mr. Chmielewski further described Administrator Pruitt's efforts to marginalize your Chief of Staff as he refused to follow some actions you directed, and he described Ms. Hupp and Sarah Greenwalt, your senior counsel, as running the agency.

SCHEDULING MEETINGS ...

EPA STATEMENT: "Our scheduling and public engagement offices lead this process and involve other staff members as needed." – EPA Spokesman

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 4/23/2018 1:53:43 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]
Subject: RE:

On February 13th, 2018 CBS News Reported That EPA Had "A Certificate Justifying The Return Flight From Milan," Allowing Administrator Pruitt To Fly On A Foreign Carrier Due To Lack Of Options Available. "A certificate justifying the return flight from Milan that the EPA provided to CBS News said Pruitt flew on a foreign carrier because it was the only available flight 'that would get the administrator back in time' to attend a Cabinet meeting with President Trump the next day." (CBS News, 2/13/18)

From: Wilcox, Jahan
Sent: Monday, April 23, 2018 9:51 AM
To: Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject:

International Travel

FALSE CLAIM …

EPA Administrator Scott Pruitt wasted taxpayer money on two international travel trips. Not told is that the trip to Italy was for the G-7 environmental summit and the Morocco trip was to meet with government leaders about environmental issues.

Additionally, Pruitt's international travel has been criticized he has taken less international trips and has spent less money than his two predecessor: Gina McCarthy and Lisa Jackson.

PRECENDENT FOR EPA INTERNATIONAL TRAVEL …

- Administrator Pruitt has taken 2 international trips: total cost $160,000.
- Administrator McCarthy took 10 international trips: total cost $630,000.
- Administrator Jackson took 4 international trips: total cost $332,000.

Former EPA Administrators Gina McCarthy And Lisa Jackson Spent More On International Travel Than Pruitt. "Internal EPA documents provided to the Washington Free Beacon reveal Obama administration EPA administrators jet setting cost taxpayers roughly $1 million. The EPA has spent $124,000 for Pruitt and his security detail to travel to the G-7 summit in Italy and a trip to Morocco. McCarthy took 10 international trips in three years, including trips to Paris, Florence, Dubai, and Tokyo. Pruitt has come under scrutiny from the media for the travel costs, which include $84,000 for the G-7 summit in Italy last summer in airfare for Pruitt and security… McCarthy spent $629,743 on airfare and security for international trips between 2013 and 2016…Internal EPA documents show costs for trips to Ghana ($68,382), Peru ($45,140), Tokyo ($74,738), Paris ($41,321), Dubai ($90,368), Tokyo ($67,703), Florence ($56,193), Vancouver ($62,247), Vietnam ($68,268), and Beijing ($55,385)." (The Washington Free Beacon, 03/21/2018)

Lisa Jackson's China Trip Exceeded $155,000. "Between 2009 and 2012, Jackson spent $64,963 for trips to Tel Aviv; $59,950 to Rio de Janeiro; $51,436 to Montreal; and $155,764 to Beijing, Guangzhou, and Shanghai." (The Washington Free Beacon, 03/21/2018)

ITALY ...

Administrator Pruitt Promotes Importance of International Engagement at First G7 Meeting. "U.S. EPA Administrator Scott Pruitt attended his first G7 Environmental Ministerial Meeting, taking part in thoughtful bilateral discussions with his G7 counterparts. Less than two weeks after President Trump announced the United States' withdrawal from the Paris Accord, Administrator Pruitt emphasized now is the time to move forward with a discussion to find ways to positively engage with other countries in order to protect and use our natural resources. 'The United States has always been a world leader when it comes to environmental stewardship, and that was demonstrated on a global stage today,' Administrator Pruitt said. 'I believe engaging in international discussion is of the utmost importance to the United States when it comes to environmental issues. I want to thank the government of Italy and Minister Galletti for the tremendous hospitality and leadership over this meeting.' 'The protection of the environment and public health,' said Italian Minister of the Environment Gian Luca Galletti, 'is a common goal for Italy and the United States. There are many themes that see our common commitment. The presence of Administrator Pruitt at the G7 Environment in Bologna has been a very important element that allowed us to start constructive dialogue on all environmental issues as well as to open new channels of business cooperation between our two countries.' Administrator Pruitt returned to the United States Sunday evening in order to attend the President's first full cabinet meeting scheduled for Monday. (Press Release, 06/11/17)

Both Lisa Jackson And Gina McCarthy Attended The Same G-7 Meeting As Pruitt And EPA Security Details Followed The Same Protocol As Past Trips. "'Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson and Gina McCarthy's trips to Italy,' agency spokesman Jahan Wilcox said in an email. 'EPA's security procedures have not deviated over the past 14 years.'" (The Washington Post, 03/20/2018)

- **Gina McCarthy Also Visited The Vatican While In Rome**. "Explaining her visit Friday to the Vatican, the head of the U.S. Environmental Protection Agency said she wanted to let Pope Francis know that President Barack Obama is 'aligned with him" on the issue of climate change and is taking action.'" (The Forum on Religion and Ecology, 01/30/2015)

Media Reports Suggest Pruitt's Trip To Italy Spent To Much On Travel And Security. "Pruitt said he took official meetings during the entire four-day trip to Italy for the G-7 environmental summit in June of last year...Documents released earlier this week show that the cost of the trip was $30,000 more than previously reported, bringing the total to around $120,000. An EPA document showed that the cost of travel for Pruitt's security detail was $30,559 the week of the trip. (ABC News, 03/22/2018)

Pruitt Critics Downplay Significance Of Italy Trip. "That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter," Eric Schaeffer, executive director of the Environmental Integrity Project, said in a statement Tuesday. "And it doesn't even include salary costs for everyone who signed up for this tour. Maybe next time he should just send his regrets." (The Washington Post, 03/20/2018)

EPA STATEMENT: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman

MOROCCO ...

Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco. "U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt attended bilateral meetings in Morocco this week where he outlined U.S. environmental priorities for updating the Environmental Work Plan under the U.S.-Morocco Free Trade Agreement and the potential benefit of liquified natural gas (LNG) imports on Morocco's economy. This visit comes on the heels of an EPA-led workshop in Rabat that shared U.S. best practices for solid waste management, public participation and crisis communication pursuant to the former Environmental Work Plan. 'These meetings allowed us to directly convey our priorities and best practices with Moroccan leaders, as well as identify opportunities for continued cooperation, as our two countries further talks around the Environmental Work Plan,' said EPA Administrator Scott Pruitt. 'We are committed to working closely with countries like Morocco to enhance environmental stewardship around the world.' Administrator Pruitt met with Moroccan Secretary of State of Ministry of Foreign Affairs, Mounia Boucetta, where the two discussed the importance of continued collaboration between the two countries. Following the meeting with Secretary Boucetta, he met with the Moroccan Minister of Energy, Mines and Sustainable Development, Aziz Rabbah, to discuss new and ongoing areas of collaboration under the Free Trade Agreement and the country's interest in importing LNG. Also during the visit to Morocco, Administrator Pruitt met with Moroccan Minister of Justice and Liberties, Mohamed Aujjar. The two focused on the importance of adhering to rule of law and the ongoing strategic cooperation between the two countries. Administrator Pruitt also toured the IRESEN Green Energy Park, where he saw firsthand the work being done to promote environmental innovation including solar energy across Morocco. (Press Release, 12/12/17)

Media Reports' Coverage Is Slanted To Mislead The Reader Into Believing Administrator Pruitt Went To Morocco Solely To Promote Natural Gas, Which Was One Of Many Meetings Held. "Environmental Protection Agency Administrator Scott Pruitt returned Wednesday from a trip to Morocco, where he talked with officials about their interest in importing natural gas as well as other areas of "continued cooperation" between the two countries... The purpose of the trip sparked questions from environmental groups, Democratic lawmakers and some industry experts, who noted that EPA plays no formal role in overseeing natural gas exports. Such activities are overseen primarily by the Energy Department and Federal Energy Regulatory Commission." (The Washington Post, 12/13/2017)

Pruitt In Fact Had Numerous Meetings Pertaining To Agency Priorities. "Pruitt met with three top Moroccan officials, according to the agency statement, including the minister of energy, mines and sustainable development; the minister of justice and liberties; and the secretary of state to the minister of foreign affairs. Wilcox said Pruitt 'discussed our bilateral free trade agreement, solid waste response, disaster relief and communications with top Moroccan officials...' His visit came shortly after the EPA held a workshop in Rabat about solid waste management, public participation and crisis communication. Morocco, the only African country with which the United States has a free-trade agreement, is a signatory to the 2015 Paris climate agreement and has collaborated in the past with U.S. officials on its push to expand domestic solar energy production. During the trip, Moroccan officials took Pruitt on a tour of the IRESEN Green Energy Park, which the EPA said showed the administrator 'firsthand the work being done to promote environmental innovation, including solar energy across Morocco.' (The Washington Post, 12/13/2017)

Jahan Wilcox
EPA
Strategic Communications Advisor

Work Cell: Ex. 6 - Personal Privacy
Work Email: wilcox.jahan@epa.gov

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 4/10/2018 1:52:47 PM
To: Block, Molly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=60d0c681a16441a0b4fa16aa2dd4b9c5-Block, Moll]; Daniell, Kelsi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd867173479344b3bda202b3004ff830-Daniell, Ke]
Subject: FW: APPROVAL: Security spending

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 9:44 AM
To: Barnet, Henry <Barnet.Henry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: APPROVAL: Security spending

Moving this email towards the top of the inbox.

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 8:37 AM
To: Barnet, Henry <Barnet.Henry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: Security spending

Below are draft responses in bold. Every statement – with the exception of the motorcade in Italy – has been approved and already used somewhere. Please feel free to edit or put someone else name behind the statements.

Before we send I will need the approval from: Susan, Henry and RJ. Our deadline is 10:00 AM ET.

Good evening!

We are working on a story taking a close look at various security decisions at the EPA over the past year and a half -- and the role that Pasquale 'Nino' Perrotta had in justifying them.

I would appreciate any response/comment/context you may have on the story, ideally by late morning tomorrow.

- **EPA Statement: "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."** – EPA spokesman, Jahan Wilcox

Our reporting indicates that Mr. Perrotta was a driving force behind many of the decisions, including the shift to first-class travel, the installation of biometric locks and security sweeps of Administrator Pruitt's office.

- **First-Class Travel:** Referring you to our statement made to CBS News - https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/
- **Security Sweeps: "Similar security sweep were done for EPA Administrator Lisa Jackson and EPA Administrator Gina McCarthy."** – EPA spokesman, Jahan Wilcox

There is an assertion that Perrotta got the lead job protecting Pruitt after the previous head of his detail questioned some security decisions and was reassigned.

- **Detail: "We have no knowledge of anyone being removed from the Detail for not using lights and sirens and with regards to the use of lights and sirens; the security Detail for the past 15 years has used them in very limited fashion. i.e. to avoid possible compromise of the vehicle in a flow of traffic. This is a typical practice amongst the protective community."** – EPA Chief of Staff, Ryan Jackson

There will likely be an assertion that Perrotta has endorsed many moves to boost security and that he's at the center of these decisions to ramp-up spending on security some critics deride as "ridiculous."

Specifically, we may note that Perrotta played a critical role justifying the decision to shift from door-to-door protection of the administrator to around-the-clock protection, a move that means at least 19 agents are required to guard the administrator day and night though according to six weeks of schedules obtained by Sen. Whitehouse, that number may have climbed as high as 32.

- **EPA Statement: "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."** – EPA spokesman, Jahan Wilcox

We are likely to note that one of the security decisions -- to sweep the administrator's office for bugs -- enriched a Perrotta partner, Edwin Steinmetz.

- **EPA Statement: "Security sweeps are common practice in government and former EPA Administrator Lisa Jackson had her office swept. We looked at a couple of different vendors and our career administrative officials approved locks that are used for the Inspector General and other offices within EPA."** – EPA spokesman, Jahan Wilcox

There may be an assertion that Perrotta's decisions have elevated his stature at the EPA and he has traveled first class with the administrator.

We may repeat the AP's assertion that Perrotta arranged for private security guards during the trip to Italy who arranged "an expansive motorcade" for Administrator Pruitt.

- **EPA Statement: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015."** – EPA spokesman, Jahan Wilcox

We may repeat the AP's assertion that total security costs have reached nearly $3 million, including pay and travel expenses for protective detail.

- **EPA Statement: "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."** – EPA spokesman, Jahan Wilcox

We also may assert that five EPA officials who questioned the steep ramp-up in security were reassigned or demoted, according to the New York Times, including Eric Weese, the previous head of Pruitt's security team.

Thanks for your consideration.

Jen.

From: wilcox.jahan@epa.gov At: 04/09/18 22:30:45
To: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)
Cc: Press@epa.gov
Subject: Re: Security spending

Can we circle back tomorrow?
Sent from my iPhone

On Apr 9, 2018, at 10:27 PM, Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) <jdlouhy1@bloomberg.net> wrote:

Good evening!

We are working on a story taking a close look at various security decisions at the EPA over the past year and a half -- and the role that Pasquale 'Nino' Perrotta had in justifying them.

I would appreciate any response/comment/context you may have on the story, ideally by late morning tomorrow.

Our reporting indicates that Mr. Perrotta was a driving force behind many of the decisions, including the shift to first-class travel, the installation of biometric locks and securty sweeps of Administrator Pruitt's office.

There is an assertion that Perrotta got the lead job protecting Pruitt after the previous head of his detail questioned some security decisions and was reassinged.

There will likely be an assertion that Perrotta has endorsed many moves to boost security and that he's at the center of these decisions to ramp-up spending on security some critics deride as "ridiculous."

Specifically, we may note tha tPerrotta played a critical role justifying the decision to shift from door-to-door protection of the administrator to around-the-clock protection, a move that means at least 19 agents are required to guard the administrator day and night though according to six weeks of schedules obtained by Sen. Whitehouse, that number may have climbed as high as 32.

We are likely to note that one of the security decisions -- to sweep the administrator's office for bugs -- enriched a Perrotta partner, Edwin Steinmetz.

There may be an assertion that Perrotta's decisions have elevated his stature at the EPA and he has traveled first class with the administrator.

We may repeat the AP's assertion that Perrotta arranged for private security guards during the trip to Italy who arranged "an expansive motorcade" for Administrator Pruitt.

We may repeat the AP's assertion that total security costs have reached nearly $3 million, including pay and travel expenses for protective detail.

We also may assert that five EPA officials who questioned the steep ramp-up in security were reassigned or demoted, according to the New York Times, including Eric Weese, the previous head of Pruitt's security team.

Thanks for your consideration.

Jen.

—
Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: 202.905.3257
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

Message

From: Block, Molly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]
Sent: 12/13/2017 6:32:46 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: RE: APPROVAL: Pruitt in Paris/Morocco

From: Bowman, Liz
Sent: Wednesday, December 13, 2017 1:32 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: Re: APPROVAL: Pruitt in Paris/Morocco

Good

Sent from my iPhone

On Dec 13, 2017, at 1:31 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> **Liz – can you approve**
>
> **"This trip allowed us to directly convey our priorities and best practices with Moroccan leaders, as well as identify opportunities for continued cooperation, as our two countries further talks around the Environmental Work Plan. We are committed to working closely with countries like Morocco to enhance environmental stewardship around the world."** – EPA Administrator Scott Pruitt
>
> **"EPA Administrator Pruitt discussed our bilateral free trade agreement, solid waste response, disaster relief and communications with top Moroccan officials."** – EPA spokesman, Jahan Wilcox.

> **From:** Wilcox, Jahan
> **Sent:** Wednesday, December 13, 2017 1:19 PM
> **To:** Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
> **Subject:** FW: APPROVAL: Pruitt in Paris/Morocco
> **Importance:** High

> **From:** Wilcox, Jahan
> **Sent:** Wednesday, December 13, 2017 1:18 PM
> **To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>
> **Cc:** Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan

<hupp.millan@epa.gov>
Subject: FW: APPROVAL: Pruitt in Paris/Morocco
Importance: High

Sarah –

Can you add some more meat – short and concise – about this trip for our statement to the AP.

"EPA Administrator Scott Pruitt went to Morocco to discuss our bilateral free trade agreement, solid waste response, disaster relief and communications. We are traveling across the globe to promote President Trump's agenda to protect our air, land and water."

From: Wilcox, Jahan
Sent: Wednesday, December 13, 2017 1:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: APPROVAL: Pruitt in Paris/Morocco

UPDATED: "EPA Administrator Scott Pruitt went to Morocco to discuss our bilateral free trade agreement, solid waste response, disaster relief and communications. We are traveling across the globe to promote President Trump's agenda to protect our air, land and water."

From: Jackson, Ryan
Sent: Wednesday, December 13, 2017 12:59 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: APPROVAL: Pruitt in Paris/Morocco

Don't respond with this.

Respond with what he did on the trip: solid waste response, disaster relief and communications because EPA has a substantial part of that responsibilities in US disasters, the free trade agreement with Morocco supporting that and new opportunities, etc. I don't really care if that answers Michael's questions or not. Michael and Eric are the same caliber and they have a bias which I don't know why we want to answer their questions. We know what they are going to do with it while laughing sitting at their computers typing it with an inflated sense of self-importance.

From: Wilcox, Jahan
Sent: Wednesday, December 13, 2017 11:53 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: APPROVAL: Pruitt in Paris/Morocco

"Administrator Pruitt flew commercially to Morocco and due to security concerns he was required to be in business class. Like all federal travel, the airfare is a government rate."

"We do not comment on security procedures. If the Associated Press is attempting to expose the number of security agents needed to protector the Administrator of the Environmental Protection Agency on this trip that is your decision, but that is highly unusual."

"I would double-check with your source regarding the individuals on this trip, it's always embarrassing for the AP to report false information."

The details about this trip are provided here: https://www.epa.gov/newsreleases/administrator-pruitt-promotes-environmental-cooperation-us-partners-morocco

---

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Wednesday, December 13, 2017 11:32 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Jahan,

I see you guys issued a press release about Pruitt's trip to Morocco, after refusing to comment about it to AP. We plan to write about the taxpayer-incurred costs of the trip.

They include Pruitt's airline ticket cost $17,597.49 and a total cost of at least $39,067 for five people (including Pruitt, Ryan Jackson, Samantha Dravis and security staff).

Please provide on the record comment on EPA's perspective on why these costs were justified. How did the purpose of the trip, which was to promote "the potential benefit of liquefied natural gas imports on Morocco's economy" fulfil EPA's mission to protect the environment and enforce U.S. environmental laws?

Also, please comment on why the cost of Pruitt's ticket was several times that of the others in the EPA contingent and would appear to indicate he flew First Class. Why was that level of luxury necessary for a public servant traveling at taxpayer expense?

I have a 1:30 deadline for this story, so your quick response is appreciated.

Thanks,

Michael

From: Biesecker, Michael
Sent: Tuesday, December 12, 2017 1:30 PM
To: 'Wilcox, Jahan' <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Can you affirm on the record that all of Administrator Pruitt's meeting with Bob Murray are listed on his calendar?

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, December 12, 2017 12:34 PM
To: Biesecker, Michael <MBiesecker@ap.org>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

"Due to security concerns we do not comment on Administrator Pruitt's upcoming schedule, but every meeting that he attends is posted on www.epa.gov."

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Tuesday, December 12, 2017 12:09 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Still hoping to get a response to this. Administrator Pruitt is a public official. His travel shouldn't be a secret.

Michael

From: Biesecker, Michael
Sent: Monday, December 11, 2017 2:41 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Pruitt in Paris/Morocco

Liz, Jahan,

Can you confirm whether Adminstrator Pruitt will be attending the climate summit in Paris this week. We also heard he's headed to Morocco. Could you provide any detail about what he'll be doing there?

Thanks,

Michael

Get Outlook for iOS

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Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 4/18/2018 6:11:06 PM
To: Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
CC: Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]
Subject: Re: Questions regarding Pruitt coach flights to Tulsa

Good statement and that has been approved. We need something about the buddy pass.

On Apr 18, 2018, at 2:07 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

For review:

"The same security procedures are followed whether Administrator Pruitt is on official or personal travel." – Jahan Wilcox, EPA Spokesman

ON BACKGROUND:

The companion pass is for Southwest Airlines. Southwest does not have various classes – however, he was always seated in the first row of the plane.

From: Ford, Hayley
Sent: Wednesday, April 18, 2018 1:54 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Questions regarding Pruitt coach flights to Tulsa

Believe Matt/OGC have done an analysis on the buddy pass so will let him answer.

It's my understanding that Southwest does not do first class but anytime he has flown it with Ken he has sat first row or first couple rows per security team guidance. So this is consistent with his first class travel when the government pays for it – it's Southwest equivalent. But Millan may need to go back and verify his exact seat number.

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov

Phone: 202-564-2022
Cell: Ex. 6 Personal

From: Bowman, Liz
Sent: Wednesday, April 18, 2018 1:50 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Questions regarding Pruitt coach flights to Tulsa

Matt knows better than I do here, but if they have a preexisting relationship (years of friendship) does it matter?

From: Wilcox, Jahan
Sent: Wednesday, April 18, 2018 1:49 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Re: Questions regarding Pruitt coach flights to Tulsa

Hayley do you have anything in regards to the buddy pass? Or can you track it down.

On Apr 18, 2018, at 1:42 PM, Biesecker, Michael <MBiesecker@ap.org> wrote:

> Liz, Jahan,
>
> AP is preparing to report that EPA records confirm that Administrator Pruitt flew in coach-class seats to Oklahoma on at least two occasions last year when the agency wasn't paying for his ticket. Both instances were for legs of EPA-funded trips on which Ken Wagner was traveling with the administrator.
>
> You'll remember that AP reported earlier this month that an EPA official said Pruitt flew home on weekend trips for Oklahoma Sooners football games using a companion pass obtained with Wagner's frequent flyer miles. Ethics experts say that is a potential violation of federal ethics rules barring officials from accepting gifts from their subordinates that have a market value of more than $10.
>
> Please provide on the record response to two questions:
>
> 1) <!--[if !supportLists]--><!--[endif]-->If the administrator needed to fly in premium class seats due to security concerns, as both he and the agency have claimed, then why did he fly coach when the agency wasn't paying?
> 2) <!--[if !supportLists]--><!--[endif]-->Did the administrator consult with EPA ethics counsel before accepting a companion pass from Wagner, a federal employee who is his subordinate? If so, did he receive a waiver allowing him to accept the airfare as a gift?
>
> I'm writing on deadline, so a quick response would be appreciated.
>
> Thanks,

Michael

<image001.jpg>

<image002.jpg>

Michael Biesecker
Investigative Reporter
mbiesecker@ap.org
Twitter: @mbieseck
Public Key

1100 13 St. NW, Suite 700
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"There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here." – Mark Twain, 1906

"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 4/11/2018 9:59:57 PM
To: Lipton, Eric [lipton@nytimes.com]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
Subject: On-The-Record Statements ...

Below are on-the-record statements that you can use for your story. Have a great evening.

EPA STATEMENT REGARDING THREATS ...
"According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats." – EPA spokesman, Jahan Wilcox

SECURITY DECISIONS ...
"Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government." EPA spokesman, Jahan Wilcox

FIRST-CLASS TRAVEL ...
Referring you to our statement made to CBS News - https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/

SECURITY SWEEPS/LOCK ...
"Similar security sweeps were done for EPA Administrator Lisa Jackson and EPA Administrator Gina McCarthy. We looked at a couple of different vendors and our career administrative officials approved locks that are used for the Inspector General and other offices within EPA." – EPA spokesman, Jahan Wilcox

G7 MEETINGS IN ITALY ...
"Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015." – EPA spokesman, Jahan Wilcox

From: Lipton, Eric [mailto:lipton@nytimes.com]
Sent: Wednesday, April 11, 2018 2:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Questions related to Scott Pruitt's security detail. Responses needed by end of the day, please

Hello Liz

We intend to report the following things. Please let us know if you would like to comment or provide background context on any of them.

--Pasquale "Nino" Perrotta recommended the hiring of Edwin Steinmetz Associates LLC to sweep for covert/illegal surveillance devices at agency headquarters. Mr. Steinmetz is the Vice President of Technical Surveillance Countermeasures at Sequoia Security Group, a firm owned by Mr. Perrotta.
--The $3,000 contract to Edwin Steinmetz Associates LLC for the sweep did not go through the EPA's Office of Homeland Security, which is the normal procedure for such contracts.
--Mr. Perrotta recommended building a $43,000 sound-proof security booth in Administrator Pruitt's office, and for purchasing a bullet-proof desk for the security station outside Mr. Pruitt's office suite and purchasing a bullet-proof SUV for Mr. Pruitt.
--The EPA's Office of Inspector General is looking into the contract and the role of Mr. Perrotta in the selection of Edwin Steinmetz Associates LLC.
--Mr. Perrotta is personally friendly with the deputy inspector general conducting the investigation, Patrick Sullivan, with whom Mr. Perrotta worked at the United States Secret Service.
--Mr. Perrotta and Mr. Sullivan have spent time together socially since Mr. Sullivan's office initiated its investigation into the security sweep contract.
--EPA employees including John C. Martin, Steve Williams and Kevin Chmielewski raised concerns about the bug-sweeping contract and the security booth.
--Mr. Perrotta instructed Mr. Chmielewski to confiscate Mr. Martin's gun and badge.
--Mr. Perrotta instructed one of his agents to confiscate Mr. Chmielewski's credentials and electronic security card after Mr. Chmielewski returned from a trip abroad with Vice President Pence.
--When Mr. Chmielewski refused, Mr. Perrotta called Mr. Chmielewski and said that, if Mr. Chmielewski did not immediately return to the E.P.A. to surrender his credentials and security card, Mr. Perrotta would drive to Mr. Chmielewski's home that night and personally secure them.
--Mr. Chmielewski was subsequently placed on unpaid administrative leave and was recently terminated.
--Mr. Perrotta anonymously filed a complaint with the inspector general alleging that Mr. Chmielewski and Mr. Martin had run afoul of security rules.
--The EPA spent money hiring supplemental local security during Administrator Pruitt's trip to Italy.
--Mr. Perrotta was involved in selecting the supplemental local security personnel, which included several people with whom he had pre-existing relationships.
--Mr. Perrotta has dined with Mr. Pruitt on multiple occasions, including during a dinner towards the end of the Italy trip, at which the local supplemental security personnel also dined with a group that included Mr. Pruitt.
--Mr. Perrotta signed off on requests for first-class airfare for Mr. Pruitt and for Mr. Perrotta himself.
--Mr. Perrotta flew first class with Mr. Pruitt on several trips.
--Mr. Perrotta sometimes wears a cowboy hat while fulfilling his EPA duties.
-- The Office of Homeland Security and the administrator's security detail have had disagreements over the significance of the threat that Mr. Pruitt faces, and the appropriate resources that should be used to provide security. Can you discuss this matter and address why it is that the Office of Homeland Security recommendations did not prevail, given that this is the division at EPA that historically has the authority and expertise to make such judgments.
-- Did the EPA take action related to Mario Caraballo in anyway related to the Feb 2018 memo that the Homeland Security office produced questioning the security detail assessment of the threat?
--Officials from the EPA's Homeland Security office and Office of Inspector General met recently to discuss the sharing of intelligence related to threats against Mr. Pruitt. Was Mr. Pruitt's protective detail represented at this meeting?
--How is the EPA working to try to resolve conflict between homeland security division and the security detail?

If you disagree with any of these characterizations, please let us know.
We need a response by close of business today.

Happy to clarify anything here

Eric

Eric Lipton
The New York Times
Washington Bureau
202 862 0448 office
202 370 7951 mobile
lipton@nytimes.com

Message

From: Ford, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4748A9029CF74453A20EE8AC9527830C-FORD, HAYLE]
Sent: 4/18/2018 6:04:20 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]
Subject: RE: Questions regarding Pruitt coach flights to Tulsa

Ken confirmed that every single time they've flown Southwest they are seated in the front row. The security team works with the airline on this.

He has worked closely with Kevin Minoli and given him all info on the gift matter. So Matt/Kevin would need to respond here.

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: Ex. 6 Personal

From: Ford, Hayley
Sent: Wednesday, April 18, 2018 1:53 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Millan Hupp (hupp.millan@epa.gov) <hupp.millan@epa.gov>
Subject: RE: Questions regarding Pruitt coach flights to Tulsa

Believe Matt/OGC have done an analysis on the buddy pass so will let him answer.

It's my understanding that Southwest does not do first class but anytime he has flown it with Ken he has sat first row or first couple rows per security team guidance. So this is consistent with his first class travel when the government pays for it – it's Southwest equivalent. But Millan may need to go back and verify his exact seat number.

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: Ex. 6 Personal

From: Bowman, Liz
Sent: Wednesday, April 18, 2018 1:50 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Questions regarding Pruitt coach flights to Tulsa

Matt knows better than I do here, but if they have a preexisting relationship (years of friendship) does it matter?

From: Wilcox, Jahan
Sent: Wednesday, April 18, 2018 1:49 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Re: Questions regarding Pruitt coach flights to Tulsa

Hayley do you have anything in regards to the buddy pass? Or can you track it down.

On Apr 18, 2018, at 1:42 PM, Biesecker, Michael <MBiesecker@ap.org> wrote:

> Liz, Jahan,
>
> AP is preparing to report that EPA records confirm that Administrator Pruitt flew in coach-class seats to Oklahoma on at least two occasions last year when the agency wasn't paying for his ticket. Both instances were for legs of EPA-funded trips on which Ken Wagner was traveling with the administrator.
>
> You'll remember that AP reported earlier this month that an EPA official said Pruitt flew home on weekend trips for Oklahoma Sooners football games using a companion pass obtained with Wagner's frequent flyer miles. Ethics experts say that is a potential violation of federal ethics rules barring officials from accepting gifts from their subordinates that have a market value of more than $10.
>
> Please provide on the record response to two questions:
>
> 1) If the administrator needed to fly in premium class seats due to security concerns, as both he and the agency have claimed, then why did he fly coach when the agency wasn't paying?
> 2) Did the administrator consult with EPA ethics counsel before accepting a companion pass from Wagner, a federal employee who is his subordinate? If so, did he receive a waiver allowing him to accept the airfare as a gift?
>
> I'm writing on deadline, so a quick response would be appreciated.
>
> Thanks,
>
> Michael

AP

ASSOCIATED PRESS

Michael Biesecker
Investigative Reporter
mbiesecker@ap.org
Twitter: @mbieseck
Public Key

1100 13 St. NW, Suite 700
Washington, D.C. 20005-4076

T 202-641-9445
M 202-465-6091

Have a tip for the Associated Press? We have a secure way to send it to us, anonymously. Follow this link for instructions: www.ap.org/tips

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"There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here." – Mark Twain, 1906

"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 4/10/2018 7:13:37 PM
To: Danylak, Mike (EPW) [Mike_Danylak@epw.senate.gov]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: Quick question

On-The-Record … **"According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and his family. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."** – EPA spokesman, Jahan Wilcox

BACKGROUND …

Patrick Sullivan, EPA's Assistant Inspector General For Investigations said there are a number of threats against EPA Administrator Scott Pruitt. "'We have at least four times -- four to five times the number of threats against Mr. Pruitt than we had against Ms. [Gina] McCarthy,' said Patrick Sullivan, EPA's assistant inspector general for investigations, referring to Pruitt's predecessor during the Obama administration. He declined to provide the specific numbers of threats against Pruitt. 'They run the variety of direct death threats -- 'I'm going to put a bullet in your brain' -- to implied threats -- 'if you don't classify this particular chemical in this particular way, I'm going to hurt you,'' Sullivan told CNN in an interview. 'Then there's implied threats -- like they say in New York, with the mafia: 'If you come after me and my family, I'll come after you and your family.'' (CNN, 11/28/17)

According to Patrick Sullivan, threats have nearly doubled against Pruitt. "In an interview with E&E News, Patrick Sullivan, EPA's assistant IG for investigations, said the watchdog opened roughly 70 threat probes in fiscal 2017, including cases and complaints related to EPA facilities and personnel. That surpassed the total of about 45 such probes into threats against EPA from fiscal 2016. Sullivan also said Pruitt has faced more threats than his immediate predecessors, former administrators Gina McCarthy and Lisa Jackson. 'He has had significantly more threats directed against him. There's absolutely no question about it,' Sullivan said." (E&E News, 01/11/18)

Threats have been made against Pruitt and his family. "The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family. 'The quantity and the volume -- as well as the type -- of threats are different," Pruitt said in an interview with Bloomberg News. "What's really disappointing to me as it's not just me -- it's family.'" (Bloomberg, 10/26/17)

Pruitt said threats the level of protection is decided by the threat. "The level of protection is dictated by the level of threat," Pruitt said, noting security arrangements are decided by others assessing the situation." (Bloomberg, 10/26/17)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said there have been incidents of aggressive behavior against Pruitt. "There were 'incidents where he was being approached -- vulgar language, people were being somewhat aggressive towards him -- and so the special agent in charge provided documentation -- a memo -- to me and up the chain of command requesting the administrator be placed in business- or first-class to avoid these potential issues for the safety of the administrator.'" (Bloomberg, 02/15/18)

EPA's Office EPA's Office of Criminal Enforcement, Henry Barnet said it's their job to ensure they can pull Pruitt away from threats. "The agents have to make sure he's in a position where they can protect him," the director of EPA's Office of Criminal Enforcement, Henry Barnet, said in an interview. "If he's surrounded by other members of the public or it's a threat, their job is to push him and pull him away from those threats. That's why it is imperative to keep him away from the individuals so they can keep him safe." (Bloomberg, 02/15/18)

EPA's Protective Service Detail says there is a high level of interest against Pruitt. "Perrotta described a "high level of unusual interest in the administrator," calling it the most he's ever seen while safeguarding EPA chiefs." (Bloomberg, 02/15/18)

From: Danylak, Mike (EPW) [mailto:Mike_Danylak@epw.senate.gov]
Sent: Tuesday, April 10, 2018 3:11 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Quick question

Hey Liz and Jahan – quick question for you.

Trying to get more included from our quote on this letter. Michael Biesecker from AP wrote:

The CNN quote from November being distributed by EPA was made by a deputy IG and it is not clear he was expressing any sort of official finding on behalf of EPA IG Elkins. EPA OIG told us this week their review of the administrator's security spending and its underlying justifications is still ongoing.

Is there any anything to demonstrate that the "direct death threats" quote to CNN was from the OIG office? Just wanted to see. Thank you.

Mike Danylak
EPW Committee – Majority
202-224-1049

Message

From: Ganim, Sara [Sara.Ganim@turner.com]
Sent: 3/21/2018 8:29:58 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]
Subject: Re: waivers

Re-sending this.

Did EPA turn over the individual waivers to Chairman Gowdy's office?
From the documents we reviewed, it does not appear that EPA did. Is this inaccurate?

--
Sara Ganim
CNN Washington
954-663-2523

From: Ganim, Sara
Sent: Wednesday, March 21, 2018 11:34 AM
To: Wilcox, Jahan
Cc: Bowman, Liz; Ferguson, Lincoln
Subject: Re: waivers

Jahan -- my question is related to the documents turned over today.

Did EPA turn over those individual waivers to Chairman Gowdy's office?
It does not appear that EPA did.

--
Sara Ganim
CNN Washington
954-663-2523

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Wednesday, March 21, 2018 11:31:37 AM
To: Ganim, Sara
Cc: Bowman, Liz; Ferguson, Lincoln
Subject: RE: waivers

We addressed the wavier question a long time ago: https://www.politico.com/story/2018/02/14/scott-pruitt-first-class-travel-347631.

From: Ganim, Sara [mailto:Sara.Ganim@turner.com]
Sent: Wednesday, March 21, 2018 11:08 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Re: waivers

Jahan -- These statements are not related to my three questions about the waivers.

These are my questions, as stated below.

It does not appear that those were shared, can you please tell me why?

Do they exist?

Were there individual waivers for each flight, or a blanket waiver?

--
Sara Ganim
CNN Washington
954-663-2523

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Wednesday, March 21, 2018 11:02 AM
To: Ganim, Sara
Cc: Bowman, Liz; Ferguson, Lincoln
Subject: RE: waivers

Statement regarding the letter: "We have responded to Chairman Gowdy. The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane." – EPA spokesman, Jahan Wilcox

Regarding additional travel questions, we are referring you to our interview with CBS News: https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/.

From: Ganim, Sara [mailto:Sara.Ganim@turner.com]
Sent: Wednesday, March 21, 2018 10:49 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: waivers

Jahan -- We are writing a story about the waivers that are necessary to allow the Secretary to fly first class.

They were requested by Gowdy's office in his letter, see the image below.

Since it does not appear that those were shared, can you please tell me why? Do they exist? Were there individual waivers for each flight, or a blanket waiver, as alluded to in the letter?

Thanks,
Sara

3. In addition, for each flight for which a first or business class ticket was purchased please provide the following information and documentation regarding:

   a. Whether an individual waiver to purchase a first or business class ticket for the flight was obtained;

   b. If a waiver was received, please provide the waiver and any documentation related to the reason the waiver was granted;

   c. Identify all other EPA employees or members of your security detail who accompanied you in first or business class; and

   d. The total airfare cost, including the airfare for individuals identified in (c).

--
Sara Ganim
CNN Washington
954-663-2523

Message

From: Dennis, Brady [Brady.Dennis@washpost.com]
Sent: 3/21/2018 4:25:23 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Eilperin, Juliet [Juliet.Eilperin@washpost.com]
Subject: Re: Quick follow up, re: travel

Hey Jahan,

Thanks for this. Appreciate it.

As we discussed earlier, I'm sending a handful of specific flights where the vouchers indicated that the Administrator paid out-of-pocket to get himself home to Tulsa. Primarily, we would like to know if he paid to fly first-class on his own for these trips? If not, why not (i.e. Southwest, used points, just flew coach, etc)?

Thanks for checking on these. Also, you mentioned he typically flies back and forth from DC to Tulsa on Southwest whenever possible. Is that something you'd be willing to let us use in some form? Meantime, enjoy this Minnesota-like weather...

5/12/17 -- Colorado Springs to Tulsa after Heritage Foundation speech
8/4/17 -- Denver to Tulsa after visiting Gold King Mine
9/15/17 -- Houston to Tulsa after visiting San Jacinto Superfund site and other stops
10/6/17 -- Phoenix to Tulsa after meetings there
10/27/17 -- New Orleans to Tulsa after speaking to Louisiana Chemical Association
12/01/17 -- Des Moines to Tulsa after Iowa farm bureau visit
Holidays -- Personal trip from Tulsa to Lexington to California and back for Rose Bowl/Disneyland
1/15/18 -- Tulsa to Dallas after weekend at home for regional administrators meeting

-b

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Wednesday, March 21, 2018 11:19:16 AM
To: Dennis, Brady; Bowman, Liz
Cc: Eilperin, Juliet
Subject: RE: Quick follow up, re: travel

[EXTERNAL EMAIL]
"Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity."

-----Original Message-----
From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Wednesday, March 21, 2018 9:16 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: Quick follow up, re: travel

Jahan, Liz,

In reading through the travel vouchers last night (and also the earlier batch), there are numerous occasions in which it says the administrator will pay to fly himself home to Tulsa from wherever he is.

That raised a question for us: Does he pay out of pocket to fly first class, given the security issues? If not, has the detail raised any concerns about that? If he is required to pay for first class b/c of security, does EPA supplement that cost in any way?

Thanks very much. And good luck with the snow today.

Brady Dennis
The Washington Post
202-334-7745
brady.dennis@washpost.com
@brady_dennis

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 3/21/2018 12:28:56 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: Travel documents

This is not well written: https://www.thedailybeast.com/scott-pruitt-spent-dollar105000-on-first-class-flights-2?ref=home

Sent from my iPhone

On Mar 21, 2018, at 8:17 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

> Does anyone have a link to the Daily Beast story?
>
> On Mar 20, 2018, at 8:50 PM, Ganim, Sara <Sara.Ganim@turner.com> wrote:
>
> > Can you tell me if the daily beast is accurate in their reporting?
> >
> > On Mar 20, 2018, at 7:38 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
> >
> > > **"We have responded to Chairman Gowdy. The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane."** – EPA spokesman, Jahan Wilcox
> >
> > Sent from my iPhone
> >
> > On Mar 20, 2018, at 7:22 PM, Ganim, Sara <Sara.Ganim@turner.com> wrote:
> >
> > > Hi there—-hoping you can also share with CNN the travel documents that were given to others. We requested them too! Thanks!
> > >
> > > --
> > > Sara Ganim
> > > CNN Correspondent
> > > New York
> > > 954-663-2523

Message

From: Hewitt, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=41B19DD598D340BB8032923D902D4BD1-HEWITT, JAM]
Sent: 3/21/2018 12:18:21 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: Travel documents

https://www.thedailybeast.com/scott-pruitt-spent-dollar105000-on-first-class-flights-2

From: Bowman, Liz
Sent: Wednesday, March 21, 2018 8:17 AM
To: Press <Press@epa.gov>
Subject: Re: Travel documents

Does anyone have a link to the Daily Beast story?

On Mar 20, 2018, at 8:50 PM, Ganim, Sara <Sara.Ganim@turner.com> wrote:

> Can you tell me if the daily beast is accurate in their reporting?
>
> On Mar 20, 2018, at 7:38 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>
> > **"We have responded to Chairman Gowdy. The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane."** – EPA spokesman, Jahan Wilcox
>
> Sent from my iPhone
>
> On Mar 20, 2018, at 7:22 PM, Ganim, Sara <Sara.Ganim@turner.com> wrote:
>
> > Hi there—-hoping you can also share with CNN the travel documents that were given to others. We requested them too! Thanks!
> >
> > --
> > Sara Ganim
> > CNN Correspondent
> > New York
> > 954-663-2523

Message

From: Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]
Sent: 4/5/2018 5:55:18 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: Request for comment please

We've removed all names.

From: Kelly, Albert
Sent: Thursday, April 5, 2018 1:55 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Request for comment please

I think we need to be very careful categorizing some of these as disgruntled. I do not know what that triggers. I also think there is a question that I learned from Henry that someone else may have been the source of Reggie Allan being named. If so, we do not want to bunch him in this group. Lincoln, I suggest you check quickly with Henry as he has talked with Reggie.

Albert Kelly
Senior Advisor to the Administrator
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202 306 8830

From: Leopold, Matt
Sent: Thursday, April 5, 2018 1:50 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Request for comment please

Lincoln,

Ex. 5 - Attorney Client

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

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

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

Ex. 5 - Attorney Client

++ 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

Ex. 5 - Attorney Client

++ 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

Ex. 5 - Attorney Client

++ 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,

Ex. 5 - Attorney Client

++ 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.

Ex. 5 - Attorney Client

++ 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

Ex. 5 - Attorney Client

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.

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?

Please refer to statement at the top of the email.

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

Ex. 5 - Attorney Client

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

Hi Jahan and Liz

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

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

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

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

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

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

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

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

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

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

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

As an aside, we know of the allegations raised against Mr. Chmielewski related to his security clearance that the IG investigated and found were not substantiated. We also know of complaints that he was hard to reach while he was out of the office doing advance work for the VP.

Finally a few additional questions.

Ex. 6 - Personal Privacy

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
(202) 251-2083 cell

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/10/2018 2:30:40 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Barnet, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cb4045a7ca97475698cfce824ae664b1-Barnet, Henry]
CC: Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]; Traylor, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bfdf6b0fea4b998-Traylor, Pa]; Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: APPROVAL: Security spending

Thanks for this. I'm good with that.

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 10:25 AM
To: Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: APPROVAL: Security spending

I am sending this at 10:45 AM.

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 9:57 AM
To: Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: APPROVAL: Security spending

Great. Will take that response out.

RJ good to go? Henry and Susan are good.

From: Barnet, Henry
Sent: Tuesday, April 10, 2018 9:47 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Security spending

Jahan,
The only edit I made was to take out the example in the lights and siren response. Our OCEFT policy is very specific on the use of blue lights for only emergency situations.

I'm available on my cell Ex. 6 - Personal Privacy

Thanks,
Henry

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

On Apr 10, 2018, at 8:37 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> Below are draft responses in bold. Every statement – with the exception of the motorcade in Italy – has been approved and already used somewhere. Please feel free to edit or put someone else name behind the statements.
>
> Before we send I will need the approval from: Susan, Henry and RJ. Our deadline is 10:00 AM ET.
>
> ---
>
> Good evening!
>
> We are working on a story taking a close look at various security decisions at the EPA over the past year and a half -- and the role that Pasquale 'Nino' Perrotta had in justifying them.
>
> I would appreciate any response/comment/context you may have on the story, ideally by late morning tomorrow.
>
> - **EPA Statement: "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."** – EPA spokesman, Jahan Wilcox
>
> Our reporting indicates that Mr. Perrotta was a driving force behind many of the decisions, including the shift to first-class travel, the installation of biometric locks and security sweeps of Administrator Pruitt's office.
>
> - **First-Class Travel:** Referring you to our statement made to CBS News - https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/
> - **Security Sweeps: "Similar security sweep were done for EPA Administrator Lisa Jackson and EPA Administrator Gina McCarthy."** – EPA spokesman, Jahan Wilcox

There is an assertion that Perrotta got the lead job protecting Pruitt after the previous head of his detail questioned some security decisions and was reassigned.

- ~~Detail: "We have no knowledge of anyone being removed from the Detail for not using lights and sirens and with regards to the use of lights and sirens; the security Detail for the past 15 years has used them in very limited fashion. This is a typical practice amongst the protective community." – EPA Chief of Staff, Ryan Jackson~~

There will likely be an assertion that Perrotta has endorsed many moves to boost security and that he's at the center of these decisions to ramp-up spending on security some critics deride as "ridiculous."

Specifically, we may note that Perrotta played a critical role justifying the decision to shift from door-to-door protection of the administrator to around-the-clock protection, a move that means at least 19 agents are required to guard the administrator day and night though according to six weeks of schedules obtained by Sen. Whitehouse, that number may have climbed as high as 32.

- **EPA Statement: "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of the President's cabinet should be kept safe from these violent threats."** – EPA spokesman, Jahan Wilcox

We are likely to note that one of the security decisions -- to sweep the administrator's office for bugs -- enriched a Perrotta partner, Edwin Steinmetz.

- **EPA Statement: "Security sweeps are common practice in government and former EPA Administrator Lisa Jackson had her office swept. We looked at a couple of different vendors and our career administrative officials approved locks that are used for the Inspector General and other offices within EPA."** – EPA spokesman, Jahan Wilcox

There may be an assertion that Perrotta's decisions have elevated his stature at the EPA and he has traveled first class with the administrator.

We may repeat the AP's assertion that Perrotta arranged for private security guards during the trip to Italy who arranged "an expansive motorcade" for Administrator Pruitt.

- **EPA Statement: "Administrator Pruitt attended numerous G7 meetings with his bilateral counterparts and in terms of security, EPA's Protective Service Detail tried to replicate the same security measures taken when EPA Administrator Gina McCarthy traveled to Italy in 2015."** – EPA spokesman, Jahan Wilcox

We may repeat the AP's assertion that total security costs have reached nearly $3 million, including pay and travel expenses for protective detail.

- **EPA Statement: "According to EPA's Assistant Inspector General, Scott Pruitt has faced an unprecedented amount of death threats against him and security decisions are made by EPA's Protective Service Detail. Americans should all agree that members of**

the President's cabinet should be kept safe from these violent threats." – EPA spokesman, Jahan Wilcox

We also may assert that five EPA officials who questioned the steep ramp-up in security were reassigned or demoted, according to the New York Times, including Eric Weese, the previous head of Pruitt's security team.

Thanks for your consideration.

Jen.

From: wilcox.jahan@epa.gov At: 04/09/18 22:30:45
To: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)
Cc: Press@epa.gov
Subject: Re: Security spending

Can we circle back tomorrow?
Sent from my iPhone

On Apr 9, 2018, at 10:27 PM, Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) <jdlouhy1@bloomberg.net> wrote:

Good evening!

We are working on a story taking a close look at various security decisions at the EPA over the past year and a half -- and the role that Pasquale 'Nino' Perrotta had in justifying them.

I would appreciate any response/comment/context you may have on the story, ideally by late morning tomorrow.

Our reporting indicates that Mr. Perrotta was a driving force behind many of the decisions, including the shift to first-class travel, the installation of biometric locks and securty sweeps of Administrator Pruitt's office.

There is an assertion that Perrotta got the lead job protecting Pruitt after the previous head of his detail questioned some security decisions and was reassinged.

There will likely be an assertion that Perrotta has endorsed many moves to boost security and that he's at the center of

these decisions to ramp-up spending on security some critics deride as "ridiculous."

Specifically, we may note tha tPerrotta played a critical role justifying the decision to shift from door-to-door protection of the administrator to around-the-clock protection, a move that means at least 19 agents are required to guard the administrator day and night though according to six weeks of schedules obtained by Sen. Whitehouse, that number may have climbed as high as 32.

We are likely to note that one of the security decisions -- to sweep the administrator's office for bugs -- enriched a Perrotta partner, Edwin Steinmetz.

There may be an assertion that Perrotta's decisions have elevated his stature at the EPA and he has traveled first class with the administrator.

We may repeat the AP's assertion that Perrotta arranged for private security guards during the trip to Italy who arranged "an expansive motorcade" for Administrator Pruitt.

We may repeat the AP's assertion that total security costs have reached nearly $3 million, including pay and travel expenses for protective detail.

We also may assert that five EPA officials who questioned the steep ramp-up in security were reassigned or demoted, according to the New York Times, including Eric Weese, the previous head of Pruitt's security team.

Thanks for your consideration.

Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Cell/Text/Signal: 202.905.3257
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

Message

From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 3/20/2018 6:39:46 PM
To: Biesecker, Michael [MBiesecker@ap.org]; Feldman, Carole [CFeldman@ap.org]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Bridis, Ted [TBridis@ap.org]
Subject: RE: Security detail costs for Italy

I was just trying to be helpful and confirm numbers that are currently being circulated. You can report however you want. Have a good day, Michael.

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Tuesday, March 20, 2018 2:37 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Feldman, Carole <CFeldman@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Bridis, Ted <TBridis@ap.org>
Subject: RE: Security detail costs for Italy

Jahan,

This doesn't include the cost of $36,000 for the military jet from Ohio to JFK.

I guess I'm confused what distinction you are trying to draw? Between career EPA staff and political appointees. Are they all not accurately described as "EPA staff"?

Do you expect that with providing the documents to the oversight committee, the records will also be released to the public? As I'm sure you are aware, AP is among those who have pending FOIAs for them.

Also, do you have figures for total travel costs for Pruitt, aides and security for 2018?

Thanks,

Michael

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Tuesday, March 20, 2018 2:26 PM
To: Biesecker, Michael <MBiesecker@ap.org>; Feldman, Carole <CFeldman@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Security detail costs for Italy

I saw your story. Regarding this line: "The known cost of Pruitt's previously reported trip grew this week after the agency disclosed a highly redacted document showing expenses for Pruitt's security detail cost more than $30,500. "

On background, here is the information, but we ask that you note this includes EPA career (in bold) and EPA political appointees if you are reporting a grand total.

Traveler	Commercial Airfare	Total Expenses

Pruitt, Scott	$7,003.32	$8,997.83
Chmielewski, Kevin	$1,809.63	$5,445.37
Dravis, Samantha	$2,330.98	$5,704.81
Ferguson, Lincoln	$1,906.12	$4,461.08
Finman, Hodayah	**$1,553.16**	**$3,421.72**
Greenwalt, Sarah	$1,919.96	$5,173.92
Gunasekara, Amanda	$2,046.18	$4,549.78
Hupp, Millan	$2,144.57	$5,988.36
Jackson, Ryan	$2,438.28	$4,689.55
Nishida, Jane	**$2,014.64**	**$5,201.56**
Security Detail	$30,553.88	$30,553.88
Grand Total	$55,720.72	$84,187.86

From: Wilcox, Jahan
Sent: Tuesday, March 20, 2018 1:37 PM
To: 'Biesecker, Michael' <MBiesecker@ap.org>; Feldman, Carole <CFeldman@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Security detail costs for Italy

The statement is regarding international travel.

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Tuesday, March 20, 2018 1:32 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Feldman, Carole <CFeldman@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Security detail costs for Italy

Jahan, on this point: "EPA's security procedures have not deviated over the past 14 years."

Is this accurate? It's been previously reported that neither Jackson nor McCarthy had a full-time security detail and McCarthy was not accompanied by security on weekend trips home to Boston.

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Tuesday, March 20, 2018 1:16 PM
To: Biesecker, Michael <MBiesecker@ap.org>; Feldman, Carole <CFeldman@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Security detail costs for Italy

On-the-record statement regarding travel: **"Administrator Pruitt's security detail followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years."** – EPA spokesman, Jahan Wilcox

On-the-record statement regarding House Oversight: **"We are working with Chairman Gowdy to accommodate his request."** – EPA spokesman, Jahan Wilcox

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Tuesday, March 20, 2018 1:11 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Security detail costs for Italy

Jahan,

Do you have updated comment on the release of the figure for the cost of the administrator's security detail to go to Italy last year? Also, can you comment on whether the security team flew with him in business class/first class?

I've heard EPA may turn over travel records to House Oversight this week, potentially as soon as today. Can you confirm?

Thanks,

Michael

AP

ASSOCIATED PRESS

Michael Biesecker
Investigative Reporter
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Public Key

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Message

From: Wooden-Aguilar, Helena [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=991AB84F64BE4B6B9DD10A68C81887B0-HAWODD]
Sent: 3/7/2018 9:01:30 PM
To: Aarons, Kyle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ef85c3c00a2244779c4b26ff6bc6ccc9-Aarons, Kyl]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Sweeney, Edward [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3727d66608e4f87b4372de0f3f6c497-Sweeney, Ed]; Youngblood, Charlotte [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aaa372e7cca8436a9a9c8786d8fa885b-Youngblood,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Burke, Marcella [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5066626ec70846439b8d3f6c35d92be8-Burke, Marc]; White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Seaton, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f630e034df645f18c3a912f891e06dd-Tseaton]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Yaeger, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4d2fdd93ebf4d43996316a333c80985-Yaeger, Rya]; Knapp, Kristien [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8d4ab10c47264bca8b12174cdb981942-KKnapp]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Walker, Denise [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b10d83a48a5e4af7a9b1f01465330ff2-Walker, Den]; Jones-Peeler, Meshell [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed2ef9b868cb4e57a23db68491cb9f4f-MJones12]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: Please review: Proposed response to Gowdy air travel letter

Kyle -

Great job to all that worked to pull this together. I have no additional comments.

Helena

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

wooden-aguilar.helena@epa.gov

On Mar 7, 2018, at 3:00 PM, Aarons, Kyle <Aarons.Kyle@epa.gov> wrote:

Hi all – We have made some updates since Monday:

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Please let me know if you have any questions.

Thanks,
Kyle

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

From: Aarons, Kyle
Sent: Monday, March 05, 2018 8:45 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Sweeney, Edward <sweeney.edward@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Seaton, Tom <Seaton.Tom@epa.gov>
Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Please review: Proposed response to Gowdy air travel letter

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here: Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

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Below is a summary of what I am proposing to redact. Please let me know ASAP if you think any of this material should not be redacted, keeping in mind we are not bound by FOIA provisions.

Vouchers

- <!--[if !supportLists]--><!--[endif]-->TID
- <!--[if !supportLists]--><!--[endif]-->Office phone
- <!--[if !supportLists]--><!--[endif]-->Airlines
- <!--[if !supportLists]--><!--[endif]-->Flight numbers
- <!--[if !supportLists]--><!--[endif]-->Flight times
- <!--[if !supportLists]--><!--[endif]-->Airports and codes when two options in a city (DC and NYC)
- <!--[if !supportLists]--><!--[endif]-->Confirmation codes
- <!--[if !supportLists]--><!--[endif]-->Ticket numbers

Receipts

- <!--[if !supportLists]--><!--[endif]-->TAVS fax number
- <!--[if !supportLists]--><!--[endif]-->Hotels
    - <!--[if !supportLists]--><!--[endif]-->Location
    - <!--[if !supportLists]--><!--[endif]-->Room number
    - <!--[if !supportLists]--><!--[endif]-->CC number
    - <!--[if !supportLists]--><!--[endif]-->Confirmation codes
    - <!--[if !supportLists]--><!--[endif]-->Telephone number
    - <!--[if !supportLists]--><!--[endif]-->Name

- <!--[if !supportLists]--><!--[endif]-->Flights
    - <!--[if !supportLists]--><!--[endif]-->Airline
    - <!--[if !supportLists]--><!--[endif]-->Flight number
    - <!--[if !supportLists]--><!--[endif]-->Flight times
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Thanks,
Kyle

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

<Gowdy Air Travel 3-7-18.docx>

Message

From: Aarons, Kyle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EF85C3C00A2244779C4B26FF6BC6CCC9-AARONS, KYL]
Sent: 3/7/2018 8:00:47 PM
To: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Sweeney, Edward [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3727d66608e4f87b4372de0f3f6c497-Sweeney, Ed]; Youngblood, Charlotte [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aaa372e7cca8436a9a9c8786d8fa885b-Youngblood,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Burke, Marcella [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5066626ec70846439b8d3f6c35d92be8-Burke, Marc]; White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Seaton, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f630e034df645f18c3a912f891e06dd-Tseaton]
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Subject: RE: Please review: Proposed response to Gowdy air travel letter
Attachments: Gowdy Air Travel 3-7-18.docx

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To: Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Sweeney, Edward <sweeney.edward@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Seaton, Tom <Seaton.Tom@epa.gov>
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    - Telephone number
    - Name
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    - Flight times
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    - Frequent flyer number
    - Invoice numbers
    - CC numbers

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Kyle

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of February 20, 2018, regarding first class air travel of EPA Administrator E. Scott Pruitt. The Administrator asked that I respond on his behalf.

Enclosed please find travel vouchers and receipts for all of the official air travel of the Administrator, including airfare, other travel expenses, and waivers. Documentation regarding the travel of the Administrator's protective security detail (PSD) is not being provided to avoid revealing information about how the PSD operates. The total amount spent on PSD premium travel with Administrator Pruitt until February 20, 2018 was $105,094.47. Aside from PSD, no EPA employees ever accompanied the Administrator in first or business class.

For personal privacy and security reasons, some information was redacted in the vouchers and receipts.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kyle Aarons in my office at (202) 564-7351 or Aarons.Kyle@epa.gov.

Sincerely,

Troy M. Lyons
Associate Administrator

Enclosures

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Cummings:

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Sincerely,

Troy M. Lyons
Associate Administrator

Enclosures

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter, dated February 20, 2018, regarding past air travel of Administrator Pruitt. The Administrator asked that I respond on his behalf.

The U.S. Environmental Protection Agency's Protective Service Detail has identified specific, ongoing threats associated with the Administrator's air travel and, therefore, shifted his class based on certain security protocols that require him to be near the front of the plane. Because of these ongoing security requirements, EPA had approved, on an individualized basis, each time the Administrator needed to use other than coach-travel accommodations. The Federal Travel Regulation states that "[w]hen exceptional security circumstances require other than coach-class airline accommodations," an agency "may authorize/approve first class accommodations." 41 C.F.R. § 301-10.123(a)(3). "Exceptional security circumstances are determined by [an] agency and should only be authorized up to the minimum other than coach-class accommodation necessary." *Id.* These circumstances include, but are not limited to, situations when the "[u]se of coach-class accommodations would endanger [one's] life or Government property" or an agent on protective detail is "accompanying an individual authorized to use other than coach-class accommodations." *Id.* § 301-10.123(a)(3)(i), (ii). The regulations for an agency to approve/authorize business-class accommodations mirror those for first-class accommodations. *See* 41 C.F.R. § 301-10.123(b)(2).

Enclosed please find information and documentation responsive to your request for official air travel of the Administrator, including airfare and other travel information. On past trips, his protective service detail accompanied him in first class. Should you need information and documentation regarding the travel of the Administrator's Protective Service Detail, we can work with your staff to provide you with an opportunity to review those documents at EPA, as they are security sensitive.

If you have further questions, please contact me or your staff may contact Kyle Aarons in my office at (202) 564-7351 or Aarons.Kyle@epa.gov.

Sincerely,

Troy M. Lyons
Associate Administrator

Enclosures

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Enclosed please find information and documentation responsive to your request for official air travel of the Administrator, including airfare and other travel information. We have not included documentation regarding the travel of the Administrator's Protective Services Detail, as it is security sensitive, but we can work with your staff to provide you with an opportunity to review those documents. Aside from Protective Services Detail, no EPA employees ever accompanied the Administrator in first or business class.

If you have further questions, please contact me or your staff may contact Kyle Aarons in my office at (202) 564-7351 or Aarons.Kyle@epa.gov.

Sincerely,

Troy M. Lyons
Associate Administrator

Enclosures
The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform

U.S. House of Representatives
Washington, D.C. 20515

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Troy M. Lyons
Associate Administrator

Enclosures

Message

From: Greaves, Holly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABCB6428B3DF40A9A78B059A8BA59707-GREAVES, HO]
Sent: 7/6/2017 3:32:11 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Consolidated QFRs
Attachments: HAC QFRs with RESPONSES FOR HOLLY_consolidatedv2.docx

Liz, please see attached for the consolidated list of QFRs ready for review. In terms of how to proceed, which option would you prefer:

1. You perform a consolidated review for consistency and messaging first, or
2. The other members of the political team review for factual accuracy first, make edits, and you do a final review, or
3. You and other members of the political team review concurrently? Each office responsible for the answer is noted in the consolidated list.

Thanks,
Holly

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert ***(OA/OP with OAR & OW)***

Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan, and Methane

I was pleased to see two early actions from the President to issue:

- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" rule*, and

- Executive Order 13783 on *Promoting Energy Independence and Economic Growth.*

I have a number of concerns with the WOTUS rule's flawed history -- it was originally proposed before the scientific studies were complete, the Small Business Association believed EPA should have conducted a Small Business Advocacy Review Panel prior to releasing the rule, and in December 2016 the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote rule.

In my opinion, the only clarity that the WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications. It was a clear example of Federal overreach.

The FY17 Omnibus included language asking EPA (and the Department of the Interior) to keep the Committee apprised of actions to comply with the Executive Order to promote energy independence and economic growth. For EPA, there were a number of specific directives within the Executive Order related to the Clean Power Plan, the methane rule, and other regulations.

Calvert Q1: Please provide an update on what steps the Agency is taking to comply with these Executive orders.

Answer: The EPA, the Army, and the Army Corps of Engineers (ACOE) are pursuing a two-step approach for the Waters of the U.S. rule:

Step 1: Formally withdraw the 2015 rule and recodify the prior regulations
Step 2: Initiate a rulemaking to revise the definition of waters of the U.S. consistent with the February 28, 2017 Executive Order.

Executive Order 13778 directs the EPA to review the final 2015 WOTUS rule. In response, Administrator Pruitt issued a Federal Register notice of review (82 FR 12532) on March

ED_002125C_00004700-00001

6, 2017. On June 27, 2017, the Administrator signed a proposed rule to rescind the definition of WOTUS in the 2015 rule. This proposal re-codifies the definition that existed prior to the 2015 rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. In a second action, EPA plans to propose a new definition interpreting the jurisdictional bounds of the Clean Water Act, taking into consideration the principles that Justice Scalia outlined in the *Rapanos* plurality opinion.

Executive Order 13783 directs the EPA to undertake a number of actions, including reviews of: 1) the Clean Power Plan (CPP) and related rules and actions, and 2) the oil and gas sector emission standards for new, reconstructed, and modified sources ("oil and gas methane rule").

On March 28, 2017, the President signed the Executive Order on Energy Independence. In order to comply with the President's action, EPA issued Federal Register notices related to review of the Clean Power Plan, the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources, and Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units. For more information, please refer to the following website: [HYPERLINK "https://www.epa.gov/Energy-Independence"].

On March 28, 2017, Administrator Pruitt signed notices to review the CPP and the NSPS for EGUs, and at the same time withdrew the suite of proposed federal rules associated with the CPP (the federal plan, model trading rules, and the framework for the Clean Energy Incentive Program). We currently have a CPP review proposal at OMB undergoing interagency review.

On March 28, 2017, Administrator Pruitt also signed a notice to review the oil and gas rule. EPA has administratively stayed upcoming requirements for fugitive emissions, pneumatic pumps, and professional engineer certification for an initial three months, and has proposed to stay these requirements for an additional two years while the agency considers appropriate final action for the rule.

Calvert Q2: Where is the agency in the process with respect to each of those rules?

Answer: The EPA, the Army, and the Army Corps of Engineers (ACOE) are pursuing a two-step approach for the Waters of the U.S. rule:

Step 1: Formally withdraw the 2015 rule and recodify the prior regulations
Step 2: Initiate a rulemaking to revise the definition of waters of the U.S. consistent with the February 28, 2017 Executive Order.

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On March 28, 2017, Administrator Pruitt also signed a notice to review the oil and gas rule. EPA has administratively stayed upcoming requirements for fugitive emissions, pneumatic pumps, and professional engineer certification for an initial three months, and has proposed to stay these requirements for an additional two years while the agency considers appropriate final action for the rule.

Superfund and Brownfields: Budget Request vs. Needs ***- OLEM***

The 2018 budget proposes a 31% reduction for the Superfund program, a $327 million decrease from the FY17 enacted level. This includes a $203 million decrease for direct Superfund cleanup activities, which would prevent new cleanups from starting and slow ongoing cleanups.

For Brownfields, the 2018 budget proposes an $11 million reduction for the project grants, and a $14 million reduction for the categorical grants.

Both of these programs support land cleanup, job creation and economic redevelopment. I understand the overall pressure that the targets in the President's budget put on your Agency, so I'm not going to hold your feet to the fire on this. Further, I think it's safe to say on behalf of our full committee Chairman that we will take this proposal in a much different direction.

I understand you've created a Task Force to review Superfund contracts and program implementation to identify efficiencies as a way to further your commitment "to accelerate the

pace of cleanups". That is a goal that I know we both share as we have over 1,300 sites on the National Priority List that need to be cleaned up.

We often cite the needs associated with water infrastructure because those are well-documented (roughly $1 trillion).

Calvert Q3: Does EPA have similar estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

> **Answer:** Remedial activities at Superfund National Priorities List (NPL) sites are funded with annually appropriated funds out of the Superfund: Remedial program project where special account funding from settlements with responsible parties is not available and responsible parties are not directly cleaning up the site. Approximately one-third of NPL sites are solely financed by potentially responsible parties (PRPs) and PRPs are not required to report their expenditures to the EPA. The remainder of sites require appropriated funding. The mix of funding sources complicate the estimation of costs.
>
> In 2010, the Government Accountability Office (GAO) analyzed responses to a survey of the EPA regional officials and estimated that, as of September 30, 2009, the cost to conduct remedial construction at non-federal NPL sites in 2015 and beyond was $3.036 billion. (GAO Report 10-380, p.20 – May 2010). Since that time, we have added another 121 sites to the NPL and will incur additional significant costs for these sites.

Superfund Special Accounts -- $3.2 billion Waiting to Spend on Cleanups *(OLEM)*

EPA has roughly $3.2 billion in settlement agreements from responsible parties. These funds reside in Special Accounts for the cleanup of individual Superfund sites. That's nearly 5 times the budget request for the program.

Calvert Q4: What, if anything, is required to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites?

> **Answer:** Superfund special account funds are used before annually appropriated funds for response actions at sites identified in the terms of the settlement agreements. The EPA's Special Accounts Senior Management Committee comprises agency senior managers responsible for the management and use of special accounts, and monitors the use of special account funds to ensure the agency uses the funds as quickly and efficiently as possible to conduct cleanups at Superfund sites. In addition, the new Superfund Task Force is examining how to improve the management of special accounts.
>
> Funds retained in special accounts must be used site specifically, and are not available for use at sites outside the scope of the settlement agreement. As of the end of FY 2016, the EPA has spent more than $3.6 billion of special account funds for response actions at specific sites, of which more than $1 billion has been spent in the last 4 fiscal years. The

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EPA has multi-year plans to spend the approximately $3.28 billion remaining in special account funding for site-specific response actions as outlined in each individual settlement agreement. However, work at Superfund sites often takes several years to complete. It's important to note that in some instances when special accounts funds are received, work may not be immediately initiated due to other circumstances, including the specific requirements for fund use as set forth in the negotiated settlement agreement, the stage of site cleanup, and the nature of the site contamination. Additionally, our successful enforcement efforts to recover costs from potentially responsible parties adds to the total amount of outstanding deposits in special accounts for future response costs.

Special accounts are crucial to EPA's ability to continue to fund construction projects at sites across the country and save tax payer dollars for those sites where no viable or cooperating responsible party has been identified.

Questions from Mr. Simpson:

TMDL - *OW*

I am pleased that you mentioned TMDL's in your opening statement and a commitment from EPA to work with states and localities. I have met with Mayor's and city council members, and there is real fear in regards to the financial stress around and how these communities can meet and/or pay for costly upgrades to facilities. For example, Twin Falls recently invested $38 million to upgrade their water treatment facility. However, the last Administration proposed lowering their TMDL for phosphorous by 98.5%. This would result in the city needing to upgrade their facilities again. The cost is estimated to be between $60 and $100 million.

Now, this is just the start of this issue. I met with Mayor's in the smaller towns near Twin Falls - Buhl, Jerome, Ammon, and Filer – and they surely can't afford these types of upgrades as these towns have smaller populations.

We did have success in Boise, Idaho, with a project called Dixie Drain that saved tens of millions of dollars by using a flexible innovative model to reduce phosphorous levels. This was a common sense approach that didn't hammer taxpayers with costly regulations. I hope this is a model we can use to help Twin Falls and other communities avoid massive rate increases.

Simpson Q1: Can we work together – along with Idaho Department of Environmental Quality - to review the TMDL process along the Mid-Snake and see what can be done to help these communities?

Answer: The Idaho Department of Environmental Quality (Idaho DEQ), with the support of the local Watershed Advisory Group (WAG), is now working to revise the Mid-Snake TMDL. The EPA is eager to collaborate with Idaho DEQ, the WAG, and all stakeholders in the mid-Snake to help DEQ produce a revised TMDL that will support protection of water quality in efficient and cost-effective ways.

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Simpson Q2: What are some of the approaches we can take to ensure these communities reach a solution that doesn't bankrupt ratepayers?

> **Answer:** A revised TMDL, that is flexible while consistent with the Clean Water Act, is the best path forward to ensure that ratepayers will not be required to pay for unnecessary treatment. As part of TMDL development, the EPA encourages consideration of least-cost options to achieve TMDL goals, such as water quality trading or treatment plant offsets such as the Dixie Drain used in the Lower Boise River.
>
> With regard to the City of Ammon, the agency recently advised the City that, if they believe they need an extension to the compliance schedule under their permit, they should submit a letter to the EPA requesting such an extension and describing why it is needed. Their request and justification for a permit modification would need to be reviewed and published for public comment for 30 days. To date, the agency has not received such a request for an extension.

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P.O. Box 1907 321 Second Avenue East Twin Falls, Idaho 83303-1907 Fax: (208) 736-2296

Office of the Mayor (208) 735-7287

September 16, 2016

Mr. Mike Simpson
US House of Representatives
2312 Rayburn Building
Washington, DC 20515

Re: SUMMARY OF THE CITY OF TWIN FALLS CONCERNS AS TO DRAFT NPDES PERMIT

Congressman Simpson:

The City of Twin Falls owns and operates a wastewater treatment plant that sends its treated effluent to the Middle Snake River. The Middle Snake River is not meeting water quality standards for nutrients. To address that issue, the State, working through its stakeholder Watershed Advisory Group, established a Total Maximum Daily Load (TMDL) for the river, which provided specific loading allocations for various discharging entities, including the City of Twin Falls. In the TMDL, the City is provided an allocation of 710 pounds of phosphorus per day. The TMDL was submitted to USEPA, and approved; the most recent version of the TMDL was approved by USEPA in 2005.

The TMDL allocation for the City was incorporated into the City's NPDES permit for the treatment plant. The most recent permit was issued in 2009. Since that permit was issued, the City has spent over $32 million to make major improvements in the treatment plant, resulting in substantial reductions in the plant's nutrient discharge. The plant has always complied with its TMDL allocation; in fact, the plant currently discharges at levels that are roughly half of that allocation. During this time period, there has been substantial progress in implementing the TMDL, with many dischargers reducing their phosphorus levels being sent into the river.

Now, EPA is moving to issue the next NPDES permit for the City. In doing so, EPA has indicated that even though the TMDL is still EPA-approved, it will disregard the TMDL allocation for the City of 710 lbs/day, and instead impose a new limit of only 10 lbs/day. This new restriction will impose new costs on the City of $60 to $100 million, in a situation where the City has no readily available means to obtain that funding. Moreover, this action by EPA has larger policy implications; it will severely damage the TMDL program, and undermine the stakeholder-led process that Idaho and other States have used to develop and implement TMDLs. The overall effect will be counterproductive for the environment, as well as to the residents of Twin Falls and any other community that suffers similar treatment.

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The basis for EPA's action, according to Agency staff, is that the current EPA-approved TMDL is "flawed," and therefore, EPA cannot rely on the TMDL allocations to develop limits for the City's new permit. Logic would indicate that if the TMDL is indeed "flawed," that EPA would tell the Idaho DEQ that the TMDL needs to be redone. However, EPA staff has stated that the Agency lacks the legal authority under the Clean Water Act to require the State to redo a "flawed" TMDL. In fact, EPA has done exactly that in a similar situation. When the State of Vermont developed a TMDL for Lake Champlain, EPA initially approved the TMDL. Then, after an environmental group filed suit against EPA, challenging the approval of the TMDL, EPA reversed itself, and announced that it would now withdraw its approval. As a result, a new TMDL had to be performed. EPA could do the exact same thing here; if the Agency honestly believes that the TMDL is "flawed," then the proper action to take is to withdraw the 2005 approval of the TMDL, and require that the State reassess the TMDL and make any needed revisions.

In fact, though, EPA's claim that the TMDL is "flawed" is itself flawed. It appears that EPA has two reasons for stating that there are problems with the TMDL. The first is a claim that the reductions in loadings called for in the TMDL will not be sufficient to bring the Middle Snake into attainment of standards. However, that claim ignores the substantial progress that has already been made in moving toward that goal. It was always understood that reaching attainment would take time; that was part of the discussion when the TMDL was developed. So the fact that the Middle Snake is not yet in attainment is not relevant to whether the TMDL is adequate; nobody expected the waterbody to be in attainment by this point. Moreover, the kinds of testing that need to be done to assess the biological health of the stream is being done right now, by the State. Those results will help the stakeholders better evaluate progress and determine if something more needs to be done, beyond what is already called for in the TMDL. EPA's claim that the TMDL is inadequate is, at best, premature, and at worst, simply inconsistent with the extended timeline that was always going to be needed to bring the Middle Snake River into attainment.

EPA's other claim of "flaws" is even more questionable. The Agency now states that the river flow on which the TMDL was based is incorrect. EPA wants to reduce the river flow estimate substantially from the one that was used in the TMDL. This makes a major difference in the loading reductions that will be required from the City; in fact, it accounts for most of the reduction in the allowed loading from 710 lbs/day to 10 lbs/day. But this change is problematic, for several reasons. For one thing, EPA wants to move to a very low flow estimate, similar to those that are used in estimating impacts of toxic pollutants. Using that low flow is appropriate for toxics, which have more impact when there is little water in the steam, and can have very short-term, acute impacts in those situations. But that is completely wrong to do for nutrients, whose impacts are much more watershed-based and long-term. EPA itself has allowed use of annual averages to calculate permit limits for nutrients in waters such as Chesapeake Bay, so requiring a low-flow estimate in the Middle Snake River simply makes no sense. Moreover, this change in policy by EPA amounts to a radical change in the assumptions used to develop the EPA-approved TMDL, and changing it through an individual permit, rather than by reexamining the TMDL, is the wrong way to make such an important policy change.

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Even if, as EPA argues, there are "flaws" in the TMDL that is no reason to discard the TMDL process and instead impose new requirements in the City's NPDES permit. As noted above, if EPA honestly believes that the TMDL needs to be redone, then the Agency can withdraw its approval of the TMDL and require that it be redone. That process could be done quickly, by Idaho DEQ and the Watershed Advisory Group for the Middle Snake – probably within 2 years. During that time, the City could continue to operate under its existing permit – and continue to implement actions to further reduce its nutrient discharges. To instead issue a new permit, with a drastically reduced loading limit of 10 lbs/day (forcing the City to appeal that permit to the EPA Environmental Appeals Board and, possibly, to Federal court) would be unnecessary, as well as unfair. The unfairness stems from the fact that, instead of involving the entire stakeholder group, and fully reevaluating all aspects of the TMDL with full public input, EPA would be redoing the TMDL's loading limits for one discharger, in a process that involves only that entity and whoever else is interested in filing comments on that individual permit. Any new approach mandated by EPA for the City would not be applied consistently to all dischargers - unless EPA issues similar mandates for all permits, in which case one wonders why it would not be better to reopen the TMDL and deal with all at once, in the same forum, open to all.

Even more than being unfair, though, EPA's new mandate on the City would be illegal – simply contrary to the Agency's own rules. Those regulations (in 40 CFR 122.44(d)) require that permit limits must be "consistent with" the "assumptions and requirements" in a TMDL. The limits that EPA is proposing for the City would be blatantly inconsistent with those assumptions and requirements. The Agency would be reducing the City's allocation by 98.5%. Moreover, it would be fundamentally altering the flow basis on which all of the TMDL's loading allocations were derived. It is hard to see how those decisions are "consistent" with the assumptions and requirements in the TMDL. EPA's only defense appears to be that in a case years ago, the Agency's own Environmental Appeals Board allowed EPA to give the town of Moscow, Idaho less than its full allocation, since the full allocation would not be needed until a future expansion. That case is completely different from the Twin Falls situation, where EPA is claiming the authority to completely depart from the TMDL allocations and fashion entirely new, much more stringent limits for the same treatment plant that received the original TMDL-based limits.

Beyond being illegal, EPA's action would also be extremely counterproductive as a policy matter, because it would do serious damage to the TMDL program itself. States and stakeholders invest substantial time and effort in studying waterbodies and then developing and implementing TMDLs to restore those waterbodies. All of those parties understand, and rely on, the fact that the allocations arrived at in the TMDL process will form the basis for binding, enforceable permit limits for point sources. Yet here, EPA is claiming the authority to blithely disregard the allocations in a TMDL – without ever taking action to withdraw its approval of that TMDL - and then develop new permit limits itself, imposing those new requirements directly on just one of the many sources in the watershed. If that is the way that EPA is going to run the permits program going forward, why would any parties participate in a TMDL process? It would be clear from the outset that the TMDL process is irrelevant, since EPA could disregard its results at any time – even right after issuing its approval of the TMDL. If EPA truly wants the TMDL program to continue, and to encourage stakeholders to participate in that process, then it needs to honor the results of that process – particularly when it has approved the TMDL itself.

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For all of the reasons laid out above, EPA needs to move away from its current direction as to the Twin Falls permit. Instead of imposing new, drastically lower phosphorus limits in the City's permit, EPA should focus its attention on working with Idaho DEQ and the Watershed Advisory Group to consider the Agency's concerns as to the TMDL and to make any necessary revisions to that TMDL – and to the loading allocations that are contained there. Once that process is complete, it would be appropriate to reissue permits for the City and other sources in the Middle Snake watershed, incorporating any revisions in allocations that result from reevaluation (and, if necessary, revision) of the TMDL. That is the appropriate process to follow under the Clean Water Act, and the City would plan to be an active and positive participant in that process going forward.

Sincerely,

Shawn Barigar
Mayor
City of Twin Falls

cc: James Neill
Legislative Assistant to Congressman Simpson
James.Neill@mail.house.gov

Travis Rothweiler
City Manager
City of Twin Falls

CITY OF Ammon
2135 South Ammon Road, Ammon, Idaho 83406
(208) 612-4000 email: scolettl@cityofammon.us

May 9, 2017

Senator Mike Crapo
239 Dirksen Senate Office Building
Washington, D.C. 20510

Senator James E. Risch
483 Russell Senate Office Building
Washington, D.C. 20510

Congressman Mike Simpson
2084 Rayburn House Office Building
Washington, D.C. 20515

Dear Idaho Senators and Congressman,

I am writing on behalf of the Eastern Idaho Regional Waste Water Authority (EIRWWA), which operates the Oxbow Wastewater Treatment Plant located in Shelley, Idaho. There are four members of EIRWWA, namely, the City of Ammon, the City of Shelley, Bonneville County, and Bingham County. I serve on the board of EIRWWA associated with my role as a member of the Ammon City Council.

The purpose of this letter is to request that EIRWWA receive your assistance in working with the regional office of the Environmental Protection Agency (EPA), located in Seattle, Washington.

By way of quick background, EIRWWA obtained its discharge permit effective June 1, 2014. In that permit, EPA gave EIRWWA a phosphorus compliance schedule for cessation of discharge or partial cessation of discharge. The compliance schedule required certain actions to be taken according to a very strict timeline.

It is also important for you to understand that EIRWWA is a regional authority and not a taxing district, and therefore has no ability to obtain additional financing or incur debt to fulfill the requirements set by the EPA. Accordingly, EIRWWA is also considering a plan to become a sewer district, but the timeline and requirements for doing that are also very time consuming and will require much effort.

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In 2015, EIRWWA came to the realization that it needed more time from EPA to satisfy its phosphorus requirements, given that it also needed to move toward a district. Representatives of EIRWWA contacted the EPA representative, John Drabek, on several occasions between May 1, 2015 and April 4, 2017, but the EPA has not been quick to respond or provide EIRWWA with any guidance. Mr. Drabek did call the EIRWWA engineer once in April of 2016 and said that he would speak with others in his agency about what they could do, but EIRWWA never heard anything back. In short, dealing with the EPA has been extremely difficult. A copy of the written correspondence to the EPA is enclosed with this letter, for your reference.

As a result, we felt that our only option was to request assistance from our elected representatives. We are asking for your assistance in helping us communicate with and come to some resolution with the EPA concerning this issue. As you are aware, sewer and septic systems are of critical importance to Idaho towns and cities. It is imperative that we are able to communicate effectively with the EPA to be able to serve those citizens we represent.

I am copying your regional office managers on this letter, as I spoke with them over the past two weeks and they requested that I write you this letter directly.

As this matter is of urgent importance, we ask for your quick assistance. Please contact me anytime at 208-520-9856, or at scoletti@cityofammon.us.

Very Truly Yours,

Sean J. Coletti

Cc: Kathryn Hitch, Amy Taylor, Ethan Huffman

Enclosures

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CITY OF FILER

6 June 2017

Office of the Mayor

Dear Congressman Mike Simpson

We, the city council members, want to thank you for your help with arsenic issue for the City of Filer. Even though we will still need to build a plant, your help softened the impact it had on our citizens.

This letter is in response to your request at our last meeting 10th of May on the EPA and the current phosphorous rule . We need to get some realistic figures on the phosphorous issue.

Phosphorous is such a common naturally occurring element that any small amount of discharge from rural communities will have such a minimal effect on the overall scheme of things.

Even though time maximum daily limits (TMDL) have not been changed at this time, there is talk that the EPA is considering reducing the current TMDL by 95%. Our resources tell us that current technology isn't available to accomplish these levels.

No one wants to destroy the environment but in the future TMDL should be based only on facts.

Here are some thoughts on how to fix the out of control EPA.

1. Creating more Districts in smaller communities not just within large cities. The smaller communities under 40,000 people are impacted more financial than large cities.
2. Resend Executive Order 13693 dated March 19, 2015 as soon as possible that has just turned EPA loose to do what they want.
3. No rules should be made without at least a 20 yrs studies by independent research groups or universities on any type of environment study where there are cycles of nature involved .
4. New limits set will have to come before a panel of seven. For example, one member from the EPA, State Agency, local farmer, the Mayor, and/or other members that are involved with the issue. Both by health hazard and economical impact. Then forwarded to congress for a final judgment.
5. All limits set must be achievable by current technologies. The EPA shouldn't have the power to force unfunded mandates on cities.

The environment is important to people and shouldn't be destroyed, but real facts and understanding of issues should be considered before forcing cities with tasks that they aren't able to accomplish, either financially or physically.

Sincerely,
The City Council of Filer

Rick Dunn, Mayor | Ruby Allen, President Council | Bud Sheridan, Council Member

Christina Hatch, Council Member | Gary Deitrick, Council Member

500 MAIN ST. • P.O. BOX 140 • FILER, IDAHO 83328
(208) 326-5000 • FAX: (208) 326-5002

THE CITY OF FILER IS AN EQUAL OPPORTUNITY PROVIDER. TO FILE A COMPLAINT OF DISCRIMINATION WRITE USDA, DIRECTOR, OFFICE OF CIVIL RIGHTS, 1400 INDEPENDENCE AVENUE S.W. WASHINGTON, DC 20250-9410 OR CALL (800) 795-3272 (VOICE), OR (202) 720-6382 (TDD).

Ecolabels - *OCSPP*

In the 2017 Consolidated Omnibus Appropriations Bill, we asked for the agency to provide a report on the Ecolabel program within 60 days of enactment, asking that as you develop the guidelines and evaluate ecolabels for federal purchasing in building construction that the process be fair, transparent, and consistent with other product requirements.

I'm most interested in the part of the process that looks at labels associated with forest management. I want to ensure that our federal government's procurement system includes recognition of forest products from the millions of acres of responsibly managed forests across the US. Unfortunately, as I understand it, the former administration's EPA issued 2015 procurement recommendations that excludes forest products from 83 million acres of private and state forestlands, as well as several hundred million acres of other private and public forestlands including the entire National Forest System, from participation in federal procurement efforts by discriminating against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS). And all this, despite the fact, that the only statutory authority any agency has is USDA, through its Bio-preferred Program authorized by Congress, which sets mandatory purchasing requirements for federal agencies and puts all certification programs on a level playing field. In December 2016, EPA said this recommendation was "under review". I remain concerned about further actions that EPA will take on its program.

Simpson Q3: Can you provide us with a status update on the report called for in the Consolidated Omnibus Bill?

> **Answer:** The agency has been working to meet this new requirement. The report is currently in draft and undergoing EPA management review. Interagency review is required before the report is finalized.

Simpson Q4: What steps can you take to ensure your agency's efforts on the Ecolabel program avoids creating conflicting federal procurement policies and doesn't exclude US grown and manufactured forest products?

> **Answer:** Based on stakeholder concerns and interagency discussions, the EPA recommendation for the lumber/wood product category was removed in December 2016 and put on hold. The Fiscal Year 2018 President's Budget eliminates all funding for the Pollution Prevention program; the program-project under which Ecolabels activities are funded.

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Questions from Mr. Stewart:

Serious Non-attainment Areas *(OAR)*

Recently, much of Northern Utah was classified as a serious non-attainment area. As you know, once a region is designated as serious non-attainment it's almost impossible to shed that designation – even if air quality improves to meet minimum federal standards.

Stewart Q1: Under your leadership, will EPA demonstrate to the states how they can exit non-attainment and serious non-attainment?

> **Answer:** This Administration is prioritizing attainment of air quality standards. The EPA has established guidelines for attainment demonstrations for areas that can attain by the statutory attainment date, and "impracticability" demonstrations for areas that cannot practicably attain by the statutory attainment date.

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Questions from Mr. Amodei:

State Obligation (Office of Budget)

Amodei Q1: If the cuts to state grant funding contained in the EPA's FY18 budget proposal are adopted, does EPA also intend to proportionally adjust the required obligations on states to implement federal environmental programs?

> **Answer:** It is essential for the EPA to work cooperatively with state and tribal governments to provide the environmental protection our laws demand and the American people deserve. The environmental needs of communities differ widely, and the EPA looks to provide flexibility to address these important priorities. The EPA is working to engage in meaningful discussion about how shared environmental goals can best be achieved.

Amodei Q2: If not, what is EPA's proposed solution for addressing this policy and funding the discrepancy? Does EPA expect state and local governments to make-up for the shortfall?

> **Answer:** The EPA administers statutes outlined by Congress, and regulation beyond those statutes constitutes regulatory overreach beyond the agency's mission. The EPA will work with states and tribes to target resources to core statutory work and provide flexibility to address particular environmental priorities and concerns.

Comprehensive Environmental Response, Compensation and Liability Act - *OLEM*

Nevada is the U.S. leader in responsibly regulating mining activities that adequately protect the environment while supporting a thriving mining industry. This successful framework creates tangible opportunities for the EPA to demonstrate a commitment to cooperative federalism. A key near-term opportunity under this model is EPA's proposed regulations under CERCLA to ensure financial responsibility for operating hard rock mines. Nevada has outpaced the EPA in this area through the Nevada Division Environmental Protection comprehensive mining financial assurance program.

Amodei Q3: How does the EPA plan to recognize and ensure the continued success of Nevada's pre-existing state-based program?

> **Answer:** The EPA proposed CERCLA section 108(b) financial responsibility requirements for hardrock mining facilities that were designed to complement, not duplicate or disrupt, existing state and federal closure and reclamation programs. The proposed rule accounted for risk-reducing regulatory requirements of those programs in determining the financial responsibility amount for a facility.
>
> The EPA also solicited comment on whether the rule should allow a program deferral approach, which would provide for adjustments in situations where the state or other program meets the requirements for deferral of section 108(b) requirements. The comment

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period for the proposed rule is scheduled to close on July 11, 2017. The EPA will consider comments received on the proposal as it develops the final action. The EPA has appreciated the opportunities over the course of the development of the rulemaking to engage with Nevada and other states and learn about their programs.

Waters of the United States *(OW)*

Because states are primary implementers of federal rules, state input into rulemaking early in the process, well before a rule is formally proposed, is critical to an effective and efficient regulatory program. EPA's review of the Water of the United States rule is key example.

Amodei Q4: Does the EPA plan to include state environmental agencies as co-regulators in the development of a new WOTUS definition to ensure effective implementation if a final rule is pursued?

> **Answer:** On April 19, 2017, the EPA initiated a formal process known as Federalism consultation, which requires agencies to conduct preproposal discussions with elected state and local officials and their associations where a rule may have implications for the distribution of power and responsibilities among federal, state, and local governments. The EPA and the Army Corps of Engineers recently completed the formal Federalism consultation process with states and local governments and consultation with tribes, to inform potential approaches to the rulemaking to revise the definition of "Waters of the United States." The EPA also sent letters to every governor requesting their views and comments on the best way to define the waters of the U.S. The agencies are carefully reviewing the responses from the governors and other state comments as we begin developing the proposal. The agency also will continue to engage with state co-regulators. The written comment period for the consultation period has closed and the agencies will consider all comments received under this processes as the new WOTUS definition is being developed.

Renewable Fuel Standards *(OAR)*

Regarding renewable fuel standards, there was a petition filed with the EPA to move the point of obligation for blending renewable fuel from refineries and importers to the marketers who operate the pumps. I've been informed from several marketers in my state, most of which are family-owned businesses, that this would severely impact their operations and cause significant job loss. I've also heard this effort is being led by one major refinery in particular.

Amodei Q5: Can you tell me how the EPA views this petition now that the comment period has closed, and if changing the obligated parties from big refiners to the mom-and-pop marketers is something the EPA is considering?

> **Answer:** The EPA is still evaluating comments submitted during the comment period, and is considering next steps.

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Amodei Q6: Under the same policy – RFS point of obligation – does EPA make a distinction between obligated parties and position holders?

> **Answer:** Several commenters suggested that the EPA should place the point of obligation on "position holders." The current RFS obligated parties are refiners and importers of gasoline and diesel fuel. While some position holders currently are obligated parties because they also meet the definition of refiner or importer, the EPA is not currently obligating position holders who are not refiners or importers.

I have seen estimates that there are currently 200 obligated parties under the RFS. Now, merchant refiners have suggested that we should expect about 1000 obligated parties were the point of obligation to be moved. Obviously, Nevada has terminal operators that could certainly become obligated parties. Some of those terminal operators also have multiple other "position holders" that would also become obligated parties under such a change. In my example, as far as EPA is concerned from a compliance standpoint: (1) unobligated terminal would become (4) new obligated parties because of the three "position holders" that use the terminal. If you multiply this across the country, instead of 1,000 points of obligation as merchant refiners contend, you could actually have 4,000 or more.

Amodei Q7: Given the President's budget proposal, can the EPA effectively and economically manage a program that could potentially become more complicated by a factor of x 10?

> **Answer:** The EPA is evaluating the number and nature of potential obligated parties and will consider this factor in its decision making process.

Renewable Fuel Standard (RFS) Blend Wall - *OAR*

There is scientific evidence showing ethanol blends above 10 percent can harm vehicles and is incompatible with the existing retail gasoline infrastructure.

Amodei Q8: What is EPA doing to ensure that the annual RFS-mandated volumes protect the current U.S. vehicle fleet and existing retail infrastructure?

> **Answer:** Protection of vehicles and retail infrastructure are separate issues from the RFS-mandated volumes. There are existing mechanisms already in place through Clean Air Act Section 211 for the EPA to ensure that fuels introduced into commerce do not cause or contribute to air quality and public health problems. Renewable fuels introduced into commerce in response to the RFS or otherwise, must comply with these requirements. In addition, the EPA continually participates with industry in various forums, such as American Society for Testing and Materials (ASTM), which ensures that fuels introduced into commerce are fit for purpose.

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Fuel compatibility issues are a concern for owners and operators of retail gas stations and other underground storage tanks storing fuel. Industry has reported instances of corrosion and other damage to underground storage tank (UST) systems (i.e. retail infrastructure - tanks, piping, gaskets, seals etc.). At present, EPA is working collaboratively with interest groups in the biofuel, petroleum, equipment, servicing, and retail sectors to understand the causes and solutions to these challenges. Some examples of EPA's work in the area are: updating protocols to ensure leak detection equipment functions properly in current and emerging fuel blends and studying the corrosion in underground tanks storing diesel fuel.

ENERGY STAR Program - *OAR*

The FY18 President's Budget proposes eliminating the ENERGY STAR program from the EPA's budget and states these types of programs can be administered by the private sector. Privatizing the program would increase the cost and scope of the program and reduce its credibility to the public. For example, multiple organizations could manage the brand for differing products and have differing objectives. These private organizations also would not be cost conscious because there would be no competition. They could force manufacturers to pay high fees and require burdensome and expensive testing. For home appliances, ENERGY STAR is effectively mandatory in the marketplace. Instead of privatizing the program, we should reform it, right size it and make it more efficient. The first way you can do this is to move home appliances, which are regulated by DOE for the minimum energy standards, back to DOE for the ENERGY STAR program. DOE has historically managed most of the ENERGY STAR program for home appliances because this agency has the expertise and knowledge of the products. However, in 2009, the ENERGY STAR program for home appliances were transferred from DOE to EPA to be managed, while DOE continued to manage the test procedures.

Amodei Q9: Will you work with the committee on this matter and commit to moving the entire ENERGY STAR program home appliances to DOE immediately?

Answer: In the FY 2018 President's Budget, funding for ENERGY STAR is eliminated. The EPA will explore options for the potential transfer of the ENERGY STAR program to non-governmental entities.

Refrigerator Refrigerant Charge Size

On December 20, 2011, the EPA's Significant New Alternatives Policy (SNAP) program allowed the use of Isobutane in household refrigerators. The final rule included a use condition that limits the refrigerant charge to 57 grams or less for each sealed refrigeration system (i.e., compressor, condenser, evaporator, and refrigerant piping). The charge size is the amount of refrigerant that is allowed in each sealed refrigerant system within a refrigerator. The SNAP rule based the charge size amount on the Underwriters Laboratories safety standard for household refrigeration end-use, which limited the quantity of the refrigerant (i.e., ''charge size'') in a

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refrigerator or freezer to 57 grams. In EPA's final rule, the agency stated that they do not have sufficient information to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335–2–24. The final rule stated EPA understands that the limit in UL 250 may change in the future. If that occurs, and if the appropriate safety testing data is submitted to EPA supporting safe use of a larger charge, EPA stated it would consider modifying the use conditions.

Based on testing and lengthy analysis, on April 28, 2017, the maximum charge size allowance in the UL standard was changed and increased from 57 grams to 150 grams. During the approval process of this update, the Consumer Product Safety Commission (CPSC) staff stated that they do not oppose the proposal to increase the maximum flammable refrigerant charge size in household refrigerators to 150 grams from 57 grams. They stated that standards in Latin America, Europe, and other countries allow household refrigerators to use up to 150 grams of flammable refrigerant.

It is my understanding that EPA has sent the rule to OMB to update the SNAP use condition to increase the allowable charge size to match the most recent safety standard, which is 150 grams. I am appreciative of your quick action on this important matter; however, we need to make sure it gets out of OMB quickly. I wanted to be sure that you were aware of the importance of this matter to expedite this technical change. Appliance manufacturers need certainty in this area to start planning and designing their products to meet the EPA required date of 2021 when HFCs are banned for use in refrigerators.

OAR

Amodei Q10: Can you please continue to make sure this is a high priority action for OMB to complete?

> **Answer:** The EPA is aware of the importance of this action for appliance manufacturers and their need for certainty as they plan and design products.

Questions from Mr. Jenkins:

National Ambient Air Quality Standards *(OAR)*

Recently, EPA announced it would be extending the timeline for the 2015 ozone standards. In making that decision, the EPA cited several issues in need of further review.

Thank you for this action and your consideration of these issues.

All counties in West Virginia now meet the 2015 standards, and we are proud of that progress. Despite this fact, potential EPA actions threaten affordable, reliable energy in West Virginia.

It is my understanding that the decision does not change several other implementation steps and actions that states must still undertake.

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Petitions from other states would require West Virginia electricity generators to address nonattainment areas in those states or join the Ozone Transport Commission, despite the fact EPA does not require those areas to address their contributions first.

States like West Virginia, while meeting the standard, would still submit a state plan to address its "Good Neighbor" obligations by October 2018.

Jenkins Q1: What actions will EPA be taking to address state concerns regarding these interstate modeling results?

> **Answer:** The Administrator has determined that there is insufficient information to complete area designations for the 2015 ozone standards and is extending the deadline by one year, until October 1, 2018. Taking additional time will allow the EPA to evaluate a host of complex issues regarding the 2015 ozone NAAQS and its implementation, such as understanding the role of background ozone levels and appropriately accounting for international transport; to develop additional flexibilities for states to comply with the ozone NAAQS; to consider completely all designation recommendations provided by state governors, including full consideration of exceptional events impacting designations; and to provide new agency officials time to complete their review of the 2015 ozone standards.

Jenkins Q2: Do you agree that States, through the State Implementation Plan process, should be able to address interstate pollution?

> **Answer:** Clean Air Act Section 110(a)(2)(D)(i)(I) requires each state, in its State Implementation Plan, to prohibit emissions that will significantly contribute to nonattainment of a NAAQS, or interfere with maintenance of a NAAQS, in a downwind state. The EPA, working with states, has decades of success under the Clean Air Act in achieving NO_X emission reductions through implementation of programs like the NO_X Budget Trading Program and the Clean Air Interstate Rule and Cross-State Air Pollution Rule (CSAPR). Since 1997, power plants affected by these programs, along with other regional and state NO_x emission control programs, have cut ozone season NO_X emissions by over 75 percent, a reduction of almost 2 million tons. During the time period of 2000 to 2015, average ozone concentrations across the U.S. have fallen by approximately 17 percent.

The budget calls for approximately $100.4 million for NAAQS.

OAR

Jenkins Q3: How much of that funding is to assist counties with achieving 2015 standards?

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Answer: The budget requests $100.4 million across the EPA's headquarters and 10 regional offices to provide federal support for all activities that support integrated state and local air quality management across the U.S. Achieving clean air is a state-federal partnership that benefits from local, state, regional and national efforts. The EPA will provide direct technical assistance to states and local air agencies for developing State Implementation Plans (SIPs) that meet applicable Clean Air Act (CAA) requirements and NAAQS. The specific NAAQS addressed in SIPs varies by locality and states.

Jenkins Q4: How much is being proposed to assist with State Implementation Plans and other administrative efforts?

Answer: The budget requests $100.4 million across the EPA's headquarters and 10 regional offices to provide federal support for all activities that support integrated state and local air quality management across the U.S. Achieving clean air is a state-federal partnership that benefits from local, state, regional and national efforts. The EPA will provide direct technical assistance to states and local air agencies for developing SIPs that meet applicable CAA requirements and NAAQS.

Questions from Ms. McCollum:

Implementation of FY 2017 Enacted Budget - *OARM*

It has come to the Committees attention that EPA notified unions representing Agency employees that EPA is halting funding for fitness subsidies during FY 2017.

The FY 2017 budget request did not propose such a reduction. Rather, the FY 2018 budget proposes to cut "support for employee wellness and worklife initiatives, such as federal cost sharing for fitness centers, health wellness and CPR/AED training services and libraries."

It is wholly inappropriate for EPA to execute new FY 2018 budget proposals before Congress has had the opportunity to act on them.

Congress provided funding for these programs in the FY 2017 enacted bill. Bill language states that rescissions to the Science and Technology and Environmental Programs and Management account were to be applied to program project areas to, "to reflect changes to funding projections due to routine attrition during fiscal year 2017." Therefore, it was not the intent of Congress to terminate funding for employee wellness and worklife initiatives.

McCollum Q1: The Reprogramming Guidelines for programs and activities funded in our bill specify that agencies should notify Congress of any significant departure from what has been described in the agency's budget justification. The FY 2017 enacted anticipated fitness subsidies would be provided as part of the employees wellness package. If your intent is to do otherwise, why wasn't Congress notified?

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Answer: The agency will be phasing out the fitness subsidy in FY 2017. Negotiations will be handled on a local basis, per the agency's notification to its labor unions. Timing also is dependent upon when obligated resources are spent and contracts are closed out. The agency does not provide a subsidy at every location, and those facilities with equipment on-site will continue to maintain equipment for employee use as part of the wellness program. EPA continues to maintain other parts of the wellness program, such as "Walk to Wellness," Health Fair, Employee Assistance Program among other activities.

McCollum Q2: The leading causes of death and disability in the United States are not only preventable but also responsive to workplace interventions. Worksite health and wellness programs help employees move toward an optimal state of wellness, and the U.S. Office of Personnel Management, in accordance with the authorization under 5 U.S.C. 7901, encourages agencies to develop and sustain programs that address the current and future needs of their employees to produce the healthiest possible workforce. What is the justification for eliminating the funding for fitness subsidies halfway through the fiscal year?

Answer: The agency does not provide a subsidy at every location, and those facilities with equipment on-site will continue to maintain equipment for employee use as part of the wellness program. EPA continues to maintain other parts of the wellness program, such as "Walk to Wellness," Health Fair, Employee Assistance Program among other activities.

McCollum Q3: How does halting the funding for fitness subsidies impact the collective bargaining agreement reached with unions representing EPA employees? What response have you received from the unions from your notification?

Answer: The agency has provided the union notification in accordance with our Collective Bargaining Agreements and will continue to follow those requirements throughout the process. Any negotiations on this issue will be conducted at the local level.

McCollum Q4: How will EPA spend the funds that would have otherwise been used for fitness subsidies?

Answer: The amounts involved for fitness subsidies are well below the reprogramming limits. Costs for facilities, including rent, utilities, maintenance and repairs, continue to climb, along with direct employee costs such as salaries, while the agency's appropriations have been flat or declining for a number of years.

McCollum Q5: What other reductions proposed in the FY 2018 budget request is EPA implementing in FY 2017?

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Answer: EPA is not proposing to eliminate any other employee benefit services in FY 2017.

Administrator Pruitt's Undisclosed Email Accounts *(OA)*

When I referred to a recently discovered official email address – esp@oag.ok.gov – that Administrator Pruitt used while Attorney General of Oklahoma but did not disclose despite repeated requests during his confirmation process, he volunteered this explanation "If I may, both in my oral testimony, as well as there's a letter actually that I submitted to the EPW Committee in May that recognized multiple state email accounts… so we've informed Committee, that was consistent with my oral testimony."

McCollum Q6: Please provide the relevant excerpt(s) from Administrator Pruitt's oral testimony and the letter he referenced. Additionally, please provide the relevant questions for the record and his responses.

Answer: Administrator Pruitt's oral testimony is available at [HYPERLINK "https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf"] (page 242). Also attached is the May 5, 2017 letter to Senate Environment and Public Works Chairman John Barrasso and Ranking Member Tom Carper.

McCollum Q7: Administrator Pruitt committed to provide our committee with the email addresses and information about other forms of electronic communication that he is using as EPA Administrator. Please provide those details.

Answer: The agency maintains a primary email account to contact the Administrator, [HYPERLINK "mailto:pruitt.scott@epa.gov"]. EPA staff has also established secondary accounts in the agency's Outlook email system that are used for calendaring, scheduling, and internal communications. All of which are eligible under the Freedom of Information Act to be requested.

Congressional Inquiries *(OA/OCIR)*

McCollum Q8: What is the policy at the Department with regard to responses to congressional inquiries?

Answer: The EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q9: More specifically, is there a policy or guidance that would prohibit or delay responses to Ranking Members of Congressional Committees or Subcommittees of jurisdiction?

Answer: The EPA's policy is to respond to all congressional inquiries as appropriate.

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McCollum Q10: Is there a policy or guidance that would prohibit or delay responses to Democratic Members of Congress?

Answer: The EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q11: If such policies or guidance are in place to prohibit or delay responses to Ranking Members or all Democratic Members, was such developed in consultation with the White House or the Office of Management and Budget?

Answer: The EPA's policy is to respond to all congressional inquiries as appropriate.

Overview (Office of Budget)

The FY 2018 Budget request for the Environmental Protection Agency is $5.66 billion, a reduction of $2.4 billion or 30% below the FY 2017 enacted level as well as reduction of one quarter of the staff. These cuts address almost every program for clean air and water and threaten the health of children and the elderly.

McCollum Q12: Administrator Pruitt has stated he wants EPA to go back to the basics of protecting our air, water, and land, but the budget makes major cuts in air, water, waste, chemical safety, pesticides, enforcement, and research, not to mention the reductions you propose in categorical grants to states. How can a budget like this not jeopardize the health and well-being of Americans as well as all who inhabit the Earth?

Answer: The Agency's positive environmental agenda builds on cooperative federalism between the federal government and implementing partners, better engagement with communities through technical assistance, and optimization of the regulatory and permit process. This agenda is designed to strengthen the EPA's ability to faithfully execute and administer environmental laws, as outlined in the statutes, in order to protect human health and the environment for all Americans.

McCollum Q13: Can Administrator Pruitt assure the Committee that he does not want to see this Nation's environmental progress rolled back?

Answer: The Administrator supports a healthy environment, with clean air, water and land for all Americans. The EPA maintains a vital role in environmental protection, but must do so within the bounds of its legal authority.

McCollum Q14: What analysis did EPA do to determine the impact of the proposed reductions on health and environmental protection?

Answer: Analysis was done to ensure resources support our core mission of protecting human health and the environment, and not on activities beyond the scope of the EPAs regulatory authority or those that can be led by state and local partners.

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McCollum Q15: How many more deaths, heart attacks, hospitalizations and lost work days Americans will suffer as a result of these reductions?

> **Answer:** The FY 2018 President's budget request focuses resources on improving America's air quality, restoring states' roles in the regulation of water, cleaning up contaminated land, ensuring the safety of chemicals in commerce, and enforcing environmental regulation to improve the environment and protect human health. This renewed focus returns the EPA to its core mission of protecting human health and the environment pursuant to the laws dictated by Congress.

McCollum Q16: If no specific analysis was done on these metrics of these reductions, what basis does the Agency have for saying EPA and states can adequately protect public health and the environment?

The budget also proposes to cut categorical grants to states by either 30% or zero them out completely, and eliminate 46 programs. EPA and the states together have made major progress in improving public health and environmental quality over the years.

> **Answer:** Protecting public health and the environment is a shared responsibility, and the EPA will uphold this mission in accordance with all applicable legal authority. To that point, states have unique environmental needs and the EPA will continue to engage in meaningful discussion about how shared environmental goals related to the regions can best be achieved.

McCollum Q17: On what basis did EPA decide what is and is not a core statutory responsibility, and how do the Agency reconcile such drastic cuts in core programs with Administrator Pruitt's previous statements about the mission of EPA?

> **Answer:** Core statutory obligations are established through laws passed by Congress and signed by the President, not unilaterally by the EPA. Any action by the EPA that exceeds the authority granted to it by Congress, by definition, cannot be consistent with the agency's mission. The FY 2018 budget identifies and eliminates programs, as outlined in responses below, so that the EPA can focus on its statutory mission, achieving greater value and greater results.

McCollum Q18: What type of analysis did EPA conduct on the 46 programs it proposes to eliminate?

> **Answer:** The FY 2018 President's budget eliminates programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities.

McCollum Q19: Please provide that analysis to the Committee, specifically the data on the impact to the health of families and communities across this country that will result from these eliminations.

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Answer: The FY 2018 President's budget describes the basis for eliminating programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities, so that resources are available to support the core mission of the agency.

McCollum Q20: Please include information on the other agencies or programs will do this work in the absence of federal funding.

Answer: The agency will work to partner with EPA counterparts in state, local and tribal governments, as well as non-governmental groups, to further environmental goals. Additionally, the EPA is committed to partnering with other federal agencies to collectively achieve goals surrounding clean air, clean water, clean land, ensuring chemical safety, and enforcement and compliance assurance programs.

McCollum Q21: If the Agency has not done any detailed analysis, on what basis does EPA justify its decision to eliminate these programs?

Answer: The FY 2018 President's budget describes the basis for eliminating programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities, so that resources are available to support the core mission of the agency.

(OA/OP)

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

Answer: Administrator Pruitt believes that sound science is the backbone of the EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is acceptable and if so, on what basis and with what training?

Answer:

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

Answer: Administrator Pruitt believes that sound science is the backbone of the EPA's rule-making process.

ORD

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McCollum Q25: Can Administrator Pruitt assure the Committee that he will uphold scientific integrity policies at the EPA, allow EPA scientists to do their work unimpeded and guarantee that Americans will have access to the research and information they have paid for?

Answer: Sound science is the backbone of the EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

> As Administrator, I commit to supporting the agency's Scientific Integrity Policy. Scientific Integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. The EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at the EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.
>
> The EPA also is deeply committed to transparency and access to research, especially because sharing information helps advance the science we need to protect human health and the environment. We are working rigorously to implement the Office of Science and Technology Policy (OSTP) directives in its 2013 memorandum titled, "Increasing Access to the Results of Federally Funded Scientific Research," through our agency's public access plan.

McCollum Q26: What assurance can EPA give the Committee that the EPA Office of Research and Development and EPA's science labs will be fully supported to conduct critical independent science that is the basis for protecting the public?

> **Answer:** I am committed to ensuring that our laboratories and scientific enterprise are supported to the maximum extent provided by appropriations. The EPA will carefully review its laboratory space footprint and continue efforts to reconfigure the EPA's workspaces in order to release square footage and reduce long-term rent.

McCollum Q27: With EPA's current hiring freeze are key technical positions at the agency currently filled with qualified scientists free from conflict of interest?

> **Answer:** Sound science is the backbone of the EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.
>
> Scientific Integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias,

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fabrication, falsification, plagiarism, outside interference, and censorship. The EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at the EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

McCollum Q28: Since 1970, EPA and states, working in partnership, have achieved major improvements in human health and environmental protection, but threats such as contaminated runoff that pollutes our waters, endocrine disruptors, and new emerging threats need to be addressed. How can EPA possibly have the necessary resources and staff to protect human health, the environment, and our economy?

Answer: The EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

McCollum Q29: EPA is obligated to uphold specific statutory responsibilities to protect human health and the environment, how can EPA assure this Committee that with the draconian cuts proposed in this budget that it can meet those mandates, especially with more than a third fewer scientists and a 30% reduction in funding?

Answer: The EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

In FY 2018, the EPA will prioritize science and research activities directly tied to statutory requirements and inquiries into environmental and human health sciences. Science and research will be streamlined to support the agency's program and will prioritize the most important work to protect human health and the environment.

(OAR)

McCollum Q30: In 2007 the Supreme Court ruled in Massachusetts v. Environmental Protection Agency that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

Answer: The Supreme Court ruled in Massachusetts v. EPA that the EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act.

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

Answer: The budget provides some resources to continue to implement the Greenhouse Gas Reporting Program. The budget also provides resources to support regulatory action consistent with the Presidential Executive Order on Promoting Energy Independence and

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Economic Growth dated March 28, 2017, including review of the Clean Power Plan. In addition, the request supports the agency's implementation of integrated criteria pollutant and greenhouse gas (GHG) mobile source programs.

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO2 based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

Answer: The Supreme Court ruled in Massachusetts v. EPA that the EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act. Since 2009, the EPA and the National Highway Traffic Safety Administration (NHTSA) have taken coordinated steps to enable the production of a new generation of clean vehicles through reduced GHG emissions and improved fuel use from on-road vehicles and engines from the smallest cars to the largest trucks. We are currently revising all the regulatory actions.

(ORD/OECA)

McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

Answer: Sound science is the backbone of the EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. The EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners. In FY 2018, the EPA will rely on, to a greater extent, its state partners to achieve compliance and enforcement goals. The agency will focus resources on its direct implementation responsibilities, emphasizing violations with public health and environmental impacts.

Administrator's Schedule and Travel Budget

(OA)

McCollum Q34: Does the EPA plan to regularly release the Administrator's schedule to the public?

Answer: The Office of Public Affairs (OPA) was been directed to examine methods on how best to post the Administrator's schedule to the public.

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

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Answer: As of June 30, 2017 the total travel cost incurred by the Administrator and support staff is as follows:

Administrator	$32,456.38
Administrator Support Staff	$81,248.66
Grand Total	**$113,705.04**

The previous Administrator, Mrs. McCarthy's per year total travel cost is as follows:

FY 2013	$5,651.28
FY 2014	$53,577.85
FY 2015	$37,581.77
FY 2016	$49,616.55
FY 2017	$8,110.67
Grand Total	**$154,538.12**
Please note, total does not include support staff costs.	

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

Answer: Administrator Pruitt has traveled to Oklahoma five times since becoming Administrator. The following are the dates, locations and purposes of each trip:

Travel Dates	Location	Purpose
03/23/2017 to 03/27/2017	Oklahoma City, Oklahoma	To receive an award and give speech at the National Stripper Well Association's Energy Gala.
05/05/2017 to 05/08/2017	Tulsa, Oklahoma	To meet with the CEO of National Rural Water in Tulsa.
05/19/2017 to 05/22/2017	Tulsa, Oklahoma	To tour the Brainerd Chemical Company.
05/25/2017 to 05/29/2017	Tulsa, Oklahoma	To tour the Bird Creek contamination site in Osage County.
06/22/2017 to 06/26/2017	Tulsa, Oklahoma	Invitation from Ardagh for a tour and meeting.

(OECA)

McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail

provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

Answer: The Office of Enforcement and Compliance Assurance (OECA) receives funding for the Administrator's Protection Services Detail (PSD) in the Facilities Infrastructure and Operations program project. The actual PSD costs for fiscal years 2013-2016, the FY 2017 request and enacted levels, as well as the FY 2018 request levels, are included in the table below.

Resources (dollars in thousands)

	FY 2013 Actuals	FY 2014 Actuals	FY 2015 Actuals	FY 2016 Actuals	FY 2017 Request	FY 2017 Enacted	FY 2018 Request
Dollars	$2,036	$2,228	$2,138	$1,751	$2,312	$4,364	$5,706
FTE	8.4	8.4	7.7	5.6	8.0	15.5	20.0

(OA)

McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

Answer: Administrator Pruitt flies either Premium Business Class or First Class due to security reasons. The Administrator has left the assessment of his security needs to the professionals at the EPA who have experience in that area. It was determined after reviewing related documentations that his request complied with criteria outlined in the Federal Travel Regulation (FTR). Prior Administrators have not used this justification, but have used other justifications allowed by FTR.

Voluntary Programs *(OAR)*

McCollum Q39: The budget calls for eliminating all of the voluntary partnership programs for reducing greenhouse gases and other air pollution. These programs, which have bi-partisan and industry support, are proven to lower emissions. How will you make up for the emission benefits that are lost?

Answer: The EPA will explore options for the potential transfer of these programs to non-governmental entities.

Hydrofluorocarbons *(OAR)*

McCollum Q40: The budget states that the EPM account for the GHG Reporting Program is being cut to "streamline", among other things, the use and emissions of the greenhouse gases,

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hydrofluorocarbons, under the Clean Air Act SNAP program. What does EPA mean by "streamlining" the program? What would change about the very important work this program does?

Answer: Through streamlining of various programs in that account, the agency will be able to focus on core work areas. The EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

U.S. Global Change Research Program *(ORD)*

McCollum Q41: Also being "streamlined" as part of the budget cuts to the GHG Reporting Program is the technical support EPA provides to the U.S. Global Change Research Program. What do is meant by "streamlining" that support? Describe what support has EPA provided to date and how will that support change.

Answer: The EPA has historically played a leading role in conducting scientific assessments of the effects of global climate change in the United States, as required by Section 106 of the Global Change Research Act of 1990. The Office of Research and Development's (ORD) research on models and observations of environmental changes, related to climate change, is critical in supporting the EPA's mission to improve and maintain clean air, water, and healthy ecosystems, as well as the USGCRP. ORD's core science efforts, as it relates to this program, will be streamlined to focus on statutory obligations surrounding these activities.

Water pollution -

OW

McCollum Q42: The budget proposes to eliminate state grants for non-point source pollution programs, when contaminated runoff and other non-point pollution is a principle cause of water quality problems. It also proposes to cut other state water grants, surface water and marine protection funding for EPA, and eliminate the national estuaries program. How is cutting EPA and state capacity consistent with improving the quality of our nation's waters?

Answer: The FY 2018 President's Budget request reflects the EPA's role in a model of cooperative federalism that emphasizes strong cooperative state and tribal partnerships and is guided by Congressional direction in core environmental statutes. This Administration recognizes that states and tribes understand their water quality problems the best and can lead efforts to develop solutions to protect America's waters. The EPA will encourage states to continue work in restoring our estuaries and protecting aquatic and marine resources throughout the country, and will work with our partners to provide flexibility to address local priorities.

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McCollum Q43: In April, Administrator Pruitt paused clean water protections against coal plants dumping toxic metals such as arsenic and mercury from power plants into public waterways that can infiltrate community drinking water intakes. How much of this coal ash sludge is safe in the drinking water supply?

> **Answer:** The EPA regulates drinking water and has established drinking water standards in accordance with the Safe Drinking Water Act for over 90 contaminants including arsenic and mercury. These standards do not apply to untreated source water. Public Water Systems must perform monitoring and treatment, as necessary, to assure the water they supply to their customers is in compliance.

McCollum Q44: EPA's postponement is being challenged in a federal court and Administrator Pruitt has been criticized for only focusing on the potential costs of the rule while ignoring its benefits and endangering wildlife and exposing families that live near coal plants to heavy metals that can cause problems with cognitive development in children. Why did EPA disregard years of peer-reviewed studies, input from health experts and public comments supporting these protections?

> **Answer:** The EPA is currently reviewing the rule and has not made a final determination. The agency decided to reconsider the rule in response to two administrative petitions, one from the Utility Water Act Group and one from the Small Business Administration Office of Advocacy.

McCollum Q45: How is the Agency reconciling the difference in the impacts on jobs associated with compliance as estimated by EPA with the impact purported by the industry's analysis?

> **Answer:** The information provided by industry (the Utility Water Act Group) to the EPA in their administrative petition for reconsideration did not present any analysis of the impacts on jobs associated with compliance with the Steam Electric Rule. Rather, they asserted that the Effluent Limitation Guidelines cost "contributes to the threat of job losses, particularly when it is added on top of the impacts of other rules." To the extent that the EPA reconsiders the underlying technology basis for any of the 2015 rule requirements, the EPA also plans to evaluate the impact of such changes on jobs.

Office of Water - *OW*

McCollum Q46: The FY 2018 budget cuts clean drinking water programs by 18% for Human Health and 16% for Water Quality. Why should American's be subjected to decreases in Water Quality due to lack of investment?

> **Answer:** The EPA will continue work to revise the Lead and Copper Rule, providing certainty to states and Tribes, and to develop regulations to implement the Water Infrastructure Improvement for the Nation Act and the Reduction of Lead in Drinking Water Act. In addition, the EPA will continue work with states to develop the Next

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Generation Management and Reporting tool that will be used by the majority of state drinking water programs. The new Safe Drinking Water Information System tool will provide the following benefits: improvements in program efficiency and data quality, greater public access to drinking water data, facilitation of electronic reporting, reductions in reporting burdens on laboratories and water utilities, reductions in data management burden for states, and ultimately reduction in public health risk.

Additionally, the FY 2018 President's Budget requests $175 million for Surface Water Protection and $18.1 million for Wetlands. The FY 2018 President's Budget request supports the following core Surface Water Protection program components: water quality criteria, standards and technology; National Pollutant Discharge Elimination System (NPDES); water monitoring; Total Maximum Daily Loads (TMDLs); watershed management; water infrastructure and grants management; core wetlands programs, and Clean Water Act Section 106 program management.

Air Pollution - *OAR*

The Administration budget calls for steep cuts in two accounts that fund activities at the heart of Clean Air Act implementation. One account funds EPA's work to review and update national air quality standards and national emissions standards. The second account funds a multitude of EPA activities to support state and tribal air programs for meeting national air quality standards, reducing toxic air pollution, assuring that new sources have state-of-the-art controls, and protecting visibility.

McCollum Q47: How can the huge cuts in these two key air program accounts be achieved while meeting EPA's responsibilities under the Clean Air Act?

Answer: The EPA will continue to meet its responsibilities, under the Clean Air Act, by working to develop a more efficient approach to meeting its statutorily-required National Ambient Air Quality Standards (NAAQS) reviews. The EPA also will continue its Clean Air Act mandated responsibilities to administer the NAAQS by reviewing state plans and decisions consistent with statutory obligations, taking federal oversight actions on State Implementation Plan (SIP) submittals, and by developing regulations and policies to ensure continued health and welfare protection during the transitions between existing, new and/or revised standards. The EPA will continue to look for ways to improve the efficiency and effectiveness of the SIP process, including its own review process, in partnership with state and local air agencies.

McCollum Q48: Has EPA identified what specific activities would be eliminated or reduced by the proposed reductions? If so, please provide an accounting that explains for each of these budget categories (federal stationary source regulations, federal support for air quality management) the activities that will be cut back, and the savings in dollars and personnel from each one.

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Answer: The EPA will work to develop a more efficient approach to meeting its statutorily-required National Ambient Air Quality Standards (NAAQS) reviews. In FY 2018, the EPA also will continue its Clean Air Act mandated responsibilities to administer the NAAQS by reviewing state plans and decisions consistent with statutory obligations, taking federal oversight actions on State Implementation Plan (SIP) submittals, and by developing regulations and policies to ensure continued health and welfare protection during the transitions between existing, new and/or revised standards. The EPA will continue to look for ways to improve program efficiency and effectiveness across the suite of its core responsibilities with a focus on streamlining activities.

McCollum Q49: How will the proposed budget reductions impact EPA's ability to meet its existing obligations under the Clean Air Act and take on the new work required to carry out the January 24 Presidential Memorandum, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs."?

Answer: The EPA will need to pursue opportunities to meet multiple Clean Air Act requirements for stationary sources in more integrated ways in FY 2018 in order to fulfill its statutory and court-ordered obligations more efficiently. In aligning this effort with Executive Orders 13777 and 13771, the EPA will look for ways, as appropriate, to repeal, replace, or modify existing regulations to reduce burden while meeting statutory obligations.

Accessibility to Data and Data Acquisition -- *OA/ OPA*

McCollum Q50: Is all the scientific data associated with climate change that was available under the Obama Administration on the EPA website still accessible today?

Answer: The EPA has archived the climate change web content from the previous administration. This information is still publicly accessible in the EPA's web archive

McCollum Q51: Since taking office, what guidelines has Administrator Pruitt issued for determining what information will be available?

Answer: At this time, the Administrator has not issued guidelines for determining what information will be available.

McCollum Q52: Will there be any data loss as a result of the budget's proposed program eliminations in FY 2018? If so, what date and how will this impact EPA's ability to have the continuity of data necessary to make projections into the future with a high degree of confidence?

Answer: Data will not be lost. Any data that may be removed for reasons such as program elimination will be archived and available to the public.

Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by the EPA to develop guidance, regulations, and make important management decisions.

(OA/SAB)

McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

Answer: A Federal Register Notice (FRN) was published on June 27, 2017 requesting nominations of qualified candidates to serve on the Clean Air Scientific Advisory Committee (CASAC), SAB and six SAB standing Committees. The FRN requests nominations by July 27, 2017. The names and biographies of qualified nominees identified by respondents to the FRN, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB website. Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates. The Administrator will select members after nominations have been evaluated.

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

Answer: No decisions will be made until the evaluation of all qualified nominees has been completed.

(OA/ORD)

McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

Answer: The EPA is taking an inclusive approach to filling future BOSC appointments and welcomes all applicants from all relevant scientific and technical fields.

(ORD)

McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

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Answer: The EPA is taking an inclusive approach to filling future BOSC appointments and welcomes all applicants from all relevant scientific and technical fields. The EPA will use the same criteria to evaluate the members who are reapplying to serve an additional term as all other applicants. BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated ""EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

Answer: BOSC members will be selected from the pool of those who applied to the call-for-nominations in the FRN published on May 25, 2017. BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

Answer: Members of the BOSC are recognized experts in various scientific, engineering, and social science fields. The EPA will consider nominees from industry, business, public and private research institutes or organizations, academia, government (federal, state, local, and Tribal) and non-government organizations, and other relevant interest areas. Members are appointed by the EPA Administrator for a period of three years and serve as special

government employees. The EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, the EPA encourages nominations of women and men of all racial and ethnic groups.

For more detail on the experience and expertise the EPA is looking for, please see the FRN at [HYPERLINK "https://www.federalregister.gov/documents/2017/05/25/2017-10672/request-for-nominations-of-experts-to-the-epa-office-of-research-and-developments-board-of"]

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

Answer: The agency will continue to appoint BOSC members who are distinguished scientists and engineers, and are recognized experts in their respective fields. They come from academia, industry/business, federal, state, and local governments, non-governmental and environmental organizations, research laboratories, and other relevant entities. All BOSC members must comply with annual ethics reporting and training requirements; and must not possess conflicts of interest or an appearance of being unable to provide impartial advice.

BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflicts of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

Answer: BOSC members are distinguished scientists and engineers who are recognized experts in their respective fields. They come from academia, industry/business, federal, state and local governments, non-governmental and environmental organizations, research laboratories, and other relevant entities. All BOSC members must comply with annual ethics reporting and training requirements and must not possess conflicts of interest or an appearance of being unable to provide impartial advice.

BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an

appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q61: The BOSC is an 18 member advisory committee. What is the current membership?

Answer: The BOSC is comprised of an Executive Committee, which includes approximately 20 members, and is supported by subcommittees and workgroups for any purpose consistent with the BOSC's charter. Such subcommittees or workgroups may not work independently of the chartered Executive Committee, and must report their recommendations and advice to the BOSC for full deliberation and discussion. Subcommittees and workgroups have no authority to make decisions on behalf of the BOSC, nor can they report directly to ORD. There are currently 46 members of the BOSC. Thirty-eight of these members are eligible for a second term and may apply.

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

Answer: It has been agency policy that the Administrator and/or the Deputy Administrator appoints and signs letters of invitation, reappointments, and letters of appreciation for those members whose terms have ended for the EPA Tier 1 (Parent) Committee and Tier 2 (Subcommittee) members.

(OA) -

McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

Answer: The Administrator intends to nominate and fill all open positions at EPA and is in the process of finding the best candidates for all open positions.

(ORD)

McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not

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important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

Answer: Sound science is the backbone of the EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. We will support the needs of the states, consistent with the level of appropriated funding.

In FY 2018, the EPA will prioritize science and research activities directly tied to statutory requirements and inquiries into environmental and human health sciences. Science and research will be streamlined to support the agency's program and regional offices will prioritize the most important work to protect human health and the environment.

(OA/OAR)

McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget ($646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

Answer: The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

(OA)

McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

Answer: All nominees will be evaluated including those eligible for a second term. Appointments will be made after the evaluations have been completed.

(OAR) (note – for consistency we have used OA responses for these)

McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

Answer: Scientific review will continue. The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

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McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

> **Answer:** The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

(OA/ORD)

McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

> **Answer:** The SAB will continue to meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise the EPA on its plans for research and development. The SAB will continue to provide independent scientifically sound advice and peer review to the Administrator on a range of scientific and technical matters underlying key environmental policies and risk management decisions.

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

> **Answer:** The Federal Register Notice published on June 27, 2017 requesting nominations for members of the CASAC, SAB and six standing committees outlines the existing criteria for selecting committee members.

(ORD)

McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

> **Answer:** Sound science is the backbone of the EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.
>
> Scientific integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. The EPA's

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Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at the EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify strategies to reduce redundancy and costs?

Answer: The Board of Scientific Counselors provides the EPA with access to independent advice from non-EPA experts who are nationally renowned in their disciplines. It does so in a transparent manner with opportunities for public input through advance review of meeting agendas, meeting documents, and charge questions. These experts provide advice, information, and recommendations to the EPA on their science and research to ensure it provides the strong, scientific foundation that informs the agency's work to protect human health and the environment. The lack of renewal of these members will delay the process of review of the EPA's research until the committees can be reconstituted, expected in late 2017 or early 2018. Once the Committee is reconstituted, the review of the EPA's research will begin as soon as possible. However, the EPA's research will continue in the interim.

(OA)

McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to the EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

Answer: The Federal Register Notice soliciting nominations for members of the CASAC, SAB and six standing committees was published on June 27, 2017.

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

Answer: The EPA is seeking nominations of qualified experts in response to the FRN published on June 27, 2017. As indicated in the FRN published on June 27, 2017, the public has opportunities to nominate candidates as well as to provide comments on the List of Candidates.

Categorical Grants for States and Tribes (Office of Budget)

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The budget proposes to cut the categorical grants to states and tribes by 44 percent. States rely heavily on these grants. According to a report from the Environmental Council of the States, federal funds account for, on average, 27 percent of state environmental budgets. Congress designed Federal environmental programs so that they would be administered at the states and local levels where possible. But EPA has a responsibility to provide national environmental leadership by establishing minimum national pollution standards and providing technical support to states.

McCollum Q75: How will these proposed cuts affect the states' abilities to implement environmental programs? Will it have consequences for their staffing levels?

> **Answer:** The EPA is committed to a more effective cooperative federalism approach to environmental protection. The President's budget does not propose any reduction to State environmental staffing levels.

McCollum Q76: How will this affect EPA's ability to conduct appropriate oversight and provide technical assistance to ensure that states have good environmental management practices?

> **Answer:** The budget provides over 5,400 FTE in the regions to continue to provide leadership and technical expertise to the regulated community, and to partner effectively with states and tribes.

McCollum Q77: How is this consistent with improving the quality of our nation's waters or protecting the air we breathe?

> **Answer:** By prioritizing resources to support the agency's mission, the budget supports a renewed focus on achieving its statutory responsibilities to protect the Nation's air and water quality.

McCollum Q78: How does EPA recommend that states make up for this funding shortfall?

> **Answer:** The FY 2018 President's budget does not propose how states should generate state funding. The agency will work with its state and local partners to identify shared priorities and make progress in achieving them.

Staffing and Employee Morale

The March 2017 Executive Order directs the reorganization of the Executive Branch.

Office of Budget **with OARM**

McCollum Q79: In light of the 30% reduction in EPA's FY 2018 Budget request and the proposal to reduce approximately 3,800 FTEs from the FY 2017 enacted level, how is EPA

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approaching developing such a plan and how will the Agency be transparent and keep employees informed?

> **Answer:** The EPA submitted Near Term Workforce Actions in compliance with OMB Memo 17-22 "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce". EPA's plan will be part of a larger comprehensive Government-wide Reform Plan for publication in the President's FY 2019 Budget.

McCollum Q80: EPA's proposed workforce, the smallest since 1984, is still task with administering 7 major congressionally mandated programs including new workload such as the Toxic Substances Control Act. How will a reduction of this many staff not affect productivity?

> **Answer:** The EPA will be examining our programs and processes to eliminate inefficiencies and streamline our processes. Primary criteria will include effectiveness and accountability. The EPA is focused on greater value and real results.

McCollum Q81: In FY 2017, Congress provided funding to maintain staff capacity to conduct work necessary to meet EPA's mandated responsibilities. The FY 2018 budget reduces funding for those very programs. Can EPA assure Congress that none of the actions it is taking in FY 2017 violate the Impoundment Act?

> **Answer:** In FY 2017, the agency continues to maintain staffing capacity and work responsibilities consistent with the agency's FY 2017 appropriation. No funding will be impounded.

McCollum Q82: The budget proposes to cut support for employee wellness and worklife initiatives, such as federal cost share for fitness centers, health wellness, and CPR/ AED training services and libraries.

> **Answer:** The EPA proposed reducing these services in the agency's FY 2018 budget request in order to focus more closely on our statutory obligations.

Staff Reductions

EPA has carved out $12 million in staff buyouts for the current fiscal year.

McCollum Q83: Will a Reduction in Force be necessary to reach EPA's proposed staffing level? If so, for how many positions and will EPA apply the Reduction in Force equally across both headquarters and regional offices? If not, what formula will the Agency use to do this?

> **Answer:** The agency plans to rely on a hiring freeze, attrition and VERA/ VSIP authority as primary tools for workforce reshaping.

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McCollum Q84: When a person loses their job thru a RIF they are entitled to severance pay, which can, depending on age and service time, easily be a full year's salary. How has the Agency calculated that cost?

> **Answer:** The agency plans to rely on a hiring freeze, attrition and VERA/ VSIP authority as primary tools for workforce reshaping.

McCollum Q85: The FY 2018 budget proposes a new program project titled Workforce Reshaping which includes $11 million in Science and Technology and $47 million in Environmental Program and Management to support organization restructuring.

> **Answer:** The agency anticipates the need to offer VERA/VSIP as part of the workforce reshaping effort. Funding will be used to support VERA/VSIP costs.

McCollum Q86: How does EPA propose to spend this money?

> **Answer:** The agency anticipates the need to offer VERA/VSIP as part of the workforce reshaping effort. Funding will be used to support VERA/VSIP costs.

McCollum Q87: What programs did you cut in FY 2018 budget to find the resources for this new program project?

> **Answer:** The FY 2018 budget details the funding decisions made by the Agency.

McCollum Q88: If Congress agrees with the Administration's proposal for these significant staff reductions, how will EPA prioritize cuts in personnel so that the Agency can still fulfill its important charge to safeguard human health?

> **Answer:** The EPA will streamline existing business processes and eliminate unnecessary redundancies to utilize staff in line with the FY 2018 budget and with the agency's top human health priorities.

McCollum Q89: Will EPA consider the risks to human health and the environment from staff reductions in particular program areas?

> **Answer:** Yes, the agency will prioritize staff and resources in line with the FY 2018 budget and with the agency's top human health and environmental priorities.

McCollum Q90: How will EPA maintain the scientific and technical expertise needed to do this essential human health work when so many seasoned professionals opt to retire early?

> **Answer:** Over the past several years, the EPA has focused on succession planning and a future workforce. EPA will streamline existing business processes and eliminate unnecessary redundancies to prioritize retaining critical scientific and technical expertise.

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McCollum Q91: How will EPA enforce our environmental laws if EPA regional offices, who have primary responsibility for enforcement, are closed?

Answer: The FY 2018 budget does not propose closing any regional offices.

Regulation Review

(OA/OP)
Executive Order 13783 on Promoting Energy Independence and Economic Growth requires a review of all regulations.

McCollum Q92: How is EPA going about conducting this review and what scientific evidence and economic assumptions or models is the Agency relying on for the basis of its decisions?

Answer: Pursuant to EO 13777, the EPA held multiple public meetings and opened a docket for public comments about regulations that may be appropriate for repeal, replacement, or modification. The EPA is planning to draw from that information as we consider which regulations may unduly burden the development of domestic energy resources. Regulations identified for possible repeal, replacement, or modification would be subject to standard rulemaking procedures, including additional public comment, and at that time more details on the basis for the regulatory action would be provided.

McCollum Q93: Environmental regulations already undergo a rigorous analysis of costs and benefits as they move through the regulatory process. In its annual accounting to Congress last year, OMB found that benefits of major rules EPA officially adopted from 2005-2015 exceed their costs by up to 13 times (OMB 2016). A 2011 peer-reviewed EPA assessment of the long term benefits and costs of the Clean Air Act and its implementing regulations found that its middle estimate of annual benefits exceeds costs by 30 to one--that's $2 trillion in net benefits vs. $65 billion in costs. Which specific EPA regulations does EPA believe are overly stringent and in need of scaling back?

Answer: The EPA has begun to take action on some regulations, such as those identified in Executive Orders 13783 and 13778. The EPA is still considering which additional regulations may unduly burden the development of domestic energy resources.

McCollum Q94: Administrator Pruitt has expressed concern about the compliance costs of particular industries, please provide an estimate of the change in net benefits to the American public from rolling any regulations back.

Answer: Such estimates will be part of the rulemaking record for any individual rules that are revised or rescinded.

McCollum Q95: Has the Agency considered the additional cost to industry of facing a patchwork quilt of different state requirements instead of one federal standard?

Answer: Within the statutory boundaries, there are a number of factors to consider when revising federal rules, including costs, implementation issues, and the appropriate balance between state and federal authority. The EPA will consider each of those factors, and others, as appropriate, when revising rules.

McCollum Q96: What steps has the EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

Answer: EO 13771 directs all agencies to repeal two existing regulations for each new regulation issued in FY 2017 and thereafter, and also directs agencies that the total incremental costs of all regulations should be no greater than zero in FY 2017. Executive Order 13777 on Enforcing the Regulatory Reform Agenda further directs federal agencies to establish a Regulatory Reform Task Force and to evaluate existing regulations and make recommendations regarding their repeal, replacement, or modification. Consistent with these Executive Orders, the EPA established a Task Force and has been taking a hard look at existing EPA regulations to help identify regulations that may be appropriate for repeal per EO 13771, in order to develop recommendations for the Administrator. The EPA also has initiated the delay or reconsideration of multiple regulations finalized by the previous administration that have led to cost savings that may further EO 13771 implementation.

McCollum Q97: How is EPA choosing which two regulations to repeal for every new regulation promulgated?

Answer: In April, OMB released guidance clarifying implementation of EO 13771. The EPA is still developing our internal process to fully implement that guidance.

(OGC)

McCollum Q98: In EPA's regulation review has the Agency consistently adhered to the requirements of the Administrative Procedures Act, specifically the notice-and-comment period that gives the public time to respond to any proposed changes by the government?

Answer: EPA is in the process of conducting its E.O. 13783 review and, to the extent that the Administrative Procedures Act requires the EPA to engage in notice and comment rulemaking as part of that process, EPA intends to do so.

(OCSPP)

McCollum Q99: How does EPA justify delaying the effective date for the companion rule for Pesticide Applicator Protection for an additional year to May 22, 2018?

Answer: The effective date of the Certified Pesticide Applicator (CPA) rule is being extended to May 22, 2018, to give recently arrived agency officials the opportunity to conduct a substantive review of the rule in accordance with the Presidential directives as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," and the principles identified in the April 25, 2017, Executive Order "Promoting Agriculture and Rural Prosperity in

America." At this time, the EPA has only one Senate confirmed official, and the new administration has not had the time to adequately review the January 4, 2017, CPA rule. The effective date extension will prevent the confusion and disruption among the regulated community and stakeholders that would have occurred if the CPA rule became effective, displacing the existing regulation, and then was substantially revised or repealed as a result of administrative review. The 12-month extension also provides time for the EPA to consider revisions to the certification rule based on input received through the Regulatory Reform Agenda effort.

OCSPP

McCollum Q100: Is EPA proposing any changes to its plans for assessing the risk of pesticides for endangered species?

Answer: The EPA, National Marine Fisheries Service (NMFS), and Fish and Wildlife Service (FWS) (the Services) are currently involved in discussions exploring possible options for streamlining the interim methods and process we have been following based on the recommendations of the National Academy of Sciences (NAS) in its April 2013 report[1]. The NAS recommendations for assessing risk from pesticide exposure to threatened and endangered species involves a 3-step process that integrates ecological risk assessment methods with Endangered Species Act (ESA) consultations. The EPA, NMFS, FWS, and USDA held several workshops to develop those interim methods, which were intended to be part of an iterative process that continues to evolve as the EPA and the Services gain experience with the process. We used those interim methods in the biological evaluations for chlorpyrifos, diazinon, and malathion, which were released in January 2017.

The current schedule for completing the initial set of biological evaluations has not changed. The EPA released the biological evaluations for chlorpyrifos, diazinon, and malathion in January 2017 and their biological opinions are scheduled to be completed at the end of 2017. Biological opinions for methomyl and carbaryl are scheduled for December 2018. Effects determinations and initiation of consultation for atrazine, simazine, propazine, and glyphosate are scheduled for 2020.

The EPA also is currently considering a petition asking that the first three biological evaluations be remanded to allow for further refinement of the interim process.

[1] For more information about implementing recommendations found in the NAS report: [HYPERLINK "https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and"]

McCollum Q101: Does the FY 2018 budget provide the staff and resources needed to adequately assess the risk of pesticides for these species?

> **Answer:** Yes, the FY 2018 President's Budget provides the staff and resources needed to adequately assess the risk of pesticides to endangered species. Currently, the registration user fees can cover a portion of the costs associated with the assessment of risks to endangered species. If PRIA 4 passes, it also will have language that will explicitly cover allowing the use of maintenance fees funding to cover the costs of endangered species activities; although currently, under FIFRA, nothing prevents the EPA from using maintenance fees for endangered species activities.

(OAR)

McCollum Q102: EPA extended the effective date for emissions standards, record keeping, and labeling provisions for formaldehyde emissions until March 22, 2018. How is this not creating an unfair advantage for foreign imports over North American manufacturing of composite wood products?

> **Answer:** The EPA received requests from the composite wood industry and support from other stakeholders requesting the extension of the compliance dates. EPA has not yet extended the compliance dates. EPA published a Direct Final Rule (DFR) on May 24, 2017, to extend the compliance dates. Because EPA received relevant, adverse comment on the DFR, EPA is in the process of withdrawing this action. To save time in the event of such adverse comment, EPA also published a companion Notice of Proposed Rulemaking (82 FR 23769). EPA will proceed with this proposed rule through the normal rulemaking process and will consider all comments received prior to finalizing this action. The EPA does not believe the extension of the compliance dates provides any meaningful advantage for imported products over domestically produced products. The agency's proposed extension of the compliance date for the formaldehyde emissions standards, recordkeeping, and labeling provisions, and any benefits that extension may provide are equally applicable to all regulated entities under the rule. After that compliance date, like North American-manufactured composite wood products, imported composite wood products and imported finished goods and component parts made of composite wood products will have to comply with the formaldehyde emission standards and other provisions in the final rule.
>
> In the economic analysis supporting the final rule, the EPA estimated that the majority of composite wood products, both domestic and imported, are already meeting the TSCA Title VI emissions standards because they currently comply with the California Air Resources Board (CARB) formaldehyde emission standards, which are identical to the TSCA Title VI emission standards. While some panel producers do not sell composite wood panels in California, many intermediary entities (*e.g.*, fabricators of finished goods, distributors, importers, retailers, etc.), choose to purchase only CARB-compliant products so that they do not need two supply streams, or one for products that may be sold or supplied in California and one for products that are not.

(OA/OP)

McCollum Q103: How does EPA plan to defend the many inevitable lawsuits it will face from rolling back environmental regulations? Is this really the most effective way for EPA to fulfill its mission?

> **Answer:** The EPA is effectively fulfilling its mission by ensuring the agency issues sensible regulations that protect the environment based on our statutory authority and allow for economic growth. We often face litigation in response to regulatory decisions, given the broad range of stakeholders we serve, who care deeply about the work we do. The EPA will continue, as we always have, to work with the Department of Justice to vigorously defend against lawsuits brought against the agency.

McCollum Q104: Executive Order 13777 required the head of each agency to designate a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies to ensure agencies effectively carry out regulatory reforms, consistent with applicable law.

> **Answer:** The EPA is aware of the requirements of Executive Order 13777.

McCollum Q105: Who have you appointed as the Regulatory Reform Officer for EPA and what are their credentials?

> **Answer:** Administrator Pruitt designated Samantha K. Dravis, Senior Counsel and Associate Administrator for the Office of Policy to serve as the EPA's Regulatory Reform Officer. Ryan Jackson, EPA Chief of Staff serves as Chairman. Regulatory Reform Task Force members include Byron Brown, EPA Deputy Chief of Staff for Policy; and Brittany Bolen, EPA Office of Policy Deputy Associate Administrator.

Chesapeake Bay - *OW*

Chesapeake Bay is the nation's largest estuary in which 18 million people live and work; there are 3,600 types of fish, wildlife and plant life that underpin the economic value of the ecosystem; and where in a voluntary partnership with other federal, State, local, and NGOs, academic institutions, private businesses and individual citizens, 10 Goals for restoring the ecosystem have been set to be met by 2025.

McCollum Q106: Just when the Chesapeake Bay is beginning to show improvement the FY 2018 budget cuts the funding across for all Geographic Programs, including the $73 million for the Chesapeake Bay. Who will step into the role EPA has played of coordinating all the partners in this exemplary effort?

> **Answer:** This program elimination is part of the administration's overall goal to return the

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responsibility for regional and local environmental work to state and local entities. The TMDL agreed upon between the six states and District of Columbia in the Chesapeake Bay watershed is a true model of "cooperative federalism" and the type of state and local collaboration that is essential to transboundary environmental restoration. The EPA encourages states to continue to use collaboration, coordination, and consensus to make multi-jurisdictional decisions. The EPA will continue to engage in meaningful discussions about how shared environmental goals related to this region can be achieved, and will strive to support the implementation of the Chesapeake Bay TMDL.

McCollum Q107: Efforts to restore the Chesapeake Bay are seen as a national and international model for sustainable use of coastal regions. What message are we sending about our leadership and commitment when we reduce funding to such an exemplary project from which recovery lessons can be duplicated in coastal regions worldwide?

Answer: The restoration of the Chesapeake Bay would not be possible without state and local collaboration. The message this administration is sending is the centrality of state and local collaboration for local environmental work. The Chesapeake Bay TMDL is the model of cooperative federalism that the EPA would like to promote for multi-jurisdictional environmental restoration, which is why the EPA encourages states and local entities to continue to use collaboration, coordination, and consensus to restore the Bay. The EPA will continue to engage in meaningful discussions about how to continue state-led restoration work in the Chesapeake Bay through its role in representing the Federal government on the Chesapeake Executive Council.

Environmental Justice – *OECA and OA*

The budget eliminates all resources for the Environmental Justice program. The budget claims that EPA will incorporate EJ work within the Integrated Environmental Strategy program within the Office of the Administrator; however, no there is no associated funding requested.
The budget also eliminates the lead program, which works to reduce disparities in blood lead levels between low income children and non-low income children.

McCollum Q108: What Environmental Justice work will be discontinued as a result of the elimination?

Answer: The agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face. Although the EPA is not requesting funds for this program in FY 2018, considerable progress has been made in incorporating environmental justice considerations into the agency's core programs through the efforts of the EJ program. This progress has greatly enhanced the EPA's ability to protect the health and environment of our most vulnerable communities. Environmental Justice will continue to be considered within the work done at EPA also will be specifically

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incorporated into future policy work within the agency's Integrated Environmental Strategies program in the Office of the Administrator.

McCollum Q109: How much funding in the FY 2018 budget is dedicated for Environmental Justice work in the Integrated Environmental Strategy program?

Answer: Zero dollars are explicitly tagged for Environmental Justice in the FY 2018 budget in the Integrated Environmental Strategies program. Although the EPA is not requesting funds for EJ, the agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face.

McCollum Q110: How many staff will be reassigned or terminated due to the elimination?

Answer: Twenty four FTE at headquarters and 16 FTE in the regions will be eliminated.

McCollum Q111: How will EPA identify and track low income and minority communities that are disproportionately burdened by pollution?

Answer: The EPA will continue to use EJSCREEN as the primary tool to screen for communities with environmental justice concerns.

McCollum Q112: The recent tragedy in Flint, Michigan, in which low income minority children were poisoned by lead in their drinking water, reminded the country of the danger of lead poisoning. How will EPA ensure that all children are protected, even in states that do not have their own lead program?

Answer: Protecting children from exposure to lead is a top priority for the EPA. The agency will continue to coordinate with states, tribes, and territories to enforce not only the Lead and Copper Rule, but all Safe Drinking Water Act national primary drinking water regulations. The EPA will continue its work with our co-regulators to ensure that owners/operators of public water systems address noncompliance in a timely manner, prioritizing those systems with the most serious or repeated violations. In particular, the EPA will continue to focus on working with states to optimize corrosion control treatment to minimize exposure to lead. The EPA will also continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity.

Enforcement

Office of Budget

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McCollum Q113: Thanks to the work of this office, settlements were negotiated from EPA actions with Volkswagen AG and BP PLC spill that have resulted in funds going to states and communities. Given the proven success of this office, why does the FY 2018 budget propose to cut Enforcement by 23%?

> **Answer:** The EPA reduced resources in areas where states have enforcement authority and significant progress has been made. The EPA will focus enforcement (including criminal) and compliance resources on direct implementation responsibilities, the most egregious cases, and in areas that address the most substantial impacts to human health and the environment.

McCollum Q114: The budget justification states that EPA will focus the civil enforcement program's resources on "programs that are not delegable [to states] or where a state has not sought or obtained the authority to implement a particular program." Does this mean that EPA will no longer take any enforcement actions against polluters violating federal environmental rules that a state has authority to enforce? Under EPA's approach, what would happen if a state -- due to lack of resources or political pressure -- fails to enforce a federal environmental rule against a violating polluter?

> **Answer:** The EPA will continue to work in partnership with state and Tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for regulated companies.

OECA

McCollum Q115: What will be the impact of the proposed cuts to enforcement on the number of state and federal facility inspections, the amount of compliance assistance, and the number of enforcement actions that states and EPA have the capacity to pursue?

> **Answer:** The EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for companies that follow the rules. The agency will focus our resources on direct implementation responsibilities and the most significant violations. For FY 2018, the number of federal inspections and evaluations is projected to be 9,500. The agency also is projecting that 1,750 federal civil, judicial, and administrative enforcement cases will be initiated in FY 2018.

Energy Star and Water Sense – *OAR and OW*

Through EPA's Energy Star and Water Sense programs, Consumers can save money by reducing their energy and water use while helping to protect the environment. These programs have motivated private sector investments, and moved the goal post on efficient technologies in the market place.

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McCollum Q116: With a history of bipartisan support and immense value-added for businesses and consumers alike, what is EPA's rationale for throwing out 25 years of investment in these programs in the coming fiscal year? Isn't it a good thing when Americans can lower their energy bills and drinking water costs, reduce pollution, and help implement EPA's statutory mandates for clean air and water, all at the same time?

> **Answer:** The President's FY 2018 budget request for the EPA reflects the success of environmental protection efforts, a focus on core legal requirements, and the important role of federal-state partnerships in implementing the nation's environmental laws. The voluntary Energy Star and WaterSense programs are reduced in the President's Budget (WaterSense is proposed for elimination) as part of the overall effort to better target and prioritize the EPA's activities.

McCollum Q117: Does Administrator Pruitt believe these programs represent an appropriate role for a federal agency? If not, how does he envision that the private sector will continue to develop product guidelines in partnership with a patchwork of state and local governments and competing businesses?

> **Answer:** President Trump's administration is focusing on core statutes across the federal government. The FY 2018 budget request renews EPA's focus on core legal requirements.
>
> The EPA will explore options for the potential transfer of these programs to non-governmental entities to ensure that the benefits of these programs are maintained.

McCollum Q118: What private organization might take on the breadth and complexity of these programs, is unbiased, can hire and gear up quickly to set up the networks and infrastructure necessary to manage these programs? If none currently exist, isn't it premature to cut the budget of respected and valued programs with great consumer and environmental results?

> **Answer:** The federal government's budget situation requires prioritization in order to accomplish the most important functions. The agency's FY 2018 budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection obligations.
>
> The EPA will explore options for the potential transfer of these programs to non-governmental entities to ensure that the benefits of these programs are maintained.

Toxics and peer review *(OCSPP/ORD)*

Many state and local governments rely heavily on US EPA's office of research and development's assessments of hazardous chemicals like the Integrated Science Assessments under the Clean Air Act or the IRIS program for toxics to set their clean up levels for hazardous

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pollutants like known neurotoxins such as lead and carcinogens such as benzene. The current president's budget targets these scientific functions for large cuts.

McCollum Q119: How will EPA increase its support to state and local agencies to perform those scientific assessments on a case-by-case basis?

> **Answer:** Assessment of chemicals, and the authority to manage hazardous chemicals, is now a mandated requirement with the June 22, 2016 passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, amending the Toxic Substances Control Act (TSCA). On June 22, 2017, the EPA announced the finalization of a number of procedural framework rules related to chemical prioritization, risk evaluation, and risk management activities. See: [HYPERLINK "https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-5"]. Pursuant to these rules and its new authority under TSCA, the EPA expects to engage states and local governments, as well as the general public, on prioritizing chemicals for risk evaluation and conducting risk evaluations in an open, transparent manner consistent with the best available science. In addition, hazard and exposure data, previously held confidential and not available to states, will now be accessible to these governments.
>
> The EPA's Integrated Risk Information System (IRIS) helps the EPA, states, local agencies, and Tribal nations make smart, informed, and thoroughly-researched decisions to protect people's health. Through IRIS, the EPA develops comprehensive, rigorously peer-reviewed scientific assessments. The EPA scientists also produce Integrated Science Assessments (ISAs) that accurately and concisely evaluate a large number of peer-reviewed publications that reflect the latest and most advanced scientific knowledge. These ISAs provide the scientific foundation for the National Ambient Air Quality Standards (NAAQS). They go through a very rigorous and independent peer-review and a public comment period. The EPA's Office of Research and Development will continue to conduct ISAs and IRIS assessments.

McCollum Q120: How will EPA ensure that adequate health protection that follows the health evidence results for all Americans including vulnerable populations like pregnant women, infants, children, and seniors to protect them from these known and emerging hazards?

> **Answer:** The 2016 amendments to TSCA explicitly require the EPA to consider risks to vulnerable populations as part of the process to evaluate chemicals under TSCA. The recently finalized procedural rule on Risk Evaluation reflects this statutory mandate, specifically requiring that the EPA "integrate and assess available information on hazards and exposure for…the chemical substance, including information on specific risks of injury to health or the environment and information on potentially exposed or susceptible subpopulations." See preamble, page 6. As defined in TSCA, "potentially-exposed or susceptible subpopulations" means a group of individuals within the general population identified by the EPA who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a

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chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly." 15 U.S.C. 2602(12).

Hazardous Substance: Superfund Account

OAR

McCollum Q121: The budget eliminates funding for Radiation: Protection and states that the EPA will explore alternatives to manage potential radiation risks at Superfund and hazardous waste sites to meet requirements and will explore alternatives to meet its statutory obligation, as mandated by Congress, to implement regulatory oversight responsibilities for Department of Energy activities at the Waste Isolation Pilot Plant facility. Where is this work funded in FY 2018? If there is no funding proposed in the budget, how will EPA meet its regulatory responsibilities?

Answer: As noted, funding in the Radiation: Protection program has been eliminated, and the agency will explore alternatives to address continuing obligations.

McCollum Q122: What is the impact of this work not being done in FY 2018? What are the risks to human health if this work is not done?

Answer: Under this program, the agency will explore alternatives to address continuing obligations. The WIPP program already has protocols in place to protect human health.

OECA

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

Answer: The proposed budget reflects the streamlining of the agency's identification of Potentially Responsible Parties (PRPs), settlement negotiations for cleanup and the recovery of costs when the agency has expended funds for cleanups. The EPA will focus its enforcement resources on the most egregious cases and on sites that most substantially impact human health and the environment. Since the beginning of the program in 1980, the EPA has identified and taken enforcement actions with an average of approximately 1,900 PRPs annually.

OCFO

McCollum Q124: The budget states that the timeline for modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) is extended as a result of the budget cut. What is the revised date of completion as a result of the funding cut? How long is the delay? What is the total cost of this project and how much has been funded to date?

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Answer: At the funding level requested in FY 2018 President's Budget, SCORPIOS modernization will be completed by Spring 2021, an additional two years from the current anticipated date. The total cost of the project is $4 million of which $760 thousands have been funded for development.

OECA

McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

Answer: The amount of funding proposed for elimination is $20.145 million. Under the proposal, DOJ support for Superfund Enforcement would come from DOJ's resources. The EPA may seek to increase use of unilateral administrative orders to achieve cleanups to account for a potentially limited ability to sue potentially responsible parties in federal court. In FY 2016, the DOJ supported 629 enforcement cases. The EPA will work with DOJ to prioritize the most egregious cases.

McCollum Q126: The budget states that there are 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects, yet this program is eliminated. How will EPA ensure that appropriate oversight is conducted at these sites? Will the funding elimination affect the timeline of the cleanups and, if so, by how long?

Answer: The EPA has not eliminated the Superfund Federal Facilities Enforcement or the Superfund Federal Facilities Restoration and Reuse programs. The Federal Facilities Enforcement program's resources have been merged with the Superfund Enforcement account and work will continue under that consolidated program project. The Superfund Federal Facilities Restoration and Reuse program, which oversees and provides technical assistance for the protective and efficient cleanup and reuse of Federal Facility National Priorities List (NPL) sites, will continue to work closely with our federal partners to address sites with the most substantial impacts to human health and the environment.

OLEM

McCollum Q127: How much funding does the budget cut for support for the headquarters and regional Emergency Operations Centers? What is the specific impact of these cuts? Will the EOCs be staffed by fewer employees? Will the Agency's operational readiness be affected by the resulting impacts to the EOCs and, if so, how?

Answer: Over the last few years, the EPA has invested and remains committed to having agency Emergency Operations Centers (EOCs) remain resilient despite variable budgets.

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Headquarters and Regional EOCs expect to continue to maintain current response personnel/assets and readiness, although future EOC enhancements and field response equipment upgrades will require additional evaluation before purchase.

McCollum Q128: The budget states that the proposed reduction to the Homeland Security: Preparedness, Response, and Recovery program project will cause the Agency to have to reevaluate the need to use PHILIS and ASPECT for emergency response activities. ASPECT is the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform and it is available to assist local, national, and international agencies supporting hazardous substance response radiological incidents, and situational awareness in the US. PHILIS is the EPA's mobile laboratory asset for the on-site analysis of chemical warfare agent and toxic industrial compound contaminated environmental samples Is EPA considering discontinuing ASPECT and PHILIS? Does the budget request impact operation of ASPECT and PHILIS? If discontinued, how would EPA fill this gap, what platform would conduct this work? How would states and local governments obtain these services?

Answer: The EPA will continue to meet requirements of Homeland Security Presidential Directives. The agency will evaluate PHILIS and ASPECT and will investigate with our partners the availability and suitability of other analytical assets to continue Chemical, Biological, Radiological and Nuclear (CBRN) preparedness and response work.

McCollum Q129: How will this affect workplace morale? Is discontinuing these services consistent with the rest of the federal government?

Answer: The EPA remains committed to its response responsibilities in the event of emergencies. The EPA is not in a position to determine whether this is consistent with other agency budget proposals.

McCollum Q130: The budget cuts $34 million from the Superfund: Emergency Response and Removal program project. How will this cut affect EPA's ability to respond to emergency response actions, removal assessments, and time critical response actions? What won't get done as a result of this reduction?

Answer: The EPA will continue to prioritize and respond to all-hazard cleanups, as required under the Comprehensive Environmental Response, Compensation, and Liability (CERCLA) with resource priority given to emergency response actions. The agency may prioritize non-emergency time-critical and non-time-critical actions.

McCollum Q131: The budget proposes to cut $167 million or 33% from the Superfund: Remedial program and as a result will have to prioritize resources on NPL sites that present the highest risk to human health. How many NPL sites will not receive funding as a result of the cut?

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How many new sites will not be listed or have the cleanup process initiated as a result of the cuts?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. The agency is still in the process of determining what additional sites may be ready to initiate new construction work in FY 2018. In recent years, there has been a dozen or so NPL sites awaiting cleanup funding. In order to speed the pace of cleanups, a Task Force has been created to review best practices and new approaches in dealing with successfully restoring sites to productivity. The Task Force will outline steps to be taken in the near term to more expeditiously and effectively handle remediation of sites.

Leaking Underground Storage Tanks - OLEM

McCollum Q132: The budget request cuts $16 million from LUST Cooperative Agreements, which support states in managing, overseeing, and enforcing cleanups at LUST sites. The budget request also eliminates fund for LUST Prevention. What will be the resulting cut to each state? How many fewer LUST cleanups will occur due to the cuts? How much of a states' budget for LUST cleanups does this funding represent? How many fewer inspections will occur?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. The EPA will work with state partners to provide flexibility to address priorities. The amount of change for each state varies with the overall allocation received. Each state determines its individual contribution to the effort and the agency does not have visibility into those amounts. LUST funding changes will be part of the grant workplan development when our final FY 2018 funding is in place.

Pollution Prevention - OCSPP

The budget proposes to eliminate work in several EPA offices authorized under the Pollution Prevention Act, which was enacted in 1990 to focus industry, government and public attention on reducing the amount of pollution through cost effective changes. It also eliminates EPA's pollution prevention work under the Clean Air Act, Section 7401(c), of which the "primary goal is to encourage or otherwise promote … actions…for pollution prevention."

McCollum Q133: The budget justifies significant reductions and program eliminations as the Agency refocusing on core work. Under Administrator Pruitt's leadership, does EPA consider pollution prevention part of EPA's core statutory work?

Answer: The EPA has made great strides in carrying out the intent of Congress to encourage reductions in the generation, use and release of hazardous substances while helping businesses reduce operational costs. While resources and FTE have been proposed for elimination for the Pollution prevention program in the FY 2018 President's budget, based on previous investments in P2 solutions, partners are expected to be able to continue to share best practices and seek

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additional pollution prevention solutions. Within the EPA, programs implementing environmental laws will continue to pursue approaches that prevent pollution at the source. For example, pollution prevention has, and is expected to be, a key tool in implementing the Toxics Substances Control Act, as amended in 2016, which requires the EPA, in promulgating rules to mitigate unreasonable risk, to consider technically and economically feasible alternatives that benefit health or the environment (TSCA Section 6(c)(2)C),

Marine Pollution - **OW**

The budget proposes to eliminate the Marine Pollution Program. EPA is responsible for managing, along with the Army Corps, ocean disposal of sediments dredged from our ports, harbors and shipping channels to maintain the safe passage of military, commercial, and recreational vessels. EPA helps to ensure that radioactive waste, toxic chemicals, and sewage sludge that directly affect human health are not dumped into our coastal and ocean waters.

McCollum Q134: What is the impact of this proposed elimination on the health of the marine ecosystem? By how much will the percent decline of active dredged material ocean dumping sites achieving environmentally acceptable conditions?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection. This budget provides the direction and resources to return the EPA to its core mission of protecting human health and the environment. The EPA will seek opportunities to continue to meet statutory mandates, including those of the Marine Protection, Research, and Sanctuaries Act (MPRSA), to the extent possible within the Surface Water Program.

McCollum Q135: How will the proposed cuts affect data collection and maintenance?

> **Answer:** The EPA will seek opportunities to continue to meet statutory mandates, including activities pursuant to the MPRSA such as development of site management and monitoring plans, to the extent possible within the Surface Water Program.

McCollum Q136: State and local governments will be directly impacted by degradation of their coastal resources, however, these entities do not have authority over ocean dumping in marine waters. If the marine program is eliminated as requested, how will EPA prevent, monitor, and control pollution in those waters?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection. This budget provides the direction and resources to return the EPA to its core mission of protecting human health and the environment. The EPA will seek opportunities to continue to meet statutory mandates, including those of MPRSA, to the extent possible within the Surface Water Program.

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Drinking Water - OW

Just last year we had a public health disaster in Flint, Michigan, where local residents were exposed to dangerously high levels of lead in their drinking water. Yet, the budget proposes to cut the drinking water program funding by 17 percent and the Public Water System Supervision Categorical Grant program by 30 percent.

McCollum Q137: How will these proposed reductions impact the States' abilities to provide technical assistance to owners of public water systems?

> **Answer:** While funding is reduced for the Public Water System Supervision program, the EPA will work with states and tribes to target the remaining funds to core statutory requirements while providing states and tribes with flexibility to best address their particular priorities. In FY 2018, the EPA will provide funds to support state and Tribal efforts to assist water systems in meeting existing drinking water regulations and in working to develop the financial and managerial capacity needed to protect federal investments that remedy aging or inadequate infrastructure (e.g., pipe replacement to prevent failures in distribution systems; installation of treatment to remove harmful drinking water contaminants). The EPA will encourage states to use grant funds to focus, to the extent possible, on the most immediate challenges public water systems are facing today that impede their ability to properly operate and maintain their infrastructure to protect public health and achieve long-term sustainability. These challenges include difficulties achieving readiness to obtain financial assistance, limited access to well qualified and experienced utility personnel, and lack of technical expertise and managerial capacity.

McCollum Q138: How will the proposed cuts affect data collection and maintenance?

> **Answer:** Funding in the FY 2018 President's Budget request supports the completion of Safe Drinking Water Information System (SDWIS) modernization with the release of SDWIS Primacy Agency (Prime) and the initiation of support for state and Regional transition to SDWIS Prime.
>
> In FY 2016, the EPA released the Compliance Monitoring Data Portal (CMDP) enabling drinking water utilities and laboratories to report data electronically to primacy agencies with fewer errors and in a more efficient manner. The portal will increase data accuracy and completeness and could decrease the overall reporting burden for primacy agencies by hundreds of thousands of hours. Primacy agencies can use the portal-reported data to make more informed decisions about water system compliance and focus their limited resources on preventing and responding to public health problems. In FY 2017, the EPA is assisting primacy agencies in transitioning to and utilizing CMDP, and will continue this assistance in FY 2018.

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In FY 2018, the EPA will continue work with states to develop SDWIS Prime. SDWIS Prime is a centralized infrastructure technology system that will replace SDWIS State (the management and reporting tool used by 43 state drinking water programs) and other systems that are hosted and operated separately by each primacy agency. The EPA also will work with states to initiate their transition to SDWIS Prime. Benefits of this transition to SDWIS Prime include improvements in program efficiency and data quality, greater public access to drinking water data, facilitation of electronic reporting, reductions in reporting burdens on laboratories and water utilities, reductions in data management burden for states, and ultimately reduction in public health risk.

McCollum Q139: What will be the impact of the reductions on laboratory certification and sample analysis?

Answer: States have the primary responsibility for certification and oversight of the commercial and municipal laboratories that generally analyze compliance-monitoring samples for PWSs. Some states also operate their own laboratories for the analysis of compliance-monitoring, investigatory-, and incident-response samples. Public Water System Supervision grants provide states with resources to assure timely and accurate compliance monitoring, respond to violations that may impact public health, and share results with the public. States will determine the relative support to provide to their areas of responsibility such as laboratory certification and sample analysis. Additionally, funding for the Unregulated Contaminant Monitoring Rule (UCMR) is not reduced and provides critical implementation support for emerging-contaminant occurrence data collection. This includes support to labs that conduct Unregulated contaminant occurrence monitoring (UCMR) and sample analyses for the nations' small public drinking water systems (PWS), as well as support training for Regional and State Certification Officers and technical support/troubleshooting to Regions, states, and laboratories.

McCollum Q140: How will the proposed cut impact EPA's training and technical assistance to States, tribes, and public water systems for compliance with Safe Drinking Water Act regulations?

Answer: The FY 2018 budget assumes that the EPA will streamline and prioritize support activities such as training and technical assistance to states, tribes, and public water systems for compliance with Safe Drinking Water Act regulations. The EPA will target its support as outlined: the agency will continue to work with states and tribes to implement requirements for all National Primary Drinking Water Regulations (NPDWRs) which require that systems install, operate, and maintain appropriate levels of treatment and effectively manage their distribution systems. In particular, the EPA will continue to focus on working with states to optimize corrosion control treatment to minimize exposure to lead. The EPA also will continue to require states to report violations data at all public water systems for all rules, including requirements to protect against Cryptosporidium, to control disinfection byproducts, and to implement the Revised Total Coliform Rule.

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In addition, the EPA will continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers, and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity, known as Capacity Development.

McCollum Q141: According to the budget request, in FY 2016, nearly ten percent of the population served by Community Water Systems received drinking water that did not meet all applicable health-based drinking water standards. How will these proposed cuts affect EPA's ability to address on-going compliance challenges? What activities will be reduced?

Answer: The 1996 Safe Drinking Water Act (SDWA) Amendments established a strong emphasis on enhanced water system management to achieve and maintain technical, managerial, and financial (TMF) capacity of the nations' drinking water systems. EPA resources and grants that states use to implement the drinking water program will primarily target small systems that lack the capacity to comply with health based drinking water standards. While most small systems consistently provide safe and reliable drinking water to their customers, many small systems face challenges with aging infrastructure, complying with regulatory requirements, workforce shortages and high staff turnover, increasing costs, and declining rate bases. In FY 2016, small community water system violations made up 94 percent of overall violations; however, in Indian Country, only 88 percent of the population served by CWSs received drinking water that met all applicable health-based standards. The EPA will continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers, and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity.

Research and Development - ORD

The EPA laboratories are resources for EPA as well as states, tribes, municipalities, and other federal agencies.

McCollum Q142: At the proposed funding levels in the FY 2018 budget request, how will EPA retain the expertise of the scientists at these laboratories? Does the Agency intend to close any of the labs?

Answer: The EPA will endeavor to retain its workforce with the proper distribution of skills. In addition, the EPA will carefully review its footprint and continue efforts to reconfigure the EPA's workspaces in order to release square footage and reduce long-term rent. This also will include laboratory spaces.

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National Vehicle and Fuels Emission Laboratory *(OAR)*

The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is an integral part of the EPA Office of Transportation and Air Quality. Through this program EPA develops, implements, and ensures compliance with national emission standards to reduce mobile source related pollution and ensure air quality benefits and fair competition in the marketplace.

McCollum Q143: The budget request notes that there is an increased demand for the outcomes from this program, but proposes reducing the program by $17 million. Has EPA analyzed the resultant economic impact on manufacturers or the health and economic impact on consumers' from this proposed reduction of work?

> **Answer:** The EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners. The agency will continue to perform its compliance oversight functions on priority matters. In FY 2018, the agency will conduct compliance oversight tests where there is evidence to suggest noncompliance.

OAR

McCollum Q144: The Lab's work also protects industry by ensuring all automakers play by the same rules and to hold companies accountable that gain an unfair and illegal competitive advantage. Engineers at this Lab were instrumental in uncovering evidence on Clean Air Act violations that led to Volkswagen paying billions of dollars to their customers and to mitigate for pollution emitted from their cars and the current lawsuit against Fiat Chrysler and discrepancies in its auxiliary emission control devices. How would the proposed reduction impede the oversight that results from the work of this Lab?

> **Answer:** In FY 2018, the agency will focus its efforts on certification decisions. The agency will continue to perform its compliance oversight functions on priority matters; and will conduct compliance oversight tests where there is evidence to suggest noncompliance.

McCollum Q145: In order to meet the demand from the auto industry, how will EPA fill the funding gap that would result from the proposed reduction? Does EPA intend to create new user fees for the lab above the ones that the industry already pay?

> **Answer:** In FY 2018, the agency will focus its efforts on certification decisions. The agency also will assess the capabilities of new and current vehicle technologies and focus efforts to detect violations of clean air standards in a more efficient matter. New user fees are not included in this budget request.

(OAR)

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McCollum Q146: In March, EPA issued a notice of intent to reconsider the final determination on the appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards. At the proposed budget levels, how does EPA intend to conduct the analysis that this reconsideration will entail?

> **Answer:** The EPA will utilize the available resources to conduct the reconsideration of the Model Year 2022-2025 standards Mid-term Evaluation Final Determination. The EPA will not only make use of its data and analysis, but also information from stakeholders, federal and state partners, and other resources to support the reconsideration process.

McCollum Q147: What are the next steps in the process?

> **Answer:** The Administrator intends to make a new Final Determination no later than April 1, 2018; in accordance with the EPA's regulations governing the Mid-term Evaluation process.

McCollum Q148: Will EPA officially withdraw the final determination? If so, when?

> **Answer:** The Administrator announced in March 2017, his intention to reconsider the January 2017 Final Determination and his plans to issue a new Final Determination no later than April 1, 2018.

McCollum Q149: Will there be another proposed determination and public comment period?

> **Answer:** The Administrator intends to make a new Final Determination no later than April 1, 2018; in accordance with the EPA's regulations governing the Mid-term Evaluation process. The EPA will follow applicable notice and comment procedures.

McCollum Q150: Will EPA and NHTSA produce another Technical Assessment Report? If so, does the proposed FY18 EPA budget provide enough resources to ensure a robust assessment?

> **Answer:** Through prioritization of activities, the EPA expects to have adequate resources to conduct the analysis that this reconsideration will require.

Eliminating Programs
Great Lakes - OW

The Great Lakes support a $7B annual fishing industry and over 40 million people in this region depend on the Lakes for drinking water. Ecologically healthy lakes are necessary for the lakefront and recreational opportunities the Lakes provide for millions of people which contributes to local economies. Yet the FY 2018 budget shortsightedly proposes to eliminate $300 million for the Great Lakes Restoration Initiative. This reduction will impact cleaning up toxic algae, phosphorus from sewage treatment plants, and other pollutants that threaten water

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supplies and make it dangerous to eat the Lakes' fish. It is will also jeopardize the work of Federal agencies, states and stakeholders to address invasive species like Asian carp.

McCollum Q151: How does EPA justify eliminating this program, and the many other geographic programs like it that are critical for healthy regional ecosystems?

> **Answer:** This program elimination is part of the Administration's overall goal to return the responsibility for regional and local environmental work to state and local entities. The FY 2018 President's Budget request focuses on funding core programs with a national scope. The EPA will encourage the eight Great Lakes states, Tribal, and local entities to continue to make progress in restoring the Great Lakes from within core water programs.
>
> The Great Lakes are an important part of the U.S. fresh water supply, and the EPA is committed to improving environmental conditions and human health for Americans that live and work in the Great Lakes region. The EPA will continue to engage in meaningful discussions with Congress and with stakeholders in the region about how shared environmental goals related to the Great Lakes can be achieved.

McCollum Q152: Why aren't protecting these irreplaceable resources considered a basic function of EPA?

> **Answer:** The Great Lakes Restoration Initiative is a regional program that is designed to protect and restore a very important resource. The FY 2018 President's Budget request focuses on funding core programs with a national scope and returns the responsibility for regional and local environmental work to state and local entities.

McCollum Q153: The Great Lakes effort is a multi-state effort which benefits from federal funding and staff support. Absent federal participation which encourages a collaborative effort to clean up ecosystems that span more than one state, what does EPA envision these efforts will look like moving forward?

> **Answer:** The EPA will encourage the eight Great Lakes states, Tribal, and local entities to continue to make progress in restoring the Great Lakes from within core water programs while continuing to engage with Congress and stakeholders in the region about how shared environmental goals can be achieved.

McCollum Q154: If funding is eliminated as proposed, how will EPA handle projects which are and could be in the middle of sediment remediation? Is there any risk that halting work could result in an environment hazard more dangerous than if the work had not been initiated?

> **Answer:** The EPA anticipates that at least one project will be under active sediment remediation at the beginning of FY 2018. This ongoing phase of work is fully funded. The EPA will work to minimize costs and environmental risks as work on the project ramps down.

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McCollum Q155: What would happen to projects which are recently completed but may be in the warranty work phase where habitat restoration or continued treatment for invasive species is being carried out? Sometimes these activities continue for 2-3 years. If this work is stopped, wouldn't the full benefit of the investment be lost?

> **Answer:** The EPA anticipates that at least five projects will be in the warranty work phase at the beginning of FY 2018. This ongoing phase of work is fully funded. The EPA will work to minimize costs and environmental risks as work on the projects ramps down.

McCollum Q156: How would EPA manage the internal support contacts and the contract with Cetacean Marine associated with the maintenance and operation of the research vessels Lake Guardian and Mudpuppy II?

> **Answer:** Unless the internal support contracts were terminated, which would be done through a negotiation process with contractors, the EPA would need to add to the workload of staff who already are fully engaged in management of other contracts.

McCollum Q157: What would be the associated costs of ceasing operations of the Lake Guardian and Mudpuppy II? Would the vessel be put into dry dock or would EPA dispose of it?

> **Answer:** The EPA is still evaluating options for the Lake Guardian and the Mudpuppy II. Once final decisions are made, costs would be determined through a negotiation process with the contractors.

Managing Environmental Protection
Merging Regional Offices

Office of Budget with OARM, OLEM

It has been reported that EPA is conducting an analysis regarding merging regional offices that is due to the Office of Management and Budget on June 15, 2017.

McCollum Q158: How would EPA plan to continue the Agency's close working relationship with states, with less regional staff and more distance involved?

> **Answer:** The EPA's FY 2018 budget request includes 5,400 FTE in the regions to continue to implement core environmental protection with respect to statutory and regulatory obligations. This can be accomplished by engaging with state, local, and tribal partners to create and implement sensible regulations that also work to enhance economic growth. EPA continues to prioritize its relationship with states and will continue to invest in this relationship.

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McCollum Q159: What are the specific health impacts and environmental impacts of closing regional offices? How will these closures affect EPA's mission to enforce environmental laws and otherwise protect the environment and human health?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q160: Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q161: How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q162: How would EPA replace the on-the-ground knowledge, technical expertise and leadership in these regions, so essential to developing an acceptable resolution when a company is charged with a violation, to ensure that environmental compliance?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

Combined Heat and Power Partnership - OAR

The Combined Heat and Power Partnership provides technical support, makes business-to-business connections, and issues achievement awards to its roughly 400 partners. Since its launch, the Partnership has been credited with supporting roughly one-third of CHP installations. These projects slash energy use and costs, making their hosts more competitive and cutting carbon emissions. They also make our energy infrastructure more reliable, since CHP projects can keep the lights on when the grid goes down.

More than 100 businesses, advocates and associations – including Ameresco, Siemens and Solar Turbines – have joined a letter reaffirming the great value of the CHP Partnership and of CHP itself.

McCollum Q163: Given the Administration's commitment to improving our industrial competitiveness compared to our international competitors – and the great support that the CHP Partnership has provided since 2002, why does the Administration want to eliminate it?

Answer: The EPA will explore options for the potential transfer of the CHP Partnership Program to non-governmental entities

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Environmental Monitoring - OAR

The EPA tracks changes in nitrogen deposition and sulfur deposition to assess the effectiveness of the Acid Rain Program and related programs. The agency also tracks changes in surface water acidity in lakes and streams in acid sensitive regions to assess the change in the number of chronically acidic water bodies. The Administration budget proposes that EPA close seven of 59 EPA-sponsored CASTNET monitoring sites (six on Tribal lands) and seven of EPA's 32 National Atmospheric Deposition Program sites.

McCollum Q164: How will this reduce EPA's ability to measure the results of the Acid Rain Program and related programs?

> **Answer:** Under the proposed FY 2018 funding levels, the agency would close seven of 59 EPA-sponsored CASTNET monitoring sites including six on Tribal lands. The agency would also close seven of the EPA's 32 National Atmospheric Deposition Program sites. In both instances, the sites are newer, meaning long-term trend data will continue to be available. The EPA will base its assessment on the remaining monitoring sites.

Elimination of Alternative Dispute Resolution - OGC

McCollum Q165: What are the benefits of EPA's use of alternative dispute resolution, and what analysis has EPA done that indicates program offices are able to conduct ADR on their own, without support?

> **Answer:** EPA's use of alternative dispute resolution (ADR) has been shown to save time and money, and result in improved outcomes. These benefits have been documented in a variety of studies and peer-reviewed literature. EPA Regional and program offices will continue to pursue ADR support services and training on an as needed decentralized basis.

Climate Change: GAO High Risk Area *(OAR)*

McCollum Q166: According to EPA's budget, in 2013, the Government Accountability Organization designated climate change as a "High Risk" area, noting that climate change poses management challenges for the federal government at large, and that the EPA will play a role in addressing this challenge. Since the budget request eliminates 91% of the climate change funding, what role will the Agency play in addressing this challenge?

> **Answer:** Through this budget, the EPA has laid out a strategy to maintain core environmental protection with respect to statutory and regulatory obligations. This budget provides the direction and resources to return the EPA to its core mission of protecting human health and the environment.

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Clean Power Plan *(OAR)*

McCollum Q167: What is EPA's plan to provide the same level of greenhouse gas emissions reductions as the Clean Power Plan and other rules the Agency plans to reexamine?

> **Answer:** The Supreme Court ruled, in *Massachusetts v. EPA*, that the EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act. Congress as a body, however, has not weighed in on the question about whether the agency is obligated to regulate carbon dioxide.
>
> Pursuant to the Presidential Executive Order on Promoting Energy Independence and Economic Growth, the agency is reviewing several regulations and, if appropriate, will initiate reconsideration proceedings to suspend, revise, or rescind these rules.

McCollum Q168: When does EPA anticipate its review of the Clean Power Plan will be completed as every passing month delays the important emission reductions this plan was designed to achieve?

> **Answer:** The EPA is reviewing the Clean Power Plan and, if appropriate, will as soon as practicable and consistent with law, initiate provisions to suspend, revise, or rescind the rule.

McCollum Q169: Is EPA planning to extend the administrative stays of any other regulations that reduce greenhouse gases from stationary sources which it is currently reviewing?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and appropriately suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. The review is ongoing.

Ozone - OAR

McCollum Q170: Ozone is the main component in smog and has been scientifically proven to aggravate lung diseases, increase the frequency and severity of asthma attacks, and reduce lung function. EPA estimated that the benefit of an updated standard of 70 parts per billion will yield health benefits of $13 billion each year. However, Administrator Pruitt has delayed the compliance deadline by a year. What will be the health impact and additional cost to the public of this delay?

> **Answer:** The Administrator has determined that there is insufficient information to complete area designations for the 2015 ozone standards and is extending the deadline by

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one year, until October 1, 2018. Additional time will allow the EPA to further evaluate a host of complex issues regarding the 2015 ozone NAAQS and its implementation, such as further understanding the role of background ozone levels and international transport; to develop additional flexibilities for states to comply with the ozone NAAQS; and to consider completely all designation recommendations provided by state governors, including full consideration of exceptional events impacting designations.

Chlorpyrifos *(OCSPP)*

Administrator Pruitt, during your testimony to our subcommittee you stated that the USDA had a differing opinion from the EPA's scientists on the dangers of chlorpyrifos. You sided with the USDA in that disagreement when you rejected the petition to revoke food tolerances of chlorpyrifos.

McCollum Q171: What scientific evidence and peer-reviewed studies were the basis of the USDA's conclusions? Do they have data that shows there is a safe level of exposure to chlorpyrifos, particularly for children and pregnant women? Who determined that the USDA's science is more reliable or valid than the EPA's, and what process or standards did they use to come to that conclusion?

> **Answer:** The EPA received numerous comments raising concerns with the analysis EPA issued for public comment in November 2016 as part of the chlorpyrifos tolerance revocation rulemaking process. Among those concerns were comments submitted by the U.S. Department of Agriculture, available at: [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2015-0653-0648"]. USDA's concerns mirrored similar comments submitted by other stakeholders, leading the EPA to conclude that, despite several years of study, the science addressing neurodevelopment effects remains unresolved and that further evaluation of the science during the remaining time for completion of registration review is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos.

McCollum Q172: The EPA has historically consulted with the USDA on pesticide related issues, but your testimony indicated that the USDA now has the power to overturn the conclusions of the Agency's own scientists. Has the USDA been elevated to the role of overseeing any decisions on pesticides under the Trump Administration? If so, who issued and approved of this guidance.

> **Answer:** The EPA has historically consulted with the USDA on pesticide related issues and continues to do so. The EPA engages USDA, as well as its other Federal partners, in a collaborative manner to achieve regulatory decisions that reflect transparency and sound science. The EPA routinely seeks USDA's input on pesticide-related issues, and routinely

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uses USDA data (e.g., NASS use survey information) to inform our risk assessments and regulatory decisions.

OCSPP

McCollum Q173: The mission of the USDA is very different from the mission of the EPA. The USDA's mission is to provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues. The EPA's mission is to protect human health and the environment. Is the protection of human health and the environment still the mission that is guiding decisions on pesticide use under your leadership?

> **Answer:** Yes, under the authorities of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); as amended by the Food Quality Protection Act of 1996, the Endangered Species Act (ESA), and the Pesticide Registration Improvement Renewal Act (PRIA), the protection of human health and the environment is still the mission guiding decisions on pesticide use.

Environmental Impact on Children's Health

It is estimated that 88% of the existing global burden of disease attributable to climate change occurs in children younger than 5 years old in both industrialized and developing countries. Climate change is currently affecting child health through increased heat stress, decreased air quality, altered disease patterns of some climate-sensitive infections, physical and mental health effects of extreme weather events, and food insecurity in vulnerable regions. Outdoor air pollution is linked to respiratory problems in children, including decreased lung function, coughing, wheezing, frequent respiratory illness, and asthma exacerbation. Children bear the burden of negative health outcomes resulting from exposure to pollutants across their lifespan.

(OAR)

McCollum Q174: The EPA has put a hold on efforts to make our air cleaner by pausing work on the ozone standard and the Clean Power Plan. Is the EPA calculating the costs to children and their families from all of the health effects of polluted air and accelerated climate change?

> **Answer:** The EPA has paused several efforts in order to evaluate a host of complex issues. The Administrator has determined that there is insufficient information to complete area designations for the 2015 ozone standards and is extending the deadline by one year, until October 1, 2018. In addition, the EPA is reviewing the Clean Power Plan and, if appropriate, will as soon as practicable and consistent with law, initiate provisions to suspend, revise, or rescind the rule. Within the statutory boundaries, there are a number of factors to consider when revising federal rules, including costs, implementation issues, and the appropriate balance between state and federal authority.

(OA)

McCollum Q175: As the EPA Administrator overseeing this regulatory review, are you consulting with pediatric associations, patient organizations, or other representatives for

children's health to determine the cost burdens that rolling back these regulations would place on impacted families and our health care system as a whole?

> **Answer:** The EPA has a Children's Health Protection Advisory Committee whose charter was renewed in June of 2017. The duties of this Advisory Committee are to provide advice and recommendations to EPA on policy issues associated with regulations, economics, and outreach/communications to address prevention of adverse health effects to children, and improve the breadth and depth of analyses related to these effects. Many of the members are from pediatric associations and other representatives of children's health.

McCollum Q176: How will the benefits to children of strong environmental regulations be weighed in comparison to the costs to some businesses of meeting those regulations in any final decisions?

> **Answer:** The EPA does not conduct benefit risk analyses specifically for children.

Tribal Treaty Rights and Tribal Consultation - OITA

In February 2016, the Agency finalized the "EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights". That Guidance begins with the statement that, "EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so."

McCollum Q177: Does the Agency intend to continue to implement this Guidance under your leadership? Does the Agency continue to stand by the conclusion that you have an obligation to protect treaty rights and consult with tribal nations if those rights may be impacted by a proposed EPA action?

> **Answer**: The agency will continue to follow the law as it relates to tribal treaty rights and believes that the Guidance, which complements the EPA's existing tribal consultation policy, serves as a framework to inform the EPA's actions and decisions.
>
> The U.S. Constitution defines treaties as part of the supreme law of the land, with the same legal force as federal statutes.

McCollum Q178: The Guidance states that, "As part of its commitment, EPA will emphasize staff training and knowledge-sharing on the importance of respecting tribal treaty rights in order to better implement this Guidance". What training has been done for staff on this topic since you were confirmed as Administrator? Does the Agency intend to provide such training in the future?

> **Answer:** The EPA's American Indian Environmental Office, within the Office of International and Tribal Affairs, has hosted a number of trainings on the *EPA Policy on*

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Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights in 2017, and continues to work with our Regional and National offices to schedule more training opportunities for EPA staff.

In addition to our specific training on treaty rights, the agency requires all staff to take a short training course every two years on "*Working Effectively with Tribal Governments*" which includes information on treaty rights. This training is required of all staff in FY 2017.

McCollum Q179: Is the Agency engaging in formal tribal consultation during the review of regulations that you are currently undertaking? What efforts is the Agency undertaking to evaluate the impact that any changes to existing regulations may have on tribal treaty rights throughout the nation?

Answer: The agency hosted two tribal-specific national outreach calls for tribal governments to provide their input into our regulatory reform agenda. The calls included EPA representatives from each of the major program offices. EPA also invited tribes to participate in the five other media-specific public meetings. As the agency continues to work through the input received from tribes and other stakeholders, the agency will work with the EPA's American Indian Environmental Office and other program offices on appropriate next steps.

McCollum Q180: Tribal nations rely on many EPA grants and programs to protect their treaty rights and maintain the environmental health of the ecosystems that support their hunting, fishing, and gathering rights. Has the Agency engaged with tribal nations following the release of the Fiscal Year 2018 budget about the decision to cut funding for programs across the Agency that tribes rely on such as the Indian General Assistance Program, the State and Tribal Assistance Grants, the Great Lakes Restoration and Puget Sound geographic programs, and others? Are you consulting with tribal leaders around planning for implementation of this budget? Are you seeking tribal input on investments needed to protect tribal treaty rights as you develop your Fiscal Year 2019 budget?

Answer: Annually, the EPA's senior leadership, including the EPA Administrator, meets with the National Tribal Caucus (NTC) to discuss planning and budget priorities. The NTC is a national body of elected officials and other representatives of federally recognized tribes. Members are selected by tribes in each EPA region to represent the perspectives of tribes within their regions. The NTC's primary focus is to identify and address tribal environmental issues that are national in scope, cross-agency, or cross-media in nature, or that may be emerging or urgent. The NTC executive committee met with Administrator Pruitt (April 2017) and plans are underway to have the full NTC meeting with the EPA's senior leadership this fall.

The agency is currently undergoing tribal consultation on the FY 2018-2019 National Program Guidance. These planning documents describe how the EPA will carry out the

agency's strategic direction and annual budget by providing operational direction to the EPA regions, states and tribes on implementing environmental and human health protection programs.

McCollum Q181: Please provide the Committee with a detailed list of all efforts to engage in tribal consultation. Additionally, please provide the Committee with a detailed analysis of the current funding that the EPA distributes to tribal nations across all accounts and grants, and how the cuts proposed in the Trump Administration FY18 budget would affect it.

Answer: The EPA maintains a listing of all on-going tribal consultations on its tribal consultation web site, [HYPERLINK "https://tcots.epa.gov"]. To date, EPA has engaged in over 400 consultations with tribal governments since the issuance of its consultation policy in 2011. Funding varies across programs depending on specific requirements of the statutes and allocations. OITA funding changes will be part of the grant work plan development when the agency FY 2018 funding is in place.

Questions from Ms. Pingree:

Brownfields - OLEM

An EPA program that is of vital importance to the communities of New England and Maine in particular, is the Brownfields program. The capital raised through Brownfields investments has been extremely effective in turning community liabilities into assets throughout the state. And EPA itself has told us that brownfields leverage $17 dollars for each dollar spent.

Pingree Q1: When you have publically supported the work of this program, why would this Administration turn away from the Brownfields program that leverages its funds so efficiently with a $17 to $1 return on investment?

Answer: The agency remains committed to this important program. Under the FY 2018 President's Request, approximately 834 sites will be assessed, 111 sites will be cleaned up, and 5,865 jobs and $1.1 billion will be leveraged. Additionally, grant supported state and Tribal response programs will oversee the cleanup at approximately 26,032 properties, making over 90,000 acres ready for reuse.

National Estuary Program - OW

One of the programs that you have at EPA that is relatively small in the scope of your budget, but that brings critical funds to coastal communities is the National Estuary Program. The work that they are doing on the ground in habitat restoration and protection helps in the 28 watersheds nationwide.

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One of those critical watersheds is in Maine, the Casco Bay Estuary. They work with partners across Southern Maine to monitor our watershed in the Casco Bay and to use the data they find to help our fishermen, and our communities. But under your budget proposal, the program is proposed for elimination and the funds are not repurposed elsewhere but the work of this program will be entirely gone. On average, the NEPs raise $18 for every $1 provided by EPA.

Pingree Q2: Why does the FY 2018 budget propose to eliminate the NEP which provides such a clear benefit to the American taxpayer?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. The EPA will continue to encourage the National Estuary Programs (NEPs) to make progress implementing their Comprehensive Conservation Management Plans (CCMP) from within core water program

Wood Heater Standards - OAR

Pingree Q3: Can you provide for the record information and status of the EPA's New Source Performance Standards for New Residential Wood Heaters given that there is a May 2020 effective date for Step 2 of this rule?

> **Answer:** The EPA set a two-phased New Source Performance Standard (NSPS) for residential wood heaters. The 2015 rule phased in standards for new heaters over five years. Existing wood heaters are not affected by the 2015 rule. Step 1 went into effect in 2015 and was widely accepted by industry. Step 2 has a 2020 effective date, and two impacted industry stakeholders have challenged the rule on the basis of technical and legal concerns. The EPA is considering the concerns raised by stakeholders and will consider all options as they relate to the existing rule.

EPA Water Sense Program - OW

Pingree Q4: Given that fact that many business and citizens were affected by drought and water supply shortages in recent years, and given the proposed cuts to programs at EPA such as Energy Star and Water Sense, how will the EPA continue to support economic development that is based on significant water savings in drought stricken areas?

> **Answer:** The FY 2018 President's Budget request for the EPA reflects the success of environmental protection efforts, a focus on core legal requirements, and the important role of federal-state partnerships in implementing the nation's environmental laws. The voluntary WaterSense program is proposed for elimination in the President's Budget request as part of the overall effort to better target and prioritize the EPA's activities

Toxics Funding - ORD

Pingree Q5: Given the 31 % cut to the Chemical Safety for Sustainability research program,

what are the potential impacts on the research and evaluation of human health effects of chemicals?

Answer: The Chemical Safety and Sustainability (CSS) program provides methods, data, information, and tools enabling more informed, timely decisions about chemicals; many of which, have not been thoroughly evaluated for potential risks to human or ecological health. CSS products currently inform agency program offices responsible for the implementation of TSCA, SDWA, and CERCLA. Products provided by CSS inform agency and state decisions related to chemical safety and the protection of public health and the environment.

The proposed reductions in the FY 2018 President's Budget will impact ORD's ability to meet its statutory obligations in a timely manner.

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Questions from Mr. Kilmer:

EPA Ecolabel Program - OCSPP

In 2015, the EPA issued procurement recommendations for forest products that discriminated against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS) – thereby excluding forest products produced from hundreds of millions acres of private, state, and federal forestlands. These recommendations were also inconsistent with the USDA's Biopreferred Program, which puts all forest certification programs on a level playing field. The Fiscal Year (FY) 2017 Consolidated Appropriations Act directed EPA to provide a report to the Committee within 60 days regarding the current state of the agency's Ecolabel program. The Committee also recommended that in developing the guidelines to evaluate eco labels that are used in Federal purchasing for building construction and other uses, the EPA should be fair, transparent, and consistent with other product requirements.

Kilmer Q1: What is the anticipated timing for the completion of the report called for in the FY 2017 Consolidated Appropriations Act?

> **Answer:** The agency has been working to meet this new requirement. The report is currently in draft and undergoing EPA management review. Interagency review is required before the report is finalized.

Kilmer Q2: Please outline the steps EPA will take to ensure that guidelines for the Ecolabel program will be developed in a transparent manner, inclusive to all certified sustainable US grown and manufactured forest products, and consistent with existing federal procurement policies like the USDA's Biopreffered program.

> **Answer:** Based on stakeholder concerns and interagency discussions, the EPA recommendation for the lumber/wood product category was removed in December 2016 and put on hold. The Fiscal Year 2018 President's Budget eliminates funding for the Pollution Prevention program; the program-project under which Ecolabels activities are funded.

Energy Star - OAR

EPA has a voluntary, non-regulatory, partnership program with private and public property owners called ENERGY STAR for buildings. Foundational to the program is an energy management and tracking tool developed and maintained by EPA called "Portfolio Manager" that enables properties to measure utility performance over time. Forty-four billion square feet of commercial space including school, office and apartments buildings – roughly half the commercial real estate market in the United States – use Portfolio Manager to measure and track how much energy and water is consumed by building occupants. This tool has become the trusted standard for building owners to identify opportunities for more efficient operation and achieve utility cost savings. Moreover, without Portfolio Manager, the real estate industry would

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be left without its key compliance tool to meet the increasing number of state and local regulations that require buildings to measure and report their energy use in a transparent manner.

Kilmer Q3: Is Administrator Pruitt aware of the important role that the buildings branch of ENERGY STAR and the Portfolio Manager tool play in supporting the private real estate industry?

> **Answer:** The EPA will explore options for the potential transfer of the ENERGY STAR program to non-governmental entities.

Kilmer Q4: Without funding, how does the EPA plan to continue supporting Portfolio Manager?

> **Answer:** The EPA will explore options for the potential transfer of the ENERGY STAR program to non-governmental entities. Portfolio Manager support will be part of the overall evaluation of next steps.

Puget Sound - OW

Puget Sound, Washington, is among the most important estuary ecosystems in the United States, providing critical human and ecological values. The ecosystem supports more than 4. 7 million people, including 19 federally recognized tribal governments; 211 fish species; 100 sea bird species; and 13 marine mammal species, including endemic orca whales. It also annually handles over $77 billion in imports and exports, $10 billion in outdoor recreation, and $2 billion in agriculture revenue. Decades of human activity and development have degraded the ecological function of Puget Sound, and the EPA has numerous statutory obligations to support Puget Sound recovery efforts.

Kilmer Q5: Please provide a list of all federal laws that mandate EPA's role in Puget Sound recovery efforts.

> **Answer:** Puget Sound-related mandates are found in the following:
>
> Clean Water Act §320: Establishes the National Estuary Program and includes the Management Conference/Action Agenda: "The Governor of any State may nominate to the Administrator an estuary lying in whole or in part within the State as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary."
>
> Estuaries and Clean Waters Act of 2000: "This legislation makes restoring the nation's estuaries a national priority and funds community-based estuary restoration projects. Reauthorization of EPA's National Estuary Program is included, with funds for estuary management in addition to planning. The core of the bill establishes a five-year program through which the federal government will promote and track estuary restoration."

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Kilmer Q6: Please provide a summary of the total amount spent by EPA towards meeting its statutory obligations with respect to Puget Sound recovery over the past 5 years broken out by individual programs including State and Tribal Assistance Grants.

Answer: Geographic Funds: $140 million (Geographic Program: Puget Sound)
NEP Funds: $2.8 million (NEP Base Grant)
The following STAG programs also support Puget Sound Recovery (note these are statewide allocations for the past five years and not all these resources are applied in the Puget Sound basin.)

- Clean Water Act Section 319 Washington Allocation: $14.7 million
- Clean Water Act Section 106 Washington Allocation: $30.2 million
- CWSRF Washington Allocation: $120.9 million
- DWSRF Washington Allocation: $ 102.3 million

Kilmer Q7: Please provide a list and brief description of all the current actions carried out by the EPA (including those supported through grants/cooperative agreements with the state and tribes) that would be terminated if the Puget Sound Geographic program is eliminated.

Answer: The EPA funding will be eliminated, however, the EPA is not the sole funder. Below is a list of actions where the EPA currently provides funds:

- Nearly 96% of the NEP federal funding is channeled through the states and tribes.
    - Funding of approximately $20 million per year for implementation projects in support of the Action Agenda (Comprehensive Conservation and Management Plan) for shellfish, stormwater, and habitat projects by local, state, and Tribal partners.
    - Funding for approximately 90 positions with state, Tribal, and local governments that develop and manage recovery plans and implement projects. This also would include de-funding the Puget Sound Management Conference.
- Development and update of the 2018 Action Agenda (Comprehensive Conservation and Management Plan).
- Loss of leveraged funds for Puget Sound recovery. The EPA's geographic funds are flexible and are used by our state, Tribal, and local partners to leverage other financial and programmatic resources at a leverage rate of over 18 to 1.
- Support for science and monitoring planning, implementation, and use for tracking progress and adaptive management.
- Leadership and staffing of the Puget Sound Federal Task Force and implementation of the federal five-year Action Plan.
- The U.S. staffing and support for the US/Canada Salish Sea Statement of Cooperation and shared efforts the SOC Action Plan.
- Planning and involvement in the bi-annual Salish Sea Ecosystem Conference.

Tribal Programs - OITA

EPA's Region 10 office serves 271 federally recognized tribes in Alaska, Idaho, Oregon, and Washington. The EPA is responsible for upholding federal trust responsibility to protect treaty rights that fall within its jurisdiction.

Kilmer Q8: Is the Administrator committed to upholding EPA's trust responsibility to all federally recognized tribes?

> **Answer:** The EPA recognizes the federal government's trust responsibility, which derives from the historical relationship between the federal government and Indian tribes as expressed in certain treaties and federal Indian law. The EPA remains committed to honoring the government-to-government relationship the United States has with federally recognized tribes as well as fulfilling our federal trust responsibility.

Kilmer Q9: What legal consequences would the EPA face if it fails to meet these obligations as a result of inadequate funding?

> **Answer:** The EPA will continue to work with Congress to finalize the budget and then will work with states, tribes, and local governments to ensure that key program priorities continue to be appropriately implemented across the country.

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Questions from Ms. Kaptur:

CWA: Impaired water of Lake Erie - OW

Two years ago, Toledo's fresh water supply was shut down over an entire weekend due to toxic algal blooms from Lake Erie that crept into the water treatment facility. The algal bloom was a result of the overwhelming nutrient pollution running into the Lake. The amount of money required to fix this tri-state/binational environmental threat is enormous, and the responsibility for purifying the water should not simply rest with the City of Toledo, a community of 250,000 inside a watershed of over 2 million people and 10 million livestock. Further, Michigan has declared Lake Erie impaired; Ohio has not.

Kaptur Q1: During our hearing, you stated that Ohio had not assessed the waters of Lake Erie. However, under Section 305(b) of the Clean Water Act, states are required to assess all waters. Do you not agree that Ohio is required to assess those waters? Based on what authority did you defer to the state of Ohio's decision not to assess those waters? How can you approve an incomplete assessment?

> **Answer:** States have the primary responsibility, under Sections 305(b) and 303(d), to assess their waters and to identify waters that are impaired. Ohio's 2014 list identified the Western Basin Shoreline of Lake Erie as impaired for the Public Drinking Water Supply (PDWS) use. In its 2016 303(d) list submission, Ohio retained the Western Basin Shoreline and added the Lake Erie Central Basin Shoreline and the Lake Erie Islands Shoreline as impaired for the PDWS use based on microcystin data. The Ohio EPA has not assessed the open waters of Lake Erie beyond the shoreline. Section 303(d) of the CWA and its implementing regulations provide the EPA with the authority to approve a state's list of impaired waters. The EPA relied on this authority to defer to the state's decision not to assess these open waters for the 2016 list. Importantly, the EPA recognizes the state's ongoing efforts to control nutrient pollution in the Western Basin of Lake Erie. The EPA understands that the Ohio EPA intends to evaluate options for developing objective criteria (e.g. microcystin or other metrics) to assess the Western Basin of Lake Erie for future lists. The EPA is committed to working with the State in those efforts.

Kaptur Q2: By default, by accepting Ohio's non-assessment, USEPA is declaring the open waters of Lake Erie not impaired. How can waters which are clearly comingled across state lines be considered clean on one side and impaired on the other?

> **Answer:** Individual state water quality standards and assessment approaches vary, which can lead to differing impairment determinations by states assessing portions of interstate waters within their jurisdictions. To clarify, however, the EPA has not made a determination that the open waters of Lake Erie in Ohio are not impaired.

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Kaptur Q3: Can you please answer my question from the hearing: is not a tri-state watershed draining into a binational body of water with disputes over the water quality status precisely where EPA is statutorily mandated to take action?

> **Answer:** The EPA does not believe the language in the Clean Water Act Section 303(d) mandates it to take specific actions in a binational or tri-state body of water. However, the EPA is supportive of, and is willing to facilitate, efforts between states to harmonize assessment of interstate waters. The EPA is working with Canada and the states in the Lake Erie Basin to develop action plans to achieve the reductions determined to be necessary to meet the Great Lakes Water Quality Agreement Annex 4 targets.

Kaptur Q4: In their letter to USEPA on September 30, 2016, Ohio EPA indicated that USEPA should lead efforts to assess the nutrients and algae problems, as well as to develop a coordinated response, in Lake Erie. Do you disagree with their interpretation?

> **Answer:** The EPA is supportive of, and is willing to facilitate efforts between states to harmonize assessment of interstate waters. The EPA is working with Canada and the states in the Lake Erie Basin to develop action plans to achieve the reductions determined to be necessary to meet the GLWQA Annex 4 targets. As indicated above, states have the primary responsibility for assessing and listing their waters, including those shared between states or other countries.

Kaptur Q5: Are you committed to upholding the 40% reduction of nutrient loading as agreed to in the Great Lakes Water Quality Agreement Annex 4, and supported by the Great Lakes Governors and Canada?

> **Answer:** This is a commitment of the federal government, not just the EPA. The EPA is working with four federal agencies and five states to develop phosphorus reduction plans for Lake Erie and intends to begin public engagement in mid-July 2017 on the first draft of a U.S. Action Plan for meeting this commitment.

Kaptur Q6: What is EPA doing to assist the states in developing criteria to address harmful algal blooms and nutrient pollution? How much funding is provided for this work in FY 2017? How much is proposed in the FY 2018 budget request?

> **Answer:** The EPA does not track spending for HABs, however, as outlined in the GAO's 2016 report on "Federal Agencies' Expenditures and Coordination Related to Harmful Algae," agency-wide, the EPA will likely spend $5 million on HABs-related activities in FY 2017 and $2 million in FY 2018.
>
> The EPA looks forward to working with other federal agencies to support and encourage state, tribal, and local investment in preventing nutrient pollution and responding to HABs across the nation.

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Funding for Water Infrastructure - OW

USDA's budget proposes to eliminate the entire $500 million Rural Water and Wastewater loan program with the expectation that rural communities will compete for the limited Drinking Water SRF funds. The Drinking Water SRF does not increase by the $500 million lost in the Rural Water and Wastewater loan program.

Kaptur Q7: How will rural water systems struggling to provide clean water to their neighbors find funding for clean water if the Drinking Water SRF is already woefully underfunded and now has to absorb a $500 million program for rural communities?

> **Answer:** The FY 2018 President's Budget request for the EPA includes $863 million for the Drinking Water State Revolving Fund (DWSRF) to help finance critical infrastructure improvement projects to public drinking water systems. This funding level furthers the President's ongoing commitment to infrastructure repair and replacement and would allow states, municipalities, and private entities to continue to finance high priority infrastructure investments that protect human health.
>
> In addition, the EPA will continue to foster its strong partnership with the states to provide small system technical assistance, with a focus on rule compliance, operational efficiencies, and system sustainability to ensure clean and safe water. In FY 2018, the EPA will continue its effort to build the capacity of local utilities and existing state programs to expand their contribution to the array of funding options to meet future infrastructure needs. The requested funding for this program will support critical infrastructure investments to rebuild and enhance America's drinking water infrastructure.
>
> The EPA also is requesting $20 million for the Water Infrastructure Financing Innovation Act (WIFIA) program. The WIFIA program complements the SRFs and is another source of financing, especially for large drinking water infrastructure projects with regional or national significance. The EPA estimates that the $20 million requested in FY 2018 could provide approximately $1 billion in low cost loans for eligible water infrastructure projects.
>
> The FY 2018 President's Budget request also continues to provide funding for the Environmental Finance Centers which deliver financial outreach services, such as technical assistance, training, expert advice, and full cost pricing analysis to states, local communities, and small businesses.

Kaptur Q8: How will these small communities compete with the medium and large systems that will also be applying for SRF funds?

> **Answer:** As noted above, the EPA will continue to work to target a significant portion of SRF assistance to small and underserved communities with limited ability to repay loans. In FY 2018, the EPA will work with states to ensure not less than 20 percent and not more than 30 percent of a state's capitalization grant is provided as additional subsidization. The EPA encourages states to utilize subsidization to assist disadvantaged communities and sustainability efforts.

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Funding to States *(OA/OP)*

Ohio EPA Director Craig Butler said that these cuts in your budget would result in a 30% cut to their budget, forcing major cuts to the state Superfund program and to Clean Water and Clean Air initiatives. If Ohio is not provided with adequate funding to implement those programs there will be significant problems. The Agency will not be able to process permit applications, conduct inspections/reviews, and will likely reduce staff.

Kaptur Q9: How do you imagine that reality lines up with your priority of growing the economy and protecting the environment?

> **Answer:** The EPA believes environmental stewardship while growing our economy is essential to the American way of life and key to economic success and competitiveness. These two tenets are not mutually exclusive, in fact from 1970 to 2015, aggregate national emissions of the six common air pollutants dropped an average of 70 percent while gross domestic product grew by over 246 percent. However, much work remains to be done in streamlining the agency's guidances and regulations to not overburden states.

Budget Cuts *(OA/OP)*

Kaptur Q10: If the agency staff and funding levels are substantially cut, as the administration has proposed, and if the agency pursues all of the reconsideration and similar actions it has already announced, can you assure us that the agency will not miss any mandatory statutory deadlines for action?

> **Answer:** The EPA will adhere to all statutory obligations which Congress has mandated.

Enforcement - OECA

Kaptur Q11: You talk about returning EPA to basics, but compliance levels with environmental laws in some sectors is dangerously low. How will you increase compliance with laws that protect our health, when your enforcement staff does not have any money to conduct casework?

> **Answer:** EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment and ensure a level playing field for companies that follow the rules. In FY 2018, the Agency will work to make more effective use of the full array of tools to assist and encourage compliance, in concert with traditional enforcement approaches, while focusing on our direct implementation responsibilities, the most egregious cases, and in areas that address the most substantial impacts to human health and the environment.

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Environmental Justice *(OECA/OP)*

Kaptur Q12: The Administration's proposed budget would do away with the office of Environmental Justice altogether. Do you believe that environmental costs and degradation has fallen disproportionately heavily on people of color, individuals in low-income neighborhoods, and those who have the least voice in the process? Does your plan to eradicate the office that is specifically tasked with addressing this issue indicate that you do not take it seriously? How do you propose to address environmental racism and environmental justice while your agency cuts staff, enforcement, and the entire office tasked with tackling these problems?

> **Answer:** The agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face. Environmental justice will continue to be considered within the work done at the EPA and also is specifically incorporated into future policy work within the agency's Integrated Environmental Strategies program.

Budget for Science and Research - ORD

The President's proposed budget request for FY2018 lays out a reduction in staffing at the EPA by almost 25% over the FY2017 Annualized Continuing Resolution Full-Time Equivalent (FTE) levels. This proposed staffing cut hits the Science and Technology Appropriation, which houses EPA's Office of Research and Development, by 32.5%.

Kaptur Q13: Can you justify the budget reduction of the only Appropriation within the Agency that is responsible for providing robust scientific evidence to guide the EPA in developing its regulatory decisions?

> **Answer:** Sound science is the backbone of the EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. Current resource levels will allow for the EPA to meet its core mission.

Kaptur Q14: With states relying on the scientific and technical expertise that the EPA retains in-house to assist them in meeting their statutory requirements for environmental protection, how will the Agency be able to continue to meet the expectations of their state partners with such a substantial reduction in staff?

> **Answer:** Science at the EPA provides the foundation for credible decision-making to safeguard human health and ecosystems from environmental pollutants. The EPA will continue to technical service to the states and meet its core mission within the confines of its appropriation.

Kaptur Q15: How can you justify such a dramatic cut that would seriously jeopardize the Agency's ability to use the best available science to protect human health and the environment?

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Answer: The EPA will prioritize activities that support decision-making related to core environmental statutory requirements, as opposed to extramural activities.

(ORD)

We hope that EPA getting "back to basics" means that EPA will continue its mission to protect human health and the environment. However, recent activity at the Agency has provided some cause for concern, specifically, the decision to not renew the terms of several members of the Board of Scientific Counselors for EPA's Office of Research and Development, with the stated intention of replacing those members with industry representatives.

Kaptur Q16: How do you reassure the American people that the quality of their air and water will not be compromised by the very same billion dollar industries you have spent decades representing, who now have a bigger seat at the table, and a greater ability to influence Agency decisions to improve their bottom line at the expense of the taxpayers health and well-being?

Answer: The EPA works to ensure our future generations will inherit a better and healthier environment. Environmental stewardship, while growing our economy, is essential to the American way of life and key to economic success and competitiveness. Regulation and policy will incorporate robust input from the public through formal and informal mechanisms to seek full understanding of the impacts of proposed policy on public health, the environment, the economy, jobs, families, and our communities. The fundamental role of sound science at the agency is providing input into regulatory decisions.

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Questions from Ms. Lowey:

Climate Change

According to EPA's own information on Climate Change Indicators, between 1901-2015:

- Average surface temperature across the contiguous 48 states have risen more quickly since the late 1970s;
- Eight of the top 10 warmest years on record have occurred since 1998, with 2012 and 2015 being the two warmest years on record;
- 2006-2015 was the warmest decade on record; and
- Since the late 1970s the United States has warmed faster than the global rate.
- In addition, temperature is only one indicator of climate change, we could look at other indicators such as precipitation or extreme weather events.

Judging from your history as a climate change skeptic, I suspect you have little respect for these figures. But let's be outright with it.

(OAR)**Lowey Q1**: Yes or no - is human activity a contributor to climate change?

> **Answer:** The information cited reflects historic scientific observations.

Lowey Q2: With the drastic reductions in your FY 2018 budget request, how will EPA continue to study and address the impacts of climate change?

> **Answer:** The EPA will continue to conduct a range of economic, scientific, and technical analyses for Clean Air Act (CAA) regulatory actions, technical input, and policy support. The EPA will continue to look for ways to improve program efficiency and effectiveness across the suite of its core responsibilities with a focus on streamlining activities.

Addressing the impacts of climate change/Paris Accord *(OAR)*

I am deeply concerned by the Administration's decision to withdraw from the Paris Agreement. Coupled with the budget's elimination of any funding to combat climate change, the Administration is ignoring changes in our environment that threaten food security, biodiversity, business interests, and even our coastal cities like New York. It is irresponsible to think we are putting America first by ignoring these global threats. Nicaragua and Syria are the only other nations not participating, though I should note that even Nicaragua declined to participate because they felt the agreement did not go far enough. International backlash to the U.S. pulling out has been unprecedented and appears to have undermined U.S. global leadership. You recently made the statement that you had not spoken with President Trump about whether he believes that climate change is real and whether humans impact it. You further stated that the focus of your discussions with the President has been on the merits and demerits of the Paris Agreement. Because the Paris Agreement's central aim is to strengthen the global response to the threat of climate change, it baffles me that you two would not have discussed climate change.

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Lowey Q3: To date, have you still not asked the President what his beliefs are regarding climate change?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and appropriately, suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. The EPA is focusing its efforts on obligations on statutes passed by Congress.

Lowey Q4: You were in Italy this week for the G7 Meeting on the Environment. What has been the response from our international partners about President Trump's decision to withdraw from the Paris Agreement?

> **Answer:** I spoke with G7 international partners when I was at the Environment Ministerial in Bologna, Italy. While they expressed disappointment about the President's decision to withdraw from the Paris Agreement, they were encouraged by our commitment to continue to work with them on CO_2 reductions.

Lowey Q5 (Q4a): Who will fill the void of U.S. leadership on climate issues?

> **Answer:** The United States has always been a world leader when it comes to environmental stewardship. Our international partners share our common goal to protect the environment and public health. The agency believes engaging in international discussion is of utmost importance to the United States when it comes to environmental issues.

American Energy Jobs *(OAR)*

Pulling out of the Paris Agreement prioritizes jobs in the fossil fuel industry over renewable energy jobs. There are more than 678,000 jobs in renewable energy, more than the 515,000 jobs in oil/petroleum.

Lowey Q5: All jobs matter, so why are you arguing that protecting renewable energy jobs is bad for America?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and appropriately, suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law.

Lowey Q6: While we are discussing energy jobs, would you like to clarify the statement you made on Meet the Press on June 4 that since the fourth quarter of last year, 50,000 jobs in the coal sector have been added, and almost 7,000 in the month of May alone? Do you still believe those numbers to be accurate?

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Answer: The Administrator was referring to industries in the mining sector, including coal.

Lowey Q7: It's important to get the facts right. According the U.S. Bureau of Labor Statistics, there were 51,000 total jobs as of May in coal mining, and 400 coal mining jobs were added in May.

Answer: The Administrator was referring to industries in the mining sector, including coal.

National Institute of Environmental Health Sciences *(OAR)*

The National Institute of Environmental Health Sciences discusses how as global temperatures rise and extreme heat events increase in frequency due to climate change, we can expect to see more heat-related illnesses and mortality. Socioeconomic factors, such as economically disadvantaged individuals are at greater risk from heat-related burdens.

Lowey Q8: This Administration states it is concerned about the "forgotten men and women," but how does pulling out of the Paris agreement not forget about the men, women and children that will now suffer more heat-related illnesses because we have abandoned efforts to reduce greenhouse gas emissions, while at the same time working to pull back regulations on carbon emissions?

Answer: The Administration has signaled a commitment to the rule of law, cooperative federalism, and sound scientific rulemaking at the EPA. Those that generate energy in communities across America are doing so with a commitment to being pro-environment and pro-growth, affirming that the U.S. can and will achieve both a healthy environment and a growing economy.

Superfund – Hudson River PCBs - OLEM

I understand you are a strong supporter of the Superfund program and have made commitments to support clean-ups. Yet, your budget proposes to cut the Superfund program by 30%, diminishing EPA's ability to compel responsible parties to pay for site cleanups, which leaves taxpayers on the hook. You also cut EPA's direct funding for clean-up.

Lowey Q9: As a result, doesn't this mean hazardous sites won't get cleaned up? Does that include the eight in Oklahoma?

Answer: The EPA is still in the process of determining what additional sites may be ready to initiate new construction work in Fiscal Years 2018. The NPL sites in Oklahoma will be prioritized in a manner consistent with the overall program approach, in which the EPA generally prioritizes funding for cleanup activities that have already begun. The Fiscal Year 2018 President's Budget request may result in modifying timelines of ongoing projects. In

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order to speed the pace of cleanups, the EPA is actively looking to identify efficiencies and reduce administrative costs to the extent possible.

Lowey Q10: Can you specify which Superfund site cleanups will not be completed, and which will slow down from their currently planned time tables as a result of these proposed cuts?

Answer: The agency is still in the process of determining what additional sites may be ready to initiate new construction work in FY 2018. In recent years, there has been a dozen or so NPL sites awaiting cleanup funding. In order to speed the pace of cleanups, a Task Force has been created to review best practices and new approaches in dealing with successfully restoring sites to productivity. The Task Force will outline steps to be taken in the near term to more expeditiously and effectively handle remediation of sites.

Lowey Q11: Can you specify which potential Superfund sites will not be thoroughly investigated as a result of these cuts?

Answer: The EPA is not planning to alter the thoroughness of site investigations.

Lowey Q12: Can you estimate how much money from potentially responsible parties will be lost to the federal government from your reductions to this program?

Answer: Within our resource levels, the agency will prioritize its efforts on the most significant sites in terms of environmental impact, particularly those that may present an imminent and/or substantial endangerment, and potential cost liability to the government. In addition, the EPA has established a taskforce to streamline and improve the efficiency and efficacy of the Superfund program through the restructuring of the cleanup process, realigning incentives to promote expeditious remediation, reducing the burden on cooperating parties, and encouraging private investment in cleanups and sites to promote the revitalization of properties across the country.

The Hudson River is classified by EPA as a Superfund site and, at 200 miles, is one of the largest in the country. For a 30-year period, two General Electric manufacturing plants discharged Polychlorinated biphenyls (PCBs) into the Hudson River. GE only stopped this practice when EPA banned the production of PCBs in 1977. The PCBs in the Hudson mixed with the river's sediment and deposited on the river bottom and along the shoreline in the floodplain. Since 1977 there has been a fishing ban due to the health risk associated with the accumulation of PCBs in the human body by consuming contaminated fish. EPA just released a draft of its second five-year review of the Hudson River Superfund site that recommends following the plan outlined more than a decade ago.

Lowey Q13: How do you respond to those who feel this is not sufficient and that cleanup should be expanded?

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Answer: On June 1, 2017, after an eleven-month evaluation process, EPA released its Proposed Second Five-Year Review Report[2]. In conducting the five-year review of the cleanup, EPA followed the federal Superfund statute and applied the best available science. The review includes a comprehensive assessment of the available data for PCB concentrations in sediment, water, and fish. The specific purpose of the review is to evaluate whether the remedy is, or will be, protective of human health and the environment, based on the data currently available. The Proposed Second Five-Year Review concludes that the Hudson River cleanup is working as designed and, while not yet protective, is expected to accomplish its long-term goal of protection of human health and the environment when the cleanup is completed. However, it will be necessary to collect several years of post-dredging PCB data in fish, sediment and water to determine with a reasonable degree of scientific certainty the rate at which PCB levels are declining. If EPA determines at some point in the future that the remedy is not expected to achieve its goals, EPA will consider what actions are needed. In the interim, the State of New York has fishing restrictions and advisories in place to control human consumption of contaminated fish.

This five-year review included a rigorous and unprecedented stakeholder and community engagement process, with the EPA convening a 20-member five-year review team of EPA experts, state and federal agency representatives, and community stakeholders. Three public workshops were also held while the review was underway. All input received was considered during the review process. In addition, although the EPA typically does not seek public comment on five-year reviews, the EPA is providing an opportunity for the public to provide input on the findings of the Proposed Second Five-Year Review Report. On June 1, 2017, the EPA released the report for a thirty-day public comment period. At the request of several parties, the EPA has extended the public comment period until September 1, 2017.

Two public information meetings are also being held during the public comment period. At the meetings, the EPA is discussing the purpose, scope and findings of the five-year review and answering questions from the public. The first of these meetings was held on June 28 in Poughkeepsie. The second meeting is scheduled for July 19, from 6 p.m. to 8 p.m. at The Saratoga Hilton in Saratoga Springs, New York.

Lowey Q14: How can you in good conscience propose not providing families in New York with clean water and accomplishing the task of cleaning up the PCBs in the Hudson River?

Answer: EPA shares the goal of protecting public health and the environment along the Hudson River. EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

As the project moves forward, EPA will continue to follow the science and the Superfund law. EPA will continue to monitor the river fish, water, and sediment and evaluate the

[2] The report is available at www.epa.gov/hudson.

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reductions in PCB levels over time. In addition, EPA will continue to coordinate closely with the involved state and federal agencies including the New York State Department of Environmental Conservation, the New York State Department of Health, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. The agency will also continue to coordinate with the Hudson River Foundation and others who are involved with the New York-New Jersey Harbor.

Long Island Sound - OW

The FY 2018 budget proposes to eliminate the Geographic programs. This includes $8 million for Long Island Sound. These programs directly benefit the vast majority of our country's residents and businesses, and are focused on cleaning up pollution and promoting healthy ecosystems which benefit the economy.

Lowey Q15: Why do you feel it is prudent to eliminate funding when you are making progress in cleaning up these ecosystems?

Answer: The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. The EPA will encourage the Long Island Sound states and local entities to continue to make progress in restoring the Sound from within core water programs.

Lowey Q16: Can you guarantee that stakeholders are ready to step in to fill the void left by the elimination of federal funding?

Answer: The FY 2018 President's Budget request provides the direction and resources to return the EPA to its core mission of protecting human health and the environment. The agency will continue to work in cooperation with states, tribes, and local governments to make and sustain improvements in water quality.

Lowey Q17: What discussions have you had with Governors, cities, and communities that have been active partners and will be affected by this proposed approach?

Answer: The EPA will be discussing the proposed FY 2018 Long Island Sound budget through its participation on the Long Island Sound Management Conference, which has representatives from affected states, localities, and community stakeholders. This discussion will formally kick off at the July 20 Management Committee meeting. The EPA will continue discussions with the Management Conference throughout the FY 2018 budget process.

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U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert *(OA/OP with OAR & OW)*

Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan, and Methane

I was pleased to see two early actions from the President to issue:

- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" rule*, and
- Executive Order 13783 on *Promoting Energy Independence and Economic Growth*.

I have a number of concerns with the WOTUS rule's flawed history -- it was originally proposed before the scientific studies were complete, the Small Business Association believed EPA should have conducted a Small Business Advocacy Review Panel prior to releasing the rule, and in December 2016 the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote rule.

In my opinion, the only clarity that the WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications. It was a clear example of Federal overreach.

The FY17 Omnibus included language asking EPA (and the Department of the Interior) to keep the Committee apprised of actions to comply with the Executive Order to promote energy independence and economic growth. For EPA, there were a number of specific directives within the Executive Order related to the Clean Power Plan, the methane rule, and other regulations.

Calvert Q1: Please provide an update on what steps the Agency is taking to comply with these Executive orders.

Executive Order 13778 directs EPA to review the final 2015 WOTUS rule EPA, the Army, and the Army Corps of Engineers (ACOE) are pursuing a two-step approach for the Waters of the U.S. rule:

Step 1: Formally withdraw the 2015 rule and recodify the prior regulations
Step 2: Initiate a rulemaking to revise the definition of waters of the U.S. consistent with the February 28, 2017 Executive Order.

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On June 27, 2017) The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

Executive Order 13783 directs EPA to undertake a number of actions, including reviews of: 1) the Clean Power Plan (CPP) and related rules and actions, and 2) the oil and gas sector emission standards for new, reconstructed, and modified sources ("oil and gas methane rule").

On March 28, 2017, the President signed the Executive Order on Energy Independence. In order to comply with the President's action, EPA issued Federal Register notices related to review of the Clean Power Plan, the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources, and Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units. For more information, please refer to the following website: [HYPERLINK "https://www.epa.gov/Energy-Independence"].

On March 28, 2017, Administrator Pruitt signed notices to review the CPP and the NSPS for EGUs, and at the same time withdrew the suite of proposed federal rules associated with the CPP (the federal plan, model trading rules, and the framework for the Clean Energy Incentive Program). We currently have a CPP review proposal at OMB undergoing interagency review.

On March 28, 2017, Administrator Pruitt also signed a notice to review the oil and gas rule. EPA has administratively stayed upcoming requirements for fugitive emissions, pneumatic pumps, and professional engineer certification for an initial three months, and has proposed to stay these requirements for an additional two years while the agency considers appropriate final action for the rule.

Calvert Q2: Where is the agency in the process with respect to each of those rules?

See response to Calvert Q1.

Calvert Q3: Does EPA have similar estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

Answer: Remedial activities at Superfund National Priorities List (NPL) sites are funded with annually appropriated funds out of the Superfund: Remedial program project where special account funding from settlements with responsible parties is not available and responsible parties are not directly cleaning up the site. Approximately one-third of NPL sites are solely financed by potentially responsible parties (PRPs). The remainder of sites require appropriated funding. The mix of funding sources complicate the estimation of costs.

In 2010, the Government Accountability Office (GAO) analyzed responses to a survey of EPA regional officials and estimated that, as of September 30, 2009, the cost to conduct remedial construction at non-federal NPL sites in 2015 and beyond was $3.036 billion. (GAO Report 10-380, p.20 – May 2010).

Superfund Special Accounts:
EPA has roughly $3.2 billion in settlement agreements from responsible parties. These funds reside in Special Accounts for the cleanup of individual Superfund sites. That's nearly five times the budget request for the program.

Calvert Q4: What, if anything, is required to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites?

Answer: Superfund special account funds are generally used before annually appropriated funds for response actions at sites identified in the terms of the settlement agreements. EPA's Special Accounts Senior Management Committee comprises agency senior managers responsible for the management and use of special accounts, and monitors the use of special account funds to ensure the agency uses the funds as quickly and efficiently as possible to conduct cleanups at Superfund sites. In addition, the new Superfund Task Force is examining how to improve the management of special accounts.

Funds retained in special accounts must be used site specifically, and are not available for use at sites outside the scope of the settlement agreement. Special accounts are crucial to EPA's ability to continue to fund construction projects at sites across the country and save tax payer dollars for those sites where no viable or cooperating responsible party has been identified.

Questions from Mr. Simpson:

TMDL - *OW*

I am pleased that you mentioned TMDL's in your opening statement and a commitment from EPA to work with states and localities. I have met with Mayor's and city council members, and there is real fear in regards to the financial stress around and how these communities can meet and/or pay for costly upgrades to facilities. For example, Twin Falls recently invested $38 million to upgrade their water treatment facility. However, the last Administration proposed lowering their TMDL for phosphorous by 98.5%. This would result in the city needing to upgrade their facilities again. The cost is estimated to be between $60 and $100 million.

Now, this is just the start of this issue. I met with Mayor's in the smaller towns near Twin Falls - Buhl, Jerome, Ammon, and Filer – and they surely can't afford these types of upgrades as these towns have smaller populations.

We did have success in Boise, Idaho, with a project called Dixie Drain that saved tens of millions of dollars by using a flexible innovative model to reduce phosphorous levels. This was a

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common sense approach that didn't hammer taxpayers with costly regulations. I hope this is a model we can use to help Twin Falls and other communities avoid massive rate increases.

Simpson Q1: Can we work together – along with Idaho Department of Environmental Quality - to review the TMDL process along the Mid-Snake and see what can be done to help these communities?

Answer: The Idaho Department of Environmental Quality (Idaho DEQ), with the support of the local Watershed Advisory Group (WAG), is now working to revise the Mid-Snake TMDL. EPA will seek to collaborate with Idaho DEQ, the WAG, and all stakeholders in the mid-Snake to help DEQ produce a revised TMDL that will support protection of water quality in efficient and cost-effective ways.

Simpson Q2: What are some of the approaches we can take to ensure these communities reach a solution that doesn't bankrupt ratepayers?

Answer: A revised TMDL, that is flexible while consistent with the Clean Water Act, is the best path forward to ensure that ratepayers will not be required to pay for unnecessary treatment. As part of TMDL development, EPA encourages consideration of least-cost options to achieve TMDL goals, such as water quality trading or treatment plant offsets such as the Dixie Drain used in the Lower Boise River.

With regard to the City of Ammon, the agency recently advised the City that, if they believe they need an extension to the compliance schedule under their permit, they should submit a letter to EPA requesting such an extension and describing why it is needed. Their request and justification for a permit modification would need to be reviewed and published for public comment for 30 days. To date, the agency has not received such a request for an extension.

Ecolabels ***- OCSPP***

In the 2017 Consolidated Omnibus Appropriations Bill, we asked for the agency to provide a report on the Ecolabel program within 60 days of enactment, asking that as you develop the guidelines and evaluate ecolabels for federal purchasing in building construction that the process be fair, transparent, and consistent with other product requirements.

I'm most interested in the part of the process that looks at labels associated with forest management. I want to ensure that our federal government's procurement system includes recognition of forest products from the millions of acres of responsibly managed forests across the US. Unfortunately, as I understand it, the former administration's EPA issued 2015 procurement recommendations that excludes forest products from 83 million acres of private and state forestlands, as well as several hundred million acres of other private and public forestlands including the entire National Forest System, from participation in federal procurement efforts by discriminating against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS). And all this, despite the fact, that the only statutory authority any agency has is USDA, through its Bio-preferred Program authorized by Congress, which sets mandatory purchasing requirements for federal agencies and puts all certification programs on a level playing field. In December 2016, EPA

said this recommendation was "under review". I remain concerned about further actions that EPA will take on its program.

Simpson Q3: Can you provide us with a status update on the report called for in the Consolidated Omnibus Bill?

Answer: The agency has been working to meet this new requirement. The report is currently in draft and undergoing EPA management review. Interagency review is required before the report is finalized.

Simpson Q4: What steps can you take to ensure your agency's efforts on the Ecolabel program avoids creating conflicting federal procurement policies and doesn't exclude US grown and manufactured forest products?

Answer: Based on stakeholder concerns and interagency discussions, EPA recommendation for the lumber/wood product category was removed in December 2016 and put on hold.

Questions from Mr. Stewart:

Serious Non-attainment Areas *(OAR)*

Recently, much of Northern Utah was classified as a serious non-attainment area. As you know, once a region is designated as serious non-attainment it's almost impossible to shed that designation – even if air quality improves to meet minimum federal standards.

Stewart Q1: Under your leadership, will EPA demonstrate to the states how they can exit non-attainment and serious non-attainment?

This Administration is prioritizing attainment of air quality standards. EPA has established guidelines for attainment demonstrations for areas that can attain by the statutory attainment date, and "impracticability" demonstrations for areas that cannot practicably attain by the statutory attainment date.

Questions from Mr. Amodei:

State Obligation (Office of Budget)

Amodei Q1: If the cuts to state grant funding contained in EPA's FY18 budget proposal are adopted, does EPA also intend to proportionally adjust the required obligations on states to implement federal environmental programs?

Answer: It is essential for EPA to work cooperatively with state and tribal governments to provide the environmental protection our laws demand and the American people deserve. The environmental needs of communities differ widely, and EPA looks to provide flexibility to address these important priorities. EPA is working to engage in meaningful discussion about how shared environmental goals can best be achieved.

Amodei Q2: If not, what is EPA's proposed solution for addressing this policy and funding the discrepancy? Does EPA expect state and local governments to make-up for the shortfall?

Answer: EPA administers statutes outlined by Congress, and regulation beyond those statutes constitutes regulatory overreach beyond the agency's mission. EPA will work with states and tribes to target resources to core statutory work and provide flexibility to address particular environmental priorities and concerns.

Amodei Q3: How does EPA plan to recognize and ensure the continued success of Nevada's pre-existing state-based program?

Nevada is the U.S. leader in responsibly regulating mining activities that adequately protect the environment while supporting a thriving mining industry. This successful framework creates tangible opportunities for EPA to demonstrate a commitment to cooperative federalism. A key near-term opportunity under this model is EPA's proposed regulations under CERCLA to ensure financial responsibility for operating hard rock mines. Nevada has outpaced EPA in this area through the Nevada Division Environmental Protection comprehensive mining financial assurance program.

EPA proposed CERCLA section 108(b) financial responsibility requirements for hardrock mining facilities that were designed to complement, not duplicate or disrupt, existing state and federal closure and reclamation programs. The proposed rule accounted for risk-reducing regulatory requirements of those programs in determining the financial responsibility amount for a facility.

EPA also solicited comment on whether the rule should allow a program deferral approach, which would provide for adjustments in situations where the state or other program meets the requirements for deferral of section 108(b) requirements. The comment period for the proposed rule is scheduled to close on July 11, 2017. EPA will consider comments received on the

proposal as it develops the final action. EPA has appreciated the opportunities over the course of the development of the rulemaking to engage with Nevada and other states and learn about their programs.

Waters of the United States *(OW)*

Because states are primary implementers of federal rules, state input into rulemaking early in the process, well before a rule is formally proposed, is critical to an effective and efficient regulatory program. EPA's review of the Water of the United States rule is key example.

Amodei Q4: Does EPA plan to include state environmental agencies as co-regulators in the development of a new WOTUS definition to ensure effective implementation if a final rule is pursued?

Answer: On April 19, 2017, EPA initiated a formal process known as Federalism consultation, which requires agencies to conduct preproposal discussions with elected state and local officials and their associations where a rule may have implications for the distribution of power and responsibilities among federal, state, and local governments. EPA and the Army Corps of Engineers recently completed the formal Federalism consultation process with states and local governments and consultation with tribes, to inform potential approaches to the rulemaking to revise the definition of "Waters of the United States." EPA also sent letters to every governor requesting their views and comments on the best way to define the waters of the U.S. The agencies are carefully reviewing the responses from the governors and other state comments as we begin developing the proposal. The Agency also will continue to engage with state co-regulators. The written comment period for the consultation period has closed and the agencies will consider all comments received under this processes as the new WOTUS definition is being developed. In addition, on June 27th, EPA sent to the Federal Register for publication, a proposed regulation to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. The rule's publication in the Federal Register will initiate a 30 day public comment period by which environmental agencies - and all interested stakeholders - can submit comments to EPA.

Amodei Q5: Can you tell me how EPA views this petition now that the comment period has closed, and if changing the obligated parties from big refiners to the mom-and-pop marketers is something EPA is considering?

Answer: EPA is still evaluating comments submitted during the comment period, and is considering next steps.

Amodei Q6: Under the same policy – RFS point of obligation – does EPA make a distinction between obligated parties and position holders?

Answer: Several commenters suggested that EPA should place the point of obligation on "position holders." The current RFS obligated parties are refiners and importers of gasoline and diesel fuel. While some position holders currently are obligated parties because they also meet the definition of refiner or importer, EPA is not currently obligating position holders who are not refiners or importers.

I have seen estimates that there are currently 200 obligated parties under the RFS. Now, merchant refiners have suggested that we should expect about 1000 obligated parties were the point of obligation to be moved. Obviously, Nevada has terminal operators that could certainly become obligated parties. Some of those terminal operators also have multiple other "position holders" that would also become obligated parties under such a change. In my example, as far as EPA is concerned from a compliance standpoint: (1) unobligated terminal would become (4) new obligated parties because of the three "position holders" that use the terminal. If you multiply this across the country, instead of 1,000 points of obligation as merchant refiners contend, you could actually have 4,000 or more.

Amodei Q7: Given the President's budget proposal, can EPA effectively and economically manage a program that could potentially become more complicated by a factor of x 10?

Answer: EPA is evaluating the number and nature of potential obligated parties and will consider this factor in its decision making process.

Renewable Fuel Standard (RFS) Blend Wall - *OAR*

There is scientific evidence showing ethanol blends above 10 percent can harm vehicles and is incompatible with the existing retail gasoline infrastructure.

Amodei Q8: What is EPA doing to ensure that the annual RFS-mandated volumes protect the current U.S. vehicle fleet and existing retail infrastructure?

Protection of vehicles and retail infrastructure are separate issues from the RFS-mandated volumes. There are existing mechanisms already in place through Clean Air Act Section 211 for EPA to ensure that fuels introduced into commerce do not cause or contribute to air quality and public health problems. Renewable fuels introduced into commerce in response to the RFS or otherwise, must comply with these requirements. In addition, EPA continually participates with industry in various forums, such as American Society for Testing and Materials (ASTM), which ensures that fuels introduced into commerce are fit for purpose.

Fuel compatibility issues are a concern for owners and operators of retail gas stations and other underground storage tanks storing fuel. Industry has reported instances of corrosion and other damage to underground storage tank (UST) systems (i.e. retail infrastructure - tanks, piping, gaskets, seals etc.). At present, EPA is working collaboratively with interest groups in the biofuel, petroleum, equipment, servicing, and retail sectors to understand the causes and

solutions to these challenges. Some examples of EPA's work in the area are: updating protocols to ensure leak detection equipment functions properly in current and emerging fuel blends and studying the corrosion in underground tanks storing diesel fuel.

ENERGY STAR Program - *OAR*

Amodei Q9: Will you work with the committee on this matter and commit to moving the entire ENERGY STAR program home appliances to DOE immediately?

Answer: EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

Refrigerator Refrigerant Charge Size

On December 20, 2011, EPA's Significant New Alternatives Policy (SNAP) program allowed the use of Isobutane in household refrigerators. The final rule included a use condition that limits the refrigerant charge to 57 grams or less for each sealed refrigeration system (i.e., compressor, condenser, evaporator, and refrigerant piping). The charge size is the amount of refrigerant that is allowed in each sealed refrigerant system within a refrigerator. The SNAP rule based the charge size amount on the Underwriters Laboratories safety standard for household refrigeration end-use, which limited the quantity of the refrigerant (i.e., ''charge size'') in a refrigerator or freezer to 57 grams. In EPA's final rule, the agency stated that they do not have sufficient information to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335–2–24. The final rule stated EPA understands that the limit in UL 250 may change in the future. If that occurs, and if the appropriate safety testing data is submitted to EPA supporting safe use of a larger charge, EPA stated it would consider modifying the use conditions.

Based on testing and lengthy analysis, on April 28, 2017, the maximum charge size allowance in the UL standard was changed and increased from 57 grams to 150 grams. During the approval process of this update, the Consumer Product Safety Commission (CPSC) staff stated that they do not oppose the proposal to increase the maximum flammable refrigerant charge size in household refrigerators to 150 grams from 57 grams. They stated that standards in Latin America, Europe, and other countries allow household refrigerators to use up to 150 grams of flammable refrigerant.

It is my understanding that EPA has sent the rule to OMB to update the SNAP use condition to increase the allowable charge size to match the most recent safety standard, which is 150 grams. I am appreciative of your quick action on this important matter; however, we need to make sure it gets out of OMB quickly. I wanted to be sure that you were aware of the importance of this matter to expedite this technical change. Appliance manufacturers need certainty in this area to start planning and designing their products to meet EPA required date of 2021 when HFCs are banned for use in refrigerators.

OAR

Amodei Q10: Can you please continue to make sure this is a high priority action for OMB to complete?

Answer: EPA is aware of the importance of this action for appliance manufacturers and their need for certainty as they plan and design products.

Questions from Mr. Jenkins:

National Ambient Air Quality Standards *(OAR)*

Recently, EPA announced it would be extending the timeline for the 2015 ozone standards. In making that decision, EPA cited several issues in need of further review.

Thank you for this action and your consideration of these issues.

All counties in West Virginia now meet the 2015 standards, and we are proud of that progress. Despite this fact, potential EPA actions threaten affordable, reliable energy in West Virginia.

It is my understanding that the decision does not change several other implementation steps and actions that states must still undertake.

Petitions from other states would require West Virginia electricity generators to address nonattainment areas in those states or join the Ozone Transport Commission, despite the fact EPA does not require those areas to address their contributions first.

States like West Virginia, while meeting the standard, would still submit a state plan to address its "Good Neighbor" obligations by October 2018.

Jenkins Q1: What actions will EPA be taking to address state concerns regarding these interstate modeling results?

Answer: The Administrator has determined that there is insufficient information to complete area designations for the 2015 ozone standards and is extending the deadline by one year, until October 1, 2018. Taking additional time will allow EPA to evaluate a host of complex issues regarding the 2015 ozone NAAQS and its implementation, such as understanding the role of background ozone levels and appropriately accounting for international transport; to develop additional flexibilities for states to comply with the ozone NAAQS; to consider completely all designation recommendations provided by state governors, including full consideration of exceptional events impacting designations; and to provide new agency officials time to complete their review of the 2015 ozone standards.

Jenkins Q2: Do you agree that States, through the State Implementation Plan process, should be able to address interstate pollution?

Answer: Clean Air Act Section 110(a)(2)(D)(i)(I) requires each state, in its State Implementation Plan, to prohibit emissions that will significantly contribute to nonattainment of a NAAQS, or interfere with maintenance of a NAAQS, in a downwind state. EPA, working with states, has decades of success under the Clean Air Act in achieving NO_X emission reductions through implementation of programs like the NO_X Budget Trading Program and the Clean Air Interstate Rule and Cross-State Air Pollution Rule (CSAPR). Since 1997, power plants affected by these programs, along with other regional and state NO_x emission control programs, have cut

ozone season NO_X emissions by over 75 percent, a reduction of almost 2 million tons. During the time period of 2000 to 2015, average ozone concentrations across the U.S. have fallen by approximately 17 percent.

OAR

Jenkins Q3: How much of that funding is to assist counties with achieving 2015 standards?

Answer: The budget requests $100.4 million across EPA's headquarters and 10 regional offices to provide federal support for all activities that support integrated state and local air quality management across the U.S. Achieving clean air is a state-federal partnership that benefits from local, state, regional and national efforts. EPA will provide direct technical assistance to states and local air agencies for developing State Implementation Plans (SIPs) that meet applicable Clean Air Act (CAA) requirements and NAAQS. The specific NAAQS addressed in SIPs varies by locality and states.

Jenkins Q4: How much is being proposed to assist with State Implementation Plans and other administrative efforts?

> **Answer:** The budget requests $100.4 million across EPA's headquarters and 10 regional offices to provide federal support for all activities that support integrated state and local air quality management across the U.S. Achieving clean air is a state-federal partnership that benefits from local, state, regional and national efforts. EPA will provide direct technical assistance to states and local air agencies for developing SIPs that meet applicable CAA requirements and NAAQS.

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Questions from Ms. McCollum:

Implementation of FY 2017 Enacted Budget - ***OARM***

It has come to the Committees attention that EPA notified unions representing Agency employees that EPA is halting funding for fitness subsidies during FY 2017.

The FY 2017 budget request did not propose such a reduction. Rather, the FY 2018 budget proposes to cut "support for employee wellness and worklife initiatives, such as federal cost sharing for fitness centers, health wellness and CPR/AED training services and libraries."

It is wholly inappropriate for EPA to execute new FY 2018 budget proposals before Congress has had the opportunity to act on them.

Congress provided funding for these programs in the FY 2017 enacted bill. Bill language states that rescissions to the Science and Technology and Environmental Programs and Management account were to be applied to program project areas to, "to reflect changes to funding projections due to routine attrition during fiscal year 2017." Therefore, it was not the intent of Congress to terminate funding for employee wellness and worklife initiatives.

McCollum Q1: The Reprogramming Guidelines for programs and activities funded in our bill specify that agencies should notify Congress of any significant departure from what has been described in the agency's budget justification. The FY 2017 enacted anticipated fitness subsidies would be provided as part of the employees' wellness package. If your intent is to do otherwise, why wasn't Congress notified?

> **Answer:** The agency will be phasing out the fitness subsidy in FY 2017. Negotiations will be handled on a local basis, per the agency's notification to its labor unions. Timing also is dependent upon when obligated resources are spent and contracts are closed out. The agency does not provide a subsidy at every location, and those facilities with equipment on-site will continue to maintain equipment for employee use as part of the wellness program. EPA continues to maintain other parts of the wellness program, such as "Walk to Wellness," Health Fair, Employee Assistance Program among other activities.

McCollum Q2: The leading causes of death and disability in the United States are not only preventable but also responsive to workplace interventions. Worksite health and wellness programs help employees move toward an optimal state of wellness, and the U.S. Office of Personnel Management, in accordance with the authorization under 5 U.S.C. 7901, encourages agencies to develop and sustain programs that address the current and future needs of their employees to produce the healthiest possible workforce. What is the justification for eliminating the funding for fitness subsidies halfway through the fiscal year?

> **Answer:** The agency does not provide a subsidy at every location, and those facilities with equipment on-site will continue to maintain equipment for employee use as part of the wellness program. EPA continues to maintain other parts of the wellness program,

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such as "Walk to Wellness," Health Fair, Employee Assistance Program among other activities.

McCollum Q3: How does halting the funding for fitness subsidies impact the collective bargaining agreement reached with unions representing EPA employees? What response have you received from the unions from your notification?

Answer: The agency has provided the union notification in accordance with our Collective Bargaining Agreements and will continue to follow those requirements throughout the process. Any negotiations on this issue will be conducted at the local level.

McCollum Q4: How will EPA spend the funds that would have otherwise been used for fitness subsidies?

Answer: The amounts involved for fitness subsidies are well below the reprogramming limits. Costs for facilities, including rent, utilities, maintenance and repairs, continue to climb, along with direct employee costs such as salaries, while the agency's appropriations have been flat or declining for a number of years.

McCollum Q5: What other reductions proposed in the FY 2018 budget request is EPA implementing in FY 2017?

Answer: EPA is not proposing to eliminate any other employee benefit services in FY 2017.

Administrator Pruitt's Undisclosed Email Accounts *(OA)*

When I referred to a recently discovered official email address – esp@oag.ok.gov – that Administrator Pruitt used while Attorney General of Oklahoma but did not disclose despite repeated requests during his confirmation process, he volunteered this explanation "If I may, both in my oral testimony, as well as there's a letter actually that I submitted to the EPW Committee in May that recognized multiple state email accounts… so we've informed Committee, that was consistent with my oral testimony."

McCollum Q6: Please provide the relevant excerpt(s) from Administrator Pruitt's oral testimony and the letter he referenced. Additionally, please provide the relevant questions for the record and his responses.

Answer: Administrator Pruitt's oral testimony is available at [HYPERLINK "https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf"] (page 242). Also attached is the May 5, 2017 letter to Senate Environment and Public Works Chairman John Barrasso and Ranking Member Tom Carper.

McCollum Q7: Administrator Pruitt committed to provide our committee with the email addresses and information about other forms of electronic communication that he is using as EPA Administrator. Please provide those details.

Answer: The agency maintains a primary email account to contact the Administrator, [HYPERLINK "mailto:pruitt.scott@epa.gov"]. EPA staff has also established secondary accounts in the agency's Outlook email system that are used for calendaring, scheduling, and internal communications.

Congressional Inquiries *(OA/OCIR)*

McCollum Q8: What is the policy at the Department with regard to responses to congressional inquiries?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q9: More specifically, is there a policy or guidance that would prohibit or delay responses to Ranking Members of Congressional Committees or Subcommittees of jurisdiction?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q10: Is there a policy or guidance that would prohibit or delay responses to Democratic Members of Congress?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q11: If such policies or guidance are in place to prohibit or delay responses to Ranking Members or all Democratic Members, was such developed in consultation with the White House or the Office of Management and Budget?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

Overview (Office of Budget)

The FY 2018 Budget request for the Environmental Protection Agency is $5.66 billion, a reduction of $2.4 billion or 30% below the FY 2017 enacted level as well as reduction of one quarter of the staff. These cuts address almost every program for clean air and water and threaten the health of children and the elderly.

McCollum Q12: Administrator Pruitt has stated he wants EPA to go back to the basics of protecting our air, water, and land, but the budget makes major cuts in air, water, waste, chemical safety, pesticides, enforcement, and research, not to mention the reductions you propose in

categorical grants to states. How can a budget like this not jeopardize the health and well-being of Americans as well as all who inhabit the Earth?

> **Answer:** The Agency's positive environmental agenda builds on cooperative federalism between the federal government and implementing partners, better engagement with communities through technical assistance, and optimization of the regulatory and permit process. This agenda is designed to strengthen EPA's ability to faithfully execute and administer environmental laws, as outlined in the statutes, in order to protect human health and the environment for all Americans.

McCollum Q13: Can Administrator Pruitt assure the Committee that he does not want to see this Nation's environmental progress rolled back?

> **Answer:** The Administrator supports a healthy environment, with clean air, water and land for all Americans. EPA maintains a vital role in environmental protection, but must do so within the bounds of its legal authority.

McCollum Q14: What analysis did EPA do to determine the impact of the proposed reductions on health and environmental protection?

> **Answer:** Analysis was done to ensure resources support our core mission of protecting human health and the environment, and not on activities beyond the scope of EPAs regulatory authority or those that can be led by state and local partners.

McCollum Q15: How many more deaths, heart attacks, hospitalizations and lost work days Americans will suffer as a result of these reductions?

> **Answer:** The FY 2018 President's budget request focuses resources on improving America's air quality, restoring states' roles in the regulation of water, cleaning up contaminated land, ensuring the safety of chemicals in commerce, and enforcing environmental regulation to improve the environment and protect human health. This renewed focus returns EPA to its core mission of protecting human health and the environment pursuant to the laws dictated by Congress.

McCollum Q16: If no specific analysis was done on these metrics of these reductions, what basis does the Agency have for saying EPA and states can adequately protect public health and the environment?

The budget also proposes to cut categorical grants to states by either 30% or zero them out completely, and eliminate 46 programs. EPA and the states together have made major progress in improving public health and environmental quality over the years.

> **Answer:** Protecting public health and the environment is a shared responsibility, and EPA will uphold this mission in accordance with all applicable legal authority. To that point, states have unique environmental needs and EPA will continue to engage in

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meaningful discussion about how shared environmental goals related to the regions can best be achieved.

McCollum Q17: On what basis did EPA decide what is and is not a core statutory responsibility, and how do the Agency reconcile such drastic cuts in core programs with Administrator Pruitt's previous statements about the mission of EPA?

Answer: Core statutory obligations are established through laws passed by Congress and signed by the President, not unilaterally by EPA. Any action by EPA that exceeds the authority granted to it by Congress, by definition, cannot be consistent with the agency's mission. The FY 2018 budget identifies and eliminates programs, as outlined in responses below, so that EPA can focus on its statutory mission, achieving greater value and greater results.

McCollum Q18: What type of analysis did EPA conduct on the 46 programs it proposes to eliminate?

Answer: The FY 2018 President's budget eliminates programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities.

McCollum Q19: Please provide that analysis to the Committee, specifically the data on the impact to the health of families and communities across this country that will result from these eliminations.

Answer: The FY 2018 President's budget describes the basis for eliminating programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities, so that resources are available to support the core mission of the agency.

McCollum Q20: Please include information on the other agencies or programs will do this work in the absence of federal funding.

Answer: The agency will work to partner with EPA counterparts in state, local and tribal governments, as well as non-governmental groups, to further environmental goals. Additionally, EPA is committed to partnering with other federal agencies to collectively achieve goals surrounding clean air, clean water, clean land, ensuring chemical safety, and enforcement and compliance assurance programs.

McCollum Q21: If the Agency has not done any detailed analysis, on what basis does EPA justify its decision to eliminate these programs?

Answer: The FY 2018 President's budget describes the basis for eliminating programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities, so that resources are available to support the core mission of the agency.

(OA/OP)

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

> **Answer:** Administrator Pruitt believes that sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is acceptable and if so, on what basis and with what training?

> **Answer:** Science provides the foundation for EPA's policies, actions, and decisions made on behalf of the American people. EPA research incorporates science and engineering that meets the highest standards for integrity, peer review, transparency, and ethics. The process of incorporating high-quality science into Agency decision-making is coordinated by science organizations within the Agency. It is guided by EPA's scientific integrity policies. In addition, the Agency's stringent scientific peer review processes are designed to ensure that all EPA decisions are founded on credible science and data.

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

> **Answer:** Administrator Pruitt believes that sound science is the backbone of EPA's rule-making process.

ORD

McCollum Q25: Can Administrator Pruitt assure the Committee that he will uphold scientific integrity policies at EPA, allow EPA scientists to do their work unimpeded and guarantee that Americans will have access to the research and information they have paid for?

Answer: Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

> As Administrator, I commit to supporting the agency's Scientific Integrity Policy. Scientific Integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

EPA also is deeply committed to transparency and access to research, especially because sharing information helps advance the science we need to protect human health and the environment. We are working rigorously to implement the Office of Science and Technology Policy (OSTP) directives in its 2013 memorandum titled, "Increasing Access to the Results of Federally Funded Scientific Research," through our agency's public access plan.

McCollum Q26: What assurance can EPA give the Committee that EPA Office of Research and Development and EPA's science labs will be fully supported to conduct critical independent science that is the basis for protecting the public?

Answer: EPA laboratories will have the necessary human and technological resources to carry out the lab mission. EPA will carefully review its laboratory space footprint and continue efforts to reconfigure EPA's workspaces in order to release square footage and reduce long-term rent.

McCollum Q27: With EPA's current hiring freeze are key technical positions at the agency currently filled with qualified scientists free from conflict of interest?

Answer: Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

Scientific Integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

Please note that every EPA employee is bound by the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, and the federal conflicts of interest statutes codified in Title 18 of the United States Code.

McCollum Q28: Since 1970, EPA and states, working in partnership, have achieved major improvements in human health and environmental protection, but threats such as contaminated runoff that pollutes our waters, endocrine disruptors, and new emerging threats need to be addressed. How can EPA possibly have the necessary resources and staff to protect human health, the environment, and our economy?

Answer: EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

McCollum Q29: EPA is obligated to uphold specific statutory responsibilities to protect human health and the environment, how can EPA assure this Committee that with the draconian cuts proposed in this budget that it can meet those mandates, especially with more than a third fewer scientists and a 30% reduction in funding?

Answer: EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

In FY 2018, EPA will prioritize science and research activities directly tied to statutory requirements and inquiries into environmental and human health sciences. Science and research will be streamlined to support the agency's program and will prioritize the most important work to protect human health and the environment.

(OAR)

McCollum Q30: In 2007 the Supreme Court ruled in Massachusetts v. Environmental Protection Agency that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

Answer: The Supreme Court ruled in Massachusetts v. EPA that EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act.

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

Answer: The budget provides resources to continue to implement the Greenhouse Gas Reporting Program. The budget also provides resources to support regulatory action consistent with the Presidential Executive Order on Promoting Energy Independence and Economic Growth dated March 28, 2017, including review of the Clean Power Plan. In addition, the request supports the agency's implementation of integrated criteria pollutant and greenhouse gas (GHG) mobile source programs.

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO2 based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

Answer: The Supreme Court ruled in Massachusetts v. EPA that EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act. Since 2009, EPA and the National Highway Traffic Safety Administration (NHTSA) have taken coordinated steps to enable the production of a new generation of clean vehicles through reduced GHG emissions and improved fuel use from on-road vehicles and engines from

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the smallest cars to the largest trucks. We are currently reviewing a number of regulations in this area, in accordance with the President's Executive Order.

(ORD/OECA)
McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

Answer: Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners. In FY 2018, EPA will rely on, to a greater extent, its state partners to achieve compliance and enforcement goals. The agency will focus resources on its direct implementation responsibilities, emphasizing violations with public health and environmental impacts.

Administrator's Schedule and Travel Budget

(OA)
McCollum Q34: Does EPA plan to regularly release the Administrator's schedule to the public?

Answer: The Office of Public Affairs (OPA) has been directed to examine methods on how best to post the Administrator's schedule to the public.

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

Answer: As of June 30, 2017 the total travel cost incurred by the Administrator and support staff was $149,763.54.

Commented [GH1]: Still auditing this number – it may decrease by approx.. $4000.

The previous Administrator, Mrs. McCarthy's per year individual travel cost is as follows (this does not include support staff costs):

FY 2013	$5,651.28
FY 2014	$53,577.85
FY 2015	$37,581.77
FY 2016	$49,616.55
FY 2017	$8,110.67
Please note, total does not include support staff costs.	

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

> **Answer:** Administrator Pruitt has traveled to Oklahoma five times since becoming Administrator to receive awards, meet with environmental organizations impacted by EPA's regulations and to tour various environmental facilities.

(OECA)
McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

> **Answer:** The Office of Enforcement and Compliance Assurance (OECA) receives funding for the Administrator's Protection Services Detail (PSD) in the Facilities Infrastructure and Operations program project. The actual PSD costs for fiscal years 2013-2016, the FY 2017 request and enacted levels, as well as the FY 2018 request levels, are included in the table below.

Resources (dollars in thousands)

	FY 2013 Actuals	FY 2014 Actuals	FY 2015 Actuals	FY 2016 Actuals	FY 2017 Request	FY 2017 Enacted	FY 2018 Request
Dollars	$2,036	$2,228	$2,138	$1,751	$2,312	$4,364	$5,706
FTE	8.4	8.4	7.7	5.6	8.0	15.5	20.0

(OA)
McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

> **Answer:** Administrator Pruitt flies either Premium Business Class or First Class due to security reasons. The Administrator has left the assessment of his security needs to the professionals at EPA who have experience in that area. It was determined after reviewing related documentations that his request complied with criteria outlined in the Federal Travel Regulation (FTR). Prior Administrators have used other justifications allowed by FTR.

Voluntary Programs *(OAR)*

McCollum Q39: The budget calls for eliminating all of the voluntary partnership programs for reducing greenhouse gases and other air pollution. These programs, which have bi-partisan and industry support, are proven to lower emissions. How will you make up for the emission benefits that are lost?

> **Answer:** EPA will explore options for the potential transfer of these programs to non-governmental entities.

Hydrofluorocarbons *(OAR)*

McCollum Q40: The budget states that the EPM account for the GHG Reporting Program is being cut to "streamline", among other things, the use and emissions of the greenhouse gases, hydrofluorocarbons, under the Clean Air Act SNAP program. What does EPA mean by "streamlining" the program? What would change about the very important work this program does?

> **Answer:** Through streamlining of various programs in that account, the agency will be able to focus on core work areas. EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

U.S. Global Change Research Program *(ORD)*

McCollum Q41: Also being "streamlined" as part of the budget cuts to the GHG Reporting Program is the technical support EPA provides to the U.S. Global Change Research Program. What do is meant by "streamlining" that support? Describe what support has EPA provided to date and how will that support change.

> **Answer:** EPA has historically played a leading role in conducting scientific assessments of the effects of global climate change in the United States, as required by Section 106 of the Global Change Research Act of 1990. The Office of Research and Development's (ORD) core science efforts, as it relates to this program, will be streamlined to focus on statutory obligations surrounding these activities.

Water pollution -

OW

McCollum Q42: The budget proposes to eliminate state grants for non-point source pollution programs, when contaminated runoff and other non-point pollution is a principle cause of water quality problems. It also proposes to cut other state water grants, surface water and marine protection funding for EPA, and eliminate the national estuaries program. How is cutting EPA and state capacity consistent with improving the quality of our nation's waters?

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Answer: The FY 2018 President's Budget request reflects EPA's role in a model of cooperative federalism that emphasizes strong cooperative state and tribal partnerships and is guided by Congressional direction in core environmental statutes. This Administration recognizes that states and tribes understand their water quality problems the best and can lead efforts to develop solutions to protect America's waters. EPA will encourage states to continue work in restoring our estuaries and protecting aquatic and marine resources throughout the country, and will work with our partners to provide flexibility to address local priorities.

OW

McCollum Q43: In April, Administrator Pruitt paused clean water protections against coal plants dumping toxic metals such as arsenic and mercury from power plants into public waterways that can infiltrate community drinking water intakes. How much of this coal ash sludge is safe in the drinking water supply?

Answer: EPA regulates drinking water and has established drinking water standards in accordance with the Safe Drinking Water Act for over 90 contaminants including arsenic and mercury. These standards do not apply to untreated source water. Public Water Systems must perform monitoring and treatment, as necessary, to assure the water they supply to their customers is in compliance.

McCollum Q44: EPA's postponement is being challenged in a federal court and Administrator Pruitt has been criticized for only focusing on the potential costs of the rule while ignoring its benefits and endangering wildlife and exposing families that live near coal plants to heavy metals that can cause problems with cognitive development in children. Why did EPA disregard years of peer-reviewed studies, input from health experts and public comments supporting these protections?

Answer: EPA is currently reviewing the rule and has not made a final determination. The agency decided to reconsider the rule in response to two administrative petitions, one from the Utility Water Act Group and one from the Small Business Administration Office of Advocacy.

McCollum Q45: How is the Agency reconciling the difference in the impacts on jobs associated with compliance as estimated by EPA with the impact purported by the industry's analysis?

Answer: The information provided by industry (the Utility Water Act Group) to EPA in their administrative petition for reconsideration did not present any analysis of the impacts on jobs associated with compliance with the Steam Electric Rule. Rather, they asserted that the Effluent Limitation Guidelines cost "contributes to the threat of job losses, particularly when it is added on top of the impacts of other rules." To the extent that EPA reconsiders the underlying technology basis for any of the 2015 rule requirements, to the extent that EPA reconsiders the underlying technology bases for any of the 2015 rule's requirements, the EPA will consider the potential impact on jobs.

Office of Water - *OW*

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McCollum Q46: The FY 2018 budget cuts clean drinking water programs by 18% for Human Health and 16% for Water Quality. Why should American's be subjected to decreases in Water Quality due to lack of investment?

> **Answer:** EPA will continue work with states to develop the Next Generation Management and Reporting tool that will be used by the majority of state drinking water programs. The new Safe Drinking Water Information System tool will provide the following benefits: improvements in program efficiency and data quality, greater public access to drinking water data, facilitation of electronic reporting, reductions in reporting burdens on laboratories and water utilities, reductions in data management burden for states, and ultimately reduction in public health risk.

Air Pollution - *OAR*

The Administration budget calls for steep cuts in two accounts that fund activities at the heart of Clean Air Act implementation. One account funds EPA's work to review and update national air quality standards and national emissions standards. The second account funds a multitude of EPA activities to support state and tribal air programs for meeting national air quality standards, reducing toxic air pollution, assuring that new sources have state-of-the-art controls, and protecting visibility.

McCollum Q47: How can the huge cuts in these two key air program accounts be achieved while meeting EPA's responsibilities under the Clean Air Act?

> **Answer:** EPA will continue to meet its responsibilities, under the Clean Air Act, by working to develop a more efficient approach to meeting its statutorily-required National Ambient Air Quality Standards (NAAQS) reviews. EPA also will continue its Clean Air Act mandated responsibilities to administer the NAAQS by reviewing state plans and decisions consistent with statutory obligations, taking federal oversight actions on State Implementation Plan (SIP) submittals, and by developing regulations and policies to ensure continued health and welfare protection during the transitions between existing, new and/or revised standards. EPA will continue to look for ways to improve the efficiency and effectiveness of the SIP process, including its own review process, in partnership with state and local air agencies.

McCollum Q48: Has EPA identified what specific activities would be eliminated or reduced by the proposed reductions? If so, please provide an accounting that explains for each of these budget categories (federal stationary source regulations, federal support for air quality management) the activities that will be cut back, and the savings in dollars and personnel from each one.

> **Answer:** EPA will work to develop a more efficient approach to meeting its statutorily-required National Ambient Air Quality Standards (NAAQS) reviews. In FY 2018, EPA also will continue its Clean Air Act mandated responsibilities to administer the NAAQS

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by reviewing state plans and decisions consistent with statutory obligations, taking federal oversight actions on State Implementation Plan (SIP) submittals, and by developing regulations and policies to ensure continued health and welfare protection during the transitions between existing, new and/or revised standards. EPA will continue to look for ways to improve program efficiency and effectiveness across the suite of its core responsibilities with a focus on streamlining activities.

McCollum Q49: How will the proposed budget reductions impact EPA's ability to meet its existing obligations under the Clean Air Act and take on the new work required to carry out the January 24 Presidential Memorandum, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs."?

Answer: EPA will need to pursue opportunities to meet multiple Clean Air Act requirements for stationary sources in more integrated ways in FY 2018 in order to fulfill its statutory and court-ordered obligations more efficiently. In aligning this effort with Executive Orders 13777 and 13771, EPA will look for ways, as appropriate, to repeal, replace, or modify existing regulations to reduce burden while meeting statutory obligations.

Accessibility to Data and Data Acquisition -- *OA/ OPA*

McCollum Q50: Is all the scientific data associated with climate change that was available under the Obama Administration on EPA website still accessible today?

Answer: The climate change web content from the previous administration is still publicly accessible in EPA's web archive

McCollum Q51: Since taking office, what guidelines has Administrator Pruitt issued for determining what information will be available?

Answer: The Administrator has not issued guidelines for determining what information will be available.

McCollum Q52: Will there be any data loss as a result of the budget's proposed program eliminations in FY 2018? If so, what date and how will this impact EPA's ability to have the continuity of data necessary to make projections into the future with a high degree of confidence?

Answer: Data will not be lost. Any data that may be removed for reasons such as program elimination will be archived and available to the public.

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Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by EPA to develop guidance, regulations, and make important management decisions.

(OA/SAB)
McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

> **Answer:** A Federal Register Notice (FRN) was published on June 27, 2017 requesting nominations of qualified candidates to serve on the Clean Air Scientific Advisory Committee (CASAC), SAB and six SAB standing Committees. The FRN requests nominations by July 27, 2017. The names and biographies of qualified nominees identified by respondents to the FRN, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB website. Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates. The Administrator will select members after nominations have been evaluated.

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

> **Answer:** The Administrator will review the composition of the advisory bodies after the review of all qualified nominees has been completed.

(OA/ORD)
McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

> **Answer:** EPA is taking an inclusive approach to filling future BOSC appointments and welcomes all applicants from all relevant scientific and technical fields.

(ORD)
McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

> **Answer:** EPA is taking an inclusive approach to filling future BOSC appointments and welcomes all applicants from all relevant scientific and technical fields. EPA will use the same criteria to evaluate the members who are reapplying to serve an additional term as all other applicants. BOSC members are identified through an outreach plan that includes

an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated ""EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

Answer: BOSC members will be selected from the pool of those who applied to the call-for-nominations in the FRN published on May 25, 2017. BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

Answer: Members of the BOSC are recognized experts in various scientific, engineering, and social science fields. EPA will consider nominees from industry, business, public and private research institutes or organizations, academia, government (federal, state, local, and Tribal) and non-government organizations, and other relevant interest areas. Members are appointed by EPA Administrator for a period of three years and serve as special government employees. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

For more detail on the experience and expertise EPA is looking for, please see the FRN at [HYPERLINK "https://www.federalregister.gov/documents/2017/05/25/2017-10672/request-for-nominations-of-experts-to-the-epa-office-of-research-and-developments-board-of"]

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

Answer: The agency will continue to appoint BOSC members who are recognized experts in their respective fields. They come from academia, industry/business, federal, state, and local governments, non-governmental and environmental organizations, research laboratories, and other relevant entities. All BOSC members must comply with annual ethics reporting and training requirements; and must not possess conflicts of interest or an appearance of being unable to provide impartial advice.

BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflicts of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

Answer: BOSC members are recognized experts in their respective fields. They come from academia, industry/business, federal, state and local governments, non-governmental and environmental organizations, research laboratories, and other relevant entities. All BOSC members must comply with annual ethics reporting and training requirements and must not possess conflicts of interest or an appearance of being unable to provide impartial advice.

BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q61: The BOSC is an 18-member advisory committee. What is the current membership?

Answer: The BOSC is comprised of an Executive Committee, which includes approximately 20 members, and is supported by subcommittees and workgroups for any purpose consistent with the BOSC's charter. Such subcommittees or workgroups may not work independently of the chartered Executive Committee, and must report their recommendations and advice to the BOSC for full deliberation and discussion. Subcommittees and workgroups have no authority to make decisions on behalf of the BOSC, nor can they report directly to ORD. There are currently 47 members of the BOSC. Thirty-eight of these members are eligible for a second term and may apply.

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

Answer: It has been agency policy that the Administrator and/or the Deputy Administrator appoints and signs letters of invitation, reappointments, and letters of appreciation for those members whose terms have ended for EPA Tier 1 (Parent) Committee and Tier 2 (Subcommittee) members.

(OA) -
McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

Answer: The Administrator looks forward to having all open positions at EPA filled with qualified individuals.

(ORD)
McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

Answer: Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. We will support the needs of the states, consistent with the level of appropriated funding.

In FY 2018, EPA will prioritize science and research activities directly tied to statutory requirements and inquiries into environmental and human health sciences. Science and

research will be streamlined to support the agency's program and regional offices will prioritize the most important work to protect human health and the environment.

(OA/OAR)
McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget ($646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

Answer: Sound science is the backbone of EPA's rule-making process. The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

(OA)
McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

Answer: All nominees will be evaluated including those eligible for a second term. Appointments will be made after the evaluations have been completed.

(OAR)
McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

Answer: Sound science is the backbone of EPA's rule-making process. Scientific review will continue. The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

Answer: The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

(OA/ORD)
McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not

just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

> **Answer:** The SAB will continue to meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development. The SAB will continue to provide independent scientifically sound advice and peer review to the Administrator on a range of scientific and technical matters underlying key environmental policies and risk management decisions.

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

> **Answer:** The Federal Register Notice published on June 27, 2017 requesting nominations for members of the CASAC, SAB and six standing committees outlines the existing criteria for selecting committee members.

(ORD)

McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

> **Answer:** Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.
>
> Scientific integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify strategies to reduce redundancy and costs?

> **Answer:** EPA will continue to look for ways to effectively use and maximize its research budget, including strategies to reduce redundancy and costs. EPA's research activities continue to go on, in support of the Administrator's priorities.

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(OA)

McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

> **Answer:** The Federal Register Notice soliciting nominations for members of the CASAC, SAB and six standing committees was published on June 27, 2017.

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

> **Answer:** EPA is seeking nominations of qualified experts in response to the FRN published on June 27, 2017. As indicated in the FRN published on June 27, 2017, the public has opportunities to nominate candidates as well as to provide comments on the List of Candidates.

Categorical Grants for States and Tribes (Office of Budget)

The budget proposes to cut the categorical grants to states and tribes by 44 percent. States rely heavily on these grants. According to a report from the Environmental Council of the States, federal funds account for, on average, 27 percent of state environmental budgets. Congress designed Federal environmental programs so that they would be administered at the states and local levels where possible. But EPA has a responsibility to provide national environmental leadership by establishing minimum national pollution standards and providing technical support to states.

McCollum Q75: How will these proposed cuts affect the states' abilities to implement environmental programs? Will it have consequences for their staffing levels?

> **Answer:** EPA is committed to a more effective cooperative federalism approach to environmental protection. The FY 2018 President's budget does not mandate any State-level environmental staffing changes.

McCollum Q76: How will this affect EPA's ability to conduct appropriate oversight and provide technical assistance to ensure that states have good environmental management practices?

> **Answer:** The budget provides over 5,400 FTE in the regions to continue to provide leadership and technical expertise to the regulated community, and to partner effectively with states and tribes.

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McCollum Q77: How is this consistent with improving the quality of our nation's waters or protecting the air we breathe?

> **Answer:** By prioritizing resources to support the agency's mission, the budget supports a renewed focus on achieving its statutory responsibilities to protect the nation's air and water quality.

McCollum Q78: How does EPA recommend that states make up for this funding shortfall?

> **Answer:** The agency will work with its state and local partners to identify shared priorities and make progress in achieving them.

Staffing and Employee Morale

The March 2017 Executive Order directs the reorganization of the Executive Branch.

Office of Budget with OARM
McCollum Q79: In light of the 30% reduction in EPA's FY 2018 Budget request and the proposal to reduce approximately 3,800 FTEs from the FY 2017 enacted level, how is EPA approaching developing such a plan and how will the Agency be transparent and keep employees informed?

> **Answer:** EPA submitted Near Term Workforce Actions in compliance with OMB Memo 17-22 "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce." In the near term, EPA is relying on VERA/VSIP to begin staff's voluntary workforce restructuring. For longer term implementation, EPA's plan will be part of a larger comprehensive Government-wide Reform Plan for publication in the President's FY 2019 Budget.

McCollum Q80: EPA's proposed workforce, the smallest since 1984, is still task with administering 7 major congressionally mandated programs including new workload such as the Toxic Substances Control Act. How will a reduction of this many staff not affect productivity?

> **Answer:** EPA will be examining our programs and processes to create efficiencies and streamline our processes. Primary criteria will include effectiveness and accountability. EPA is focused on greater value and real results.

McCollum Q81: In FY 2017, Congress provided funding to maintain staff capacity to conduct work necessary to meet EPA's mandated responsibilities. The FY 2018 budget reduces funding for those very programs. Can EPA assure Congress that none of the actions it is taking in FY 2017 violate the Impoundment Act?

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Answer: In FY 2017, the agency continues to maintain staffing capacity and work responsibilities consistent with the agency's FY 2017 appropriation. No funding will be impounded.

McCollum Q82: The budget proposes to cut support for employee wellness and worklife initiatives, such as federal cost share for fitness centers, health wellness, and CPR/ AED training services and libraries.

Answer: The agency's FY 2018 budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection obligations and to focus more closely on our statutory obligations.

Staff Reductions

EPA has carved out $12 million in staff buyouts for the current fiscal year.

McCollum Q83: Will a Reduction in Force be necessary to reach EPA's proposed staffing level? If so, for how many positions and will EPA apply the Reduction in Force equally across both headquarters and regional offices? If not, what formula will the Agency use to do this?

Answer: The agency plans to rely on a hiring freeze, attrition and VERA/ VSIP authority as primary tools for workforce reshaping.

McCollum Q84: When a person loses their job thru a RIF they are entitled to severance pay, which can, depending on age and service time, easily be a full year's salary. How has the Agency calculated that cost?

Answer: The agency plans to rely on a hiring freeze, attrition and VERA/ VSIP authority as primary tools for workforce reshaping.

McCollum Q85: The FY 2018 budget proposes a new program project titled Workforce Reshaping which includes $11 million in Science and Technology and $47 million in Environmental Program and Management to support organization restructuring.

Answer: The agency anticipates the need to offer VERA/VSIP as part of the workforce reshaping effort. Funding will be used to support VERA/VSIP costs.

McCollum Q86: How does EPA propose to spend this money?

Answer: The agency anticipates the need to offer VERA/VSIP as part of the workforce reshaping effort. Funding will be used to support VERA/VSIP costs.

McCollum Q87: What programs did you cut in FY 2018 budget to find the resources for this new program project?

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Answer: The FY 2018 budget details the funding decisions made by the Agency.

McCollum Q88: If Congress agrees with the Administration's proposal for these significant staff reductions, how will EPA prioritize cuts in personnel so that the Agency can still fulfill its important charge to safeguard human health?

Answer: EPA will streamline existing business processes and eliminate unnecessary redundancies to utilize staff in line with the FY 2018 budget and with the agency's top human health priorities.

McCollum Q89: Will EPA consider the risks to human health and the environment from staff reductions in particular program areas?

Answer: The agency will prioritize staff and resources in line with the FY 2018 budget and with the agency's top human health and environmental priorities.

McCollum Q90: How will EPA maintain the scientific and technical expertise needed to do this essential human health work when so many seasoned professionals opt to retire early?

Answer: Over the past several years, EPA has focused on succession planning and a future workforce. EPA will streamline existing business processes and eliminate unnecessary redundancies to prioritize retaining critical scientific and technical expertise.

McCollum Q91: How will EPA enforce our environmental laws if EPA regional offices, who have primary responsibility for enforcement, are closed?

Answer: The FY 2018 budget does not propose closing any regional offices.

Regulation Review

(OA/OP)
Executive Order 13783 on Promoting Energy Independence and Economic Growth requires a review of all regulations.

McCollum Q92: How is EPA going about conducting this review and what scientific evidence and economic assumptions or models is the Agency relying on for the basis of its decisions?

Answer: Pursuant to EO 13777, EPA held multiple public meetings and opened a docket for public comments about regulations that may be appropriate for repeal, replacement, or modification. Regulations identified for possible repeal, replacement, or modification would be subject to standard rulemaking procedures, including additional public comment, and at that time more details on the basis for the regulatory action would be provided.

McCollum Q93: Environmental regulations already undergo a rigorous analysis of costs and benefits as they move through the regulatory process. In its annual accounting to Congress last year, OMB found that benefits of major rules EPA officially adopted from 2005-2015 exceed their costs by up to 13 times (OMB 2016). A 2011 peer-reviewed EPA assessment of the long term benefits and costs of the Clean Air Act and its implementing regulations found that its middle estimate of annual benefits exceeds costs by 30 to one--that's $2 trillion in net benefits vs. $65 billion in costs. Which specific EPA regulations does EPA believe are overly stringent and in need of scaling back?

> **Answer:** EPA has begun to take action on some regulations, such as those identified in Executive Orders 13783 and 13778. EPA is still considering which additional regulations may unduly burden the development of domestic energy resources.

McCollum Q94: Administrator Pruitt has expressed concern about the compliance costs of particular industries, please provide an estimate of the change in net benefits to the American public from rolling any regulations back.

> **Answer:** Such estimates will be part of the rulemaking record for individual rules that are revised or rescinded, as appropriate.

McCollum Q95: Has the Agency considered the additional cost to industry of facing a patchwork quilt of different state requirements instead of one federal standard?

> **Answer:** Within the statutory boundaries, there are a number of factors to consider when revising federal rules, which can include: costs, implementation issues, and the appropriate balance between state and federal authority. EPA will consider each of those factors, and others, as appropriate, when revising rules.

McCollum Q96: What steps has EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

> **Answer:** With certain exceptions and limitations, EO 13771 directs all agencies to repeal two existing regulations for each new regulation issued in FY 2017 and thereafter, and also directs agencies that the total incremental costs of all regulations should be no greater than zero in FY 2017. Executive Order 13777 on Enforcing the Regulatory Reform Agenda further directs federal agencies to establish a Regulatory Reform Task Force and to evaluate existing regulations and make recommendations regarding their repeal, replacement, or modification. Consistent with these Executive Orders, EPA established a Task Force and has been taking a hard look at existing EPA regulations to help identify regulations that may be appropriate for repeal per EO 13771, in order to develop recommendations for the Administrator. EPA also has initiated the delay or reconsideration of multiple regulations finalized by the previous administration that have led to cost savings that may further EO 13771 implementation.

McCollum Q97: How is EPA choosing which two regulations to repeal for every new regulation promulgated?

> **Answer:** In April, OMB released guidance clarifying implementation of EO 13771. EPA is still developing our internal process to fully implement that guidance.

(OGC)
McCollum Q98: In EPA's regulation review has the Agency consistently adhered to the requirements of the Administrative Procedures Act, specifically the notice-and-comment period that gives the public time to respond to any proposed changes by the government?

> **Answer:** EPA is in the process of conducting its E.O. 13783 review and, to the extent that the Administrative Procedures Act requires EPA to engage in notice and comment rulemaking in order to revise or rescind any of the regulations identified during this process, EPA intends to do so.

(OCSPP)
McCollum Q99: How does EPA justify delaying the effective date for the companion rule for Pesticide Applicator Protection for an additional year to May 22, 2018?

> **Answer:** The effective date of the Certified Pesticide Applicator (CPA) rule is being extended to May 22, 2018, to give recently arrived agency officials the opportunity to conduct a substantive review of the rule in accordance with the Presidential directives as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," and the principles identified in the April 25, 2017, Executive Order "Promoting Agriculture and Rural Prosperity in America." The effective date extension will prevent the confusion and disruption among the regulated community and stakeholders that would have occurred if the CPA rule became effective, displacing the existing regulation, and then was substantially revised or repealed as a result of administrative review. The 12-month extension also provides time for EPA to consider revisions to the certification rule based on input received through the Regulatory Reform Agenda effort.

OCSPP
McCollum Q100: Is EPA proposing any changes to its plans for assessing the risk of pesticides for endangered species?

> **Answer:** EPA, National Marine Fisheries Service (NMFS), and Fish and Wildlife Service (FWS) (the Services) are currently involved in discussions exploring possible options for streamlining the interim methods and process we have been following based on the recommendations of the National Academy of Sciences (NAS) in its April 2013

report[1]. The NAS recommendations for assessing risk from pesticide exposure to threatened and endangered species involves a 3-step process that integrates ecological risk assessment methods with Endangered Species Act (ESA) consultations. EPA, NMFS, FWS, and USDA held several workshops to develop those interim methods, which were intended to be part of an iterative process that continues to evolve as EPA and the Services gain experience with the process. We used those interim methods in the biological evaluations for chlorpyrifos, diazinon, and malathion, which were released in January 2017.

The current schedule for completing the initial set of biological evaluations has not changed. EPA released the biological evaluations for chlorpyrifos, diazinon, and malathion in January 2017 and their biological opinions are scheduled to be completed at the end of 2017. Biological opinions for methomyl and carbaryl are scheduled for December 2018. Effects determinations and initiation of consultation for atrazine, simazine, propazine, and glyphosate are scheduled for 2020.

McCollum Q101: Does the FY 2018 budget provide the staff and resources needed to adequately assess the risk of pesticides for these species?

Answer: Yes, the FY 2018 President's Budget provides the staff and resources needed to adequately assess the risk of pesticides to endangered species. Currently, the registration user fees can cover a portion of the costs associated with the assessment of risks to endangered species. If PRIA 4 passes, it also will have language that will explicitly cover allowing the use of maintenance fees funding to cover the costs of endangered species activities; although currently, under FIFRA, nothing prevents EPA from using maintenance fees for endangered species activities.

(OAR)

McCollum Q102: EPA extended the effective date for emissions standards, record keeping, and labeling provisions for formaldehyde emissions until March 22, 2018. How is this not creating an unfair advantage for foreign imports over North American manufacturing of composite wood products?

Answer: EPA received requests from the composite wood industry and support from other stakeholders requesting the extension of the compliance dates. EPA has not yet extended the compliance dates. EPA published a Direct Final Rule (DFR) on May 24, 2017, to extend the compliance dates. Because EPA received relevant, adverse comment on the DFR, EPA is in the process of withdrawing this action. To save time in the event of such adverse comment, EPA also published a companion Notice of Proposed

[1] For more information about implementing recommendations found in the NAS report: [HYPERLINK "https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and"]

Rulemaking (82 FR 23769). EPA will proceed with this proposed rule through the normal rulemaking process and will consider all comments received prior to finalizing this action. EPA does not believe the extension of the compliance dates provides any meaningful advantage for imported products over domestically produced products. The agency's proposed extension of the compliance date for the formaldehyde emissions standards, recordkeeping, and labeling provisions, and any benefits that extension may provide are equally applicable to all regulated entities under the rule. After that compliance date, like North American-manufactured composite wood products, imported composite wood products and imported finished goods and component parts made of composite wood products will have to comply with the formaldehyde emission standards and other provisions in the final rule.

In the economic analysis supporting the final rule, EPA estimated that the majority of composite wood products, both domestic and imported, are already meeting the TSCA Title VI emissions standards because they currently comply with the California Air Resources Board (CARB) formaldehyde emission standards, which are identical to the TSCA Title VI emission standards. While some panel producers do not sell composite wood panels in California, many intermediary entities (*e.g.*, fabricators of finished goods, distributors, importers, retailers, etc.), choose to purchase only CARB-compliant products so that they do not need two supply streams, or one for products that may be sold or supplied in California and one for products that are not.

(OA/OP)

McCollum Q103: How does EPA plan to defend the many inevitable lawsuits it will face from rolling back environmental regulations? Is this really the most effective way for EPA to fulfill its mission?

Answer: EPA is effectively fulfilling its mission by ensuring the agency issues sensible regulations that protect the environment based on our statutory authority and allow for economic growth. We often face litigation in response to regulatory decisions, given the broad range of stakeholders we serve, who care deeply about the work we do. EPA will continue, as we always have, to work with the Department of Justice to vigorously defend against lawsuits brought against the agency.

McCollum Q104: Executive Order 13777 required the head of each agency to designate a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies to ensure agencies effectively carry out regulatory reforms, consistent with applicable law.

Answer: EPA is aware of the requirements of Executive Order 13777.

McCollum Q105: Who have you appointed as the Regulatory Reform Officer for EPA and what are their credentials?

Answer: Administrator Pruitt designated Samantha K. Dravis, Senior Counsel and Associate Administrator for the Office of Policy to serve as EPA's Regulatory Reform

Officer. Ryan Jackson, EPA Chief of Staff serves as Chairman. Regulatory Reform Task Force members include Byron Brown, EPA Deputy Chief of Staff for Policy; and Brittany Bolen, EPA Office of Policy Deputy Associate Administrator.

Chesapeake Bay - *OW*

Chesapeake Bay is the nation's largest estuary in which 18 million people live and work; there are 3,600 types of fish, wildlife and plant life that underpin the economic value of the ecosystem; and where in a voluntary partnership with other federal, State, local, and NGOs, academic institutions, private businesses and individual citizens, 10 Goals for restoring the ecosystem have been set to be met by 2025.

McCollum Q106: Just when the Chesapeake Bay is beginning to show improvement the FY 2018 budget cuts the funding across for all Geographic Programs, including the $73 million for the Chesapeake Bay. Who will step into the role EPA has played of coordinating all the partners in this exemplary effort?

Answer: The TMDL agreed upon between the six states and District of Columbia in the Chesapeake Bay watershed is a true model of "cooperative federalism" and the type of state and local collaboration that is essential to transboundary environmental restoration. EPA encourages states to continue to use collaboration, coordination, and consensus to make multi-jurisdictional decisions. We look forward to continuing to work with the committee and relevant stakeholders to achieve the shared environmental goals of the Chesapeake Bay TMDL.

McCollum Q107: Efforts to restore the Chesapeake Bay are seen as a national and international model for sustainable use of coastal regions. What message are we sending about our leadership and commitment when we reduce funding to such an exemplary project from which recovery lessons can be duplicated in coastal regions worldwide?

Answer: The restoration of the Chesapeake Bay would not be possible without state and local collaboration. The message this administration is sending is the centrality of state and local collaboration for local environmental work. The Chesapeake Bay TMDL is the model of cooperative federalism that EPA would like to promote for multi-jurisdictional environmental restoration, which is why EPA encourages states and local entities to continue to use collaboration, coordination, and consensus to restore the Bay. EPA will continue to engage in meaningful discussions about how to continue state-led restoration work in the Chesapeake Bay through its role in representing the Federal government on the Chesapeake Executive Council.

Environmental Justice – *OECA and OA*

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The budget eliminates all resources for the Environmental Justice program. The budget claims that EPA will incorporate EJ work within the Integrated Environmental Strategy program within the Office of the Administrator; however, no there is no associated funding requested.
The budget also eliminates the lead program, which works to reduce disparities in blood lead levels between low income children and non-low income children.

McCollum Q108: What Environmental Justice work will be discontinued as a result of the elimination?

> **Answer:** The agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face. Environmental Justice will continue to be considered within the work done at EPA and also will be specifically incorporated into future policy work within the agency's Integrated Environmental Strategies program in the Office of the Administrator.

McCollum Q109: How much funding in the FY 2018 budget is dedicated for Environmental Justice work in the Integrated Environmental Strategy program?

> **Answer:** Although EPA is not requesting funds for the Environmental Justice program, the agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face.

McCollum Q110: How many staff will be reassigned or terminated due to the elimination?

Answer: Twenty-four FTE at headquarters and 16 FTE in the regions were associated with the Environmental Justice program project. Staff reassignments will be made as part of our broader workforce reshaping effort.

McCollum Q111: How will EPA identify and track low income and minority communities that are disproportionately burdened by pollution?

> **Answer:** EPA will continue to use EJSCREEN as the primary tool to screen for communities with environmental justice concerns.

McCollum Q112: The recent tragedy in Flint, Michigan, in which low income minority children were poisoned by lead in their drinking water, reminded the country of the danger of lead poisoning. How will EPA ensure that all children are protected, even in states that do not have their own lead program?

> **Answer:** Protecting children from exposure to lead is a top priority for EPA. The agency will continue to coordinate with states, tribes, and territories to enforce not only the Lead and Copper Rule, but all Safe Drinking Water Act national primary drinking water regulations. EPA will continue its work with our co-regulators to ensure that owners/operators of public water systems address noncompliance in a timely manner, prioritizing those systems with the most serious or repeated violations. In particular, EPA will continue to focus on working with states to optimize corrosion control treatment to

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minimize exposure to lead. EPA will also continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity.

Enforcement - Office of Budget

McCollum Q113: Thanks to the work of this office, settlements were negotiated from EPA actions with Volkswagen AG and BP PLC spill that have resulted in funds going to states and communities. Given the proven success of this office, why does the FY 2018 budget propose to cut Enforcement by 23%?

Answer: EPA reduced resources in areas where states have enforcement authority and significant progress has been made. EPA will focus enforcement (including criminal) and compliance resources on direct implementation responsibilities, the most egregious cases, and in areas that address the most substantial impacts to human health and the environment.

McCollum Q114: The budget justification states that EPA will focus the civil enforcement program's resources on "programs that are not delegable [to states] or where a state has not sought or obtained the authority to implement a particular program." Does this mean that EPA will no longer take any enforcement actions against polluters violating federal environmental rules that a state has authority to enforce? Under EPA's approach, what would happen if a state -- due to lack of resources or political pressure -- fails to enforce a federal environmental rule against a violating polluter?

Answer: EPA will continue to work in partnership with state and Tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for regulated companies.

OECA

McCollum Q115: What will be the impact of the proposed cuts to enforcement on the number of state and federal facility inspections, the amount of compliance assistance, and the number of enforcement actions that states and EPA have the capacity to pursue?

Answer: EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for companies that follow the rules. The agency will focus our resources on direct implementation responsibilities and the most significant violations. For FY 2018, the number of federal inspections and evaluations is projected to be 9,500. The agency also is projecting that 1,750 federal civil, judicial, and administrative enforcement cases will be initiated in FY 2018.

Energy Star and Water Sense – *OAR and OW*

Through EPA's Energy Star and Water Sense programs, Consumers can save money by reducing their energy and water use while helping to protect the environment. These programs have motivated private sector investments, and moved the goal post on efficient technologies in the market place.

McCollum Q116: With a history of bipartisan support and immense value-added for businesses and consumers alike, what is EPA's rationale for throwing out 25 years of investment in these programs in the coming fiscal year? Isn't it a good thing when Americans can lower their energy bills and drinking water costs, reduce pollution, and help implement EPA's statutory mandates for clean air and water, all at the same time?

> **Answer:** The President's FY 2018 budget request for EPA reflects the success of environmental protection efforts, a focus on core legal requirements, and the important role of federal-state partnerships in implementing the nation's environmental laws. The voluntary Energy Star and WaterSense programs are reduced in the President's Budget (WaterSense is proposed for elimination) as part of the overall effort to target and prioritize EPA's core activities.

McCollum Q117: Does Administrator Pruitt believe these programs represent an appropriate role for a federal agency? If not, how does he envision that the private sector will continue to develop product guidelines in partnership with a patchwork of state and local governments and competing businesses?

> **Answer:** EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

McCollum Q118: What private organization might take on the breadth and complexity of these programs, is unbiased, can hire and gear up quickly to set up the networks and infrastructure necessary to manage these programs? If none currently exist, isn't it premature to cut the budget of respected and valued programs with great consumer and environmental results?

> **Answer:** EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

Toxics and peer review *(OCSPP/ORD)*

Many state and local governments rely heavily on US EPA's office of research and development's assessments of hazardous chemicals like the Integrated Science Assessments under the Clean Air Act or the IRIS program for toxics to set their clean up levels for hazardous

pollutants like known neurotoxins such as lead and carcinogens such as benzene. The current president's budget targets these scientific functions for large cuts.

McCollum Q119: How will EPA increase its support to state and local agencies to perform those scientific assessments on a case-by-case basis?

> **Answer:** Assessment of chemicals, and the authority to manage hazardous chemicals, is a mandated requirement with the June 22, 2016 passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, amending the Toxic Substances Control Act (TSCA). On June 22, 2017, EPA announced the finalization of a number of procedural framework rules related to chemical prioritization, risk evaluation, and risk management activities. See: [HYPERLINK "https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-5"]. Pursuant to these rules and its new authority under TSCA, EPA expects to engage states and local governments, as well as the general public, on prioritizing chemicals for risk evaluation and conducting risk evaluations in an open, transparent manner consistent with the best available science. In addition, hazard and exposure data, previously held confidential and not available to states, will now be accessible to these governments.
>
> EPA's Integrated Risk Information System (IRIS) develops assessments. EPA scientists also produce Integrated Science Assessments (ISAs) that evaluate peer-reviewed publications that reflect scientific knowledge. These ISAs provide the foundation for the National Ambient Air Quality Standards (NAAQS). They go through a very rigorous and independent peer-review and a public comment period.

McCollum Q120: How will EPA ensure that adequate health protection that follows the health evidence results for all Americans including vulnerable populations like pregnant women, infants, children, and seniors to protect them from these known and emerging hazards?

> **Answer:** The 2016 amendments to TSCA explicitly require EPA to consider risks to vulnerable populations as part of the process to evaluate chemicals under TSCA. The recently finalized procedural rule on Risk Evaluation reflects this statutory mandate, specifically requiring that EPA "integrate and assess available information on hazards and exposure for…the chemical substance, including information on specific risks of injury to health or the environment and information on potentially exposed or susceptible subpopulations." See preamble, page 6. As defined in TSCA, "potentially-exposed or susceptible subpopulations" means a group of individuals within the general population identified by EPA who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly." 15 U.S.C. 2602(12).

Hazardous Substance: Superfund Account

OAR

McCollum Q121: The budget eliminates funding for Radiation: Protection and states that EPA will explore alternatives to manage potential radiation risks at Superfund and hazardous waste sites to meet requirements and will explore alternatives to meet its statutory obligation, as mandated by Congress, to implement regulatory oversight responsibilities for Department of Energy activities at the Waste Isolation Pilot Plant facility. Where is this work funded in FY 2018? If there is no funding proposed in the budget, how will EPA meet its regulatory responsibilities?

> **Answer:** The agency will explore alternatives to address continuing obligations.

McCollum Q122: What is the impact of this work not being done in FY 2018? What are the risks to human health if this work is not done?

> **Answer:** The agency will explore alternatives to address continuing obligations. The WIPP program already has protocols in place to protect human health.

OECA

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

> **Answer:** The proposed budget reflects the streamlining of the agency's identification of Potentially Responsible Parties (PRPs), settlement negotiations for cleanup and the recovery of costs when the agency has expended funds for cleanups. EPA will focus its enforcement resources on the most egregious cases and on sites that most substantially impact human health and the environment.

OCFO

McCollum Q124: The budget states that the timeline for modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) is extended as a result of the budget cut. What is the revised date of completion as a result of the funding cut? How long is the delay? What is the total cost of this project and how much has been funded to date?

> **Answer:** At the funding level requested in FY 2018 President's Budget, SCORPIOS modernization should be completed by Spring 2021, an additional two years from the current anticipated date. The total cost of the project is $4 million of which $760 thousands have been funded for development.

OECA

McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases

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of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

> **Answer:** The amount of funding proposed for elimination is $20.145 million. Under the proposal, DOJ support for Superfund Enforcement would come from DOJ's resources. In FY 2016, the DOJ supported 629 enforcement cases. EPA will work with DOJ to prioritize the most egregious cases.

McCollum Q126: The budget states that there are 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects, yet this program is eliminated. How will EPA ensure that appropriate oversight is conducted at these sites? Will the funding elimination affect the timeline of the cleanups and, if so, by how long?

> **Answer:** The proposed budget has not eliminated the Superfund Federal Facilities Enforcement or the Superfund Federal Facilities Restoration and Reuse programs. The Federal Facilities Enforcement program's resources would be merged with the Superfund Enforcement account and work would continue under that consolidated program project. The Superfund Federal Facilities Restoration and Reuse program, which oversees and provides technical assistance for the protective and efficient cleanup and reuse of Federal Facility National Priorities List (NPL) sites, will continue to work closely with our federal partners to address sites with the most substantial impacts to human health and the environment.

OLEM

McCollum Q127: How much funding does the budget cut for support for the headquarters and regional Emergency Operations Centers? What is the specific impact of these cuts? Will the EOCs be staffed by fewer employees? Will the Agency's operational readiness be affected by the resulting impacts to the EOCs and, if so, how?

> **Answer:** Over the last few years, EPA has invested and remains committed to having agency Emergency Operations Centers (EOCs) remain resilient despite variable budgets. Headquarters and Regional EOCs expect to continue to maintain current response personnel/assets and readiness.

McCollum Q128: The budget states that the proposed reduction to the Homeland Security: Preparedness, Response, and Recovery program project will cause the Agency to have to reevaluate the need to use PHILIS and ASPECT for emergency response activities. ASPECT is the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform and it is available to assist local, national, and international agencies supporting hazardous substance response radiological incidents, and situational awareness in the US. PHILIS is EPA's mobile laboratory asset for the on-site analysis of chemical warfare agent and toxic industrial compound contaminated environmental samples Is EPA considering discontinuing ASPECT and PHILIS? Does the budget request impact operation of ASPECT and PHILIS? If discontinued, how would EPA fill this gap, what platform would conduct this work? How would states and local governments obtain these services?

Answer: EPA will continue to meet requirements of Homeland Security Presidential Directives. The Agency will evaluate PHILIS and ASPECT and will investigate with our partners the availability and suitability of other analytical assets to continue Chemical, Biological, Radiological and Nuclear (CBRN) preparedness and response work.

McCollum Q129: How will this affect workplace morale? Is discontinuing these services consistent with the rest of the federal government?

Answer: EPA remains committed to its response responsibilities in the event of emergencies.

McCollum Q130: The budget cuts $34 million from the Superfund: Emergency Response and Removal program project. How will this cut affect EPA's ability to respond to emergency response actions, removal assessments, and time critical response actions? What won't get done as a result of this reduction?

Answer: EPA will continue to prioritize and respond to hazard cleanups, as required under the Comprehensive Environmental Response, Compensation, and Liability (CERCLA) with resource priority given to emergency response actions. The Agency may reassess its resource allocation on non-emergency time-critical and non-time critical removal response actions to focus on site stabilization.

McCollum Q131: The budget proposes to cut $167 million or 33% from the Superfund: Remedial program and as a result will have to prioritize resources on NPL sites that present the highest risk to human health. How many NPL sites will not receive funding as a result of the cut? How many new sites will not be listed or have the cleanup process initiated as a result of the cuts?

Answer: The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. The Agency is in the process of determining what additional sites may be ready to initiate new construction work in FY 2018. In order to speed the pace of cleanups, a Task Force has been created to review best practices and new approaches in dealing with successfully restoring sites to productivity. The Task Force will outline steps to be taken in the near term to more expeditiously and effectively handle remediation of sites.

Leaking Underground Storage Tanks - <u>OLEM</u>

McCollum Q132: The budget request cuts $16 million from LUST Cooperative Agreements, which support states in managing, overseeing, and enforcing cleanups at LUST sites. The budget request also eliminates fund for LUST Prevention. What will be the resulting cut to each state? How many fewer LUST cleanups will occur due to the cuts? How much of a states' budget for LUST cleanups does this funding represent? How many fewer inspections will occur?

Answer: LUST funding supports states in managing, overseeing, and enforcing cleanups at LUST sites. EPA will work with state partners to provide flexibility and focus on the highest environmental priorities. The amount of change for each state varies with the overall allocation received and each state's individual contribution to the effort. Approximately 71,000 releases remain that have not reached cleanup completion.

Pollution Prevention - OCSPP

The budget proposes to eliminate work in several EPA offices authorized under the Pollution Prevention Act, which was enacted in 1990 to focus industry, government and public attention on reducing the amount of pollution through cost effective changes. It also eliminates EPA's pollution prevention work under the Clean Air Act, Section 7401(c), of which the "primary goal is to encourage or otherwise promote … actions…for pollution prevention."

McCollum Q133: The budget justifies significant reductions and program eliminations as the Agency refocusing on core work. Under Administrator Pruitt's leadership, does EPA consider pollution prevention part of EPA's core statutory work?

Answer: EPA has made great strides in carrying out the intent of Congress to encourage reductions in the generation, use and release of hazardous substances while helping businesses reduce operational costs. Based on previous investments in P2 solutions, partners are expected to be able to continue to share best practices. Within EPA, programs implementing environmental laws will continue to pursue approaches that prevent pollution at the source. For example, pollution prevention has, and is expected to be, a key tool in implementing the Toxics Substances Control Act, as amended in 2016, which requires EPA, in promulgating rules to mitigate unreasonable risk, to consider technically and economically feasible alternatives that benefit health or the environment (TSCA Section 6(c)(2)C),

Marine Pollution - **OW**

The budget proposes to eliminate the Marine Pollution Program. EPA is responsible for managing, along with the Army Corps, ocean disposal of sediments dredged from our ports, harbors and shipping channels to maintain the safe passage of military, commercial, and recreational vessels. EPA helps to ensure that radioactive waste, toxic chemicals, and sewage sludge that directly affect human health are not dumped into our coastal and ocean waters.

McCollum Q134: What is the impact of this proposed elimination on the health of the marine ecosystem? By how much will the percent decline of active dredged material ocean dumping sites achieving environmentally acceptable conditions?

Answer: EPA will seek opportunities to continue to meet statutory mandates, including those of the Marine Protection, Research, and Sanctuaries Act (MPRSA), to the extent possible within the Surface Water Program.

McCollum Q135: How will the proposed cuts affect data collection and maintenance?

> **Answer:** EPA will seek opportunities to continue to meet statutory mandates, including activities pursuant to the MPRSA such as development of site management and monitoring plans, to the extent possible within the Surface Water Program.

McCollum Q136: State and local governments will be directly impacted by degradation of their coastal resources, however, these entities do not have authority over ocean dumping in marine waters. If the marine program is eliminated as requested, how will EPA prevent, monitor, and control pollution in those waters?

> **Answer:** EPA will seek opportunities to continue to meet statutory mandates, including those of MPRSA, to the extent possible within the Surface Water Program.

Drinking Water - OW

Just last year we had a public health disaster in Flint, Michigan, where local residents were exposed to dangerously high levels of lead in their drinking water. Yet, the budget proposes to cut the drinking water program funding by 17 percent and the Public Water System Supervision Categorical Grant program by 30 percent.

McCollum Q137: How will these proposed reductions impact the States' abilities to provide technical assistance to owners of public water systems?

> **Answer:** EPA will work with states and tribes to target the funds to core statutory requirements while providing states and tribes with flexibility to best address their particular priorities. In FY 2018, EPA will provide funds to support state and Tribal efforts to assist water systems in meeting existing drinking water regulations and in working to develop the financial and managerial capacity needed to protect federal investments that remedy aging or inadequate infrastructure (e.g., pipe replacement to prevent failures in distribution systems; installation of treatment to remove harmful drinking water contaminants). EPA will encourage states to use grant funds to focus on the most immediate challenges public water systems are facing today that impede their ability to properly operate and maintain their infrastructure to protect public health and achieve long-term sustainability. These challenges include difficulties achieving readiness to obtain financial assistance, limited access to well-qualified and experienced utility personnel, and lack of technical expertise and managerial capacity.

McCollum Q138: How will the proposed cuts affect data collection and maintenance?

> **Answer:** Funding in the FY 2018 President's Budget request supports the completion of Safe Drinking Water Information System (SDWIS) modernization with the release of SDWIS Primacy Agency (Prime) and the initiation of support for state and regional transition to SDWIS Prime.

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In FY 2016, EPA released the Compliance Monitoring Data Portal (CMDP) enabling drinking water utilities and laboratories to report data electronically to primacy agencies with fewer errors and in a more efficient manner. The portal will increase data accuracy and completeness and could decrease the overall reporting burden for primacy agencies by hundreds of thousands of hours. Primacy agencies can use the portal-reported data to make more informed decisions about water system compliance and focus their limited resources on preventing and responding to public health problems. In FY 2017, EPA is assisting primacy agencies in transitioning to and utilizing CMDP, and will continue this assistance in FY 2018.

In FY 2018, EPA will continue work with states to develop SDWIS Prime. SDWIS Prime is a centralized infrastructure technology system that will replace SDWIS State (the management and reporting tool used by 43 state drinking water programs) and other systems that are hosted and operated separately by each primacy agency. EPA also will work with states to initiate their transition to SDWIS Prime. Benefits of this transition include: improvements in program efficiency and data quality; greater public access to drinking water data; facilitation of electronic reporting; reductions in reporting burdens on laboratories and water utilities; reductions in data management burden for states; and, a reduction risk to public health.

McCollum Q139: What will be the impact of the reductions on laboratory certification and sample analysis?

Answer: States have the primary responsibility for certification and oversight of the commercial and municipal laboratories that generally analyze compliance-monitoring samples for PWSs. Some states also operate their own laboratories for the analysis of compliance-monitoring, investigatory, and incident-response samples. Public Water System Supervision grants provide states with resources to assure timely and accurate compliance monitoring, respond to violations that may impact public health, and share results with the public. States will determine the relative support to provide to their areas of responsibility such as laboratory certification and sample analysis. Additionally, funding for the Unregulated Contaminant Monitoring Rule (UCMR) is not reduced and provides critical implementation support for emerging-contaminant occurrence data collection. This includes support to labs that conduct Unregulated contaminant occurrence monitoring (UCMR) and sample analyses for the nations' small public drinking water systems (PWS), as well as support training for regional and state certification officers and technical support/troubleshooting to regions, states, and laboratories.

McCollum Q140: How will the proposed cut impact EPA's training and technical assistance to States, tribes, and public water systems for compliance with Safe Drinking Water Act regulations?

Answer: EPA will streamline and prioritize support activities such as training and technical assistance to states, tribes, and public water systems for compliance with Safe Drinking Water Act regulations. EPA will target its support as outlined: the Agency will

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continue to work with states and tribes to implement requirements for all National Primary Drinking Water Regulations (NPDWRs) which require that systems install, operate, and maintain appropriate levels of treatment and effectively manage their distribution systems. In particular, EPA will continue to focus on working with states to optimize corrosion control treatment to minimize exposure to lead. EPA also will continue to require states to report violations data at all public water systems for all rules, including requirements to protect against Cryptosporidium, to control disinfection byproducts, and to implement the Revised Total Coliform Rule.

In addition, EPA will continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The Agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers, and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity, known as Capacity Development.

McCollum Q141: According to the budget request, in FY 2016, nearly ten percent of the population served by Community Water Systems received drinking water that did not meet all applicable health-based drinking water standards. How will these proposed cuts affect EPA's ability to address on-going compliance challenges? What activities will be reduced?

Answer: The 1996 Safe Drinking Water Act (SDWA) Amendments established a strong emphasis on enhanced water system management to achieve and maintain technical, managerial, and financial (TMF) capacity of the nation's drinking water systems. EPA resources and grants that states use to implement the drinking water program will primarily target small systems that lack the capacity to comply with health based drinking water standards. While most small systems consistently provide safe and reliable drinking water to their customers, many small systems face challenges with aging infrastructure, complying with regulatory requirements, workforce shortages and high staff turnover, increasing costs, and declining rate bases. In FY 2016, small community water system violations made up 94 percent of overall violations; however, in Indian Country, only 88 percent of the population served by CWSs received drinking water that met all applicable health-based standards. EPA will continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers, and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity.

Research and Development - ORD

EPA laboratories are resources for EPA as well as states, tribes, municipalities, and other federal agencies.

McCollum Q142: At the proposed funding levels in the FY 2018 budget request, how will EPA retain the expertise of the scientists at these laboratories? Does the Agency intend to close any of the labs?

> **Answer**: EPA will endeavor to retain its workforce with the proper distribution of skills. In addition, EPA will carefully review its footprint and continue efforts to reconfigure EPA's workspaces in order to release square footage and reduce long-term rent.

National Vehicle and Fuels Emission Laboratory *(OAR)*

The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is an integral part of EPA Office of Transportation and Air Quality. Through this program EPA develops, implements, and ensures compliance with national emission standards to reduce mobile source related pollution and ensure air quality benefits and fair competition in the marketplace.

McCollum Q143: The budget request notes that there is an increased demand for the outcomes from this program, but proposes reducing the program by $17 million. Has EPA analyzed the resultant economic impact on manufacturers or the health and economic impact on consumers' from this proposed reduction of work?

> **Answer:** The Agency will continue to perform its compliance oversight functions on priority matters and will conduct compliance oversight tests where there is evidence to suggest noncompliance.

OAR

McCollum Q144: The Lab's work also protects industry by ensuring all automakers play by the same rules and to hold companies accountable that gain an unfair and illegal competitive advantage. Engineers at this Lab were instrumental in uncovering evidence on Clean Air Act violations that led to Volkswagen paying billions of dollars to their customers and to mitigate for pollution emitted from their cars and the current lawsuit against Fiat Chrysler and discrepancies in its auxiliary emission control devices. How would the proposed reduction impede the oversight that results from the work of this Lab?

> **Answer:** The Agency will focus its efforts on certification decisions. EPA will continue to perform its compliance oversight functions on priority matters; and will conduct compliance oversight tests where there is evidence to suggest noncompliance.

McCollum Q145: In order to meet the demand from the auto industry, how will EPA fill the funding gap that would result from the proposed reduction? Does EPA intend to create new user fees for the lab above the ones that the industry already pay?

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Answer: The Agency will focus its efforts on certification decisions. The agency also will assess the capabilities of new and current vehicle technologies and focus efforts to detect violations of clean air standards in a more efficient matter. New user fees are not included in this budget request.

(OAR)

McCollum Q146: In March, EPA issued a notice of intent to reconsider the final determination on the appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards. At the proposed budget levels, how does EPA intend to conduct the analysis that this reconsideration will entail?

Answer: EPA will utilize the available resources to conduct the reconsideration of the Model Year 2022-2025 standards Mid-term Evaluation Final Determination. EPA will not only make use of its data and analysis, but also information from stakeholders, federal and state partners, and other resources to support the reconsideration process.

McCollum Q147: What are the next steps in the process?

Answer: The Administrator intends to make a new Final Determination no later than April 1, 2018; in accordance with EPA's regulations governing the Mid-term Evaluation process.

McCollum Q148: Will EPA officially withdraw the final determination? If so, when?

Answer: The Administrator announced in March 2017, his intention to reconsider the January 2017 Final Determination and his plans to issue a new Final Determination no later than April 1, 2018.

McCollum Q149: Will there be another proposed determination and public comment period?

Answer: The Administrator intends to make a new Final Determination no later than April 1, 2018; in accordance with EPA's regulations governing the Mid-term Evaluation process. EPA will follow applicable notice and comment procedures.

McCollum Q150: Will EPA and NHTSA produce another Technical Assessment Report? If so, does the proposed FY18 EPA budget provide enough resources to ensure a robust assessment?

Answer: Through prioritization of activities, EPA expects to have adequate resources to conduct the analysis that this reconsideration will require.

Eliminating Programs
Great Lakes - OW

The Great Lakes support a $7B annual fishing industry and over 40 million people in this region depend on the Lakes for drinking water. Ecologically healthy lakes are necessary for the lakefront and recreational opportunities the Lakes provide for millions of people which contributes to local economies. Yet the FY 2018 budget shortsightedly proposes to eliminate $300 million for the Great Lakes Restoration Initiative. This reduction will impact cleaning up toxic algae, phosphorus from sewage treatment plants, and other pollutants that threaten water supplies and make it dangerous to eat the Lakes' fish. It is will also jeopardize the work of Federal agencies, states and stakeholders to address invasive species like Asian carp.

McCollum Q151: How does EPA justify eliminating this program, and the many other geographic programs like it that are critical for healthy regional ecosystems?

> **Answer:** The Great Lakes are an important part of the U.S. fresh water supply, and EPA is committed to improving environmental conditions and human health for Americans that live and work in the Great Lakes region. EPA will continue to engage in meaningful discussions with Congress and with stakeholders in the region about how shared environmental goals related to the Great Lakes can be achieved.

McCollum Q152: Why aren't protecting these irreplaceable resources considered a basic function of EPA?

> **Answer:** EPA will continue to engage in meaningful discussions with Congress and with stakeholders in the region about how shared environmental goals related to the Great Lakes can be achieved.

McCollum Q153: The Great Lakes effort is a multi-state effort which benefits from federal funding and staff support. Absent federal participation which encourages a collaborative effort to clean up ecosystems that span more than one state, what does EPA envision these efforts will look like moving forward?

> **Answer:** EPA will encourage the eight Great Lakes states, tribal, and local entities to continue to make progress in restoring the Great Lakes from within core water programs, while continuing to engage with Congress and stakeholders in the region about how shared environmental goals can be achieved.

McCollum Q154: If funding is eliminated as proposed, how will EPA handle projects which are and could be in the middle of sediment remediation? Is there any risk that halting work could result in an environment hazard more dangerous than if the work had not been initiated?

> **Answer:** EPA anticipates that at least one project will be under active sediment remediation at the beginning of FY 2018. This ongoing phase of work is fully funded. EPA will work to minimize costs and environmental risks as work on the project ramps down.

McCollum Q155: What would happen to projects which are recently completed but may be in the warranty work phase where habitat restoration or continued treatment for invasive species is

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being carried out? Sometimes these activities continue for 2-3 years. If this work is stopped, wouldn't the full benefit of the investment be lost?

Answer: EPA anticipates that at least five projects will be in the warranty work phase at the beginning of FY 2018. This ongoing phase of work is fully funded. EPA will work to minimize costs and environmental risks as work on the projects ramps down.

McCollum Q156: How would EPA manage the internal support contacts and the contract with Cetacean Marine associated with the maintenance and operation of the research vessels Lake Guardian and Mudpuppy II?

Answer: Management of internal support contractors will be handled through a negotiations process with the contractors.

McCollum Q157: What would be the associated costs of ceasing operations of the Lake Guardian and Mudpuppy II? Would the vessel be put into dry dock or would EPA dispose of it?

Answer: EPA is still evaluating options for the Lake Guardian and the Mudpuppy II. Once final decisions are made, costs would be determined through a negotiation process with the contractors.

Managing Environmental Protection
Merging Regional Offices - Office of Budget with OARM, OLEM

It has been reported that EPA is conducting an analysis regarding merging regional offices that is due to the Office of Management and Budget on June 15, 2017.

McCollum Q158: How would EPA plan to continue the Agency's close working relationship with states, with less regional staff and more distance involved?

Answer: EPA's mission will be accomplished by engaging with state, local, and tribal partners to create and implement sensible regulations. EPA continues to prioritize its relationship with states and will continue to invest in this relationship.

McCollum Q159: What are the specific health impacts and environmental impacts of closing regional offices? How will these closures affect EPA's mission to enforce environmental laws and otherwise protect the environment and human health?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q160: Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

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Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q161: How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q162: How would EPA replace the on-the-ground knowledge, technical expertise and leadership in these regions, so essential to developing an acceptable resolution when a company is charged with a violation, to ensure that environmental compliance?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

Combined Heat and Power Partnership - OAR

The Combined Heat and Power Partnership provides technical support, makes business-to-business connections, and issues achievement awards to its roughly 400 partners. Since its launch, the Partnership has been credited with supporting roughly one-third of CHP installations. These projects slash energy use and costs, making their hosts more competitive and cutting carbon emissions. They also make our energy infrastructure more reliable, since CHP projects can keep the lights on when the grid goes down.

More than 100 businesses, advocates and associations – including Ameresco, Siemens and Solar Turbines – have joined a letter reaffirming the great value of the CHP Partnership and of CHP itself.

McCollum Q163: Given the Administration's commitment to improving our industrial competitiveness compared to our international competitors – and the great support that the CHP Partnership has provided since 2002, why does the Administration want to eliminate it?

Answer: EPA will explore options for the potential transfer of the CHP Partnership Program to non-governmental entities.

Environmental Monitoring - OAR

EPA tracks changes in nitrogen deposition and sulfur deposition to assess the effectiveness of the Acid Rain Program and related programs. The agency also tracks changes in surface water acidity in lakes and streams in acid sensitive regions to assess the change in the number of chronically acidic water bodies. The Administration budget proposes that EPA close seven of 59

EPA-sponsored CASTNET monitoring sites (six on Tribal lands) and seven of EPA's 32 National Atmospheric Deposition Program sites.

McCollum Q164: How will this reduce EPA's ability to measure the results of the Acid Rain Program and related programs?

> **Answer:** Under the proposed FY 2018 funding levels, the Agency would close seven of 59 EPA-sponsored CASTNET monitoring sites including six on tribal lands. The Agency would also close seven of EPA's 32 National Atmospheric Deposition Program sites. In both instances, the sites are newer, meaning long-term trend data will continue to be available. EPA will base its assessment on the remaining monitoring sites.

Elimination of Alternative Dispute Resolution - OGC

McCollum Q165: What are the benefits of EPA's use of alternative dispute resolution, and what analysis has EPA done that indicates program offices are able to conduct ADR on their own, without support?

> **Answer:** EPA's use of alternative dispute resolution (ADR) has been shown to save time and money, and result in improved outcomes. These benefits have been documented in a variety of studies and peer-reviewed literature. EPA regional and program offices will continue to pursue ADR support services and training on an as needed decentralized basis.

Climate Change: GAO High Risk Area *(OAR)*

McCollum Q166: According to EPA's budget, in 2013, the Government Accountability Organization designated climate change as a "High Risk" area, noting that climate change poses management challenges for the federal government at large, and that EPA will play a role in addressing this challenge. Since the budget request eliminates 91% of the climate change funding, what role will the Agency play in addressing this challenge?

> **Answer:** Through this budget, EPA has laid out a strategy to maintain core environmental protection with respect to statutory and regulatory obligations. This budget provides the direction and resources to return EPA to its core mission.

Clean Power Plan *(OAR)*

McCollum Q167: What is EPA's plan to provide the same level of greenhouse gas emissions reductions as the Clean Power Plan and other rules the Agency plans to reexamine?

> **Answer:** The Supreme Court ruled, in *Massachusetts v. EPA*, that EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act. Congress as a

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body, however, has not weighed in on the question about whether the Agency is obligated to regulate carbon dioxide.

Pursuant to the Presidential Executive Order on Promoting Energy Independence and Economic Growth, the Agency is reviewing several regulations and, if appropriate, will initiate reconsideration proceedings to suspend, revise, or rescind these rules.

McCollum Q168: When does EPA anticipate its review of the Clean Power Plan will be completed as every passing month delays the important emission reductions this plan was designed to achieve?

Answer: EPA is reviewing the Clean Power Plan and has submitted to OMB a proposal arising from that review.

McCollum Q169: Is EPA planning to extend the administrative stays of any other regulations that reduce greenhouse gases from stationary sources which it is currently reviewing?

Answer: The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and, appropriately suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law.

Ozone - OAR

McCollum Q170: Ozone is the main component in smog and has been scientifically proven to aggravate lung diseases, increase the frequency and severity of asthma attacks, and reduce lung function. EPA estimated that the benefit of an updated standard of 70 parts per billion will yield health benefits of $13 billion each year. However, Administrator Pruitt has delayed the compliance deadline by a year. What will be the health impact and additional cost to the public of this delay?

Answer: There is insufficient information to complete area designations for the 2015 ozone standards and EPA is extending the deadline by one year, until October 1, 2018. Additional time will allow EPA to further evaluate a host of complex issues regarding the 2015 ozone NAAQS and its implementation, such as: further understanding the role of background ozone levels and international transport; developing additional flexibilities for states to comply with the ozone NAAQS; and considering completely all designation recommendations provided by state governors, including full consideration of exceptional events impacting designations.

Chlorpyrifos *(OCSPP)*

Administrator Pruitt, during your testimony to our subcommittee you stated that the USDA had a differing opinion from EPA's scientists on the dangers of chlorpyrifos. You sided with the

USDA in that disagreement when you rejected the petition to revoke food tolerances of chlorpyrifos.

McCollum Q171: What scientific evidence and peer-reviewed studies were the basis of the USDA's conclusions? Do they have data that shows there is a safe level of exposure to chlorpyrifos, particularly for children and pregnant women? Who determined that the USDA's science is more reliable or valid than EPA's, and what process or standards did they use to come to that conclusion?

> **Answer:** EPA received numerous comments raising concerns with the analysis EPA issued for public comment in November 2016, as part of the chlorpyrifos tolerance revocation rulemaking process. Among those concerns were comments submitted by the U.S. Department of Agriculture, available at: [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2015-0653-0648"]. USDA's concerns mirrored similar comments submitted by other stakeholders, leading EPA to conclude that, despite several years of study, the science addressing neurodevelopment effects remains unresolved and that further evaluation of the science during the remaining time for completion of registration review is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos.

McCollum Q172: EPA has historically consulted with the USDA on pesticide related issues, but your testimony indicated that the USDA now has the power to overturn the conclusions of the Agency's own scientists. Has the USDA been elevated to the role of overseeing any decisions on pesticides under the Trump Administration? If so, who issued and approved of this guidance.

> **Answer:** EPA has historically consulted with the USDA on pesticide-related issues and continues to do so. EPA engages USDA, as well as its other federal partners, in a collaborative manner to achieve regulatory decisions that reflect transparency and sound science. EPA routinely seeks USDA's input on pesticide-related issues, and routinely uses USDA data (e.g., NASS use survey information) to inform our risk assessments and regulatory decisions.

OCSPP

McCollum Q173: The mission of the USDA is very different from the mission of EPA. The USDA's mission is to provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues. EPA's mission is to protect human health and the environment. Is the protection of human health and the environment still the mission that is guiding decisions on pesticide use under your leadership?

> **Answer:** Yes, under the authorities of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); as amended by the Food Quality Protection Act of 1996, the Endangered Species Act (ESA), and the Pesticide Registration Improvement Renewal Act (PRIA), the protection of human health and the environment is still the mission guiding decisions on pesticide use.

Environmental Impact on Children's Health

It is estimated that 88% of the existing global burden of disease attributable to climate change occurs in children younger than 5 years old in both industrialized and developing countries. Climate change is currently affecting child health through increased heat stress, decreased air quality, altered disease patterns of some climate-sensitive infections, physical and mental health effects of extreme weather events, and food insecurity in vulnerable regions. Outdoor air pollution is linked to respiratory problems in children, including decreased lung function, coughing, wheezing, frequent respiratory illness, and asthma exacerbation. Children bear the burden of negative health outcomes resulting from exposure to pollutants across their lifespan.

(OAR)
McCollum Q174: EPA has put a hold on efforts to make our air cleaner by pausing work on the ozone standard and the Clean Power Plan. Is EPA calculating the costs to children and their families from all of the health effects of polluted air and accelerated climate change?

> **Answer:** EPA has paused several efforts in order to evaluate a host of complex issues. Within the statutory boundaries, there are a number of factors to consider when revising federal rules, including costs, implementation issues, and the appropriate balance between state and federal authority.

(OA)
McCollum Q175: As EPA Administrator overseeing this regulatory review, are you consulting with pediatric associations, patient organizations, or other representatives for children's health to determine the cost burdens that rolling back these regulations would place on impacted families and our health care system as a whole?

> **Answer:** EPA has a Children's Health Protection Advisory Committee whose charter was renewed in June of 2017. The duties of this Advisory Committee are to provide advice and recommendations to EPA on policy issues associated with regulations, economics, and outreach/communications to address prevention of adverse health effects to children, and improve the breadth and depth of analyses related to these effects. Many of the members are from pediatric associations and other representatives of children's health.

McCollum Q176: How will the benefits to children of strong environmental regulations be weighed in comparison to the costs to some businesses of meeting those regulations in any final decisions?

> **Answer:** The cost, benefits, and distributional impacts of regulations are one of the factors, along with others, that inform proposed and final regulations.

Tribal Treaty Rights and Tribal Consultation - OITA

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In February 2016, the Agency finalized the "EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights". That Guidance begins with the statement that, "EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so."

McCollum Q177: Does the Agency intend to continue to implement this Guidance under your leadership? Does the Agency continue to stand by the conclusion that you have an obligation to protect treaty rights and consult with tribal nations if those rights may be impacted by a proposed EPA action?

> **Answer**: The Agency will continue to follow the law as it relates to tribal treaty rights and believes that the Guidance, which complements EPA's existing tribal consultation policy, serves as a framework to inform EPA's actions and decisions.
>
> The U.S. Constitution defines treaties as part of the supreme law of the land, with the same legal force as federal statutes.

McCollum Q178: The Guidance states that, "As part of its commitment, EPA will emphasize staff training and knowledge-sharing on the importance of respecting tribal treaty rights in order to better implement this Guidance". What training has been done for staff on this topic since you were confirmed as Administrator? Does the Agency intend to provide such training in the future?

> **Answer:** EPA's American Indian Environmental Office, within the Office of International and Tribal Affairs, has hosted a number of trainings on EPA *Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights* in 2017, and continues to work with our regional and national offices to schedule more training opportunities for EPA staff.
>
> In addition to our specific training on treaty rights, the Agency requires staff to take a short training course every two years on "*Working Effectively with Tribal Governments*" which includes information on treaty rights. This training is required of staff in FY 2017.

McCollum Q179: Is the Agency engaging in formal tribal consultation during the review of regulations that you are currently undertaking? What efforts is the Agency undertaking to evaluate the impact that any changes to existing regulations may have on tribal treaty rights throughout the nation?

> **Answer:** The Agency hosted two tribal-specific national outreach calls for tribal governments to provide their input into our regulatory reform agenda. The calls included EPA representatives from each of the major program offices. EPA also invited tribes to participate in the five other media-specific public meetings. As the agency continues to work through the input received from tribes and other stakeholders, the agency will work with EPA's American Indian Environmental Office and other program offices on appropriate next steps.

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EPA has also engaged in formal tribal consultation in relation to its review of the 2015 "Waters of the United States" rule.

McCollum Q180: Tribal nations rely on many EPA grants and programs to protect their treaty rights and maintain the environmental health of the ecosystems that support their hunting, fishing, and gathering rights. Has the Agency engaged with tribal nations following the release of the Fiscal Year 2018 budget about the decision to cut funding for programs across the Agency that tribes rely on such as the Indian General Assistance Program, the State and Tribal Assistance Grants, the Great Lakes Restoration and Puget Sound geographic programs, and others? Are you consulting with tribal leaders around planning for implementation of this budget? Are you seeking tribal input on investments needed to protect tribal treaty rights as you develop your Fiscal Year 2019 budget?

Answer: Annually, EPA's senior leadership, including the EPA Administrator, meets with the National Tribal Caucus (NTC) to discuss planning and budget priorities. The NTC is a national body of elected officials and other representatives of federally recognized tribes. Members are selected by tribes in each EPA region to represent the perspectives of tribes within their regions. The NTC's primary focus is to identify and address tribal environmental issues that are national in scope, cross-agency, or cross-media in nature, or that may be emerging or urgent. The NTC executive committee met with Administrator Pruitt (April 2017) and plans are underway to have the full NTC meeting with EPA's senior leadership this fall.

The Agency is currently undergoing tribal consultation on the FY 2018-2019 National Program Guidance. These planning documents describe how EPA will carry out the Agency's strategic direction and annual budget by providing operational direction to EPA regions, states and tribes on implementing environmental and human health programs.

McCollum Q181: Please provide the Committee with a detailed list of all efforts to engage in tribal consultation. Additionally, please provide the Committee with a detailed analysis of the current funding that EPA distributes to tribal nations across all accounts and grants, and how the cuts proposed in the Trump Administration FY18 budget would affect it.

Answer: EPA maintains a listing of on-going tribal consultations on its tribal consultation web site, [HYPERLINK "https://tcots.epa.gov"]. To date, EPA has engaged in over 400 consultations with tribal governments since the issuance of its consultation policy in 2011. Funding varies across programs depending on specific requirements of the statutes and allocations. OITA funding changes will be part of the grant work plan development for the proposed FY 2018 funding.

Questions from Ms. Pingree:

Brownfields - OLEM

An EPA program that is of vital importance to the communities of New England and Maine in particular, is the Brownfields program. The capital raised through Brownfields investments has

been extremely effective in turning community liabilities into assets throughout the state. And EPA itself has told us that brownfields leverage $17 dollars for each dollar spent.

Pingree Q1: When you have publically supported the work of this program, why would this Administration turn away from the Brownfields program that leverages its funds so efficiently with a $17 to $1 return on investment?

> **Answer:** The Agency remains committed to this important program. Under the FY 2018 request, approximately 834 sites will be assessed, 111 sites cleaned up, and 5,865 jobs and $1.1 billion will be leveraged. Additionally, grant-supported state and tribal response programs will oversee the cleanup at approximately 26,032 properties, making over 90,000 acres ready for reuse.

National Estuary Program - OW

One of the programs that you have at EPA that is relatively small in the scope of your budget, but that brings critical funds to coastal communities is the National Estuary Program. The work that they are doing on the ground in habitat restoration and protection helps in the 28 watersheds nationwide.

One of those critical watersheds is in Maine, the Casco Bay Estuary. They work with partners across Southern Maine to monitor our watershed in the Casco Bay and to use the data they find to help our fishermen, and our communities. But under your budget proposal, the program is proposed for elimination and the funds are not repurposed elsewhere but the work of this program will be entirely gone. On average, the NEPs raise $18 for every $1 provided by EPA.

Pingree Q2: Why does the FY 2018 budget propose to eliminate the NEP which provides such a clear benefit to the American taxpayer?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. EPA will continue to encourage the National Estuary Programs (NEPs) to make progress implementing their Comprehensive Conservation Management Plans (CCMP) from within a core water program.

Wood Heater Standards - OAR

Pingree Q3: Can you provide for the record information and status of EPA's New Source Performance Standards for New Residential Wood Heaters given that there is a May 2020 effective date for Step 2 of this rule?

> **Answer:** EPA set a two-phased New Source Performance Standard (NSPS) for residential wood heaters. The 2015 rule phased in standards for new heaters over five years. Existing wood heaters are not affected by the 2015 rule. Step 1 went into effect in

2015 and was widely accepted by industry. Step 2 has a 2020 effective date, and two impacted industry stakeholders have challenged the rule on the basis of technical and legal concerns. EPA is considering the concerns raised by stakeholders and will consider options, as they relate to the existing rule.

EPA Water Sense Program - OW

Pingree Q4: Given that fact that many business and citizens were affected by drought and water supply shortages in recent years, and given the proposed cuts to programs at EPA such as Energy Star and Water Sense, how will EPA continue to support economic development that is based on significant water savings in drought stricken areas?

Answer: The FY 2018 President's Budget request for EPA reflects the success of environmental protection efforts, a focus on core legal requirements, and the important role of federal-state partnerships in implementing the nation's environmental laws.

Toxics Funding - ORD

Pingree Q5: Given the 31% cut to the Chemical Safety for Sustainability research program, what are the potential impacts on the research and evaluation of human health effects of chemicals?

Answer: The Chemical Safety and Sustainability (CSS) program provides methods, data, information, and tools enabling more informed, timely decisions about chemicals. CSS products currently inform Agency program offices responsible for the implementation of TSCA, SDWA, and CERCLA. Products provided by CSS inform agency and state decisions related to chemical safety and the protection of public health and the environment.

The funding provided for the CSS program in the FY 2018 President's Budget supports work to continue to produce innovative tools that accelerate the pace of data-driven chemical evaluations, enables EPA and state decisions to be environmentally sound and public health protective, and supports chemical innovation.

Questions from Mr. Kilmer:

EPA Ecolabel Program - OCSPP

In 2015, EPA issued procurement recommendations for forest products that discriminated against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS) – thereby excluding forest products produced from hundreds of millions acres of private, state, and federal forestlands. These recommendations were also inconsistent with the USDA's Biopreferred Program, which puts all forest certification programs on a level playing field. The Fiscal Year (FY) 2017 Consolidated Appropriations Act directed EPA to provide a report to the Committee within 60 days regarding the current state of the agency's Ecolabel program. The Committee also recommended that in developing the guidelines to evaluate eco labels that are used in Federal purchasing for building construction and other uses, EPA should be fair, transparent, and consistent with other product requirements.

Kilmer Q1: What is the anticipated timing for the completion of the report called for in the FY 2017 Consolidated Appropriations Act?

> **Answer:** The agency has been working to meet this new requirement. The report is currently in draft and undergoing EPA management review. Interagency review is required before the report is finalized.

Kilmer Q2: Please outline the steps EPA will take to ensure that guidelines for the Ecolabel program will be developed in a transparent manner, inclusive to all certified sustainable US grown and manufactured forest products, and consistent with existing federal procurement policies like the USDA's Biopreffered program.

> **Answer:** Based on stakeholder concerns and interagency discussions, EPA recommendation for the lumber/wood product category was removed in December 2016 and put on hold. The Fiscal Year 2018 President's Budget eliminates funding for the program-project under which Ecolabels activities are funded.

Energy Star - OAR

EPA has a voluntary, non-regulatory, partnership program with private and public property owners called ENERGY STAR for buildings. Foundational to the program is an energy management and tracking tool developed and maintained by EPA called "Portfolio Manager" that enables properties to measure utility performance over time. Forty-four billion square feet of commercial space including school, office and apartments buildings – roughly half the commercial real estate market in the United States – use Portfolio Manager to measure and track how much energy and water is consumed by building occupants. This tool has become the trusted standard for building owners to identify opportunities for more efficient operation and achieve utility cost savings. Moreover, without Portfolio Manager, the real estate industry would

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be left without its key compliance tool to meet the increasing number of state and local regulations that require buildings to measure and report their energy use in a transparent manner.

Kilmer Q3: Is Administrator Pruitt aware of the important role that the buildings branch of ENERGY STAR and the Portfolio Manager tool play in supporting the private real estate industry?

> **Answer:** EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

Kilmer Q4: Without funding, how does EPA plan to continue supporting Portfolio Manager?

> **Answer:** EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy. Portfolio Manager support will be part of the overall evaluation of next steps.

Puget Sound - OW

Puget Sound, Washington, is among the most important estuary ecosystems in the United States, providing critical human and ecological values. The ecosystem supports more than 4. 7 million people, including 19 federally recognized tribal governments; 211 fish species; l00 sea bird species; and 13 marine mammal species, including endemic orca whales. It also annually handles over $77 billion in imports and exports, $10 billion in outdoor recreation, and $2 billion in agriculture revenue. Decades of human activity and development have degraded the ecological function of Puget Sound, and EPA has numerous statutory obligations to support Puget Sound recovery efforts.

Kilmer Q5: Please provide a list of all federal laws that mandate EPA's role in Puget Sound recovery efforts.

> **Answer:** Puget Sound-related mandates are found in the following:
>
> Clean Water Act §320: Establishes the National Estuary Program and includes the Management Conference/Action Agenda: "The Governor of any State may nominate to the Administrator an estuary lying in whole or in part within the State as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary."
>
> Estuaries and Clean Waters Act of 2000: "This legislation makes restoring the nation's estuaries a national priority and funds community-based estuary restoration projects. Reauthorization of EPA's National Estuary Program is included, with funds for estuary management in addition to planning. The core of the bill establishes a five-year program through which the federal government will promote and track estuary restoration."

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Kilmer Q6: Please provide a summary of the total amount spent by EPA towards meeting its statutory obligations with respect to Puget Sound recovery over the past 5 years broken out by individual programs including State and Tribal Assistance Grants.

> **Answer:** Geographic Funds: $140 million (Geographic Program: Puget Sound)
> NEP Funds: $2.8 million (NEP Base Grant)
>
> The following STAG programs also support Puget Sound Recovery (note these are statewide allocations for the past five years and not all these resources are applied in the Puget Sound basin.)
>
> - Clean Water Act Section 319 Washington Allocation: $14.7 million
> - Clean Water Act Section 106 Washington Allocation: $30.2 million
> - CWSRF Washington Allocation: $120.9 million
> - DWSRF Washington Allocation: $ 102.3 million

Kilmer Q7: Please provide a list and brief description of all the current actions carried out by EPA (including those supported through grants/cooperative agreements with the state and tribes) that would be terminated if the Puget Sound Geographic program is eliminated.

> **Answer:** Below is a list of actions where EPA currently provides funds:
>
> - Development and update of the 2018 Action Agenda (Comprehensive Conservation and Management Plan).
> - Support for science and monitoring planning, implementation, and use for tracking progress and adaptive management.
> - Leadership and staffing of the Puget Sound Federal Task Force and implementation of the federal five-year Action Plan.
> - The U.S. staffing and support for the US/Canada Salish Sea Statement of Cooperation and shared efforts the SOC Action Plan.
> - Planning and involvement in the bi-annual Salish Sea Ecosystem Conference.

Tribal Programs - <u>OITA</u>

EPA's Region 10 office serves 271 federally recognized tribes in Alaska, Idaho, Oregon, and Washington. EPA is responsible for upholding federal trust responsibility to protect treaty rights that fall within its jurisdiction.

Kilmer Q8: Is the Administrator committed to upholding EPA's trust responsibility to all federally recognized tribes?

> **Answer:** EPA recognizes the federal government's trust responsibility, which derives from the historical relationship between the federal government and tribes as expressed in certain treaties and federal Indian law. EPA remains committed to honoring the

government-to-government relationship the United States has with federally recognized tribes as well as fulfilling our federal trust responsibility.

Kilmer Q9: What legal consequences would EPA face if it fails to meet these obligations as a result of inadequate funding?

Answer: EPA will continue to work with Congress to finalize the budget and then will work with states, tribes, and local governments to ensure that key program priorities continue to be appropriately implemented across the country.

Questions from Ms. Kaptur:

CWA: Impaired water of Lake Erie - OW

Two years ago, Toledo's fresh water supply was shut down over an entire weekend due to toxic algal blooms from Lake Erie that crept into the water treatment facility. The algal bloom was a result of the overwhelming nutrient pollution running into the Lake. The amount of money required to fix this tri-state/binational environmental threat is enormous, and the responsibility for purifying the water should not simply rest with the City of Toledo, a community of 250,000 inside a watershed of over 2 million people and 10 million livestock. Further, Michigan has declared Lake Erie impaired; Ohio has not.

Kaptur Q1: During our hearing, you stated that Ohio had not assessed the waters of Lake Erie. However, under Section 305(b) of the Clean Water Act, states are required to assess all waters. Do you not agree that Ohio is required to assess those waters? Based on what authority did you defer to the state of Ohio's decision not to assess those waters? How can you approve an incomplete assessment?

> **Answer:** States have the primary responsibility, under Sections 305(b) and 303(d), to assess their waters and to identify waters that are impaired. Ohio's 2014 list identified the Western Basin Shoreline of Lake Erie as impaired for the Public Drinking Water Supply (PDWS) use. In its 2016 303(d) list submission, Ohio retained the Western Basin Shoreline and added the Lake Erie Central Basin Shoreline and the Lake Erie Islands Shoreline as impaired for the PDWS use based on microcystin data. The Ohio EPA has not assessed the open waters of Lake Erie beyond the shoreline. Section 303(d) of the CWA and its implementing regulations provide EPA with the authority to approve a state's list of impaired waters. EPA relied on this authority to defer to the state's decision not to assess these open waters for the 2016 list. Importantly, EPA recognizes the state's ongoing efforts to control nutrient pollution in the Western Basin of Lake Erie. EPA understands that the Ohio EPA intends to evaluate options for developing objective criteria (e.g. microcystin or other metrics) to assess the Western Basin of Lake Erie, including open waters beyond the shoreline, for future lists. EPA is committed to working with the State in those efforts.

Kaptur Q2: By default, by accepting Ohio's non-assessment, USEPA is declaring the open waters of Lake Erie not impaired. How can waters which are clearly comingled across state lines be considered clean on one side and impaired on the other?

> **Answer:** Individual state water quality standards and assessment approaches vary, which can lead to differing impairment determinations by states assessing portions of interstate waters within their jurisdictions. To clarify, however, EPA has not made a determination that the open waters of Lake Erie in Ohio are not impaired.

Kaptur Q3: Can you please answer my question from the hearing: is not a tri-state watershed draining into a binational body of water with disputes over the water quality status precisely where EPA is statutorily mandated to take action?

Answer: EPA does not believe the language in the Clean Water Act Section 303(d) mandates it to take specific actions in a binational or tri-state body of water. However, EPA is supportive of, and is willing to facilitate, efforts between states to harmonize assessment of interstate waters. EPA is working with Canada and the states in the Lake Erie Basin to develop action plans to achieve the reductions determined to be necessary to meet the Great Lakes Water Quality Agreement Annex 4 targets.

Kaptur Q4: In their letter to USEPA on September 30, 2016, Ohio EPA indicated that USEPA should lead efforts to assess the nutrients and algae problems, as well as to develop a coordinated response, in Lake Erie. Do you disagree with their interpretation?

Answer: EPA is supportive of, and is willing to facilitate efforts between states to harmonize assessment of interstate waters. EPA is working with Canada and the states in the Lake Erie Basin to develop action plans to achieve the reductions determined to be necessary to meet the GLWQA Annex 4 targets. States have the primary responsibility for assessing and listing their waters, including those shared between states or other countries.

Kaptur Q5: Are you committed to upholding the 40% reduction of nutrient loading as agreed to in the Great Lakes Water Quality Agreement Annex 4, and supported by the Great Lakes Governors and Canada?

Answer: The Great Lakes Water Quality Agreement is a commitment between Canada and the United States federal government, not just EPA. EPA is working with four federal agencies and five states to develop phosphorus reduction plans for Lake Erie and intends to begin public engagement in mid-July 2017 on the first draft of a U.S. Action Plan for meeting this commitment.

Kaptur Q6: What is EPA doing to assist the states in developing criteria to address harmful algal blooms and nutrient pollution? How much funding is provided for this work in FY 2017? How much is proposed in the FY 2018 budget request?

Answer: EPA does not track spending for HABs.

EPA looks forward to working with other federal agencies to support and encourage state, tribal, and local investment in preventing nutrient pollution and responding to HABs across the nation.

Funding for Water Infrastructure - OW

USDA's budget proposes to eliminate the entire $500 million Rural Water and Wastewater loan program with the expectation that rural communities will compete for the limited Drinking Water SRF funds. The Drinking Water SRF does not increase by the $500 million lost in the Rural Water and Wastewater loan program.

Kaptur Q7: How will rural water systems struggling to provide clean water to their neighbors find funding for clean water if the Drinking Water SRF is already woefully underfunded and now has to absorb a $500 million program for rural communities?

> **Answer:** The FY 2018 President's Budget request for EPA includes $863 million for the Drinking Water State Revolving Fund (DWSRF) to help finance critical infrastructure improvement projects to public drinking water systems. This funding level furthers the President's ongoing commitment to infrastructure repair and replacement and would allow states, municipalities, and private entities to continue to finance high-priority infrastructure investments that protect human health.
>
> In addition, EPA will continue to foster its strong partnership with the states to provide small system technical assistance, with a focus on rule compliance, operational efficiencies, and system sustainability to ensure clean and safe water. In FY 2018, EPA will continue its effort to build the capacity of local utilities and existing state programs to expand their contribution to the array of funding options to meet future infrastructure needs. The requested funding for this program will support critical infrastructure investments to rebuild and enhance America's drinking water infrastructure.
>
> EPA also is requesting $20 million for the Water Infrastructure Financing Innovation Act (WIFIA) program. The WIFIA program complements the SRFs and is another source of financing to improve water infrastructure. EPA estimates that the $20 million requested in FY 2018 could provide approximately $1 billion in low-cost loans for eligible water infrastructure projects.
>
> The FY 2018 President's Budget request also continues to provide funding for the Environmental Finance Centers which deliver financial outreach services, such as technical assistance, training, expert advice, and full cost pricing analysis to states, local communities, and small businesses.

Kaptur Q8: How will these small communities compete with the medium and large systems that will also be applying for SRF funds?

> **Answer:**. In FY 2018, EPA will work with states to ensure not less than 20 percent and not more than 30 percent of a state's capitalization grant is provided as additional subsidization. EPA encourages states to utilize subsidization to assist communities and sustainability efforts.

Funding to States *(OA/OP)*

Ohio EPA Director Craig Butler said that these cuts in your budget would result in a 30% cut to their budget, forcing major cuts to the state Superfund program and to Clean Water and Clean Air initiatives. If Ohio is not provided with adequate funding to implement those programs there will be significant problems. The Agency will not be able to process permit applications, conduct inspections/reviews, and will likely reduce staff.

Kaptur Q9: How do you imagine that reality lines up with your priority of growing the economy and protecting the environment?

> **Answer:** EPA believes environmental stewardship, without unnecessarily hurting the economy, is essential to the American way of life. Economic growth and environmental stewardship are not mutually exclusive, in fact from 1970 to 2015, aggregate national emissions of the six common air pollutants dropped an average of 70 percent while gross domestic product grew by over 246 percent. However, much work remains to be done in streamlining the Agency's guidance documents and regulations to not overburden states. The FY 2018 President's Budget request reflects the EPA's role in a model of cooperative federalism that emphasizes strong cooperative state and tribal partnerships and is guided by Congressional direction in core environmental statutes. EPA will work with our state partners to provide flexibility to address local priorities.

Budget Cuts *(OA/OP)*

Kaptur Q10: If the agency staff and funding levels are substantially cut, as the administration has proposed, and if the agency pursues all of the reconsideration and similar actions it has already announced, can you assure us that the agency will not miss any mandatory statutory deadlines for action?

> **Answer:** EPA will adhere to the statutory obligations Congress has mandated.

Enforcement - OECA

Kaptur Q11: You talk about returning EPA to basics, but compliance levels with environmental laws in some sectors is dangerously low. How will you increase compliance with laws that protect our health, when your enforcement staff does not have any money to conduct casework?

> **Answer:** EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment and ensure a level playing field for companies that follow the rules. In FY 2018, the Agency will work to make more effective use of the full array of tools to assist and encourage compliance, in concert with traditional enforcement approaches, while focusing on our direct implementation responsibilities, the most egregious cases, and in areas that address the most substantial impacts to human health and the environment.

Environmental Justice *(OECA/OP)*

Kaptur Q12: The Administration's proposed budget would do away with the office of Environmental Justice altogether. Do you believe that environmental costs and degradation has fallen disproportionately heavily on people of color, individuals in low-income neighborhoods,

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and those who have the least voice in the process? Does your plan to eradicate the office that is specifically tasked with addressing this issue indicate that you do not take it seriously? How do you propose to address environmental racism and environmental justice while your agency cuts staff, enforcement, and the entire office tasked with tackling these problems?

> **Answer:** The Agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face. Environmental justice will continue to be considered within the work done at EPA and also is specifically incorporated into future policy work within the Agency's Integrated Environmental Strategies program.

Budget for Science and Research - ORD

The President's proposed budget request for FY2018 lays out a reduction in staffing at EPA by almost 25% over the FY2017 Annualized Continuing Resolution Full-Time Equivalent (FTE) levels. This proposed staffing cut hits the Science and Technology Appropriation, which houses EPA's Office of Research and Development, by 32.5%.

Kaptur Q13: Can you justify the budget reduction of the only Appropriation within the Agency that is responsible for providing robust scientific evidence to guide EPA in developing its regulatory decisions?

> **Answer:** Sound science is the backbone of EPA's rule-making process. The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. Current resource levels will allow for EPA to meet its core mission.

Kaptur Q14: With states relying on the scientific and technical expertise that EPA retains in-house to assist them in meeting their statutory requirements for environmental protection, how will the Agency be able to continue to meet the expectations of their state partners with such a substantial reduction in staff?

> **Answer:** Science at EPA provides the foundation for credible decision-making to safeguard human health and ecosystems from environmental pollutants. EPA will continue technical service to the states and meet its core mission within the confines of its appropriation.

Kaptur Q15: How can you justify such a dramatic cut that would seriously jeopardize the Agency's ability to use the best available science to protect human health and the environment?

> **Answer:** EPA will prioritize activities that support decision-making related to core environmental statutory requirements.

(ORD)

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We hope that EPA getting "back to basics" means that EPA will continue its mission to protect human health and the environment. However, recent activity at the Agency has provided some cause for concern, specifically, the decision to not renew the terms of several members of the Board of Scientific Counselors for EPA's Office of Research and Development, with the stated intention of replacing those members with industry representatives.

Kaptur Q16: How do you reassure the American people that the quality of their air and water will not be compromised by the very same billion dollar industries you have spent decades representing, who now have a bigger seat at the table, and a greater ability to influence Agency decisions to improve their bottom line at the expense of the taxpayers health and well-being?

> **Answer:** EPA works to ensure our future generations will inherit a better and healthier environment. Environmental stewardship, while growing our economy, is essential to the American way of life and key to economic success and competitiveness. Regulation and policy will incorporate robust input from the public through formal and informal mechanisms to seek full understanding of the impacts of proposed policy on public health, the environment, the economy, jobs, families, and our communities. The fundamental role of sound science at the Agency is providing input into regulatory decisions.

Questions from Ms. Lowey:

Climate Change

According to EPA's own information on Climate Change Indicators, between 1901-2015:

- Average surface temperature across the contiguous 48 states have risen more quickly since the late 1970s;
- Eight of the top 10 warmest years on record have occurred since 1998, with 2012 and 2015 being the two warmest years on record;
- 2006-2015 was the warmest decade on record; and
- Since the late 1970s the United States has warmed faster than the global rate.
- In addition, temperature is only one indicator of climate change, we could look at other indicators such as precipitation or extreme weather events.

Judging from your history as a climate change skeptic, I suspect you have little respect for these figures. But let's be outright with it.

(OAR)
Lowey Q1: Yes or no - is human activity a contributor to climate change?

> **Answer:** The information cited reflects historic scientific observations.

Lowey Q2: With the drastic reductions in your FY 2018 budget request, how will EPA continue to study and address the impacts of climate change?

> **Answer:** EPA will continue to conduct a range of economic, scientific, and technical analyses for Clean Air Act (CAA) regulatory actions, technical input, and policy support. EPA will continue to look for ways to improve program efficiency and effectiveness across the suite of its core responsibilities with a focus on streamlining activities.

Addressing the impacts of climate change/Paris Accord *(OAR)*

I am deeply concerned by the Administration's decision to withdraw from the Paris Agreement. Coupled with the budget's elimination of any funding to combat climate change, the Administration is ignoring changes in our environment that threaten food security, biodiversity, business interests, and even our coastal cities like New York. It is irresponsible to think we are putting America first by ignoring these global threats. Nicaragua and Syria are the only other nations not participating, though I should note that even Nicaragua declined to participate because they felt the agreement did not go far enough. International backlash to the U.S. pulling out has been unprecedented and appears to have undermined U.S. global leadership. You recently made the statement that you had not spoken with President Trump about whether he believes that climate change is real and whether humans impact it. You further stated that the focus of your discussions with the President has been on the merits and demerits of the Paris Agreement. Because the Paris Agreement's central aim is to strengthen the global response to the threat of climate change, it baffles me that you two would not have discussed climate change.

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Lowey Q3: To date, have you still not asked the President what his beliefs are regarding climate change?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and, appropriately, suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. EPA is focusing its efforts on obligations of statutes passed by Congress.

Lowey Q4: You were in Italy this week for the G7 Meeting on the Environment. What has been the response from our international partners about President Trump's decision to withdraw from the Paris Agreement?

> **Answer:** I spoke with G7 international partners when I was at the Environment Ministerial in Bologna, Italy. While they expressed disappointment about the President's decision to withdraw from the Paris Agreement, they were encouraged by our commitment to continue to work with them on CO_2 reductions.

Lowey Q5 (Q4a): Who will fill the void of U.S. leadership on climate issues?

> **Answer:** The United States has always been a world leader when it comes to environmental stewardship. Our international partners share our common goal to protect the environment and public health. The agency believes engaging in international discussion is of utmost importance to the United States when it comes to environmental issues.

American Energy Jobs *(OAR)*

Pulling out of the Paris Agreement prioritizes jobs in the fossil fuel industry over renewable energy jobs. There are more than 678,000 jobs in renewable energy, more than the 515,000 jobs in oil/petroleum.

Lowey Q5: All jobs matter, so why are you arguing that protecting renewable energy jobs is bad for America?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and appropriately, suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law.

Lowey Q6: While we are discussing energy jobs, would you like to clarify the statement you made on Meet the Press on June 4 that since the fourth quarter of last year, 50,000 jobs in the

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coal sector have been added, and almost 7,000 in the month of May alone? Do you still believe those numbers to be accurate?

> **Answer:** The Administrator was referring to industries in the mining sector, including coal.

Lowey Q7: It's important to get the facts right. According the U.S. Bureau of Labor Statistics, there were 51,000 total jobs as of May in coal mining, and 400 coal mining jobs were added in May.

> **Answer:** The Administrator was referring to industries in the mining sector, including coal.

National Institute of Environmental Health Sciences *(OAR)*

The National Institute of Environmental Health Sciences discusses how as global temperatures rise and extreme heat events increase in frequency due to climate change, we can expect to see more heat-related illnesses and mortality. Socioeconomic factors, such as economically disadvantaged individuals are at greater risk from heat-related burdens.

Lowey Q8: This Administration states it is concerned about the "forgotten men and women," but how does pulling out of the Paris agreement not forget about the men, women and children that will now suffer more heat-related illnesses because we have abandoned efforts to reduce greenhouse gas emissions, while at the same time working to pull back regulations on carbon emissions?

> **Answer:** The Administration has signaled a commitment to the rule of law, cooperative federalism, and sound scientific rulemaking at EPA. Those that generate energy in communities across America are doing so with a commitment to being pro-environment and pro-growth, affirming that the U.S. can and will achieve both a healthy environment and a growing economy.

Superfund – Hudson River PCBs - OLEM

I understand you are a strong supporter of the Superfund program and have made commitments to support clean-ups. Yet, your budget proposes to cut the Superfund program by 30%, diminishing EPA's ability to compel responsible parties to pay for site cleanups, which leaves taxpayers on the hook. You also cut EPA's direct funding for clean-up.

Lowey Q9: As a result, doesn't this mean hazardous sites won't get cleaned up? Does that include the eight in Oklahoma?

Answer: EPA is still in the process of determining what additional sites may be ready to initiate new construction work in Fiscal Years 2018. The NPL sites in Oklahoma will be prioritized in a manner consistent with the overall program approach, in which EPA generally prioritizes funding for cleanup activities that have already begun. In order to speed the pace of cleanups, EPA is actively looking to identify efficiencies and reduce administrative costs to the extent possible.

Lowey Q10: Can you specify which Superfund site cleanups will not be completed, and which will slow down from their currently planned time tables as a result of these proposed cuts?

Answer: The Agency is still in the process of determining what additional sites may be ready to initiate new construction work in FY 2018. In order to speed the pace of cleanups, a Task Force has been created to review best practices and new approaches in dealing with successfully restoring sites to productivity. The Task Force will outline steps to be taken in the near term to more expeditiously and effectively handle remediation of sites.

Lowey Q11: Can you specify which potential Superfund sites will not be thoroughly investigated as a result of these cuts?

Answer: EPA is not planning to alter the thoroughness of site investigations.

Lowey Q12: Can you estimate how much money from potentially responsible parties will be lost to the federal government from your reductions to this program?

Answer: Within our resource levels, the Agency will prioritize its efforts on the most significant sites in terms of environmental impact, particularly those that may present an imminent and/or substantial endangerment, and potential cost liability to the government. In addition, EPA has established a Task Force to streamline and improve the efficiency and efficacy of the Superfund program through the restructuring of the cleanup process, realigning incentives to promote expeditious remediation, reducing the burden on cooperating parties, and encouraging private investment in cleanups and sites to promote the revitalization of properties across the country.

The Hudson River is classified by EPA as a Superfund site and, at 200 miles, is one of the largest in the country. For a 30-year period, two General Electric manufacturing plants discharged Polychlorinated biphenyls (PCBs) into the Hudson River. GE only stopped this practice when EPA banned the production of PCBs in 1977. The PCBs in the Hudson mixed with the river's sediment and deposited on the river bottom and along the shoreline in the floodplain. Since 1977 there has been a fishing ban due to the health risk associated with the accumulation of PCBs in the human body by consuming contaminated fish. EPA just released a draft of its second five-year review of the Hudson River Superfund site that recommends following the plan outlined more than a decade ago.

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Lowey Q13: How do you respond to those who feel this is not sufficient and that cleanup should be expanded?

Answer: On June 1, 2017, after an eleven-month evaluation process, EPA released its Proposed Second Five-Year Review Report[2]. In conducting the five-year review of the cleanup, EPA followed the federal Superfund statute and applied the best available science. The review includes a comprehensive assessment of the available data for PCB concentrations in sediment, water, and fish. The specific purpose of the review is to evaluate whether the remedy is, or will be, protective of human health and the environment, based on the data currently available. The Proposed Second Five-Year Review concludes that the Hudson River cleanup is working as designed and, while not yet protective, is expected to accomplish its long-term goal of protection of human health and the environment when the cleanup is completed. However, it will be necessary to collect several years of post-dredging PCB data in fish, sediment and water to determine with a reasonable degree of scientific certainty the rate at which PCB levels are declining. If EPA determines at some point in the future that the remedy is not expected to achieve its goals, EPA will consider what actions are needed. In the interim, the State of New York has fishing restrictions and advisories in place to control human consumption of contaminated fish.

This five-year review included a rigorous and unprecedented stakeholder and community engagement process, with EPA convening a 20-member five-year review team of EPA experts, state and federal agency representatives, and community stakeholders. Three public workshops were also held while the review was underway. All input received was considered during the review process. In addition, although EPA typically does not seek public comment on five-year reviews, EPA is providing an opportunity for the public to provide input on the findings of the Proposed Second Five-Year Review Report. On June 1, 2017, EPA released the report for a thirty-day public comment period. At the request of several parties, EPA has extended the public comment period until September 1, 2017.

Two public information meetings are also being held during the public comment period. At the meetings, EPA is discussing the purpose, scope and findings of the five-year review and answering questions from the public. The first of these meetings was held on June 28 in Poughkeepsie. The second meeting is scheduled for July 19, from 6 p.m. to 8 p.m. at The Saratoga Hilton in Saratoga Springs, New York.

Lowey Q14: How can you in good conscience propose not providing families in New York with clean water and accomplishing the task of cleaning up the PCBs in the Hudson River?

Answer: EPA shares the goal of protecting public health and the environment along the Hudson River. EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

[2] The report is available at www.epa.gov/hudson.

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As the project moves forward, EPA will continue to follow the science and the Superfund law. EPA will continue to monitor the river fish, water, and sediment and evaluate the reductions in PCB levels over time. In addition, EPA will continue to coordinate closely with the involved state and federal agencies including the New York State Department of Environmental Conservation, the New York State Department of Health, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. The Agency will also continue to coordinate with the Hudson River Foundation and others who are involved with the New York-New Jersey Harbor.

Long Island Sound - OW

The FY 2018 budget proposes to eliminate the Geographic programs. This includes $8 million for Long Island Sound. These programs directly benefit the vast majority of our country's residents and businesses, and are focused on cleaning up pollution and promoting healthy ecosystems which benefit the economy.

Lowey Q15: Why do you feel it is prudent to eliminate funding when you are making progress in cleaning up these ecosystems?

Answer: We look forward to work together with Congress and all relevant stakeholders to achieve the shared environmental goals for Long Island Sound.

Lowey Q16: Can you guarantee that stakeholders are ready to step in to fill the void left by the elimination of federal funding?

Answer: The FY 2018 budget request provides the direction and resources to return EPA to its core mission. The Agency will continue to work in cooperation with states, tribes, and local governments to make and sustain improvements in water quality.

Lowey Q17: What discussions have you had with Governors, cities, and communities that have been active partners and will be affected by this proposed approach?

Answer: EPA will be discussing the proposed FY 2018 Long Island Sound budget through its participation on the Long Island Sound Management Conference, which has representatives from affected states, localities, and community stakeholders. This discussion will formally kick off at the July 20 Management Committee meeting. EPA will continue discussions with the Management Conference throughout the FY 2018 budget process.

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Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 3/20/2018 7:15:13 PM
To: Jahan Wilcox (wilcox.jahan@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: FW: URGENT-Response to Gowdy

From: Jackson, Ryan
Sent: Tuesday, March 20, 2018 3:00 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: URGENT-Response to Gowdy

The flights were $45,000
Hotels are not included in that cost and likely brings to $52,000
The detail is on top of that.
The $36,000 flight on a military jet is something which we ate, but I think we need to push back on this being part of the trip. It was what we got charged after the fact.

From: Lyons, Troy
Sent: Tuesday, March 20, 2018 1:29 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: Re: URGENT-Response to Gowdy

With this story out OGR is breathing down our necks. I'm trying to hold them back but I'm running out of life boat.

By Emily Holden

03/20/2018 11:57 AM EDT

The cost for the security team to accompany EPA Administrator Scott Pruitt on a trip to Italy for international meetings in June totaled nearly $31,000, bringing the price tag for Pruitt's trip to at least $120,000, according to public recordsreleased to the Environmental Integrity Project under a lawsuit.

The additional expenditures include airline fare, lodging and accommodations for Pruitt's security guards, EIP said. EPA would not disclose whether any security staff flew first or business class alongside Pruitt, the group said.

Information obtained by EIP last month showed the four-day trip by Pruitt and his staffers cost about $53,000 in expenses. Pruitt also spent $36,000 on a military flight to New York to catch a plane to Rome for meetings ahead of the G-7 Environment Ministerial in Bologna, after attending an infrastructure event with the president in Cincinnati.

Pruitt appeared briefly at the G-7 talks before returning to Washington for a Cabinet meeting.

To view online:
https://www.politicopro.com/energy/whiteboard/2018/03/security-for-pruitts-italy-trip-cost-31k-844666

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Yes, very | Somewhat | Neutral | Not really | Not at all

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This email was sent to cory.preston@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Sent from my iPhone

On Mar 20, 2018, at 11:42 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Any update on a final draft?
>
> Sent from my iPhone
>
> > On Mar 19, 2018, at 7:12 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
> >
> > I hope. Tomorrow for sure.
> >
> > -----Original Message-----
> > From: Lyons, Troy
> > Sent: Monday, March 19, 2018 7:11 PM
> > To: Jackson, Ryan <jackson.ryan@epa.gov>
> > Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
> > Subject: Re: URGENT-Response to Gowdy
> >
> > Will we be able to meet the deadline?
> >
> > Sent from my iPhone
> >
> > > On Mar 19, 2018, at 7:02 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
> > >
> > > Ok.

-----Original Message-----

From: Lyons, Troy

Sent: Monday, March 19, 2018 7:02 PM

To: Leopold, Matt <Leopold.Matt@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>

Subject: URGENT-Response to Gowdy

Something has changed since the last time (this morning) we spoke w OGR staff.

Committee staff briefed Gowdy on the status of our response and the chairman has indicated that he will call Pruitt personally to demand he turns over this information if he doesn't not have it by 10AM tomorrow.

Sent from my iPhone

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 3/7/2018 8:57:10 PM
To: Aarons, Kyle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ef85c3c00a2244779c4b26ff6bc6ccc9-Aarons, Kyl]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Sweeney, Edward [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3727d66608e4f87b4372de0f3f6c497-Sweeney, Ed]; Youngblood, Charlotte [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aaa372e7cca8436a9a9c8786d8fa885b-Youngblood,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Burke, Marcella [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5066626ec70846439b8d3f6c35d92be8-Burke, Marc]; White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Seaton, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f630e034df645f18c3a912f891e06dd-Tseaton]
CC: Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Yaeger, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4d2fdd93ebf4d43996316a333c80985-Yaeger, Rya]; Knapp, Kristien [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8d4ab10c47264bca8b12174cdb981942-KKnapp]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Walker, Denise [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b10d83a48a5e4af7a9b1f01465330ff2-Walker, Den]; Jones-Peeler, Meshell [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed2ef9b868cb4e57a23db68491cb9f4f-MJones12]; Wooden-Aguilar, Helena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=991ab84f64be4b6b9dd10a68c81887b0-HAWodd]
Subject: RE: Please review: Proposed response to Gowdy air travel letter
Attachments: Gowdy Air Travel 3-7-18.docx

This is great, thank you all for this work. I have a few suggested edits (just putting the total travel for the administrator's first class up front in the letter to prevent confusion or people extrapolating incorrectly and moving the line about PSD to the second paragraph). Thanks again – Liz

---

From: Aarons, Kyle
Sent: Wednesday, March 7, 2018 3:01 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Sweeney, Edward <Sweeney.Edward@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Seaton, Tom <Seaton.Tom@epa.gov>
Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Knapp, Kristien

<Knapp.Kristien@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Jones-Peeler, Meshell <Jones-Peeler.Meshell@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Please review: Proposed response to Gowdy air travel letter

Hi all – We have made some updates since Monday:

- The written response has been updated (attached and linked below)
    - The PSD cost figure we give covers the whole date range, not just FY17
    - Aside from PSD, no other EPA employees have traveled with the Administrator in business or first class
    - This means we will not need a follow-up response with additional information
- Vouchers and receipts have updated redactions. Each document has now been reviewed at least three times for redactions (twice by OCIR and once by OGC staff), but please let me know ASAP if you spot anything missing.
- I removed the spreadsheets since we do not plan to send those
- In the main folder we now have one large document of vouchers and one large document of receipts. These each have a footer, including a page number, to indicate they are an EPA document production. Aside from applying the redactions, these are now in delivery format. Please let me know if you'd like any changes to the footer.
- We plan to send a substantively identical response to the other oversight letters we have on this topic (one from Carper/Peters and one from Pallone).
- We are currently aiming for a Friday release.
- We'll be making a hardcopy of the full production for Ryan Jackson to review.

Please let me know if you have any questions.

Thanks,
Kyle

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

From: Aarons, Kyle
Sent: Monday, March 05, 2018 8:45 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Sweeney, Edward <sweeney.edward@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Seaton, Tom <Seaton.Tom@epa.gov>
Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Please review: Proposed response to Gowdy air travel letter

Hi all – The documents for our initial response to the Gowdy letter on the Administrator's air travel are ready for your review here: **Ex. 6 - Personal Privacy**

In this folder:

- Incoming request from Gowdy
- Draft narrative response

    - Explains that many details are being withheld/redacted due to security concerns (see summary of redactions below). The thinking is that we can work with the committee on any additional information they need after this initial response.
    - Explains that we are still gathering information on other EPA employees (not including security) that flew with premium seats.
- Spreadsheet of Administrator's premium travel for FY17
    - This probably isn't necessary to send. I initially thought it would be the only record of which flights were premium since this information is not in the vouchers, but it is in the receipts we plan to provide. Thus there isn't any information in this spreadsheet not also provided elsewhere. It is also limited to FY17.
    - We have a similar spreadsheet for security premium travel, but due to security concerns OCEFT is only comfortable including our internal trip authorization numbers, record locators, and a total cost. I assume only the total cost is of interest to the committee, so I do not see value in including this spreadsheet.
- Vouchers with proposed redactions (will change the file names before delivery)
- Receipts (also includes some waivers and email traffic) with proposed redactions (will change the file names before delivery)

Below is a summary of what I am proposing to redact. Please let me know ASAP if you think any of this material should not be redacted, keeping in mind we are not bound by FOIA provisions.

Vouchers
- TID
- Office phone
- Airlines
- Flight numbers
- Flight times
- Airports and codes when two options in a city (DC and NYC)
- Confirmation codes
- Ticket numbers

Receipts
- TAVS fax number
- Hotels
    - Location
    - Room number
    - CC number
    - Confirmation codes
    - Telephone number
    - Name
- Flights
    - Airline
    - Flight number
    - Flight times
    - Ticket numbers
    - Confirmation codes
    - Airports and codes when two city options (DC and NYC)
    - Frequent flyer number
    - Invoice numbers
    - CC numbers

Thanks,
Kyle

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of February 20, 2018, regarding first class air travel of EPA Administrator E. Scott Pruitt. The Administrator asked that I respond on his behalf.

Enclosed please find travel vouchers and receipts for all of the official air travel of the Administrator, including airfare, other travel expenses, and waivers. The total amount spent through February 20, 2018 on first class travel for Administrator Pruitt was $; PSD premium travel with Administrator Pruitt was $105,094.47. Aside from PSD, no EPA employees ever accompanied the Administrator in first or business class.

For personal privacy and security reasons, some information was redacted in the vouchers and receipts. Documentation regarding the travel of the Administrator's protective security detail (PSD) is not being provided to avoid revealing information about how the PSD operates.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kyle Aarons in my office at (202) 564-7351 or Aarons.Kyle@epa.gov.

Sincerely,

Troy M. Lyons
Associate Administrator

Enclosures

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Cummings:

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kyle Aarons in my office at (202) 564-7351 or Aarons.Kyle@epa.gov.

Sincerely,

Troy M. Lyons
Associate Administrator

Enclosures

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 12/13/2017 8:41:20 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Shah, Raj S. EOP/WHO Ex. 6 - Personal Privacy; Rateike, Bradley A. EOP/WHO Ex. 6 - Personal Privacy
Subject: RE: Raj and Brad

The New York Times is also writing, but more focused on the fact that we did not send out a media advisory beforehand inviting press to the trip.

From: Wilcox, Jahan
Sent: Wednesday, December 13, 2017 12:25 PM
To: Shah, Raj S. EOP/WHO Ex. 6 - Personal Privacy Rateike, Bradley A. EOP/WHO Ex. 6 - Personal Privacy
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Raj and Brad

AP is trying to write a negative story about our trip to Morocco. Below are drafted responses that are currently being reviewed on our end. Also for your knowledge, AP does not the correct costs (little cheaper) and staffers who went on this trip and don't feel like it's my job to be a source to correct them.

DRAFT STATEMENTS …

"Administrator Pruitt flew commercially to Morocco; due to security concerns he was required to be in business class. Like all federal travel, the airfare is a government rate."

"We do not comment on security procedures. If the Associated Press is attempting to expose the number of security agents needed to protect cabinet officials that is your decision."

"Double-check your source regarding these details, it's always embarrassing for the AP to report false information."

The details about this trip are provided here:
https://www.epa.gov/newsreleases/administrator-pruitt-promotes-environmental-cooperation-us-partners-morocco

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Wednesday, December 13, 2017 11:32 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Jahan,

I see you guys issued a press release about Pruitt's trip to Morocco, after refusing to comment about it to AP. We plan to write about the taxpayer-incurred costs of the trip.

They include Pruitt's airline ticket cost $17,597.49 and a total cost of at least $39,067 for five people (including Pruitt, Ryan Jackson, Samantha Dravis and security staff).

Please provide on the record comment on EPA's perspective on why these costs were justified. How did the purpose of the trip, which was to promote "the potential benefit of liquefied natural gas imports on Morocco's economy" fulfil EPA's mission to protect the environment and enforce U.S. environmental laws?

Also, please comment on why the cost of Pruitt's ticket was several times that of the others in the EPA contingent and would appear to indicate he flew First Class. Why was that level of luxury necessary for a public servant traveling at taxpayer expense?

I have a 1:30 deadline for this story, so your quick response is appreciated.

Thanks,

Michael

From: Biesecker, Michael
Sent: Tuesday, December 12, 2017 1:30 PM
To: 'Wilcox, Jahan' <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Can you affirm on the record that all of Administrator Pruitt's meeting with Bob Murray are listed on his calendar?

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, December 12, 2017 12:34 PM
To: Biesecker, Michael <MBiesecker@ap.org>
Cc: Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

"Due to security concerns we do not comment on Administrator Pruitt's upcoming schedule, but every meeting that he attends is posted on www.epa.gov."

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Tuesday, December 12, 2017 12:09 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: RE: Pruitt in Paris/Morocco

Still hoping to get a response to this. Administrator Pruitt is a public official. His travel shouldn't be a secret.

Michael

From: Biesecker, Michael
Sent: Monday, December 11, 2017 2:41 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Pruitt in Paris/Morocco

Liz, Jahan,

Can you confirm whether Adminstrator Pruitt will be attending the climate summit in Paris this week. We also heard he's headed to Morocco. Could you provide any detail about what he'll be doing there?

Thanks,

Michael

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Jahan Wilcox
EPA
Strategic Communications Advisor
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Work Email: wilcox.jahan@epa.gov

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 7/14/2017 12:20:12 AM
To: Greaves, Holly (greaves.holly@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abcb6428b3df40a9a78b059a8ba59707-Greaves, Ho]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: QFRs w Liz, OMB and OGC Edits
Attachments: HAC QFRs for OMB review 7.13.17 esb.docx

Attached, please find the QFRs, with my edits, and the edits you sent me from OMB and OGC combined into one document. Thank you for your patience with me, I really appreciate your waiting. In general, I actually agreed with almost all of OMB's comments and thought they were valuable edits. Some of the ones I wasn't sure about, they made, so I incorporated them into the attached draft. There are a few exceptions to the comments or notes that are noted below:

- We are "EPA" not "the EPA" – when OMB makes edits, please let them know that our style guide and the AP guide say that there is not "the" in our name, which is the "U.S. Environmental Protection Agency" – so we say "EPA is doing X" not "The EPA is doing X."
- Also, when we refer generally to agencies or federal agencies it isn't capitalized, but when we are referring to use as "the Agency" the A should be capitalized.
- It refers to the Administrator as "The Administrator" rather than in first person throughout. There might still be some examples I missed, but I tried my best to catch it.
- Sound science does have a widely-recognized definition in the scientific and industry community, "best available science" is actually a term that only applies to certain statutes, it's not something that can be generally applied in all situations – "the principles of scientific integrity" (as they suggested) is very general and subjective and I don't think we should use that term.
- With regard to the suggestion from OMB to add a timeframe for the beginning of us using "Next Generation Management and Reporting tool" – I have no idea what that timeframe would be, so someone else will need to address that comment.
- I am not able to provide the additional information requested from OMB with regard to the SDWIS modernization goals; someone with knowledge of that program will need to address that comment.
- With regard to OITA funding, I do not know if "EPA is able to provide an impact analysis based on that data call"; someone familiar with that program will need to address that comment.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert *(OA/OP with OAR & OW)*

Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan, and Methane

I was pleased to see two early actions from the President to issue:

- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" rule*, and

- Executive Order 13783 on *Promoting Energy Independence and Economic Growth*.

I have a number of concerns with the WOTUS rule's flawed history -- it was originally proposed before the scientific studies were complete, the Small Business Association believed EPA should have conducted a Small Business Advocacy Review Panel prior to releasing the rule, and in December 2016 the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote rule.

In my opinion, the only clarity that the WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications. It was a clear example of Federal overreach.

The FY17 Omnibus included language asking EPA (and the Department of the Interior) to keep the Committee apprised of actions to comply with the Executive Order to promote energy independence and economic growth. For EPA, there were a number of specific directives within the Executive Order related to the Clean Power Plan, the methane rule, and other regulations.

Calvert Q1: Please provide an update on what steps the Agency is taking to comply with these Executive orders.

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Executive Order 13778 directs EPA to review the final 2015 WOTUS rule EPA, the Army, and the Army Corps of Engineers (ACOE) are pursuing a two-step approach for the Waters of the U.S. rule:

Step 1: Formally withdraw the 2015 rule and recodify the prior regulations
Step 2: Initiate a rulemaking to revise the definition of waters of the U.S. consistent with the February 28, 2017 Executive Order.

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On June 27, 2017) The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

Executive Order 13783 directs EPA to undertake a number of actions, including reviews of: 1) the Clean Power Plan (CPP) and related rules and actions, and 2) the oil and gas sector emission standards for new, reconstructed, and modified sources ("oil and gas methane rule").

On March 28, 2017, the President signed the Executive Order on Energy Independence. In order to comply with the President's action, EPA issued Federal Register notices related to review of the Clean Power Plan, the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources, and Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units. For more information, please refer to the following website: [HYPERLINK "https://www.epa.gov/Energy-Independence"].

On March 28, 2017, Administrator Pruitt signed notices to review the CPP and the NSPS for EGUs, and at the same time withdrew the suite of proposed federal rules associated with the CPP (the federal plan, model trading rules, and the framework for the Clean Energy Incentive Program). We currently have a CPP review proposal at OMB undergoing interagency review.

On March 28, 2017, Administrator Pruitt also signed a notice to review the oil and gas rule. EPA has administratively stayed upcoming requirements for fugitive emissions, pneumatic pumps, and professional engineer certification for an initial three months, and has proposed to stay these requirements for an additional two years while the agency considers appropriate final action for the rule.

Calvert Q2: Where is the agency in the process with respect to each of those rules?

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See response to Calvert Q1.

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Calvert Q3: Does EPA have similar estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

Remedial activities at Superfund National Priorities List (NPL) sites are funded with annually appropriated funds out of the Superfund: Remedial program project where special account funding from settlements with responsible parties is not available and responsible parties are not directly cleaning up the site. Approximately one-third of NPL sites are solely financed by potentially responsible parties (PRPs). The remainder of sites require appropriated funding. The mix of funding sources complicate the estimation of costs.

In 2010, the Government Accountability Office (GAO) analyzed responses to a survey of EPA regional officials and estimated that, as of September 30, 2009, the cost to conduct remedial construction at non-federal NPL sites in 2015 and beyond was $3.036 billion. (GAO Report 10-380, p.20 – May 2010).

EPA has roughly $3.2 billion in settlement agreements from responsible parties. These funds reside in Special Accounts for the cleanup of individual Superfund sites. That's nearly five times the budget request for the program.

Calvert Q4: What, if anything, is required to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites?

Answer: Superfund special account funds are used before annually appropriated funds for response actions at sites identified in the terms of the settlement agreements. EPA's Special Accounts Senior Management Committee comprises agency senior managers responsible for the management and use of special accounts, and monitors the use of special account funds to ensure the agency uses the funds as quickly and efficiently as possible to conduct cleanups at Superfund sites. In addition, the new Superfund Task Force is examining how to improve the management of special accounts.

Special accounts are crucial to EPA's ability to continue to fund construction projects at sites across the country and save tax payer dollars for those sites where no viable or cooperating responsible party has been identified.

Questions from Mr. Simpson:

TMDL - *OW*

I am pleased that you mentioned TMDL's in your opening statement and a commitment from EPA to work with states and localities. I have met with Mayor's and city council members, and there is real fear in regards to the financial stress around and how these communities can meet and/or pay for costly upgrades to facilities. For example, Twin Falls recently invested $38 million to upgrade their water treatment facility. However, the last Administration proposed lowering their TMDL for phosphorous by 98.5%. This would result in the city needing to upgrade their facilities again. The cost is estimated to be between $60 and $100 million.

Now, this is just the start of this issue. I met with Mayor's in the smaller towns near Twin Falls - Buhl, Jerome, Ammon, and Filer – and they surely can't afford these types of upgrades as these towns have smaller populations.

We did have success in Boise, Idaho, with a project called Dixie Drain that saved tens of millions of dollars by using a flexible innovative model to reduce phosphorous levels. This was a common sense approach that didn't hammer taxpayers with costly regulations. I hope this is a model we can use to help Twin Falls and other communities avoid massive rate increases.

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Simpson Q1: Can we work together – along with Idaho Department of Environmental Quality - to review the TMDL process along the Mid-Snake and see what can be done to help these communities?

Answer: The Idaho Department of Environmental Quality (Idaho DEQ), with the support of the local Watershed Advisory Group (WAG), is now working to revise the Mid-Snake TMDL. EPA will seek to collaborate with Idaho DEQ, the WAG, and all stakeholders in the mid-Snake to help DEQ produce a revised TMDL that will support protection of water quality in efficient and cost-effective ways.

Simpson Q2: What are some of the approaches we can take to ensure these communities reach a solution that doesn't bankrupt ratepayers?

Answer: A revised TMDL, that is flexible while consistent with the Clean Water Act, is the best path forward to ensure that ratepayers will not be required to pay for unnecessary treatment. As part of TMDL development, EPA encourages consideration of least-cost options to achieve TMDL goals, such as water quality trading or treatment plant offsets such as the Dixie Drain used in the Lower Boise River.

With regard to the City of Ammon, the agency recently advised the City that, if they believe they need an extension to the compliance schedule under their permit, they should submit a letter to EPA requesting such an extension and describing why it is needed. Their request and justification for a permit modification would need to be reviewed and published for public comment for 30 days. To date, the agency has not received such a request for an extension.

Ecolabels - *OCSPP*

In the 2017 Consolidated Omnibus Appropriations Bill, we asked for the agency to provide a report on the Ecolabel program within 60 days of enactment, asking that as you develop the guidelines and evaluate ecolabels for federal purchasing in building construction that the process be fair, transparent, and consistent with other product requirements.

I'm most interested in the part of the process that looks at labels associated with forest management. I want to ensure that our federal government's procurement system includes recognition of forest products from the millions of acres of responsibly managed forests across the US. Unfortunately, as I understand it, the former administration's EPA issued 2015 procurement recommendations that excludes forest products from 83 million acres of private and state forestlands, as well as several hundred million acres of other private and public forestlands including the entire National Forest System, from participation in federal procurement efforts by discriminating against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS). And all this, despite the fact, that the only statutory authority any agency has is USDA, through its Bio-preferred Program authorized by Congress, which sets mandatory purchasing requirements for federal agencies and puts all certification programs on a level playing field. In December 2016, EPA said this recommendation was "under review". I remain concerned about further actions that EPA will take on its program.

Simpson Q3: Can you provide us with a status update on the report called for in the Consolidated Omnibus Bill?

Answer: The agency has been working to meet this new requirement. The report is currently in draft and undergoing EPA management review. Interagency review is required before the report is finalized.

Simpson Q4: What steps can you take to ensure your agency's efforts on the Ecolabel program avoids creating conflicting federal procurement policies and doesn't exclude US grown and manufactured forest products?

Answer: Based on stakeholder concerns and interagency discussions, EPA recommendation for the lumber/wood product category was removed in December 2016 and put on hold.

Questions from Mr. Stewart:

Serious Non-attainment Areas *(OAR)*

Recently, much of Northern Utah was classified as a serious non-attainment area. As you know, once a region is designated as serious non-attainment it's almost impossible to shed that designation – even if air quality improves to meet minimum federal standards.

Stewart Q1: Under your leadership, will EPA demonstrate to the states how they can exit non-attainment and serious non-attainment?

This Administration is prioritizing attainment of air quality standards. EPA has established guidelines for attainment demonstrations for areas that can attain by the statutory attainment date, and "impracticability" demonstrations for areas that cannot practicably attain by the statutory attainment date.

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Questions from Mr. Amodei:

State Obligation (Office of Budget)

Amodei Q1: If the cuts to state grant funding contained in EPA's FY18 budget proposal are adopted, does EPA also intend to proportionally adjust the required obligations on states to implement federal environmental programs?

Answer: It is essential for EPA to work cooperatively with state and tribal governments to provide the environmental protection our laws demand and the American people deserve. The environmental needs of communities differ widely, and EPA looks to provide flexibility to address these important priorities. EPA is working to engage in meaningful discussion about how shared environmental goals can best be achieved.

Amodei Q2: If not, what is EPA's proposed solution for addressing this policy and funding the discrepancy? Does EPA expect state and local governments to make-up for the shortfall?

Answer: EPA administers statutes outlined by Congress, and regulation beyond those statutes constitutes regulatory overreach beyond the agency's mission. EPA will work with states and tribes to target resources to core statutory work and provide flexibility to address particular environmental priorities and concerns.

Amodei Q3: How does EPA plan to recognize and ensure the continued success of Nevada's pre-existing state-based program?

Nevada is the U.S. leader in responsibly regulating mining activities that adequately protect the environment while supporting a thriving mining industry. This successful framework creates tangible opportunities for EPA to demonstrate a commitment to cooperative federalism. A key near-term opportunity under this model is EPA's proposed regulations under CERCLA to ensure financial responsibility for operating hard rock mines. Nevada has outpaced EPA in this area through the Nevada Division Environmental Protection comprehensive mining financial assurance program.

EPA proposed CERCLA section 108(b) financial responsibility requirements for hardrock mining facilities that were designed to complement, not duplicate or disrupt, existing state and federal closure and reclamation programs. The proposed rule accounted for risk-reducing regulatory requirements of those programs in determining the financial responsibility amount for a facility.

EPA also solicited comment on whether the rule should allow a program deferral approach, which would provide for adjustments in situations where the state or other program meets the requirements for deferral of section 108(b) requirements. The comment period for the proposed rule is scheduled to close on July 11, 2017. EPA will consider comments received on the proposal as it develops the final action. EPA has appreciated the opportunities over the course of the development of the rulemaking to engage with Nevada and other states and learn about their programs.

Waters of the United States *(OW)*

Because states are primary implementers of federal rules, state input into rulemaking early in the process, well before a rule is formally proposed, is critical to an effective and efficient regulatory program. EPA's review of the Water of the United States rule is key example.

Amodei Q4: Does EPA plan to include state environmental agencies as co-regulators in the development of a new WOTUS definition to ensure effective implementation if a final rule is pursued?

Answer: On April 19, 2017, EPA initiated a formal process known as Federalism consultation, which requires agencies to conduct preproposal discussions with elected state and local officials and their associations where a rule may have implications for the distribution of power and responsibilities among federal, state, and local governments. EPA and the Army Corps of Engineers recently completed the formal Federalism consultation process with states and local governments and consultation with tribes, to inform potential approaches to the rulemaking to revise the definition of "Waters of the United States." EPA also sent letters to every governor requesting their views and comments on the best way to define the waters of the U.S. The agencies are carefully reviewing the responses from the governors and other state comments as we begin developing the proposal. The Agency also will continue to engage with state co-regulators. The written comment period for the consultation period has closed and the agencies will consider all comments received under this processes as the new WOTUS definition is being developed.

Amodei Q5: Can you tell me how EPA views this petition now that the comment period has closed, and if changing the obligated parties from big refiners to the mom-and-pop marketers is something EPA is considering?

Answer: EPA is still evaluating comments submitted during the comment period, and is considering next steps.

Amodei Q6: Under the same policy – RFS point of obligation – does EPA make a distinction between obligated parties and position holders?

Answer: Several commenters suggested that EPA should place the point of obligation on "position holders." The current RFS obligated parties are refiners and importers of gasoline and diesel fuel. While some position holders currently are obligated parties because they also meet the definition of refiner or importer, EPA is not currently obligating position holders who are not refiners or importers.

I have seen estimates that there are currently 200 obligated parties under the RFS. Now, merchant refiners have suggested that we should expect about 1000 obligated parties were the point of obligation to be moved. Obviously, Nevada has terminal operators that could certainly become obligated parties. Some of those terminal operators also have multiple other "position

holders" that would also become obligated parties under such a change. In my example, as far as EPA is concerned from a compliance standpoint: (1) unobligated terminal would become (4) new obligated parties because of the three "position holders" that use the terminal. If you multiply this across the country, instead of 1,000 points of obligation as merchant refiners contend, you could actually have 4,000 or more.

Amodei Q7: Given the President's budget proposal, can EPA effectively and economically manage a program that could potentially become more complicated by a factor of x 10?

Answer: EPA is evaluating the number and nature of potential obligated parties and will consider this factor in its decision making process.

Renewable Fuel Standard (RFS) Blend Wall - *OAR*

There is scientific evidence showing ethanol blends above 10 percent can harm vehicles and is incompatible with the existing retail gasoline infrastructure.

Amodei Q8: What is EPA doing to ensure that the annual RFS-mandated volumes protect the current U.S. vehicle fleet and existing retail infrastructure?

Protection of vehicles and retail infrastructure are separate issues from the RFS-mandated volumes. There are existing mechanisms already in place through Clean Air Act Section 211 for EPA to ensure that fuels introduced into commerce do not cause or contribute to air quality and public health problems. Renewable fuels introduced into commerce in response to the RFS or otherwise, must comply with these requirements. In addition, EPA continually participates with industry in various forums, such as American Society for Testing and Materials (ASTM), which ensures that fuels introduced into commerce are fit for purpose.

Fuel compatibility issues are a concern for owners and operators of retail gas stations and other underground storage tanks storing fuel. Industry has reported instances of corrosion and other damage to underground storage tank (UST) systems (i.e. retail infrastructure - tanks, piping, gaskets, seals etc.). At present, EPA is working collaboratively with interest groups in the biofuel, petroleum, equipment, servicing, and retail sectors to understand the causes and solutions to these challenges. Some examples of EPA's work in the area are: updating protocols to ensure leak detection equipment functions properly in current and emerging fuel blends and studying the corrosion in underground tanks storing diesel fuel.

ENERGY STAR Program - *OAR*

Amodei Q9: Will you work with the committee on this matter and commit to moving the entire ENERGY STAR program home appliances to DOE immediately?

Answer: EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

Refrigerator Refrigerant Charge Size

On December 20, 2011, EPA's Significant New Alternatives Policy (SNAP) program allowed the use of Isobutane in household refrigerators. The final rule included a use condition that limits the refrigerant charge to 57 grams or less for each sealed refrigeration system (i.e., compressor, condenser, evaporator, and refrigerant piping). The charge size is the amount of refrigerant that is allowed in each sealed refrigerant system within a refrigerator. The SNAP rule based the charge size amount on the Underwriters Laboratories safety standard for household refrigeration end-use, which limited the quantity of the refrigerant (i.e., ''charge size'') in a refrigerator or freezer to 57 grams. In EPA's final rule, the agency stated that they do not have sufficient information to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335–2–24. The final rule stated EPA understands that the limit in UL 250 may change in the future. If that occurs, and if the appropriate safety testing data is submitted to EPA supporting safe use of a larger charge, EPA stated it would consider modifying the use conditions.

Based on testing and lengthy analysis, on April 28, 2017, the maximum charge size allowance in the UL standard was changed and increased from 57 grams to 150 grams. During the approval process of this update, the Consumer Product Safety Commission (CPSC) staff stated that they do not oppose the proposal to increase the maximum flammable refrigerant charge size in household refrigerators to 150 grams from 57 grams. They stated that standards in Latin America, Europe, and other countries allow household refrigerators to use up to 150 grams of flammable refrigerant.

It is my understanding that EPA has sent the rule to OMB to update the SNAP use condition to increase the allowable charge size to match the most recent safety standard, which is 150 grams. I am appreciative of your quick action on this important matter; however, we need to make sure it gets out of OMB quickly. I wanted to be sure that you were aware of the importance of this matter to expedite this technical change. Appliance manufacturers need certainty in this area to start planning and designing their products to meet EPA required date of 2021 when HFCs are banned for use in refrigerators.

OAR

Amodei Q10: Can you please continue to make sure this is a high priority action for OMB to complete?

Answer: EPA is aware of the importance of this action for appliance manufacturers and their need for certainty as they plan and design products.

Questions from Mr. Jenkins:

National Ambient Air Quality Standards *(OAR)*

Recently, EPA announced it would be extending the timeline for the 2015 ozone standards. In making that decision, EPA cited several issues in need of further review.

Thank you for this action and your consideration of these issues.

All counties in West Virginia now meet the 2015 standards, and we are proud of that progress. Despite this fact, potential EPA actions threaten affordable, reliable energy in West Virginia.

It is my understanding that the decision does not change several other implementation steps and actions that states must still undertake.

Petitions from other states would require West Virginia electricity generators to address nonattainment areas in those states or join the Ozone Transport Commission, despite the fact EPA does not require those areas to address their contributions first.

States like West Virginia, while meeting the standard, would still submit a state plan to address its "Good Neighbor" obligations by October 2018.

Jenkins Q1: What actions will EPA be taking to address state concerns regarding these interstate modeling results?

Answer: The Administrator has determined that there is insufficient information to complete area designations for the 2015 ozone standards and is extending the deadline by one year, until October 1, 2018. Taking additional time will allow EPA to evaluate a host of complex issues regarding the 2015 ozone NAAQS and its implementation, such as understanding the role of background ozone levels and appropriately accounting for international transport; to develop additional flexibilities for states to comply with the ozone NAAQS; to consider completely all designation recommendations provided by state governors, including full consideration of exceptional events impacting designations; and to provide new agency officials time to complete their review of the 2015 ozone standards.

Jenkins Q2: Do you agree that States, through the State Implementation Plan process, should be able to address interstate pollution?

Answer: Clean Air Act Section 110(a)(2)(D)(i)(I) requires each state, in its State Implementation Plan, to prohibit emissions that will significantly contribute to nonattainment of a NAAQS, or interfere with maintenance of a NAAQS, in a downwind state. EPA, working with states, has decades of success under the Clean Air Act in achieving NO_X emission reductions through implementation of programs like the NO_X Budget Trading Program and the Clean Air Interstate Rule and Cross-State Air Pollution Rule (CSAPR). Since 1997, power plants affected by these programs, along with other regional and state NO_x emission control programs, have cut

ozone season NO_X emissions by over 75 percent, a reduction of almost 2 million tons. During the time period of 2000 to 2015, average ozone concentrations across the U.S. have fallen by approximately 17 percent.

OAR

Jenkins Q3: How much of that funding is to assist counties with achieving 2015 standards?

Answer: The budget requests $100.4 million across EPA's headquarters and 10 regional offices to provide federal support for all activities that support integrated state and local air quality management across the U.S. Achieving clean air is a state-federal partnership that benefits from local, state, regional and national efforts. EPA will provide direct technical assistance to states and local air agencies for developing State Implementation Plans (SIPs) that meet applicable Clean Air Act (CAA) requirements and NAAQS. The specific NAAQS addressed in SIPs varies by locality and states.

Jenkins Q4: How much is being proposed to assist with State Implementation Plans and other administrative efforts?

> **Answer:** The budget requests $100.4 million across EPA's headquarters and 10 regional offices to provide federal support for all activities that support integrated state and local air quality management across the U.S. Achieving clean air is a state-federal partnership that benefits from local, state, regional and national efforts. EPA will provide direct technical assistance to states and local air agencies for developing SIPs that meet applicable CAA requirements and NAAQS.

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Questions from Ms. McCollum:

Implementation of FY 2017 Enacted Budget - ***OARM***

It has come to the Committees attention that EPA notified unions representing Agency employees that EPA is halting funding for fitness subsidies during FY 2017.

The FY 2017 budget request did not propose such a reduction. Rather, the FY 2018 budget proposes to cut "support for employee wellness and worklife initiatives, such as federal cost sharing for fitness centers, health wellness and CPR/AED training services and libraries."

It is wholly inappropriate for EPA to execute new FY 2018 budget proposals before Congress has had the opportunity to act on them.

Congress provided funding for these programs in the FY 2017 enacted bill. Bill language states that rescissions to the Science and Technology and Environmental Programs and Management account were to be applied to program project areas to, "to reflect changes to funding projections due to routine attrition during fiscal year 2017." Therefore, it was not the intent of Congress to terminate funding for employee wellness and worklife initiatives.

McCollum Q1: The Reprogramming Guidelines for programs and activities funded in our bill specify that agencies should notify Congress of any significant departure from what has been described in the agency's budget justification. The FY 2017 enacted anticipated fitness subsidies would be provided as part of the employees' wellness package. If your intent is to do otherwise, why wasn't Congress notified?

> **Answer:** The agency will be phasing out the fitness subsidy in FY 2017. Negotiations will be handled on a local basis, per the agency's notification to its labor unions. Timing also is dependent upon when obligated resources are spent and contracts are closed out. The agency does not provide a subsidy at every location, and those facilities with equipment on-site will continue to maintain equipment for employee use as part of the wellness program. EPA continues to maintain other parts of the wellness program, such as "Walk to Wellness," Health Fair, Employee Assistance Program among other activities.

McCollum Q2: The leading causes of death and disability in the United States are not only preventable but also responsive to workplace interventions. Worksite health and wellness programs help employees move toward an optimal state of wellness, and the U.S. Office of Personnel Management, in accordance with the authorization under 5 U.S.C. 7901, encourages agencies to develop and sustain programs that address the current and future needs of their employees to produce the healthiest possible workforce. What is the justification for eliminating the funding for fitness subsidies halfway through the fiscal year?

> **Answer:** The agency does not provide a subsidy at every location, and those facilities with equipment on-site will continue to maintain equipment for employee use as part of the wellness program. EPA continues to maintain other parts of the wellness program,

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such as "Walk to Wellness," Health Fair, Employee Assistance Program among other activities.

McCollum Q3: How does halting the funding for fitness subsidies impact the collective bargaining agreement reached with unions representing EPA employees? What response have you received from the unions from your notification?

Answer: The agency has provided the union notification in accordance with our Collective Bargaining Agreements and will continue to follow those requirements throughout the process. Any negotiations on this issue will be conducted at the local level.

McCollum Q4: How will EPA spend the funds that would have otherwise been used for fitness subsidies?

Answer: The amounts involved for fitness subsidies are well below the reprogramming limits. Costs for facilities, including rent, utilities, maintenance and repairs, continue to climb, along with direct employee costs such as salaries, while the agency's appropriations have been flat or declining for a number of years.

McCollum Q5: What other reductions proposed in the FY 2018 budget request is EPA implementing in FY 2017?

Answer: EPA is not proposing to eliminate any other employee benefit services in FY 2017.

Administrator Pruitt's Undisclosed Email Accounts *(OA)*

When I referred to a recently discovered official email address – esp@oag.ok.gov – that Administrator Pruitt used while Attorney General of Oklahoma but did not disclose despite repeated requests during his confirmation process, he volunteered this explanation "If I may, both in my oral testimony, as well as there's a letter actually that I submitted to the EPW Committee in May that recognized multiple state email accounts… so we've informed Committee, that was consistent with my oral testimony."

McCollum Q6: Please provide the relevant excerpt(s) from Administrator Pruitt's oral testimony and the letter he referenced. Additionally, please provide the relevant questions for the record and his responses.

Answer: Administrator Pruitt's oral testimony is available at [HYPERLINK "https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf"] (page 242). Also attached is the May 5, 2017 letter to Senate Environment and Public Works Chairman John Barrasso and Ranking Member Tom Carper.

McCollum Q7: Administrator Pruitt committed to provide our committee with the email addresses and information about other forms of electronic communication that he is using as EPA Administrator. Please provide those details.

Answer: The agency maintains a primary email account to contact the Administrator, [HYPERLINK "mailto:pruitt.scott@epa.gov"]. EPA staff has also established secondary accounts in the agency's Outlook email system that are used for calendaring, scheduling, and internal communications.

Congressional Inquiries *(OA/OCIR)*

McCollum Q8: What is the policy at the Department with regard to responses to congressional inquiries?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q9: More specifically, is there a policy or guidance that would prohibit or delay responses to Ranking Members of Congressional Committees or Subcommittees of jurisdiction?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q10: Is there a policy or guidance that would prohibit or delay responses to Democratic Members of Congress?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

McCollum Q11: If such policies or guidance are in place to prohibit or delay responses to Ranking Members or all Democratic Members, was such developed in consultation with the White House or the Office of Management and Budget?

Answer: EPA's policy is to respond to all congressional inquiries as appropriate.

Overview (Office of Budget)

The FY 2018 Budget request for the Environmental Protection Agency is $5.66 billion, a reduction of $2.4 billion or 30% below the FY 2017 enacted level as well as reduction of one quarter of the staff. These cuts address almost every program for clean air and water and threaten the health of children and the elderly.

McCollum Q12: Administrator Pruitt has stated he wants EPA to go back to the basics of protecting our air, water, and land, but the budget makes major cuts in air, water, waste, chemical safety, pesticides, enforcement, and research, not to mention the reductions you propose in

categorical grants to states. How can a budget like this not jeopardize the health and well-being of Americans as well as all who inhabit the Earth?

> **Answer:** The Agency's positive environmental agenda builds on cooperative federalism between the federal government and implementing partners, better engagement with communities through technical assistance, and optimization of the regulatory and permit process. This agenda is designed to strengthen EPA's ability to faithfully execute and administer environmental laws, as outlined in the statutes, in order to protect human health and the environment for all Americans.

McCollum Q13: Can Administrator Pruitt assure the Committee that he does not want to see this Nation's environmental progress rolled back?

> **Answer:** The Administrator supports a healthy environment, with clean air, water and land for all Americans. EPA maintains a vital role in environmental protection, but must do so within the bounds of its legal authority.

McCollum Q14: What analysis did EPA do to determine the impact of the proposed reductions on health and environmental protection?

> **Answer:** Analysis was done to ensure resources support our core mission of protecting human health and the environment, and not on activities beyond the scope of EPAs regulatory authority or those that can be led by state and local partners.

McCollum Q15: How many more deaths, heart attacks, hospitalizations and lost work days Americans will suffer as a result of these reductions?

> **Answer:** The FY 2018 President's budget request focuses resources on improving America's air quality, restoring states' roles in the regulation of water, cleaning up contaminated land, ensuring the safety of chemicals in commerce, and enforcing environmental regulation to improve the environment and protect human health. This renewed focus returns EPA to its core mission of protecting human health and the environment pursuant to the laws dictated by Congress.

McCollum Q16: If no specific analysis was done on these metrics of these reductions, what basis does the Agency have for saying EPA and states can adequately protect public health and the environment?

The budget also proposes to cut categorical grants to states by either 30% or zero them out completely, and eliminate 46 programs. EPA and the states together have made major progress in improving public health and environmental quality over the years.

> **Answer:** Protecting public health and the environment is a shared responsibility, and EPA will uphold this mission in accordance with all applicable legal authority. To that point, states have unique environmental needs and EPA will continue to engage in

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meaningful discussion about how shared environmental goals related to the regions can best be achieved.

McCollum Q17: On what basis did EPA decide what is and is not a core statutory responsibility, and how do the Agency reconcile such drastic cuts in core programs with Administrator Pruitt's previous statements about the mission of EPA?

Answer: Core statutory obligations are established through laws passed by Congress and signed by the President, not unilaterally by EPA. Any action by EPA that exceeds the authority granted to it by Congress, by definition, cannot be consistent with the agency's mission. The FY 2018 budget identifies and eliminates programs, as outlined in responses below, so that EPA can focus on its statutory mission, achieving greater value and greater results.

McCollum Q18: What type of analysis did EPA conduct on the 46 programs it proposes to eliminate?

Answer: The FY 2018 President's budget eliminates programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities.

McCollum Q19: Please provide that analysis to the Committee, specifically the data on the impact to the health of families and communities across this country that will result from these eliminations.

Answer: The FY 2018 President's budget describes the basis for eliminating programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities, so that resources are available to support the core mission of the agency.

McCollum Q20: Please include information on the other agencies or programs will do this work in the absence of federal funding.

Answer: The agency will work to partner with EPA counterparts in state, local and tribal governments, as well as non-governmental groups, to further environmental goals. Additionally, EPA is committed to partnering with other federal agencies to collectively achieve goals surrounding clean air, clean water, clean land, ensuring chemical safety, and enforcement and compliance assurance programs.

McCollum Q21: If the Agency has not done any detailed analysis, on what basis does EPA justify its decision to eliminate these programs?

Answer: The FY 2018 President's budget describes the basis for eliminating programs that are mature, duplicative or those that can be absorbed into other programs or are state and local responsibilities, so that resources are available to support the core mission of the agency.

(OA/OP)

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

> **Answer:** Administrator Pruitt believes that sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is acceptable and if so, on what basis and with what training?

> **Answer:** Science provides the foundation for EPA's policies, actions, and decisions made on behalf of the American people. EPA research incorporates science and engineering that meets the highest standards for integrity, peer review, transparency, and ethics. The process of incorporating high-quality science into Agency decision-making is coordinated by science organizations within the Agency. It is guided by EPA's scientific integrity policies. In addition, the Agency's stringent scientific peer review processes are designed to ensure that all EPA decisions are founded on credible science and data.

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

> **Answer:** Administrator Pruitt believes that sound science is the backbone of EPA's rule-making process.

ORD

McCollum Q25: Can Administrator Pruitt assure the Committee that he will uphold scientific integrity policies at EPA, allow EPA scientists to do their work unimpeded and guarantee that Americans will have access to the research and information they have paid for?

Answer: Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

> As Administrator, I commit to supporting the agency's Scientific Integrity Policy. Scientific Integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

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EPA also is deeply committed to transparency and access to research, especially because sharing information helps advance the science we need to protect human health and the environment. We are working rigorously to implement the Office of Science and Technology Policy (OSTP) directives in its 2013 memorandum titled, "Increasing Access to the Results of Federally Funded Scientific Research," through our agency's public access plan.

McCollum Q26: What assurance can EPA give the Committee that EPA Office of Research and Development and EPA's science labs will be fully supported to conduct critical independent science that is the basis for protecting the public?

Answer: EPA laboratories will have the necessary human and technological resources to carry out the lab mission. EPA will carefully review its laboratory space footprint and continue efforts to reconfigure EPA's workspaces in order to release square footage and reduce long-term rent.

McCollum Q27: With EPA's current hiring freeze are key technical positions at the agency currently filled with qualified scientists free from conflict of interest?

Answer: Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

Scientific Integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

McCollum Q28: Since 1970, EPA and states, working in partnership, have achieved major improvements in human health and environmental protection, but threats such as contaminated runoff that pollutes our waters, endocrine disruptors, and new emerging threats need to be addressed. How can EPA possibly have the necessary resources and staff to protect human health, the environment, and our economy?

Answer: EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

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McCollum Q29: EPA is obligated to uphold specific statutory responsibilities to protect human health and the environment, how can EPA assure this Committee that with the draconian cuts proposed in this budget that it can meet those mandates, especially with more than a third fewer scientists and a 30% reduction in funding?

> **Answer:** EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.
>
> In FY 2018, EPA will prioritize science and research activities directly tied to statutory requirements and inquiries into environmental and human health sciences. Science and research will be streamlined to support the agency's program and will prioritize the most important work to protect human health and the environment.

(OAR)

McCollum Q30: In 2007 the Supreme Court ruled in Massachusetts v. Environmental Protection Agency that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

> **Answer:** The Supreme Court ruled in Massachusetts v. EPA that EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act.

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

> **Answer:** The budget provides resources to continue to implement the Greenhouse Gas Reporting Program. The budget also provides resources to support regulatory action consistent with the Presidential Executive Order on Promoting Energy Independence and Economic Growth dated March 28, 2017, including review of the Clean Power Plan. In addition, the request supports the agency's implementation of integrated criteria pollutant and greenhouse gas (GHG) mobile source programs.

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO2 based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

> **Answer:** The Supreme Court ruled in Massachusetts v. EPA that EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act. Since 2009, EPA and the National Highway Traffic Safety Administration (NHTSA) have taken coordinated steps to enable the production of a new generation of clean vehicles through reduced GHG emissions and improved fuel use from on-road vehicles and engines from the smallest cars to the largest trucks. We are currently revising all the regulatory actions.

(ORD/OECA)

McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

> **Answer:** Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners. In FY 2018, EPA will rely on, to a greater extent, its state partners to achieve compliance and enforcement goals. The agency will focus resources on its direct implementation responsibilities, emphasizing violations with public health and environmental impacts.

Administrator's Schedule and Travel Budget

(OA)
McCollum Q34: Does EPA plan to regularly release the Administrator's schedule to the public?

> **Answer:** The Office of Public Affairs (OPA) has been directed to examine methods on how best to post the Administrator's schedule to the public.

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

> **Answer:** As of June 30, 2017 the total travel cost incurred by the Administrator and support staff is as follows:

Administrator	$32,456.38
Administrator Support Staff	$81,248.66

The previous Administrator, Mrs. McCarthy's per year total travel cost is as follows:

FY 2013	$5,651.28
FY 2014	$53,577.85
FY 2015	$37,581.77
FY 2016	$49,616.55
FY 2017	$8,110.67
Please note, total does not include support staff costs.	

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

Answer: Administrator Pruitt has traveled to Oklahoma five times since becoming Administrator. The following are the dates, locations and purposes of each trip:

Travel Dates	Location	Purpose
03/23/2017 to 03/27/2017	Oklahoma City, Oklahoma	To receive an award and give speech at the National Stripper Well Association's Energy Gala.
05/05/2017 to 05/08/2017	Tulsa, Oklahoma	To meet with the CEO of National Rural Water in Tulsa.
05/19/2017 to 05/22/2017	Tulsa, Oklahoma	To tour the Brainerd Chemical Company.
05/25/2017 to 05/29/2017	Tulsa, Oklahoma	To tour the Bird Creek contamination site in Osage County.
06/22/2017 to 06/26/2017	Tulsa, Oklahoma	Invitation from Ardagh for a tour and meeting.

(OECA)

McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

Answer: The Office of Enforcement and Compliance Assurance (OECA) receives funding for the Administrator's Protection Services Detail (PSD) in the Facilities Infrastructure and Operations program project. The actual PSD costs for fiscal years 2013-2016, the FY 2017 request and enacted levels, as well as the FY 2018 request levels, are included in the table below.

Resources (dollars in thousands)

	FY 2013 Actuals	FY 2014 Actuals	FY 2015 Actuals	FY 2016 Actuals	FY 2017 Request	FY 2017 Enacted	FY 2018 Request
Dollars	$2,036	$2,228	$2,138	$1,751	$2,312	$4,364	$5,706
FTE	8.4	8.4	7.7	5.6	8.0	15.5	20.0

(OA)

McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

> **Answer:** Administrator Pruitt flies either Premium Business Class or First Class due to security reasons. The Administrator has left the assessment of his security needs to the professionals at EPA who have experience in that area. It was determined after reviewing related documentations that his request complied with criteria outlined in the Federal Travel Regulation (FTR). Prior Administrators have used other justifications allowed by FTR.

Voluntary Programs *(OAR)*

McCollum Q39: The budget calls for eliminating all of the voluntary partnership programs for reducing greenhouse gases and other air pollution. These programs, which have bi-partisan and industry support, are proven to lower emissions. How will you make up for the emission benefits that are lost?

> **Answer:** EPA will explore options for the potential transfer of these programs to non-governmental entities.

Hydrofluorocarbons *(OAR)*

McCollum Q40: The budget states that the EPM account for the GHG Reporting Program is being cut to "streamline", among other things, the use and emissions of the greenhouse gases, hydrofluorocarbons, under the Clean Air Act SNAP program. What does EPA mean by "streamlining" the program? What would change about the very important work this program does?

> **Answer:** Through streamlining of various programs in that account, the agency will be able to focus on core work areas. EPA's Back-to-Basics agenda aims to refocus the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local, and Tribal partners.

U.S. Global Change Research Program *(ORD)*

McCollum Q41: Also being "streamlined" as part of the budget cuts to the GHG Reporting Program is the technical support EPA provides to the U.S. Global Change Research Program. What do is meant by "streamlining" that support? Describe what support has EPA provided to date and how will that support change.

> **Answer:** EPA has historically played a leading role in conducting scientific assessments of the effects of global climate change in the United States, as required by Section 106 of

the Global Change Research Act of 1990. The Office of Research and Development's (ORD) core science efforts, as it relates to this program, will be streamlined to focus on statutory obligations surrounding these activities.

Water pollution -

OW
McCollum Q42: The budget proposes to eliminate state grants for non-point source pollution programs, when contaminated runoff and other non-point pollution is a principle cause of water quality problems. It also proposes to cut other state water grants, surface water and marine protection funding for EPA, and eliminate the national estuaries program. How is cutting EPA and state capacity consistent with improving the quality of our nation's waters?

Answer: The FY 2018 President's Budget request reflects EPA's role in a model of cooperative federalism that emphasizes strong cooperative state and tribal partnerships and is guided by Congressional direction in core environmental statutes. This Administration recognizes that states and tribes understand their water quality problems the best and can lead efforts to develop solutions to protect America's waters. EPA will encourage states to continue work in restoring our estuaries and protecting aquatic and marine resources throughout the country, and will work with our partners to provide flexibility to address local priorities.

OW
McCollum Q43: In April, Administrator Pruitt paused clean water protections against coal plants dumping toxic metals such as arsenic and mercury from power plants into public waterways that can infiltrate community drinking water intakes. How much of this coal ash sludge is safe in the drinking water supply?

Answer: EPA regulates drinking water and has established drinking water standards in accordance with the Safe Drinking Water Act for over 90 contaminants including arsenic and mercury. These standards do not apply to untreated source water. Public Water Systems must perform monitoring and treatment, as necessary, to assure the water they supply to their customers is in compliance.

McCollum Q44: EPA's postponement is being challenged in a federal court and Administrator Pruitt has been criticized for only focusing on the potential costs of the rule while ignoring its benefits and endangering wildlife and exposing families that live near coal plants to heavy metals that can cause problems with cognitive development in children. Why did EPA disregard years of peer-reviewed studies, input from health experts and public comments supporting these protections?

Answer: EPA is currently reviewing the rule and has not made a final determination. The agency decided to reconsider the rule in response to two administrative petitions, one from the Utility Water Act Group and one from the Small Business Administration Office of Advocacy.

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McCollum Q45: How is the Agency reconciling the difference in the impacts on jobs associated with compliance as estimated by EPA with the impact purported by the industry's analysis?

> **Answer:** The information provided by industry (the Utility Water Act Group) to EPA in their administrative petition for reconsideration did not present any analysis of the impacts on jobs associated with compliance with the Steam Electric Rule. Rather, they asserted that the Effluent Limitation Guidelines cost "contributes to the threat of job losses, particularly when it is added on top of the impacts of other rules." To the extent that EPA reconsiders the underlying technology basis for any of the 2015 rule requirements, EPA also plans to evaluate the impact of such changes on jobs.

Office of Water - *OW*

McCollum Q46: The FY 2018 budget cuts clean drinking water programs by 18% for Human Health and 16% for Water Quality. Why should American's be subjected to decreases in Water Quality due to lack of investment?

> **Answer:** EPA will continue work with states to develop the Next Generation Management and Reporting tool that will be used by the majority of state drinking water programs. The new Safe Drinking Water Information System tool will provide the following benefits: improvements in program efficiency and data quality, greater public access to drinking water data, facilitation of electronic reporting, reductions in reporting burdens on laboratories and water utilities, reductions in data management burden for states, and ultimately reduction in public health risk.

Air Pollution - *OAR*

The Administration budget calls for steep cuts in two accounts that fund activities at the heart of Clean Air Act implementation. One account funds EPA's work to review and update national air quality standards and national emissions standards. The second account funds a multitude of EPA activities to support state and tribal air programs for meeting national air quality standards, reducing toxic air pollution, assuring that new sources have state-of-the-art controls, and protecting visibility.

McCollum Q47: How can the huge cuts in these two key air program accounts be achieved while meeting EPA's responsibilities under the Clean Air Act?

> **Answer:** EPA will continue to meet its responsibilities, under the Clean Air Act, by working to develop a more efficient approach to meeting its statutorily-required National Ambient Air Quality Standards (NAAQS) reviews. EPA also will continue its Clean Air Act mandated responsibilities to administer the NAAQS by reviewing state plans and decisions consistent with statutory obligations, taking federal oversight actions on State Implementation Plan (SIP) submittals, and by developing regulations and policies to ensure continued health and welfare protection during the transitions between existing, new and/or revised standards. EPA will continue to look for ways to improve

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the efficiency and effectiveness of the SIP process, including its own review process, in partnership with state and local air agencies.

McCollum Q48: Has EPA identified what specific activities would be eliminated or reduced by the proposed reductions? If so, please provide an accounting that explains for each of these budget categories (federal stationary source regulations, federal support for air quality management) the activities that will be cut back, and the savings in dollars and personnel from each one.

Answer: EPA will work to develop a more efficient approach to meeting its statutorily-required National Ambient Air Quality Standards (NAAQS) reviews. In FY 2018, EPA also will continue its Clean Air Act mandated responsibilities to administer the NAAQS by reviewing state plans and decisions consistent with statutory obligations, taking federal oversight actions on State Implementation Plan (SIP) submittals, and by developing regulations and policies to ensure continued health and welfare protection during the transitions between existing, new and/or revised standards. EPA will continue to look for ways to improve program efficiency and effectiveness across the suite of its core responsibilities with a focus on streamlining activities.

McCollum Q49: How will the proposed budget reductions impact EPA's ability to meet its existing obligations under the Clean Air Act and take on the new work required to carry out the January 24 Presidential Memorandum, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs."?

Answer: EPA will need to pursue opportunities to meet multiple Clean Air Act requirements for stationary sources in more integrated ways in FY 2018 in order to fulfill its statutory and court-ordered obligations more efficiently. In aligning this effort with Executive Orders 13777 and 13771, EPA will look for ways, as appropriate, to repeal, replace, or modify existing regulations to reduce burden while meeting statutory obligations.

Accessibility to Data and Data Acquisition -- *OA/ OPA*

McCollum Q50: Is all the scientific data associated with climate change that was available under the Obama Administration on EPA website still accessible today?

Answer: The climate change web content from the previous administration is still publicly accessible in EPA's web archive

McCollum Q51: Since taking office, what guidelines has Administrator Pruitt issued for determining what information will be available?

Answer: The Administrator has not issued guidelines for determining what information will be available.

McCollum Q52: Will there be any data loss as a result of the budget's proposed program eliminations in FY 2018? If so, what date and how will this impact EPA's ability to have the continuity of data necessary to make projections into the future with a high degree of confidence?

Answer: Data will not be lost. Any data that may be removed for reasons such as program elimination will be archived and available to the public.

Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by EPA to develop guidance, regulations, and make important management decisions.

(OA/SAB)
McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

Answer: A Federal Register Notice (FRN) was published on June 27, 2017 requesting nominations of qualified candidates to serve on the Clean Air Scientific Advisory Committee (CASAC), SAB and six SAB standing Committees. The FRN requests nominations by July 27, 2017. The names and biographies of qualified nominees identified by respondents to the FRN, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB website. Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates. The Administrator will select members after nominations have been evaluated.

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

Answer: The Administrator will review the composition of the advisory bodies after the review of all qualified nominees has been completed.

(OA/ORD)
McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

Answer: EPA is taking an inclusive approach to filling future BOSC appointments and welcomes all applicants from all relevant scientific and technical fields.

(ORD)

McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

> **Answer:** EPA is taking an inclusive approach to filling future BOSC appointments and welcomes all applicants from all relevant scientific and technical fields. EPA will use the same criteria to evaluate the members who are reapplying to serve an additional term as all other applicants. BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated ""EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

> **Answer:** BOSC members will be selected from the pool of those who applied to the call-for-nominations in the FRN published on May 25, 2017. BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of

regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

Answer: Members of the BOSC are recognized experts in various scientific, engineering, and social science fields. EPA will consider nominees from industry, business, public and private research institutes or organizations, academia, government (federal, state, local, and Tribal) and non-government organizations, and other relevant interest areas. Members are appointed by EPA Administrator for a period of three years and serve as special government employees. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

For more detail on the experience and expertise EPA is looking for, please see the FRN at [HYPERLINK "https://www.federalregister.gov/documents/2017/05/25/2017-10672/request-for-nominations-of-experts-to-the-epa-office-of-research-and-developments-board-of"]

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

Answer: The agency will continue to appoint BOSC members who are recognized experts in their respective fields. They come from academia, industry/business, federal, state, and local governments, non-governmental and environmental organizations, research laboratories, and other relevant entities. All BOSC members must comply with annual ethics reporting and training requirements; and must not possess conflicts of interest or an appearance of being unable to provide impartial advice.

BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity, and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflicts of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

Answer: BOSC members are recognized experts in their respective fields. They come from academia, industry/business, federal, state and local governments, non-governmental and environmental organizations, research laboratories, and other relevant entities. All BOSC members must comply with annual ethics reporting and training requirements and must not possess conflicts of interest or an appearance of being unable to provide impartial advice.

BOSC members are identified through an outreach plan that includes an open solicitation of potential candidates. Members are selected based on their: 1) scientific and/or technical expertise, knowledge, and experience; 2) diversity including work sector, geographical location, gender, ethnicity and viewpoints; 3) availability to serve and willingness to commit time to the committee; 4) absence of financial conflict of interest; 5) absence of an appearance of a lack of impartiality; and 6) skills working on committees and advisory panels.

McCollum Q61: The BOSC is an 18-member advisory committee. What is the current membership?

Answer: The BOSC is comprised of an Executive Committee, which includes approximately 20 members, and is supported by subcommittees and workgroups for any purpose consistent with the BOSC's charter. Such subcommittees or workgroups may not work independently of the chartered Executive Committee, and must report their recommendations and advice to the BOSC for full deliberation and discussion. Subcommittees and workgroups have no authority to make decisions on behalf of the BOSC, nor can they report directly to ORD. There are currently 47 members of the BOSC. Thirty-eight of these members are eligible for a second term and may apply.

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

Answer: It has been agency policy that the Administrator and/or the Deputy Administrator appoints and signs letters of invitation, reappointments, and letters of appreciation for those members whose terms have ended for EPA Tier 1 (Parent) Committee and Tier 2 (Subcommittee) members.

(OA) -
McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

Answer: The Administrator looks forward to having all open positions at EPA filled with qualified individuals.

(ORD)
McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not

important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

> **Answer:** Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. We will support the needs of the states, consistent with the level of appropriated funding.
>
> In FY 2018, EPA will prioritize science and research activities directly tied to statutory requirements and inquiries into environmental and human health sciences. Science and research will be streamlined to support the agency's program and regional offices will prioritize the most important work to protect human health and the environment.

(OA/OAR)
McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget ($646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

> **Answer:** Sound science is the backbone of EPA's rule-making process. The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

(OA)
McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

> **Answer:** All nominees will be evaluated including those eligible for a second term. Appointments will be made after the evaluations have been completed.

(OAR)
McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

> **Answer**: Sound science is the backbone of EPA's rule-making process. Scientific review will continue. The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

> **Answer:** The SAB Staff Office will continue to prioritize CASAC and SAB activities to meet statutory requirements and agency priorities.

(OA/ORD)
McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

> **Answer:** The SAB will continue to meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development. The SAB will continue to provide independent scientifically sound advice and peer review to the Administrator on a range of scientific and technical matters underlying key environmental policies and risk management decisions.

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

> **Answer:** The Federal Register Notice published on June 27, 2017 requesting nominations for members of the CASAC, SAB and six standing committees outlines the existing criteria for selecting committee members.

(ORD)
McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

> **Answer:** Sound science is the backbone of EPA's rule-making process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.
>
> Scientific integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing, and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility; while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. EPA's Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at EPA. The policy details the components of a culture of scientific integrity and provides a framework for agency-wide compliance. The policy applies to all EPA employees

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including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify strategies to reduce redundancy and costs?

> **Answer:** EPA will continue to look for ways to effectively use and maximize its research budget, including strategies to reduce redundancy and costs. EPA's research activities continue to go on, in support of the Administrator's priorities.

(OA)
McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

> **Answer:** The Federal Register Notice soliciting nominations for members of the CASAC, SAB and six standing committees was published on June 27, 2017.

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

> **Answer:** EPA is seeking nominations of qualified experts in response to the FRN published on June 27, 2017. As indicated in the FRN published on June 27, 2017, the public has opportunities to nominate candidates as well as to provide comments on the List of Candidates.

Categorical Grants for States and Tribes (Office of Budget)

The budget proposes to cut the categorical grants to states and tribes by 44 percent. States rely heavily on these grants. According to a report from the Environmental Council of the States, federal funds account for, on average, 27 percent of state environmental budgets. Congress designed Federal environmental programs so that they would be administered at the states and local levels where possible. But EPA has a responsibility to provide national environmental leadership by establishing minimum national pollution standards and providing technical support to states.

McCollum Q75: How will these proposed cuts affect the states' abilities to implement environmental programs? Will it have consequences for their staffing levels?

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Answer: EPA is committed to a more effective cooperative federalism approach to environmental protection. The President's budget does not propose any reduction to State environmental staffing levels.

McCollum Q76: How will this affect EPA's ability to conduct appropriate oversight and provide technical assistance to ensure that states have good environmental management practices?

Answer: The budget provides over 5,400 FTE in the regions to continue to provide leadership and technical expertise to the regulated community, and to partner effectively with states and tribes.

McCollum Q77: How is this consistent with improving the quality of our nation's waters or protecting the air we breathe?

Answer: By prioritizing resources to support the agency's mission, the budget supports a renewed focus on achieving its statutory responsibilities to protect the nation's air and water quality.

McCollum Q78: How does EPA recommend that states make up for this funding shortfall?

Answer: The agency will work with its state and local partners to identify shared priorities and make progress in achieving them.

Staffing and Employee Morale

The March 2017 Executive Order directs the reorganization of the Executive Branch.

Office of Budget with OARM
McCollum Q79: In light of the 30% reduction in EPA's FY 2018 Budget request and the proposal to reduce approximately 3,800 FTEs from the FY 2017 enacted level, how is EPA approaching developing such a plan and how will the Agency be transparent and keep employees informed?

Answer: EPA submitted Near Term Workforce Actions in compliance with OMB Memo 17-22 "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce." In the near term, EPA is relying on VERA/VSIP to begin staff's voluntary workforce restructuring. For longer term implementation, EPA's plan will be part of a larger comprehensive Government-wide Reform Plan for publication in the President's FY 2019 Budget.

McCollum Q80: EPA's proposed workforce, the smallest since 1984, is still task with administering 7 major congressionally mandated programs including new workload such as the Toxic Substances Control Act. How will a reduction of this many staff not affect productivity?

Answer: EPA will be examining our programs and processes to create efficiencies and streamline our processes. Primary criteria will include effectiveness and accountability. EPA is focused on greater value and real results.

McCollum Q81: In FY 2017, Congress provided funding to maintain staff capacity to conduct work necessary to meet EPA's mandated responsibilities. The FY 2018 budget reduces funding for those very programs. Can EPA assure Congress that none of the actions it is taking in FY 2017 violate the Impoundment Act?

Answer: In FY 2017, the agency continues to maintain staffing capacity and work responsibilities consistent with the agency's FY 2017 appropriation. No funding will be impounded.

McCollum Q82: The budget proposes to cut support for employee wellness and worklife initiatives, such as federal cost share for fitness centers, health wellness, and CPR/ AED training services and libraries.

Answer: The agency's FY 2018 budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection obligations and to focus more closely on our statutory obligations.

Staff Reductions

EPA has carved out $12 million in staff buyouts for the current fiscal year.

McCollum Q83: Will a Reduction in Force be necessary to reach EPA's proposed staffing level? If so, for how many positions and will EPA apply the Reduction in Force equally across both headquarters and regional offices? If not, what formula will the Agency use to do this?

Answer: The agency plans to rely on a hiring freeze, attrition and VERA/ VSIP authority as primary tools for workforce reshaping.

McCollum Q84: When a person loses their job thru a RIF they are entitled to severance pay, which can, depending on age and service time, easily be a full year's salary. How has the Agency calculated that cost?

Answer: The agency plans to rely on a hiring freeze, attrition and VERA/ VSIP authority as primary tools for workforce reshaping.

McCollum Q85: The FY 2018 budget proposes a new program project titled Workforce Reshaping which includes $11 million in Science and Technology and $47 million in Environmental Program and Management to support organization restructuring.

Answer: The agency anticipates the need to offer VERA/VSIP as part of the workforce reshaping effort. Funding will be used to support VERA/VSIP costs.

McCollum Q86: How does EPA propose to spend this money?

Answer: The agency anticipates the need to offer VERA/VSIP as part of the workforce reshaping effort. Funding will be used to support VERA/VSIP costs.

McCollum Q87: What programs did you cut in FY 2018 budget to find the resources for this new program project?

Answer: The FY 2018 budget details the funding decisions made by the Agency.

McCollum Q88: If Congress agrees with the Administration's proposal for these significant staff reductions, how will EPA prioritize cuts in personnel so that the Agency can still fulfill its important charge to safeguard human health?

Answer: EPA will streamline existing business processes and eliminate unnecessary redundancies to utilize staff in line with the FY 2018 budget and with the agency's top human health priorities.

McCollum Q89: Will EPA consider the risks to human health and the environment from staff reductions in particular program areas?

Answer: The agency will prioritize staff and resources in line with the FY 2018 budget and with the agency's top human health and environmental priorities.

McCollum Q90: How will EPA maintain the scientific and technical expertise needed to do this essential human health work when so many seasoned professionals opt to retire early?

Answer: Over the past several years, EPA has focused on succession planning and a future workforce. EPA will streamline existing business processes and eliminate unnecessary redundancies to prioritize retaining critical scientific and technical expertise.

McCollum Q91: How will EPA enforce our environmental laws if EPA regional offices, who have primary responsibility for enforcement, are closed?

Answer: The FY 2018 budget does not propose closing any regional offices.

Regulation Review

(OA/OP)
Executive Order 13783 on Promoting Energy Independence and Economic Growth requires a review of all regulations.

McCollum Q92: How is EPA going about conducting this review and what scientific evidence and economic assumptions or models is the Agency relying on for the basis of its decisions?

> **Answer:** Pursuant to EO 13777, EPA held multiple public meetings and opened a docket for public comments about regulations that may be appropriate for repeal, replacement, or modification. Regulations identified for possible repeal, replacement, or modification would be subject to standard rulemaking procedures, including additional public comment, and at that time more details on the basis for the regulatory action would be provided.

McCollum Q93: Environmental regulations already undergo a rigorous analysis of costs and benefits as they move through the regulatory process. In its annual accounting to Congress last year, OMB found that benefits of major rules EPA officially adopted from 2005-2015 exceed their costs by up to 13 times (OMB 2016). A 2011 peer-reviewed EPA assessment of the long term benefits and costs of the Clean Air Act and its implementing regulations found that its middle estimate of annual benefits exceeds costs by 30 to one--that's $2 trillion in net benefits vs. $65 billion in costs. Which specific EPA regulations does EPA believe are overly stringent and in need of scaling back?

> **Answer:** EPA has begun to take action on some regulations, such as those identified in Executive Orders 13783 and 13778. EPA is still considering which additional regulations may unduly burden the development of domestic energy resources.

McCollum Q94: Administrator Pruitt has expressed concern about the compliance costs of particular industries, please provide an estimate of the change in net benefits to the American public from rolling any regulations back.

> **Answer:** Such estimates will be part of the rulemaking record for any individual rules that are revised or rescinded.

McCollum Q95: Has the Agency considered the additional cost to industry of facing a patchwork quilt of different state requirements instead of one federal standard?

> **Answer:** Within the statutory boundaries, there are a number of factors to consider when revising federal rules, which can include: costs, implementation issues, and the appropriate balance between state and federal authority. EPA will consider each of those factors, and others, as appropriate, when revising rules.

McCollum Q96: What steps has EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

> **Answer:** With certain exceptions and limitations, EO 13771 directs all agencies to repeal two existing regulations for each new regulation issued in FY 2017 and thereafter, and also directs agencies that the total incremental costs of all regulations should be no greater than zero in FY 2017. Executive Order 13777 on Enforcing the Regulatory

Reform Agenda further directs federal agencies to establish a Regulatory Reform Task Force and to evaluate existing regulations and make recommendations regarding their repeal, replacement, or modification. Consistent with these Executive Orders, EPA established a Task Force and has been taking a hard look at existing EPA regulations to help identify regulations that may be appropriate for repeal per EO 13771, in order to develop recommendations for the Administrator. EPA also has initiated the delay or reconsideration of multiple regulations finalized by the previous administration that have led to cost savings that may further EO 13771 implementation.

McCollum Q97: How is EPA choosing which two regulations to repeal for every new regulation promulgated?

Answer: In April, OMB released guidance clarifying implementation of EO 13771. EPA is still developing our internal process to fully implement that guidance.

(OGC)
McCollum Q98: In EPA's regulation review has the Agency consistently adhered to the requirements of the Administrative Procedures Act, specifically the notice-and-comment period that gives the public time to respond to any proposed changes by the government?

Answer: EPA is in the process of conducting its E.O. 13783 review and, to the extent that the Administrative Procedures Act requires EPA to engage in notice and comment rulemaking as part of that process, EPA intends to do so.

(OCSPP)
McCollum Q99: How does EPA justify delaying the effective date for the companion rule for Pesticide Applicator Protection for an additional year to May 22, 2018?

Answer: The effective date of the Certified Pesticide Applicator (CPA) rule is being extended to May 22, 2018, to give recently arrived agency officials the opportunity to conduct a substantive review of the rule in accordance with the Presidential directives as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," and the principles identified in the April 25, 2017, Executive Order "Promoting Agriculture and Rural Prosperity in America." The effective date extension will prevent the confusion and disruption among the regulated community and stakeholders that would have occurred if the CPA rule became effective, displacing the existing regulation, and then was substantially revised or repealed as a result of administrative review. The 12-month extension also provides time for EPA to consider revisions to the certification rule based on input received through the Regulatory Reform Agenda effort.

OCSPP
McCollum Q100: Is EPA proposing any changes to its plans for assessing the risk of pesticides for endangered species?

Answer: EPA, National Marine Fisheries Service (NMFS), and Fish and Wildlife Service (FWS) (the Services) are currently involved in discussions exploring possible options for streamlining the interim methods and process we have been following based on the recommendations of the National Academy of Sciences (NAS) in its April 2013 report[1]. The NAS recommendations for assessing risk from pesticide exposure to threatened and endangered species involves a 3-step process that integrates ecological risk assessment methods with Endangered Species Act (ESA) consultations. EPA, NMFS, FWS, and USDA held several workshops to develop those interim methods, which were intended to be part of an iterative process that continues to evolve as EPA and the Services gain experience with the process. We used those interim methods in the biological evaluations for chlorpyrifos, diazinon, and malathion, which were released in January 2017.

The current schedule for completing the initial set of biological evaluations has not changed. EPA released the biological evaluations for chlorpyrifos, diazinon, and malathion in January 2017 and their biological opinions are scheduled to be completed at the end of 2017. Biological opinions for methomyl and carbaryl are scheduled for December 2018. Effects determinations and initiation of consultation for atrazine, simazine, propazine, and glyphosate are scheduled for 2020.

McCollum Q101: Does the FY 2018 budget provide the staff and resources needed to adequately assess the risk of pesticides for these species?

Answer: Yes, the FY 2018 President's Budget provides the staff and resources needed to adequately assess the risk of pesticides to endangered species. Currently, the registration user fees can cover a portion of the costs associated with the assessment of risks to endangered species. If PRIA 4 passes, it also will have language that will explicitly cover allowing the use of maintenance fees funding to cover the costs of endangered species activities; although currently, under FIFRA, nothing prevents EPA from using maintenance fees for endangered species activities.

(OAR)
McCollum Q102: EPA extended the effective date for emissions standards, record keeping, and labeling provisions for formaldehyde emissions until March 22, 2018. How is this not creating an unfair advantage for foreign imports over North American manufacturing of composite wood products?

[1] For more information about implementing recommendations found in the NAS report: [HYPERLINK "https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and"]

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Answer: EPA received requests from the composite wood industry and support from other stakeholders requesting the extension of the compliance dates. EPA has not yet extended the compliance dates. EPA published a Direct Final Rule (DFR) on May 24, 2017, to extend the compliance dates. Because EPA received relevant, adverse comment on the DFR, EPA is in the process of withdrawing this action. To save time in the event of such adverse comment, EPA also published a companion Notice of Proposed Rulemaking (82 FR 23769). EPA will proceed with this proposed rule through the normal rulemaking process and will consider all comments received prior to finalizing this action. EPA does not believe the extension of the compliance dates provides any meaningful advantage for imported products over domestically produced products. The agency's proposed extension of the compliance date for the formaldehyde emissions standards, recordkeeping, and labeling provisions, and any benefits that extension may provide are equally applicable to all regulated entities under the rule. After that compliance date, like North American-manufactured composite wood products, imported composite wood products and imported finished goods and component parts made of composite wood products will have to comply with the formaldehyde emission standards and other provisions in the final rule.

In the economic analysis supporting the final rule, EPA estimated that the majority of composite wood products, both domestic and imported, are already meeting the TSCA Title VI emissions standards because they currently comply with the California Air Resources Board (CARB) formaldehyde emission standards, which are identical to the TSCA Title VI emission standards. While some panel producers do not sell composite wood panels in California, many intermediary entities (*e.g.*, fabricators of finished goods, distributors, importers, retailers, etc.), choose to purchase only CARB-compliant products so that they do not need two supply streams, or one for products that may be sold or supplied in California and one for products that are not.

(OA/OP)

McCollum Q103: How does EPA plan to defend the many inevitable lawsuits it will face from rolling back environmental regulations? Is this really the most effective way for EPA to fulfill its mission?

Answer: EPA is effectively fulfilling its mission by ensuring the agency issues sensible regulations that protect the environment based on our statutory authority and allow for economic growth. We often face litigation in response to regulatory decisions, given the broad range of stakeholders we serve, who care deeply about the work we do. EPA will continue, as we always have, to work with the Department of Justice to vigorously defend against lawsuits brought against the agency.

McCollum Q104: Executive Order 13777 required the head of each agency to designate a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies to ensure agencies effectively carry out regulatory reforms, consistent with applicable law.

Answer: EPA is aware of the requirements of Executive Order 13777.

McCollum Q105: Who have you appointed as the Regulatory Reform Officer for EPA and what are their credentials?

> **Answer:** Administrator Pruitt designated Samantha K. Dravis, Senior Counsel and Associate Administrator for the Office of Policy to serve as EPA's Regulatory Reform Officer. Ryan Jackson, EPA Chief of Staff serves as Chairman. Regulatory Reform Task Force members include Byron Brown, EPA Deputy Chief of Staff for Policy; and Brittany Bolen, EPA Office of Policy Deputy Associate Administrator.

Chesapeake Bay - *OW*

Chesapeake Bay is the nation's largest estuary in which 18 million people live and work; there are 3,600 types of fish, wildlife and plant life that underpin the economic value of the ecosystem; and where in a voluntary partnership with other federal, State, local, and NGOs, academic institutions, private businesses and individual citizens, 10 Goals for restoring the ecosystem have been set to be met by 2025.

McCollum Q106: Just when the Chesapeake Bay is beginning to show improvement the FY 2018 budget cuts the funding across for all Geographic Programs, including the $73 million for the Chesapeake Bay. Who will step into the role EPA has played of coordinating all the partners in this exemplary effort?

> **Answer:** The TMDL agreed upon between the six states and District of Columbia in the Chesapeake Bay watershed is a true model of "cooperative federalism" and the type of state and local collaboration that is essential to transboundary environmental restoration. EPA encourages states to continue to use collaboration, coordination, and consensus to make multi-jurisdictional decisions. We look forward to continuing to work with the committee and relevant stakeholders to achieve the shared environmental goals of the Chesapeake Bay TMDL.

McCollum Q107: Efforts to restore the Chesapeake Bay are seen as a national and international model for sustainable use of coastal regions. What message are we sending about our leadership and commitment when we reduce funding to such an exemplary project from which recovery lessons can be duplicated in coastal regions worldwide?

> **Answer:** The restoration of the Chesapeake Bay would not be possible without state and local collaboration. The message this administration is sending is the centrality of state and local collaboration for local environmental work. The Chesapeake Bay TMDL is the model of cooperative federalism that EPA would like to promote for multi-jurisdictional environmental restoration, which is why EPA encourages states and local entities to continue to use collaboration, coordination, and consensus to restore the Bay. EPA will continue to engage in meaningful discussions about how to continue state-led restoration

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work in the Chesapeake Bay through its role in representing the Federal government on the Chesapeake Executive Council.

Environmental Justice – ***OECA and OA***

The budget eliminates all resources for the Environmental Justice program. The budget claims that EPA will incorporate EJ work within the Integrated Environmental Strategy program within the Office of the Administrator; however, no there is no associated funding requested.
The budget also eliminates the lead program, which works to reduce disparities in blood lead levels between low income children and non-low income children.

McCollum Q108: What Environmental Justice work will be discontinued as a result of the elimination?

> **Answer:** The agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face. Environmental Justice will continue to be considered within the work done at EPA and also will be specifically incorporated into future policy work within the agency's Integrated Environmental Strategies program in the Office of the Administrator.

McCollum Q109: How much funding in the FY 2018 budget is dedicated for Environmental Justice work in the Integrated Environmental Strategy program?

> **Answer:** Although EPA is not requesting funds for the Environmental Justice program, the agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face.

McCollum Q110: How many staff will be reassigned or terminated due to the elimination?

Answer: Twenty-four FTE at headquarters and 16 FTE in the regions were associated with the Environmental Justice program project. Staff reassignments will be made as part of our broader workforce reshaping effort.

McCollum Q111: How will EPA identify and track low income and minority communities that are disproportionately burdened by pollution?

> **Answer:** EPA will continue to use EJSCREEN as the primary tool to screen for communities with environmental justice concerns.

McCollum Q112: The recent tragedy in Flint, Michigan, in which low income minority children were poisoned by lead in their drinking water, reminded the country of the danger of lead poisoning. How will EPA ensure that all children are protected, even in states that do not have their own lead program?

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Answer: Protecting children from exposure to lead is a top priority for EPA. The agency will continue to coordinate with states, tribes, and territories to enforce not only the Lead and Copper Rule, but all Safe Drinking Water Act national primary drinking water regulations. EPA will continue its work with our co-regulators to ensure that owners/operators of public water systems address noncompliance in a timely manner, prioritizing those systems with the most serious or repeated violations. In particular, EPA will continue to focus on working with states to optimize corrosion control treatment to minimize exposure to lead. EPA will also continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity.

Enforcement - Office of Budget

McCollum Q113: Thanks to the work of this office, settlements were negotiated from EPA actions with Volkswagen AG and BP PLC spill that have resulted in funds going to states and communities. Given the proven success of this office, why does the FY 2018 budget propose to cut Enforcement by 23%?

Answer: EPA reduced resources in areas where states have enforcement authority and significant progress has been made. EPA will focus enforcement (including criminal) and compliance resources on direct implementation responsibilities, the most egregious cases, and in areas that address the most substantial impacts to human health and the environment.

McCollum Q114: The budget justification states that EPA will focus the civil enforcement program's resources on "programs that are not delegable [to states] or where a state has not sought or obtained the authority to implement a particular program." Does this mean that EPA will no longer take any enforcement actions against polluters violating federal environmental rules that a state has authority to enforce? Under EPA's approach, what would happen if a state -- due to lack of resources or political pressure -- fails to enforce a federal environmental rule against a violating polluter?

Answer: EPA will continue to work in partnership with state and Tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for regulated companies.

OECA

McCollum Q115: What will be the impact of the proposed cuts to enforcement on the number of state and federal facility inspections, the amount of compliance assistance, and the number of enforcement actions that states and EPA have the capacity to pursue?

Answer: EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for companies that follow the rules. The agency will focus our resources on direct implementation responsibilities and the most significant violations. For FY 2018, the number of federal inspections and evaluations is projected to be 9,500. The agency also is projecting that 1,750 federal civil, judicial, and administrative enforcement cases will be initiated in FY 2018.

Energy Star and Water Sense – *OAR and OW*

Through EPA's Energy Star and Water Sense programs, Consumers can save money by reducing their energy and water use while helping to protect the environment. These programs have motivated private sector investments, and moved the goal post on efficient technologies in the market place.

McCollum Q116: With a history of bipartisan support and immense value-added for businesses and consumers alike, what is EPA's rationale for throwing out 25 years of investment in these programs in the coming fiscal year? Isn't it a good thing when Americans can lower their energy bills and drinking water costs, reduce pollution, and help implement EPA's statutory mandates for clean air and water, all at the same time?

Answer: The President's FY 2018 budget request for EPA reflects the success of environmental protection efforts, a focus on core legal requirements, and the important role of federal-state partnerships in implementing the nation's environmental laws. The voluntary Energy Star and WaterSense programs are reduced in the President's Budget (WaterSense is proposed for elimination) as part of the overall effort to target and prioritize EPA's core activities.

McCollum Q117: Does Administrator Pruitt believe these programs represent an appropriate role for a federal agency? If not, how does he envision that the private sector will continue to develop product guidelines in partnership with a patchwork of state and local governments and competing businesses?

Answer: EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

McCollum Q118: What private organization might take on the breadth and complexity of these programs, is unbiased, can hire and gear up quickly to set up the networks and infrastructure necessary to manage these programs? If none currently exist, isn't it premature to cut the budget of respected and valued programs with great consumer and environmental results?

Answer: EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

Toxics and peer review *(OCSPP/ORD)*

Many state and local governments rely heavily on US EPA's office of research and development's assessments of hazardous chemicals like the Integrated Science Assessments under the Clean Air Act or the IRIS program for toxics to set their clean up levels for hazardous pollutants like known neurotoxins such as lead and carcinogens such as benzene. The current president's budget targets these scientific functions for large cuts.

McCollum Q119: How will EPA increase its support to state and local agencies to perform those scientific assessments on a case-by-case basis?

> **Answer:** Assessment of chemicals, and the authority to manage hazardous chemicals, is a mandated requirement with the June 22, 2016 passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, amending the Toxic Substances Control Act (TSCA). On June 22, 2017, EPA announced the finalization of a number of procedural framework rules related to chemical prioritization, risk evaluation, and risk management activities. See: [HYPERLINK "https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-5"]. Pursuant to these rules and its new authority under TSCA, EPA expects to engage states and local governments, as well as the general public, on prioritizing chemicals for risk evaluation and conducting risk evaluations in an open, transparent manner consistent with the best available science. In addition, hazard and exposure data, previously held confidential and not available to states, will now be accessible to these governments.
>
> EPA's Integrated Risk Information System (IRIS) develops assessments. EPA scientists also produce Integrated Science Assessments (ISAs) that evaluate peer-reviewed publications that reflect scientific knowledge. These ISAs provide the foundation for the National Ambient Air Quality Standards (NAAQS). They go through a very rigorous and independent peer-review and a public comment period.

McCollum Q120: How will EPA ensure that adequate health protection that follows the health evidence results for all Americans including vulnerable populations like pregnant women, infants, children, and seniors to protect them from these known and emerging hazards?

> **Answer:** The 2016 amendments to TSCA explicitly require EPA to consider risks to vulnerable populations as part of the process to evaluate chemicals under TSCA. The recently finalized procedural rule on Risk Evaluation reflects this statutory mandate, specifically requiring that EPA "integrate and assess available information on hazards and exposure for…the chemical substance, including information on specific risks of injury to health or the environment and information on potentially exposed or susceptible subpopulations." See preamble, page 6. As defined in TSCA, "potentially-exposed or susceptible subpopulations" means a group of individuals within the general population identified by EPA who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a

chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly." 15 U.S.C. 2602(12).

Hazardous Substance: Superfund Account

OAR

McCollum Q121: The budget eliminates funding for Radiation: Protection and states that EPA will explore alternatives to manage potential radiation risks at Superfund and hazardous waste sites to meet requirements and will explore alternatives to meet its statutory obligation, as mandated by Congress, to implement regulatory oversight responsibilities for Department of Energy activities at the Waste Isolation Pilot Plant facility. Where is this work funded in FY 2018? If there is no funding proposed in the budget, how will EPA meet its regulatory responsibilities?

Answer: The agency will explore alternatives to address continuing obligations.

McCollum Q122: What is the impact of this work not being done in FY 2018? What are the risks to human health if this work is not done?

Answer: The agency will explore alternatives to address continuing obligations. The WIPP program already has protocols in place to protect human health.

OECA

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

Answer: The proposed budget reflects the streamlining of the agency's identification of Potentially Responsible Parties (PRPs), settlement negotiations for cleanup and the recovery of costs when the agency has expended funds for cleanups. EPA will focus its enforcement resources on the most egregious cases and on sites that most substantially impact human health and the environment.

OCFO

McCollum Q124: The budget states that the timeline for modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) is extended as a result of the budget cut. What is the revised date of completion as a result of the funding cut? How long is the delay? What is the total cost of this project and how much has been funded to date?

Answer: At the funding level requested in FY 2018 President's Budget, SCORPIOS modernization should be completed by Spring 2021, an additional two years from the current anticipated date. The total cost of the project is $4 million of which $760 thousands have been funded for development.

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OECA

McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

> **Answer:** The amount of funding proposed for elimination is $20.145 million. Under the proposal, DOJ support for Superfund Enforcement would come from DOJ's resources. In FY 2016, the DOJ supported 629 enforcement cases. EPA will work with DOJ to prioritize the most egregious cases.

McCollum Q126: The budget states that there are 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects, yet this program is eliminated. How will EPA ensure that appropriate oversight is conducted at these sites? Will the funding elimination affect the timeline of the cleanups and, if so, by how long?

> **Answer:** The proposed budget has not eliminated the Superfund Federal Facilities Enforcement or the Superfund Federal Facilities Restoration and Reuse programs. The Federal Facilities Enforcement program's resources would be merged with the Superfund Enforcement account and work would continue under that consolidated program project. The Superfund Federal Facilities Restoration and Reuse program, which oversees and provides technical assistance for the protective and efficient cleanup and reuse of Federal Facility National Priorities List (NPL) sites, will continue to work closely with our federal partners to address sites with the most substantial impacts to human health and the environment.

OLEM

McCollum Q127: How much funding does the budget cut for support for the headquarters and regional Emergency Operations Centers? What is the specific impact of these cuts? Will the EOCs be staffed by fewer employees? Will the Agency's operational readiness be affected by the resulting impacts to the EOCs and, if so, how?

> **Answer:** Over the last few years, EPA has invested and remains committed to having agency Emergency Operations Centers (EOCs) remain resilient despite variable budgets. Headquarters and Regional EOCs expect to continue to maintain current response personnel/assets and readiness.

McCollum Q128: The budget states that the proposed reduction to the Homeland Security: Preparedness, Response, and Recovery program project will cause the Agency to have to reevaluate the need to use PHILIS and ASPECT for emergency response activities. ASPECT is the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform and it is available to assist local, national, and international agencies supporting hazardous substance response radiological incidents, and situational

awareness in the US. PHILIS is EPA's mobile laboratory asset for the on-site analysis of chemical warfare agent and toxic industrial compound contaminated environmental samples Is EPA considering discontinuing ASPECT and PHILIS? Does the budget request impact operation of ASPECT and PHILIS? If discontinued, how would EPA fill this gap, what platform would conduct this work? How would states and local governments obtain these services?

> **Answer:** EPA will continue to meet requirements of Homeland Security Presidential Directives. The Agency will evaluate PHILIS and ASPECT and will investigate with our partners the availability and suitability of other analytical assets to continue Chemical, Biological, Radiological and Nuclear (CBRN) preparedness and response work.

McCollum Q129: How will this affect workplace morale? Is discontinuing these services consistent with the rest of the federal government?

> **Answer:** EPA remains committed to its response responsibilities in the event of emergencies.

McCollum Q130: The budget cuts $34 million from the Superfund: Emergency Response and Removal program project. How will this cut affect EPA's ability to respond to emergency response actions, removal assessments, and time critical response actions? What won't get done as a result of this reduction?

> **Answer:** EPA will continue to prioritize and respond to hazard cleanups, as required under the Comprehensive Environmental Response, Compensation, and Liability (CERCLA) with resource priority given to emergency response actions. The Agency may prioritize non-emergency time-critical and non-time-critical actions.

McCollum Q131: The budget proposes to cut $167 million or 33% from the Superfund: Remedial program and as a result will have to prioritize resources on NPL sites that present the highest risk to human health. How many NPL sites will not receive funding as a result of the cut? How many new sites will not be listed or have the cleanup process initiated as a result of the cuts?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. The Agency is in the process of determining what additional sites may be ready to initiate new construction work in FY 2018. In recent years, there has been a dozen or so NPL sites awaiting cleanup funding. In order to speed the pace of cleanups, a Task Force has been created to review best practices and new approaches in dealing with successfully restoring sites to productivity. The Task Force will outline steps to be taken in the near term to more expeditiously and effectively handle remediation of sites.

Leaking Underground Storage Tanks - <u>OLEM</u>

McCollum Q132: The budget request cuts $16 million from LUST Cooperative Agreements, which support states in managing, overseeing, and enforcing cleanups at LUST sites. The budget request also eliminates fund for LUST Prevention. What will be the resulting cut to each state? How many fewer LUST cleanups will occur due to the cuts? How much of a states' budget for LUST cleanups does this funding represent? How many fewer inspections will occur?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. EPA will work with state partners to provide flexibility to address environmental priorities. The amount of change for each state varies with the overall allocation received. Each state determines its individual contribution to the effort and the Agency does not have visibility into those amounts. LUST funding changes will be part of the grant work plan development when our final FY 2018 funding is in place.

Pollution Prevention - OCSPP

The budget proposes to eliminate work in several EPA offices authorized under the Pollution Prevention Act, which was enacted in 1990 to focus industry, government and public attention on reducing the amount of pollution through cost effective changes. It also eliminates EPA's pollution prevention work under the Clean Air Act, Section 7401(c), of which the "primary goal is to encourage or otherwise promote … actions…for pollution prevention."

McCollum Q133: The budget justifies significant reductions and program eliminations as the Agency refocusing on core work. Under Administrator Pruitt's leadership, does EPA consider pollution prevention part of EPA's core statutory work?

Answer: EPA has made great strides in carrying out the intent of Congress to encourage reductions in the generation, use and release of hazardous substances while helping businesses reduce operational costs. Based on previous investments in P2 solutions, partners are expected to be able to continue to share best practices and seek additional pollution prevention solutions. Within EPA, programs implementing environmental laws will continue to pursue approaches that prevent pollution at the source. For example, pollution prevention has, and is expected to be, a key tool in implementing the Toxics Substances Control Act, as amended in 2016, which requires EPA, in promulgating rules to mitigate unreasonable risk, to consider technically and economically feasible alternatives that benefit health or the environment (TSCA Section 6(c)(2)C),

Marine Pollution - **OW**

The budget proposes to eliminate the Marine Pollution Program. EPA is responsible for managing, along with the Army Corps, ocean disposal of sediments dredged from our ports, harbors and shipping channels to maintain the safe passage of military, commercial, and recreational vessels. EPA helps to ensure that radioactive waste, toxic chemicals, and sewage sludge that directly affect human health are not dumped into our coastal and ocean waters.

McCollum Q134: What is the impact of this proposed elimination on the health of the marine ecosystem? By how much will the percent decline of active dredged material ocean dumping sites achieving environmentally acceptable conditions?

> **Answer:** EPA will seek opportunities to continue to meet statutory mandates, including those of the Marine Protection, Research, and Sanctuaries Act (MPRSA), to the extent possible within the Surface Water Program.

McCollum Q135: How will the proposed cuts affect data collection and maintenance?

> **Answer:** EPA will seek opportunities to continue to meet statutory mandates, including activities pursuant to the MPRSA such as development of site management and monitoring plans, to the extent possible within the Surface Water Program.

McCollum Q136: State and local governments will be directly impacted by degradation of their coastal resources, however, these entities do not have authority over ocean dumping in marine waters. If the marine program is eliminated as requested, how will EPA prevent, monitor, and control pollution in those waters?

> **Answer:** EPA will seek opportunities to continue to meet statutory mandates, including those of MPRSA, to the extent possible within the Surface Water Program.

Drinking Water - OW

Just last year we had a public health disaster in Flint, Michigan, where local residents were exposed to dangerously high levels of lead in their drinking water. Yet, the budget proposes to cut the drinking water program funding by 17 percent and the Public Water System Supervision Categorical Grant program by 30 percent.

McCollum Q137: How will these proposed reductions impact the States' abilities to provide technical assistance to owners of public water systems?

> **Answer:** EPA will work with states and tribes to target the funds to core statutory requirements while providing states and tribes with flexibility to best address their particular priorities. In FY 2018, EPA will provide funds to support state and Tribal efforts to assist water systems in meeting existing drinking water regulations and in working to develop the financial and managerial capacity needed to protect federal investments that remedy aging or inadequate infrastructure (e.g., pipe replacement to prevent failures in distribution systems; installation of treatment to remove harmful drinking water contaminants). EPA will encourage states to use grant funds to focus on the most immediate challenges public water systems are facing today that impede their ability to properly operate and maintain their infrastructure to protect public health and achieve long-term sustainability. These challenges include difficulties achieving readiness to obtain financial assistance, limited

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access to well-qualified and experienced utility personnel, and lack of technical expertise and managerial capacity.

McCollum Q138: How will the proposed cuts affect data collection and maintenance?

Answer: Funding in the FY 2018 President's Budget request supports the completion of Safe Drinking Water Information System (SDWIS) modernization with the release of SDWIS Primacy Agency (Prime) and the initiation of support for state and regional transition to SDWIS Prime.

In FY 2016, EPA released the Compliance Monitoring Data Portal (CMDP) enabling drinking water utilities and laboratories to report data electronically to primacy agencies with fewer errors and in a more efficient manner. The portal will increase data accuracy and completeness and could decrease the overall reporting burden for primacy agencies by hundreds of thousands of hours. Primacy agencies can use the portal-reported data to make more informed decisions about water system compliance and focus their limited resources on preventing and responding to public health problems. In FY 2017, EPA is assisting primacy agencies in transitioning to and utilizing CMDP, and will continue this assistance in FY 2018.

In FY 2018, EPA will continue work with states to develop SDWIS Prime. SDWIS Prime is a centralized infrastructure technology system that will replace SDWIS State (the management and reporting tool used by 43 state drinking water programs) and other systems that are hosted and operated separately by each primacy agency. EPA also will work with states to initiate their transition to SDWIS Prime. Benefits of this transition include: improvements in program efficiency and data quality; greater public access to drinking water data; facilitation of electronic reporting; reductions in reporting burdens on laboratories and water utilities; reductions in data management burden for states; and, a reduction risk to public health.

McCollum Q139: What will be the impact of the reductions on laboratory certification and sample analysis?

Answer: States have the primary responsibility for certification and oversight of the commercial and municipal laboratories that generally analyze compliance-monitoring samples for PWSs. Some states also operate their own laboratories for the analysis of compliance-monitoring, investigatory, and incident-response samples. Public Water System Supervision grants provide states with resources to assure timely and accurate compliance monitoring, respond to violations that may impact public health, and share results with the public. States will determine the relative support to provide to their areas of responsibility such as laboratory certification and sample analysis. Additionally, funding for the Unregulated Contaminant Monitoring Rule (UCMR) is not reduced and provides critical implementation support for emerging-contaminant occurrence data collection. This includes support to labs that conduct Unregulated contaminant occurrence monitoring (UCMR) and sample analyses for the nations' small public drinking water systems (PWS), as well as support training for regional and state

certification officers and technical support/troubleshooting to regions, states, and laboratories.

McCollum Q140: How will the proposed cut impact EPA's training and technical assistance to States, tribes, and public water systems for compliance with Safe Drinking Water Act regulations?

Answer: EPA will streamline and prioritize support activities such as training and technical assistance to states, tribes, and public water systems for compliance with Safe Drinking Water Act regulations. EPA will target its support as outlined: the Agency will continue to work with states and tribes to implement requirements for all National Primary Drinking Water Regulations (NPDWRs) which require that systems install, operate, and maintain appropriate levels of treatment and effectively manage their distribution systems. In particular, EPA will continue to focus on working with states to optimize corrosion control treatment to minimize exposure to lead. EPA also will continue to require states to report violations data at all public water systems for all rules, including requirements to protect against Cryptosporidium, to control disinfection byproducts, and to implement the Revised Total Coliform Rule.

In addition, EPA will continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The Agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers, and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity, known as Capacity Development.

McCollum Q141: According to the budget request, in FY 2016, nearly ten percent of the population served by Community Water Systems received drinking water that did not meet all applicable health-based drinking water standards. How will these proposed cuts affect EPA's ability to address on-going compliance challenges? What activities will be reduced?

Answer: The 1996 Safe Drinking Water Act (SDWA) Amendments established a strong emphasis on enhanced water system management to achieve and maintain technical, managerial, and financial (TMF) capacity of the nation's drinking water systems. EPA resources and grants that states use to implement the drinking water program will primarily target small systems that lack the capacity to comply with health based drinking water standards. While most small systems consistently provide safe and reliable drinking water to their customers, many small systems face challenges with aging infrastructure, complying with regulatory requirements, workforce shortages and high staff turnover, increasing costs, and declining rate bases. In FY 2016, small community water system violations made up 94 percent of overall violations; however, in Indian Country, only 88 percent of the population served by CWSs received drinking water that met all applicable health-based standards. EPA will continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to

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promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers, and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity.

Research and Development - ORD

EPA laboratories are resources for EPA as well as states, tribes, municipalities, and other federal agencies.

McCollum Q142: At the proposed funding levels in the FY 2018 budget request, how will EPA retain the expertise of the scientists at these laboratories? Does the Agency intend to close any of the labs?

> **Answer**: EPA will endeavor to retain its workforce with the proper distribution of skills. In addition, EPA will carefully review its footprint and continue efforts to reconfigure EPA's workspaces in order to release square footage and reduce long-term rent.

National Vehicle and Fuels Emission Laboratory *(OAR)*

The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is an integral part of EPA Office of Transportation and Air Quality. Through this program EPA develops, implements, and ensures compliance with national emission standards to reduce mobile source related pollution and ensure air quality benefits and fair competition in the marketplace.

McCollum Q143: The budget request notes that there is an increased demand for the outcomes from this program, but proposes reducing the program by $17 million. Has EPA analyzed the resultant economic impact on manufacturers or the health and economic impact on consumers' from this proposed reduction of work?

> **Answer:** The Agency will continue to perform its compliance oversight functions on priority matters and will conduct compliance oversight tests where there is evidence to suggest noncompliance.

OAR

McCollum Q144: The Lab's work also protects industry by ensuring all automakers play by the same rules and to hold companies accountable that gain an unfair and illegal competitive advantage. Engineers at this Lab were instrumental in uncovering evidence on Clean Air Act violations that led to Volkswagen paying billions of dollars to their customers and to mitigate for pollution emitted from their cars and the current lawsuit against Fiat Chrysler and discrepancies in its auxiliary emission control devices. How would the proposed reduction impede the oversight that results from the work of this Lab?

Answer: The Agency will focus its efforts on certification decisions. EPA will continue to perform its compliance oversight functions on priority matters; and will conduct compliance oversight tests where there is evidence to suggest noncompliance.

McCollum Q145: In order to meet the demand from the auto industry, how will EPA fill the funding gap that would result from the proposed reduction? Does EPA intend to create new user fees for the lab above the ones that the industry already pay?

Answer: The Agency will focus its efforts on certification decisions. The agency also will assess the capabilities of new and current vehicle technologies and focus efforts to detect violations of clean air standards in a more efficient matter. New user fees are not included in this budget request.

(OAR)

McCollum Q146: In March, EPA issued a notice of intent to reconsider the final determination on the appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards. At the proposed budget levels, how does EPA intend to conduct the analysis that this reconsideration will entail?

Answer: EPA will utilize the available resources to conduct the reconsideration of the Model Year 2022-2025 standards Mid-term Evaluation Final Determination. EPA will not only make use of its data and analysis, but also information from stakeholders, federal and state partners, and other resources to support the reconsideration process.

McCollum Q147: What are the next steps in the process?

Answer: The Administrator intends to make a new Final Determination no later than April 1, 2018; in accordance with EPA's regulations governing the Mid-term Evaluation process.

McCollum Q148: Will EPA officially withdraw the final determination? If so, when?

Answer: The Administrator announced in March 2017, his intention to reconsider the January 2017 Final Determination and his plans to issue a new Final Determination no later than April 1, 2018.

McCollum Q149: Will there be another proposed determination and public comment period?

Answer: The Administrator intends to make a new Final Determination no later than April 1, 2018; in accordance with EPA's regulations governing the Mid-term Evaluation process. EPA will follow applicable notice and comment procedures.

McCollum Q150: Will EPA and NHTSA produce another Technical Assessment Report? If so, does the proposed FY18 EPA budget provide enough resources to ensure a robust assessment?

Answer: Through prioritization of activities, EPA expects to have adequate resources to conduct the analysis that this reconsideration will require.

Eliminating Programs
Great Lakes - OW

The Great Lakes support a $7B annual fishing industry and over 40 million people in this region depend on the Lakes for drinking water. Ecologically healthy lakes are necessary for the lakefront and recreational opportunities the Lakes provide for millions of people which contributes to local economies. Yet the FY 2018 budget shortsightedly proposes to eliminate $300 million for the Great Lakes Restoration Initiative. This reduction will impact cleaning up toxic algae, phosphorus from sewage treatment plants, and other pollutants that threaten water supplies and make it dangerous to eat the Lakes' fish. It is will also jeopardize the work of Federal agencies, states and stakeholders to address invasive species like Asian carp.

McCollum Q151: How does EPA justify eliminating this program, and the many other geographic programs like it that are critical for healthy regional ecosystems?

Answer: The Great Lakes are an important part of the U.S. fresh water supply, and EPA is committed to improving environmental conditions and human health for Americans that live and work in the Great Lakes region. EPA will continue to engage in meaningful discussions with Congress and with stakeholders in the region about how shared environmental goals related to the Great Lakes can be achieved.

McCollum Q152: Why aren't protecting these irreplaceable resources considered a basic function of EPA?

Answer: EPA will continue to engage in meaningful discussions with Congress and with stakeholders in the region about how shared environmental goals related to the Great Lakes can be achieved.

McCollum Q153: The Great Lakes effort is a multi-state effort which benefits from federal funding and staff support. Absent federal participation which encourages a collaborative effort to clean up ecosystems that span more than one state, what does EPA envision these efforts will look like moving forward?

Answer: EPA will encourage the eight Great Lakes states, tribal, and local entities to continue to make progress in restoring the Great Lakes from within core water programs, while continuing to engage with Congress and stakeholders in the region about how shared environmental goals can be achieved.

McCollum Q154: If funding is eliminated as proposed, how will EPA handle projects which are and could be in the middle of sediment remediation? Is there any risk that halting work could result in an environment hazard more dangerous than if the work had not been initiated?

Answer: EPA anticipates that at least one project will be under active sediment remediation at the beginning of FY 2018. This ongoing phase of work is fully funded. EPA will work to minimize costs and environmental risks as work on the project ramps down.

McCollum Q155: What would happen to projects which are recently completed but may be in the warranty work phase where habitat restoration or continued treatment for invasive species is being carried out? Sometimes these activities continue for 2-3 years. If this work is stopped, wouldn't the full benefit of the investment be lost?

Answer: EPA anticipates that at least five projects will be in the warranty work phase at the beginning of FY 2018. This ongoing phase of work is fully funded. EPA will work to minimize costs and environmental risks as work on the projects ramps down.

McCollum Q156: How would EPA manage the internal support contacts and the contract with Cetacean Marine associated with the maintenance and operation of the research vessels Lake Guardian and Mudpuppy II?

Answer: Management of internal support contractors will be handled through a negotiations process with the contractors.

McCollum Q157: What would be the associated costs of ceasing operations of the Lake Guardian and Mudpuppy II? Would the vessel be put into dry dock or would EPA dispose of it?

Answer: EPA is still evaluating options for the Lake Guardian and the Mudpuppy II. Once final decisions are made, costs would be determined through a negotiation process with the contractors.

Managing Environmental Protection
Merging Regional Offices - Office of Budget with OARM, OLEM

It has been reported that EPA is conducting an analysis regarding merging regional offices that is due to the Office of Management and Budget on June 15, 2017.

McCollum Q158: How would EPA plan to continue the Agency's close working relationship with states, with less regional staff and more distance involved?

Answer: EPA's mission will be accomplished by engaging with state, local, and tribal partners to create and implement sensible regulations. EPA continues to prioritize its relationship with states and will continue to invest in this relationship.

McCollum Q159: What are the specific health impacts and environmental impacts of closing regional offices? How will these closures affect EPA's mission to enforce environmental laws and otherwise protect the environment and human health?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q160: Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q161: How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

McCollum Q162: How would EPA replace the on-the-ground knowledge, technical expertise and leadership in these regions, so essential to developing an acceptable resolution when a company is charged with a violation, to ensure that environmental compliance?

Answer: The FY 2018 budget request does not propose to close any EPA regional offices.

Combined Heat and Power Partnership - OAR

The Combined Heat and Power Partnership provides technical support, makes business-to-business connections, and issues achievement awards to its roughly 400 partners. Since its launch, the Partnership has been credited with supporting roughly one-third of CHP installations. These projects slash energy use and costs, making their hosts more competitive and cutting carbon emissions. They also make our energy infrastructure more reliable, since CHP projects can keep the lights on when the grid goes down.

More than 100 businesses, advocates and associations – including Ameresco, Siemens and Solar Turbines – have joined a letter reaffirming the great value of the CHP Partnership and of CHP itself.

McCollum Q163: Given the Administration's commitment to improving our industrial competitiveness compared to our international competitors – and the great support that the CHP Partnership has provided since 2002, why does the Administration want to eliminate it?

Answer: EPA will explore options for the potential transfer of the CHP Partnership Program to non-governmental entities.

Environmental Monitoring - OAR

EPA tracks changes in nitrogen deposition and sulfur deposition to assess the effectiveness of the Acid Rain Program and related programs. The agency also tracks changes in surface water acidity in lakes and streams in acid sensitive regions to assess the change in the number of chronically acidic water bodies. The Administration budget proposes that EPA close seven of 59 EPA-sponsored CASTNET monitoring sites (six on Tribal lands) and seven of EPA's 32 National Atmospheric Deposition Program sites.

McCollum Q164: How will this reduce EPA's ability to measure the results of the Acid Rain Program and related programs?

> **Answer:** Under the proposed FY 2018 funding levels, the Agency would close seven of 59 EPA-sponsored CASTNET monitoring sites including six on tribal lands. The Agency would also close seven of EPA's 32 National Atmospheric Deposition Program sites. In both instances, the sites are newer, meaning long-term trend data will continue to be available. EPA will base its assessment on the remaining monitoring sites.

Elimination of Alternative Dispute Resolution - OGC

McCollum Q165: What are the benefits of EPA's use of alternative dispute resolution, and what analysis has EPA done that indicates program offices are able to conduct ADR on their own, without support?

> **Answer:** EPA's use of alternative dispute resolution (ADR) has been shown to save time and money, and result in improved outcomes. These benefits have been documented in a variety of studies and peer-reviewed literature. EPA regional and program offices will continue to pursue ADR support services and training on an as needed decentralized basis.

Climate Change: GAO High Risk Area *(OAR)*

McCollum Q166: According to EPA's budget, in 2013, the Government Accountability Organization designated climate change as a "High Risk" area, noting that climate change poses management challenges for the federal government at large, and that EPA will play a role in addressing this challenge. Since the budget request eliminates 91% of the climate change funding, what role will the Agency play in addressing this challenge?

> **Answer:** Through this budget, EPA has laid out a strategy to maintain core environmental protection with respect to statutory and regulatory obligations. This budget provides the direction and resources to return EPA to its core mission.

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Clean Power Plan *(OAR)*

McCollum Q167: What is EPA's plan to provide the same level of greenhouse gas emissions reductions as the Clean Power Plan and other rules the Agency plans to reexamine?

> **Answer:** The Supreme Court ruled, in *Massachusetts v. EPA*, that EPA has the authority to regulate carbon dioxide as an air pollutant under the Clean Air Act. Congress as a body, however, has not weighed in on the question about whether the Agency is obligated to regulate carbon dioxide.
>
> Pursuant to the Presidential Executive Order on Promoting Energy Independence and Economic Growth, the Agency is reviewing several regulations and, if appropriate, will initiate reconsideration proceedings to suspend, revise, or rescind these rules.

McCollum Q168: When does EPA anticipate its review of the Clean Power Plan will be completed as every passing month delays the important emission reductions this plan was designed to achieve?

> **Answer:** EPA is reviewing the Clean Power Plan and, if appropriate, will as soon as practicable and consistent with law, initiate provisions to suspend, revise, or rescind the rule.

McCollum Q169: Is EPA planning to extend the administrative stays of any other regulations that reduce greenhouse gases from stationary sources which it is currently reviewing?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and, appropriately suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law.

Ozone - OAR

McCollum Q170: Ozone is the main component in smog and has been scientifically proven to aggravate lung diseases, increase the frequency and severity of asthma attacks, and reduce lung function. EPA estimated that the benefit of an updated standard of 70 parts per billion will yield health benefits of $13 billion each year. However, Administrator Pruitt has delayed the compliance deadline by a year. What will be the health impact and additional cost to the public of this delay?

> **Answer:** There is insufficient information to complete area designations for the 2015 ozone standards and EPA is extending the deadline by one year, until October 1, 2018. Additional time will allow EPA to further evaluate a host of complex issues regarding the 2015 ozone NAAQS and its implementation, such as: further understanding the role of background ozone levels and international transport; developing additional flexibilities

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for states to comply with the ozone NAAQS; and considering completely all designation recommendations provided by state governors, including full consideration of exceptional events impacting designations.

Chlorpyrifos *(OCSPP)*

Administrator Pruitt, during your testimony to our subcommittee you stated that the USDA had a differing opinion from EPA's scientists on the dangers of chlorpyrifos. You sided with the USDA in that disagreement when you rejected the petition to revoke food tolerances of chlorpyrifos.

McCollum Q171: What scientific evidence and peer-reviewed studies were the basis of the USDA's conclusions? Do they have data that shows there is a safe level of exposure to chlorpyrifos, particularly for children and pregnant women? Who determined that the USDA's science is more reliable or valid than EPA's, and what process or standards did they use to come to that conclusion?

> **Answer:** EPA received numerous comments raising concerns with the analysis EPA issued for public comment in November 2016, as part of the chlorpyrifos tolerance revocation rulemaking process. Among those concerns were comments submitted by the U.S. Department of Agriculture, available at: [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2015-0653-0648"]. USDA's concerns mirrored similar comments submitted by other stakeholders, leading EPA to conclude that, despite several years of study, the science addressing neurodevelopment effects remains unresolved and that further evaluation of the science during the remaining time for completion of registration review is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos.

McCollum Q172: EPA has historically consulted with the USDA on pesticide related issues, but your testimony indicated that the USDA now has the power to overturn the conclusions of the Agency's own scientists. Has the USDA been elevated to the role of overseeing any decisions on pesticides under the Trump Administration? If so, who issued and approved of this guidance.

> **Answer:** EPA has historically consulted with the USDA on pesticide-related issues and continues to do so. EPA engages USDA, as well as its other federal partners, in a collaborative manner to achieve regulatory decisions that reflect transparency and sound science. EPA routinely seeks USDA's input on pesticide-related issues, and routinely uses USDA data (e.g., NASS use survey information) to inform our risk assessments and regulatory decisions.

OCSPP

McCollum Q173: The mission of the USDA is very different from the mission of EPA. The USDA's mission is to provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues. EPA's mission is to protect human health and the

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environment. Is the protection of human health and the environment still the mission that is guiding decisions on pesticide use under your leadership?

> **Answer:** Yes, under the authorities of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); as amended by the Food Quality Protection Act of 1996, the Endangered Species Act (ESA), and the Pesticide Registration Improvement Renewal Act (PRIA), the protection of human health and the environment is still the mission guiding decisions on pesticide use.

Environmental Impact on Children's Health

It is estimated that 88% of the existing global burden of disease attributable to climate change occurs in children younger than 5 years old in both industrialized and developing countries. Climate change is currently affecting child health through increased heat stress, decreased air quality, altered disease patterns of some climate-sensitive infections, physical and mental health effects of extreme weather events, and food insecurity in vulnerable regions. Outdoor air pollution is linked to respiratory problems in children, including decreased lung function, coughing, wheezing, frequent respiratory illness, and asthma exacerbation. Children bear the burden of negative health outcomes resulting from exposure to pollutants across their lifespan.

(OAR)
McCollum Q174: EPA has put a hold on efforts to make our air cleaner by pausing work on the ozone standard and the Clean Power Plan. Is EPA calculating the costs to children and their families from all of the health effects of polluted air and accelerated climate change?

> **Answer:** EPA has paused several efforts in order to evaluate a host of complex issues. Within the statutory boundaries, there are a number of factors to consider when revising federal rules, including costs, implementation issues, and the appropriate balance between state and federal authority.

(OA)
McCollum Q175: As EPA Administrator overseeing this regulatory review, are you consulting with pediatric associations, patient organizations, or other representatives for children's health to determine the cost burdens that rolling back these regulations would place on impacted families and our health care system as a whole?

> **Answer:** EPA has a Children's Health Protection Advisory Committee whose charter was renewed in June of 2017. The duties of this Advisory Committee are to provide advice and recommendations to EPA on policy issues associated with regulations, economics, and outreach/communications to address prevention of adverse health effects to children, and improve the breadth and depth of analyses related to these effects. Many of the members are from pediatric associations and other representatives of children's health.

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McCollum Q176: How will the benefits to children of strong environmental regulations be weighed in comparison to the costs to some businesses of meeting those regulations in any final decisions?

> **Answer:** The cost, benefits, and distributional impacts of regulations are one of the factors, along with others, that inform proposed and final regulations.

Tribal Treaty Rights and Tribal Consultation - OITA

In February 2016, the Agency finalized the "EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights". That Guidance begins with the statement that, "EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so."

McCollum Q177: Does the Agency intend to continue to implement this Guidance under your leadership? Does the Agency continue to stand by the conclusion that you have an obligation to protect treaty rights and consult with tribal nations if those rights may be impacted by a proposed EPA action?

> **Answer**: The Agency will continue to follow the law as it relates to tribal treaty rights and believes that the Guidance, which complements EPA's existing tribal consultation policy, serves as a framework to inform EPA's actions and decisions.
>
> The U.S. Constitution defines treaties as part of the supreme law of the land, with the same legal force as federal statutes.

McCollum Q178: The Guidance states that, "As part of its commitment, EPA will emphasize staff training and knowledge-sharing on the importance of respecting tribal treaty rights in order to better implement this Guidance". What training has been done for staff on this topic since you were confirmed as Administrator? Does the Agency intend to provide such training in the future?

> **Answer:** EPA's American Indian Environmental Office, within the Office of International and Tribal Affairs, has hosted a number of trainings on EPA *Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights* in 2017, and continues to work with our regional and national offices to schedule more training opportunities for EPA staff.
>
> In addition to our specific training on treaty rights, the Agency requires staff to take a short training course every two years on "*Working Effectively with Tribal Governments*" which includes information on treaty rights. This training is required of staff in FY 2017.

McCollum Q179: Is the Agency engaging in formal tribal consultation during the review of regulations that you are currently undertaking? What efforts is the Agency undertaking to

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evaluate the impact that any changes to existing regulations may have on tribal treaty rights throughout the nation?

Answer: The Agency hosted two tribal-specific national outreach calls for tribal governments to provide their input into our regulatory reform agenda. The calls included EPA representatives from each of the major program offices. EPA also invited tribes to participate in the five other media-specific public meetings. As the agency continues to work through the input received from tribes and other stakeholders, the agency will work with EPA's American Indian Environmental Office and other program offices on appropriate next steps.

EPA has also engaged in formal tribal consultation in relation to its review of the 2015 "Waters of the United States" rule.

McCollum Q180: Tribal nations rely on many EPA grants and programs to protect their treaty rights and maintain the environmental health of the ecosystems that support their hunting, fishing, and gathering rights. Has the Agency engaged with tribal nations following the release of the Fiscal Year 2018 budget about the decision to cut funding for programs across the Agency that tribes rely on such as the Indian General Assistance Program, the State and Tribal Assistance Grants, the Great Lakes Restoration and Puget Sound geographic programs, and others? Are you consulting with tribal leaders around planning for implementation of this budget? Are you seeking tribal input on investments needed to protect tribal treaty rights as you develop your Fiscal Year 2019 budget?

Answer: Annually, EPA's senior leadership, including the EPA Administrator, meets with the National Tribal Caucus (NTC) to discuss planning and budget priorities. The NTC is a national body of elected officials and other representatives of federally recognized tribes. Members are selected by tribes in each EPA region to represent the perspectives of tribes within their regions. The NTC's primary focus is to identify and address tribal environmental issues that are national in scope, cross-agency, or cross-media in nature, or that may be emerging or urgent. The NTC executive committee met with Administrator Pruitt (April 2017) and plans are underway to have the full NTC meeting with EPA's senior leadership this fall.

The Agency is currently undergoing tribal consultation on the FY 2018-2019 National Program Guidance. These planning documents describe how EPA will carry out the Agency's strategic direction and annual budget by providing operational direction to EPA regions, states and tribes on implementing environmental and human health programs.

McCollum Q181: Please provide the Committee with a detailed list of all efforts to engage in tribal consultation. Additionally, please provide the Committee with a detailed analysis of the current funding that EPA distributes to tribal nations across all accounts and grants, and how the cuts proposed in the Trump Administration FY18 budget would affect it.

Answer: EPA maintains a listing of on-going tribal consultations on its tribal consultation web site, [HYPERLINK "https://tcots.epa.gov"]. To date, EPA has engaged in

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over 400 consultations with tribal governments since the issuance of its consultation policy in 2011. Funding varies across programs depending on specific requirements of the statutes and allocations. OITA funding changes will be part of the grant work plan development for the proposed FY 2018 funding.

Questions from Ms. Pingree:

Brownfields - OLEM

An EPA program that is of vital importance to the communities of New England and Maine in particular, is the Brownfields program. The capital raised through Brownfields investments has been extremely effective in turning community liabilities into assets throughout the state. And EPA itself has told us that brownfields leverage $17 dollars for each dollar spent.

Pingree Q1: When you have publically supported the work of this program, why would this Administration turn away from the Brownfields program that leverages its funds so efficiently with a $17 to $1 return on investment?

> **Answer:** The Agency remains committed to this important program. Under the FY 2018 request, approximately 834 sites will be assessed, 111 sites cleaned up, and 5,865 jobs and $1.1 billion will be leveraged. Additionally, grant-supported state and tribal response programs will oversee the cleanup at approximately 26,032 properties, making over 90,000 acres ready for reuse.

National Estuary Program - OW

One of the programs that you have at EPA that is relatively small in the scope of your budget, but that brings critical funds to coastal communities is the National Estuary Program. The work that they are doing on the ground in habitat restoration and protection helps in the 28 watersheds nationwide.

One of those critical watersheds is in Maine, the Casco Bay Estuary. They work with partners across Southern Maine to monitor our watershed in the Casco Bay and to use the data they find to help our fishermen, and our communities. But under your budget proposal, the program is proposed for elimination and the funds are not repurposed elsewhere but the work of this program will be entirely gone. On average, the NEPs raise $18 for every $1 provided by EPA.

Pingree Q2: Why does the FY 2018 budget propose to eliminate the NEP which provides such a clear benefit to the American taxpayer?

> **Answer:** The FY 2018 President's Budget request lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. EPA will continue to encourage the National Estuary Programs (NEPs) to make progress implementing their Comprehensive Conservation Management Plans (CCMP) from within a core water program.

Wood Heater Standards - OAR

Pingree Q3: Can you provide for the record information and status of EPA's New Source Performance Standards for New Residential Wood Heaters given that there is a May 2020 effective date for Step 2 of this rule?

> **Answer:** EPA set a two-phased New Source Performance Standard (NSPS) for residential wood heaters. The 2015 rule phased in standards for new heaters over five years. Existing wood heaters are not affected by the 2015 rule. Step 1 went into effect in 2015 and was widely accepted by industry. Step 2 has a 2020 effective date, and two impacted industry stakeholders have challenged the rule on the basis of technical and legal concerns. EPA is considering the concerns raised by stakeholders and will consider options, as they relate to the existing rule.

EPA Water Sense Program - OW

Pingree Q4: Given that fact that many business and citizens were affected by drought and water supply shortages in recent years, and given the proposed cuts to programs at EPA such as Energy Star and Water Sense, how will EPA continue to support economic development that is based on significant water savings in drought stricken areas?

> **Answer:** The FY 2018 President's Budget request for EPA reflects the success of environmental protection efforts, a focus on core legal requirements, and the important role of federal-state partnerships in implementing the nation's environmental laws.

Toxics Funding - ORD

Pingree Q5: Given the 31% cut to the Chemical Safety for Sustainability research program, what are the potential impacts on the research and evaluation of human health effects of chemicals?

> **Answer:** The Chemical Safety and Sustainability (CSS) program provides methods, data, information, and tools enabling more informed, timely decisions about chemicals. CSS products currently inform Agency program offices responsible for the implementation of TSCA, SDWA, and CERCLA. Products provided by CSS inform agency and state decisions related to chemical safety and the protection of public health and the environment.
>
> The funding provided for the CSS program in the FY 2018 President's Budget supports work to continue to produce innovative tools that accelerate the pace of data-driven chemical evaluations, enables EPA and state decisions to be environmentally sound and public health protective, and supports chemical innovation.

Questions from Mr. Kilmer:

EPA Ecolabel Program - OCSPP

In 2015, EPA issued procurement recommendations for forest products that discriminated against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS) – thereby excluding forest products produced from hundreds of millions acres of private, state, and federal forestlands. These recommendations were also inconsistent with the USDA's Biopreferred Program, which puts all forest certification programs on a level playing field. The Fiscal Year (FY) 2017 Consolidated Appropriations Act directed EPA to provide a report to the Committee within 60 days regarding the current state of the agency's Ecolabel program. The Committee also recommended that in developing the guidelines to evaluate eco labels that are used in Federal purchasing for building construction and other uses, EPA should be fair, transparent, and consistent with other product requirements.

Kilmer Q1: What is the anticipated timing for the completion of the report called for in the FY 2017 Consolidated Appropriations Act?

> **Answer:** The agency has been working to meet this new requirement. The report is currently in draft and undergoing EPA management review. Interagency review is required before the report is finalized.

Kilmer Q2: Please outline the steps EPA will take to ensure that guidelines for the Ecolabel program will be developed in a transparent manner, inclusive to all certified sustainable US grown and manufactured forest products, and consistent with existing federal procurement policies like the USDA's Biopreffered program.

> **Answer:** Based on stakeholder concerns and interagency discussions, EPA recommendation for the lumber/wood product category was removed in December 2016 and put on hold. The Fiscal Year 2018 President's Budget eliminates funding for the program-project under which Ecolabels activities are funded.

Energy Star - OAR

EPA has a voluntary, non-regulatory, partnership program with private and public property owners called ENERGY STAR for buildings. Foundational to the program is an energy management and tracking tool developed and maintained by EPA called "Portfolio Manager" that enables properties to measure utility performance over time. Forty-four billion square feet of commercial space including school, office and apartments buildings – roughly half the commercial real estate market in the United States – use Portfolio Manager to measure and track how much energy and water is consumed by building occupants. This tool has become the trusted standard for building owners to identify opportunities for more efficient operation and achieve utility cost savings. Moreover, without Portfolio Manager, the real estate industry would

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be left without its key compliance tool to meet the increasing number of state and local regulations that require buildings to measure and report their energy use in a transparent manner.

Kilmer Q3: Is Administrator Pruitt aware of the important role that the buildings branch of ENERGY STAR and the Portfolio Manager tool play in supporting the private real estate industry?

> **Answer:** EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

Kilmer Q4: Without funding, how does EPA plan to continue supporting Portfolio Manager?

> **Answer:** EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy. Portfolio Manager support will be part of the overall evaluation of next steps.

Puget Sound - OW

Puget Sound, Washington, is among the most important estuary ecosystems in the United States, providing critical human and ecological values. The ecosystem supports more than 4. 7 million people, including 19 federally recognized tribal governments; 211 fish species; l00 sea bird species; and 13 marine mammal species, including endemic orca whales. It also annually handles over $77 billion in imports and exports, $10 billion in outdoor recreation, and $2 billion in agriculture revenue. Decades of human activity and development have degraded the ecological function of Puget Sound, and EPA has numerous statutory obligations to support Puget Sound recovery efforts.

Kilmer Q5: Please provide a list of all federal laws that mandate EPA's role in Puget Sound recovery efforts.

> **Answer:** Puget Sound-related mandates are found in the following:
>
> Clean Water Act §320: Establishes the National Estuary Program and includes the Management Conference/Action Agenda: "The Governor of any State may nominate to the Administrator an estuary lying in whole or in part within the State as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary."
>
> Estuaries and Clean Waters Act of 2000: "This legislation makes restoring the nation's estuaries a national priority and funds community-based estuary restoration projects. Reauthorization of EPA's National Estuary Program is included, with funds for estuary management in addition to planning. The core of the bill establishes a five-year program through which the federal government will promote and track estuary restoration."

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Kilmer Q6: Please provide a summary of the total amount spent by EPA towards meeting its statutory obligations with respect to Puget Sound recovery over the past 5 years broken out by individual programs including State and Tribal Assistance Grants.

> **Answer:** Geographic Funds: $140 million (Geographic Program: Puget Sound)
> NEP Funds: $2.8 million (NEP Base Grant)
>
> The following STAG programs also support Puget Sound Recovery (note these are statewide allocations for the past five years and not all these resources are applied in the Puget Sound basin.)
>
> - Clean Water Act Section 319 Washington Allocation: $14.7 million
> - Clean Water Act Section 106 Washington Allocation: $30.2 million
> - CWSRF Washington Allocation: $120.9 million
> - DWSRF Washington Allocation: $ 102.3 million

Kilmer Q7: Please provide a list and brief description of all the current actions carried out by EPA (including those supported through grants/cooperative agreements with the state and tribes) that would be terminated if the Puget Sound Geographic program is eliminated.

> **Answer:** Below is a list of actions where EPA currently provides funds:
>
> - Development and update of the 2018 Action Agenda (Comprehensive Conservation and Management Plan).
> - Support for science and monitoring planning, implementation, and use for tracking progress and adaptive management.
> - Leadership and staffing of the Puget Sound Federal Task Force and implementation of the federal five-year Action Plan.
> - The U.S. staffing and support for the US/Canada Salish Sea Statement of Cooperation and shared efforts the SOC Action Plan.
> - Planning and involvement in the bi-annual Salish Sea Ecosystem Conference.

Tribal Programs - <u>OITA</u>

EPA's Region 10 office serves 271 federally recognized tribes in Alaska, Idaho, Oregon, and Washington. EPA is responsible for upholding federal trust responsibility to protect treaty rights that fall within its jurisdiction.

Kilmer Q8: Is the Administrator committed to upholding EPA's trust responsibility to all federally recognized tribes?

> **Answer:** EPA recognizes the federal government's trust responsibility, which derives from the historical relationship between the federal government and tribes as expressed in certain treaties and federal Indian law. EPA remains committed to honoring the

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government-to-government relationship the United States has with federally recognized tribes as well as fulfilling our federal trust responsibility.

Kilmer Q9: What legal consequences would EPA face if it fails to meet these obligations as a result of inadequate funding?

Answer: EPA will continue to work with Congress to finalize the budget and then will work with states, tribes, and local governments to ensure that key program priorities continue to be appropriately implemented across the country.

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Questions from Ms. Kaptur:

CWA: Impaired water of Lake Erie - OW

Two years ago, Toledo's fresh water supply was shut down over an entire weekend due to toxic algal blooms from Lake Erie that crept into the water treatment facility. The algal bloom was a result of the overwhelming nutrient pollution running into the Lake. The amount of money required to fix this tri-state/binational environmental threat is enormous, and the responsibility for purifying the water should not simply rest with the City of Toledo, a community of 250,000 inside a watershed of over 2 million people and 10 million livestock. Further, Michigan has declared Lake Erie impaired; Ohio has not.

Kaptur Q1: During our hearing, you stated that Ohio had not assessed the waters of Lake Erie. However, under Section 305(b) of the Clean Water Act, states are required to assess all waters. Do you not agree that Ohio is required to assess those waters? Based on what authority did you defer to the state of Ohio's decision not to assess those waters? How can you approve an incomplete assessment?

> **Answer:** States have the primary responsibility, under Sections 305(b) and 303(d), to assess their waters and to identify waters that are impaired. Ohio's 2014 list identified the Western Basin Shoreline of Lake Erie as impaired for the Public Drinking Water Supply (PDWS) use. In its 2016 303(d) list submission, Ohio retained the Western Basin Shoreline and added the Lake Erie Central Basin Shoreline and the Lake Erie Islands Shoreline as impaired for the PDWS use based on microcystin data. The Ohio EPA has not assessed the open waters of Lake Erie beyond the shoreline. Section 303(d) of the CWA and its implementing regulations provide EPA with the authority to approve a state's list of impaired waters. EPA relied on this authority to defer to the state's decision not to assess these open waters for the 2016 list. Importantly, EPA recognizes the state's ongoing efforts to control nutrient pollution in the Western Basin of Lake Erie. EPA understands that the Ohio EPA intends to evaluate options for developing objective criteria (e.g. microcystin or other metrics) to assess the Western Basin of Lake Erie, including open waters beyond the shoreline, for future lists. EPA is committed to working with the State in those efforts.

Kaptur Q2: By default, by accepting Ohio's non-assessment, USEPA is declaring the open waters of Lake Erie not impaired. How can waters which are clearly comingled across state lines be considered clean on one side and impaired on the other?

> **Answer:** Individual state water quality standards and assessment approaches vary, which can lead to differing impairment determinations by states assessing portions of interstate waters within their jurisdictions. To clarify, however, EPA has not made a determination that the open waters of Lake Erie in Ohio are not impaired.

Kaptur Q3: Can you please answer my question from the hearing: is not a tri-state watershed draining into a binational body of water with disputes over the water quality status precisely where EPA is statutorily mandated to take action?

Answer: EPA does not believe the language in the Clean Water Act Section 303(d) mandates it to take specific actions in a binational or tri-state body of water. However, EPA is supportive of, and is willing to facilitate, efforts between states to harmonize assessment of interstate waters. EPA is working with Canada and the states in the Lake Erie Basin to develop action plans to achieve the reductions determined to be necessary to meet the Great Lakes Water Quality Agreement Annex 4 targets.

Kaptur Q4: In their letter to USEPA on September 30, 2016, Ohio EPA indicated that USEPA should lead efforts to assess the nutrients and algae problems, as well as to develop a coordinated response, in Lake Erie. Do you disagree with their interpretation?

Answer: EPA is supportive of, and is willing to facilitate efforts between states to harmonize assessment of interstate waters. EPA is working with Canada and the states in the Lake Erie Basin to develop action plans to achieve the reductions determined to be necessary to meet the GLWQA Annex 4 targets. States have the primary responsibility for assessing and listing their waters, including those shared between states or other countries.

Kaptur Q5: Are you committed to upholding the 40% reduction of nutrient loading as agreed to in the Great Lakes Water Quality Agreement Annex 4, and supported by the Great Lakes Governors and Canada?

Answer: The Great Lakes Water Quality Agreement is a commitment between Canada and the United States federal government. EPA is working with four federal agencies and five states to develop phosphorus reduction plans for Lake Erie and intends to begin public engagement in mid-July 2017 on the first draft of a U.S. Action Plan for meeting this commitment.

Kaptur Q6: What is EPA doing to assist the states in developing criteria to address harmful algal blooms and nutrient pollution? How much funding is provided for this work in FY 2017? How much is proposed in the FY 2018 budget request?

Answer: EPA does not track spending for HABs.

EPA looks forward to working with other federal agencies to support and encourage state, tribal, and local investment in preventing nutrient pollution and responding to HABs across the nation.

Funding for Water Infrastructure - OW

USDA's budget proposes to eliminate the entire $500 million Rural Water and Wastewater loan program with the expectation that rural communities will compete for the limited Drinking Water SRF funds. The Drinking Water SRF does not increase by the $500 million lost in the Rural Water and Wastewater loan program.

Kaptur Q7: How will rural water systems struggling to provide clean water to their neighbors find funding for clean water if the Drinking Water SRF is already woefully underfunded and now has to absorb a $500 million program for rural communities?

> **Answer:** The FY 2018 President's Budget request for EPA includes $863 million for the Drinking Water State Revolving Fund (DWSRF) to help finance critical infrastructure improvement projects to public drinking water systems. This funding level furthers the President's ongoing commitment to infrastructure repair and replacement and would allow states, municipalities, and private entities to continue to finance high-priority infrastructure investments that protect human health.
>
> In addition, EPA will continue to foster its strong partnership with the states to provide small system technical assistance, with a focus on rule compliance, operational efficiencies, and system sustainability to ensure clean and safe water. In FY 2018, EPA will continue its effort to build the capacity of local utilities and existing state programs to expand their contribution to the array of funding options to meet future infrastructure needs. The requested funding for this program will support critical infrastructure investments to rebuild and enhance America's drinking water infrastructure.
>
> EPA also is requesting $20 million for the Water Infrastructure Financing Innovation Act (WIFIA) program. The WIFIA program complements the SRFs and is another source of financing to improve water infrastructure. EPA estimates that the $20 million requested in FY 2018 could provide approximately $1 billion in low-cost loans for eligible water infrastructure projects.
>
> The FY 2018 President's Budget request also continues to provide funding for the Environmental Finance Centers which deliver financial outreach services, such as technical assistance, training, expert advice, and full cost pricing analysis to states, local communities, and small businesses.

Kaptur Q8: How will these small communities compete with the medium and large systems that will also be applying for SRF funds?

> **Answer:** EPA will continue to target resources to assist small and underserved communities with limited ability to repay SRF loans. In FY 2018, EPA will work with states to ensure not less than 20 percent and not more than 30 percent of a state's capitalization grant is provided as additional subsidization. EPA encourages states to utilize subsidization to assist communities and sustainability efforts.

Funding to States *(OA/OP)*

Ohio EPA Director Craig Butler said that these cuts in your budget would result in a 30% cut to their budget, forcing major cuts to the state Superfund program and to Clean Water and Clean Air initiatives. If Ohio is not provided with adequate funding to implement those programs there

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will be significant problems. The Agency will not be able to process permit applications, conduct inspections/reviews, and will likely reduce staff.

Kaptur Q9: How do you imagine that reality lines up with your priority of growing the economy and protecting the environment?

> **Answer:** EPA believes environmental stewardship, without unnecessarily hurting the economy, is essential to the American way of life. Economic growth and environmental stewardship are not mutually exclusive, in fact from 1970 to 2015, aggregate national emissions of the six common air pollutants dropped an average of 70 percent while gross domestic product grew by over 246 percent. However, much work remains to be done in streamlining the Agency's guidance documents and regulations to not overburden states.

Budget Cuts *(OA/OP)*

Kaptur Q10: If the agency staff and funding levels are substantially cut, as the administration has proposed, and if the agency pursues all of the reconsideration and similar actions it has already announced, can you assure us that the agency will not miss any mandatory statutory deadlines for action?

> **Answer:** EPA will adhere to the statutory obligations Congress has mandated.

Enforcement - OECA

Kaptur Q11: You talk about returning EPA to basics, but compliance levels with environmental laws in some sectors is dangerously low. How will you increase compliance with laws that protect our health, when your enforcement staff does not have any money to conduct casework?

> **Answer:** EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment and ensure a level playing field for companies that follow the rules. In FY 2018, the Agency will work to make more effective use of the full array of tools to assist and encourage compliance, in concert with traditional enforcement approaches, while focusing on our direct implementation responsibilities, the most egregious cases, and in areas that address the most substantial impacts to human health and the environment.

Environmental Justice *(OECA/OP)*

Kaptur Q12: The Administration's proposed budget would do away with the office of Environmental Justice altogether. Do you believe that environmental costs and degradation has fallen disproportionately heavily on people of color, individuals in low-income neighborhoods, and those who have the least voice in the process? Does your plan to eradicate the office that is specifically tasked with addressing this issue indicate that you do not take it seriously? How do

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you propose to address environmental racism and environmental justice while your agency cuts staff, enforcement, and the entire office tasked with tackling these problems?

> **Answer:** The Agency remains committed to working with communities to develop solutions to the environmental and public health challenges they face. Environmental justice will continue to be considered within the work done at EPA and also is specifically incorporated into future policy work within the Agency's Integrated Environmental Strategies program.

Budget for Science and Research - ORD

The President's proposed budget request for FY2018 lays out a reduction in staffing at EPA by almost 25% over the FY2017 Annualized Continuing Resolution Full-Time Equivalent (FTE) levels. This proposed staffing cut hits the Science and Technology Appropriation, which houses EPA's Office of Research and Development, by 32.5%.

Kaptur Q13: Can you justify the budget reduction of the only Appropriation within the Agency that is responsible for providing robust scientific evidence to guide EPA in developing its regulatory decisions?

> **Answer:** Sound science is the backbone of EPA's rule-making process. The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. Current resource levels will allow for EPA to meet its core mission.

Kaptur Q14: With states relying on the scientific and technical expertise that EPA retains in-house to assist them in meeting their statutory requirements for environmental protection, how will the Agency be able to continue to meet the expectations of their state partners with such a substantial reduction in staff?

> **Answer:** Science at EPA provides the foundation for credible decision-making to safeguard human health and ecosystems from environmental pollutants. EPA will continue technical service to the states and meet its core mission within the confines of its appropriation.

Kaptur Q15: How can you justify such a dramatic cut that would seriously jeopardize the Agency's ability to use the best available science to protect human health and the environment?

> **Answer:** EPA will prioritize activities that support decision-making related to core environmental statutory requirements.

(ORD)
We hope that EPA getting "back to basics" means that EPA will continue its mission to protect human health and the environment. However, recent activity at the Agency has provided some cause for concern, specifically, the decision to not renew the terms of several members of the

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Board of Scientific Counselors for EPA's Office of Research and Development, with the stated intention of replacing those members with industry representatives.

Kaptur Q16: How do you reassure the American people that the quality of their air and water will not be compromised by the very same billion dollar industries you have spent decades representing, who now have a bigger seat at the table, and a greater ability to influence Agency decisions to improve their bottom line at the expense of the taxpayers health and well-being?

> **Answer:** EPA works to ensure our future generations will inherit a better and healthier environment. Environmental stewardship, while growing our economy, is essential to the American way of life and key to economic success and competitiveness. Regulation and policy will incorporate robust input from the public through formal and informal mechanisms to seek full understanding of the impacts of proposed policy on public health, the environment, the economy, jobs, families, and our communities. The fundamental role of sound science at the Agency is providing input into regulatory decisions.

Questions from Ms. Lowey:

Climate Change

According to EPA's own information on Climate Change Indicators, between 1901-2015:

- Average surface temperature across the contiguous 48 states have risen more quickly since the late 1970s;
- Eight of the top 10 warmest years on record have occurred since 1998, with 2012 and 2015 being the two warmest years on record;
- 2006-2015 was the warmest decade on record; and
- Since the late 1970s the United States has warmed faster than the global rate.
- In addition, temperature is only one indicator of climate change, we could look at other indicators such as precipitation or extreme weather events.

Judging from your history as a climate change skeptic, I suspect you have little respect for these figures. But let's be outright with it.

(OAR)
Lowey Q1: Yes or no - is human activity a contributor to climate change?

> **Answer:** The information cited reflects historic scientific observations.

Lowey Q2: With the drastic reductions in your FY 2018 budget request, how will EPA continue to study and address the impacts of climate change?

> **Answer:** EPA will continue to conduct a range of economic, scientific, and technical analyses for Clean Air Act (CAA) regulatory actions, technical input, and policy support. EPA will continue to look for ways to improve program efficiency and effectiveness across the suite of its core responsibilities with a focus on streamlining activities.

Addressing the impacts of climate change/Paris Accord *(OAR)*

I am deeply concerned by the Administration's decision to withdraw from the Paris Agreement. Coupled with the budget's elimination of any funding to combat climate change, the Administration is ignoring changes in our environment that threaten food security, biodiversity, business interests, and even our coastal cities like New York. It is irresponsible to think we are putting America first by ignoring these global threats. Nicaragua and Syria are the only other nations not participating, though I should note that even Nicaragua declined to participate because they felt the agreement did not go far enough. International backlash to the U.S. pulling out has been unprecedented and appears to have undermined U.S. global leadership. You recently made the statement that you had not spoken with President Trump about whether he believes that climate change is real and whether humans impact it. You further stated that the focus of your discussions with the President has been on the merits and demerits of the Paris Agreement. Because the Paris Agreement's central aim is to strengthen the global response to the threat of climate change, it baffles me that you two would not have discussed climate change.

Lowey Q3: To date, have you still not asked the President what his beliefs are regarding climate change?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and, appropriately, suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. EPA is focusing its efforts on obligations of statutes passed by Congress.

Lowey Q4: You were in Italy this week for the G7 Meeting on the Environment. What has been the response from our international partners about President Trump's decision to withdraw from the Paris Agreement?

> **Answer:** I spoke with G7 international partners when I was at the Environment Ministerial in Bologna, Italy. While they expressed disappointment about the President's decision to withdraw from the Paris Agreement, they were encouraged by our commitment to continue to work with them on CO_2 reductions.

Lowey Q5 (Q4a): Who will fill the void of U.S. leadership on climate issues?

> **Answer:** The United States has always been a world leader when it comes to environmental stewardship. Our international partners share our common goal to protect the environment and public health. The agency believes engaging in international discussion is of utmost importance to the United States when it comes to environmental issues.

American Energy Jobs *(OAR)*

Pulling out of the Paris Agreement prioritizes jobs in the fossil fuel industry over renewable energy jobs. There are more than 678,000 jobs in renewable energy, more than the 515,000 jobs in oil/petroleum.

Lowey Q5: All jobs matter, so why are you arguing that protecting renewable energy jobs is bad for America?

> **Answer:** The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources; and appropriately, suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law.

Lowey Q6: While we are discussing energy jobs, would you like to clarify the statement you made on Meet the Press on June 4 that since the fourth quarter of last year, 50,000 jobs in the

coal sector have been added, and almost 7,000 in the month of May alone? Do you still believe those numbers to be accurate?

> **Answer:** The Administrator was referring to industries in the mining sector, including coal.

Lowey Q7: It's important to get the facts right. According the U.S. Bureau of Labor Statistics, there were 51,000 total jobs as of May in coal mining, and 400 coal mining jobs were added in May.

> **Answer:** The Administrator was referring to industries in the mining sector, including coal.

National Institute of Environmental Health Sciences *(OAR)*

The National Institute of Environmental Health Sciences discusses how as global temperatures rise and extreme heat events increase in frequency due to climate change, we can expect to see more heat-related illnesses and mortality. Socioeconomic factors, such as economically disadvantaged individuals are at greater risk from heat-related burdens.

Lowey Q8: This Administration states it is concerned about the "forgotten men and women," but how does pulling out of the Paris agreement not forget about the men, women and children that will now suffer more heat-related illnesses because we have abandoned efforts to reduce greenhouse gas emissions, while at the same time working to pull back regulations on carbon emissions?

> **Answer:** The Administration has signaled a commitment to the rule of law, cooperative federalism, and sound scientific rulemaking at EPA. Those that generate energy in communities across America are doing so with a commitment to being pro-environment and pro-growth, affirming that the U.S. can and will achieve both a healthy environment and a growing economy.

Superfund – Hudson River PCBs - OLEM

I understand you are a strong supporter of the Superfund program and have made commitments to support clean-ups. Yet, your budget proposes to cut the Superfund program by 30%, diminishing EPA's ability to compel responsible parties to pay for site cleanups, which leaves taxpayers on the hook. You also cut EPA's direct funding for clean-up.

Lowey Q9: As a result, doesn't this mean hazardous sites won't get cleaned up? Does that include the eight in Oklahoma?

Answer: EPA is still in the process of determining what additional sites may be ready to initiate new construction work in Fiscal Years 2018. The NPL sites in Oklahoma will be prioritized in a manner consistent with the overall program approach, in which EPA generally prioritizes funding for cleanup activities that have already begun. In order to speed the pace of cleanups, EPA is actively looking to identify efficiencies and reduce administrative costs to the extent possible.

Lowey Q10: Can you specify which Superfund site cleanups will not be completed, and which will slow down from their currently planned time tables as a result of these proposed cuts?

Answer: The Agency is still in the process of determining what additional sites may be ready to initiate new construction work in FY 2018. In recent years, there has been a dozen or so NPL sites awaiting cleanup funding. In order to speed the pace of cleanups, a Task Force has been created to review best practices and new approaches in dealing with successfully restoring sites to productivity. The Task Force will outline steps to be taken in the near term to more expeditiously and effectively handle remediation of sites.

Lowey Q11: Can you specify which potential Superfund sites will not be thoroughly investigated as a result of these cuts?

Answer: EPA is not planning to alter the thoroughness of site investigations.

Lowey Q12: Can you estimate how much money from potentially responsible parties will be lost to the federal government from your reductions to this program?

Answer: Within our resource levels, the Agency will prioritize its efforts on the most significant sites in terms of environmental impact, particularly those that may present an imminent and/or substantial endangerment, and potential cost liability to the government. In addition, EPA has established a Task Force to streamline and improve the efficiency and efficacy of the Superfund program through the restructuring of the cleanup process, realigning incentives to promote expeditious remediation, reducing the burden on cooperating parties, and encouraging private investment in cleanups and sites to promote the revitalization of properties across the country.

The Hudson River is classified by EPA as a Superfund site and, at 200 miles, is one of the largest in the country. For a 30-year period, two General Electric manufacturing plants discharged Polychlorinated biphenyls (PCBs) into the Hudson River. GE only stopped this practice when EPA banned the production of PCBs in 1977. The PCBs in the Hudson mixed with the river's sediment and deposited on the river bottom and along the shoreline in the floodplain. Since 1977 there has been a fishing ban due to the health risk associated with the accumulation of PCBs in the human body by consuming contaminated fish. EPA just released a draft of its second five-year review of the Hudson River Superfund site that recommends following the plan outlined more than a decade ago.

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Lowey Q13: How do you respond to those who feel this is not sufficient and that cleanup should be expanded?

Answer: On June 1, 2017, after an eleven-month evaluation process, EPA released its Proposed Second Five-Year Review Report[2]. In conducting the five-year review of the cleanup, EPA followed the federal Superfund statute and applied the best available science. The review includes a comprehensive assessment of the available data for PCB concentrations in sediment, water, and fish. The specific purpose of the review is to evaluate whether the remedy is, or will be, protective of human health and the environment, based on the data currently available. The Proposed Second Five-Year Review concludes that the Hudson River cleanup is working as designed and, while not yet protective, is expected to accomplish its long-term goal of protection of human health and the environment when the cleanup is completed. However, it will be necessary to collect several years of post-dredging PCB data in fish, sediment and water to determine with a reasonable degree of scientific certainty the rate at which PCB levels are declining. If EPA determines at some point in the future that the remedy is not expected to achieve its goals, EPA will consider what actions are needed. In the interim, the State of New York has fishing restrictions and advisories in place to control human consumption of contaminated fish.

This five-year review included a rigorous and unprecedented stakeholder and community engagement process, with EPA convening a 20-member five-year review team of EPA experts, state and federal agency representatives, and community stakeholders. Three public workshops were also held while the review was underway. All input received was considered during the review process. In addition, although EPA typically does not seek public comment on five-year reviews, EPA is providing an opportunity for the public to provide input on the findings of the Proposed Second Five-Year Review Report. On June 1, 2017, EPA released the report for a thirty-day public comment period. At the request of several parties, EPA has extended the public comment period until September 1, 2017.

Two public information meetings are also being held during the public comment period. At the meetings, EPA is discussing the purpose, scope and findings of the five-year review and answering questions from the public. The first of these meetings was held on June 28 in Poughkeepsie. The second meeting is scheduled for July 19, from 6 p.m. to 8 p.m. at The Saratoga Hilton in Saratoga Springs, New York.

Lowey Q14: How can you in good conscience propose not providing families in New York with clean water and accomplishing the task of cleaning up the PCBs in the Hudson River?

Answer: EPA shares the goal of protecting public health and the environment along the Hudson River. EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

[2] The report is available at www.epa.gov/hudson.

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As the project moves forward, EPA will continue to follow the science and the Superfund law. EPA will continue to monitor the river fish, water, and sediment and evaluate the reductions in PCB levels over time. In addition, EPA will continue to coordinate closely with the involved state and federal agencies including the New York State Department of Environmental Conservation, the New York State Department of Health, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. The Agency will also continue to coordinate with the Hudson River Foundation and others who are involved with the New York-New Jersey Harbor.

Long Island Sound - OW

The FY 2018 budget proposes to eliminate the Geographic programs. This includes $8 million for Long Island Sound. These programs directly benefit the vast majority of our country's residents and businesses, and are focused on cleaning up pollution and promoting healthy ecosystems which benefit the economy.

Lowey Q15: Why do you feel it is prudent to eliminate funding when you are making progress in cleaning up these ecosystems?

Answer: We look forward to work together with Congress and all relevant stakeholders to achieve the shared environmental goals for Long Island Sound.

Lowey Q16: Can you guarantee that stakeholders are ready to step in to fill the void left by the elimination of federal funding?

Answer: The FY 2018 budget request provides the direction and resources to return EPA to its core mission. The Agency will continue to work in cooperation with states, tribes, and local governments to make and sustain improvements in water quality.

Lowey Q17: What discussions have you had with Governors, cities, and communities that have been active partners and will be affected by this proposed approach?

Answer: EPA will be discussing the proposed FY 2018 Long Island Sound budget through its participation on the Long Island Sound Management Conference, which has representatives from affected states, localities, and community stakeholders. This discussion will formally kick off at the July 20 Management Committee meeting. EPA will continue discussions with the Management Conference throughout the FY 2018 budget process.

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Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 9/27/2017 10:35:03 PM
To: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: RE: Private flight?
Attachments: image2017-09-27-182513.pdf

Hi Stephanie – For the record: "Administrator Pruitt took one charter flight and three government flights."

Attached, please find the letter that our office sent back to Sen. Whitehouse on this issue, outlining each flight. Please let me know if you have questions. Thank you – Liz

---

From: Ebbs, Stephanie [mailto:Stephanie.Ebbs@abc.com]
Sent: Wednesday, September 27, 2017 6:22 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Private flight?

Hey guys,

Can you tell me any more about this?

https://twitter.com/juliannagoldman/status/913164025986502656

Stephanie Ebbs
ABC News-Washington
(desk) 202-222-7300
(cell) 202-875-4377
@stephebbs

Message

From: Moody, Christina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=813EB7F985C845EAA91EDC10C6E9A914-CMOODY]
Sent: 6/6/2018 6:33:32 PM
To: Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Linkins, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7a94aa2975d4933981a8a9bf12aaa40-Linkins, Samantha]; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; Cooper, Marian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d20563be38474270ba881d9343c40294-MCoope02]; Naples, Eileen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=34f08679883747dabcd2a33ccd6f5c8c-Naples, Eileen]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Walsh, Ed [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51f3bac3af644626b6a70f087751baca-EWalsh]; Kelty, Diane [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17c88ba40067443f96c38d3377a17e17-Kelty, Diane]; Albores, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ce14f8709a5e4ac383af9d0b767fd8af-Ralbor02]
CC: Williams, Thea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=32cca14ddb6940e4b04683ace9e899a5-TWilli01]
Subject: ACTION: 4/26 E&C Hearing QFRs
Attachments: 05-05-2018 - QFR_Pruitt_Responses_OCIR V1.docx

Importance: High

All,

We received the QFR's for the Administrator from the 4/26 Energy and Commerce hearing (attached). Not as many as last time thankfully, only about 25 pages worth (roughly 114 questions). OCIR did an initial run through noting in front of each question which program office we believe would be best suited to fielding a draft response and inserting answers where we already had a cleared response from his previous SEPW QFRs. Considering the HAC-IE QFRs are already being worked on, OCIR believes that we can pull from those cleared responses once we have them for similar QFRs.

The committee has asked that we respond by Wednesday, June 13th. To that end, please expedite getting us back draft responses by this Friday so we can review, edit and have cleared both internally and by OMB next week if possible.

Thanks to all for your help in getting these done. Please let me know if you have questions.

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

Attachment 1—Additional Questions for the Record

The Honorable John Shimkus

1. **OCSPP** - While some are interested in ensuring EPA actions to limit one or more FIFRA-regulated substances, I am more interested in all FIFRA related activities, particularly in view of the uncertainty about the future deployment of user fees now made available under the Pesticide Registration Improvement Act.

    a. If PRIA fees were to expire:

        i. Would this mean the reinstatement of tolerance fees?

        ii. If yes, would the reinstatement of tolerance fees produce enough revenue to ensure the robustness reviews mandated by FIFRA?

    b. What percentage of staffing expenses are covered by PRIA fees?

Answer:

SEPW 5/11 QFR CLEARED RESPONSE: PRIA provides approximately 33 percent of the funding for EPA's pesticide program activities. Currently operating under the third iteration of the statute, PRIA provides two funding sources to EPA's pesticide program:

- **One time registration service fees (i.e., PRIA fees) for the evaluation of new applications submitted to the EPA; and**
- **Annual FIFRA maintenance fees assessed to products currently in the marketplace, a significant portion of which are used to support the re-evaluation of pesticides in order to meet the statutory deadline of October 1, 2022, for completing the first round of registration review.**

    c. If PRIA fees expire:

        i. How many EPA employees – both FTE and contract workers – would be impacted, including through the loss of employment?

        ii. How much in budget resources would EPA need to transfer to OCSPP to make up for lost PRIA revenues for FIFRA activities?

        iii. What is the impact on the pace of pesticide applications reviews? How much longer will they take?

Answer:

SEPW 5/11 QFR CLEARED RESPONSE: If PRIA were not reauthorized, $2 million per year for worker protection activities, pesticide safety education programs, and partnership grants, monies that currently come from PRIA funds, would not be available and these programs would not be funded. These activities include:

- **Developing and administering a pesticide safety training program that will support a national network of pesticide safety trainers providing worker safety training to migrant and seasonal farmworkers and their families (National Farmworker Training Program);**
- **Developing pesticide education materials for workers, handlers, and trainers on how to comply with WPS (cooperative agreement with UC-Davis and Oregon State University); and**
- **Supporting National Pesticide Information Center (NPIC), a bi-lingual, factual source of information for professional and public audiences on pesticide-related issues.**

2. **OCSPP** Legislation pending in Congress would provide PRIA fees for another 3 years, but also address other matters as well.

    a. Please explain the need for and characterize the significance of having, including in practical terms:

        i. $500,000 in funding for efficacy guidelines for public health pesticides;

        ii. $500,000 for good laboratory practices funding;

        iii. An increase in maintenance fees from $27.8 to $31 million for review and registration;

        iv. Additional categories and deadlines for products reviewed; and

        v. Removal of FIFRA section 4(k)(2).

3. **OAR** Beginning in 2023, the agency will have more flexibility to set targets under the Renewable Fuel Standard (RFS). Given EIA projections of a 31 percent decrease in motor gasoline consumption between 2017 and 2050, based upon increases in fuel economy standards and electric vehicles market penetration:

    a. Will EPA have authority in 2023 and subsequent years to reduce biofuel volume requirements below the existing statutory guidelines? Could this result in fewer gallons of biofuel in the market in the future than exist today?

    b. Will EPA have authority in 2023 and subsequent years to allow a RIN to be generated by recharging an electric vehicle with electricity generated from a biogas power plant or other renewable energy source?

    c. Will EPA have authority in 2023 and subsequent years to reorganize the program's four existing nested categories?

4. **OAR** Is EPA engaged in planning for 2023 and subsequent years with regard to the agency's reset authority and the RFS? If so, please describe the range of options that EPA is considering.

5. **OLEM/Superfund** The Folcroft Landfill (Operable Unit 2 of the Lower Darby Creek Superfund Site in Pennsylvania) was placed on the NPL in 2001, and the Remedial Investigation has not been finalized. The July 2017 Superfund Taskforce report recommends inquiry and additional resources for sites on the NPL for five years or more without a significant movement. What inquiries and additional resources have been directed to the Folcroft Landfill which has been on the NPL since 2001 without completion of the Remedial Investigation?

6. **OLEM/Superfund** The EPA Taskforce Report recommends the establishment of a clarification to the principles for groundwater restoration. What is the goal for groundwater remediation at the Folcroft Landfill (Operable Unit 2 of the Lower Darby Creek Superfund Site in Pennsylvania)?

7. **OLEM/Superfund** This Operable Unit, which is owned by the Department of the Interior, is within the John Heinz Wildlife Refuge.

    a. Do EPA's goals for groundwater restoration take into account the Department of Interior's long range plan for the Refuge?

    b. Is the Folcroft Landfill eligible for a Technical impracticability waiver for groundwater?

    c. What is the process and standard to receive a TI waiver?

    d. How would changes to the process and standards for awarding a TI waiver, as recommended by the July 2017 EPA Taskforce Report, impact the Superfund process at the Folcroft Landfill?

8. **OP** EPA's recently released proposed rule on increasing transparency in regulatory science states that the proposal is consistent with the requirements for major scientific journals like Science, Nature, and the Proceedings of the National Academy of Sciences.

    a. Why are more journals and scientific institutions implementing these transparency policies?

    b. Isn't replication and verification a key step in the scientific process?

9. **OP** Despite the many claims made prior to the release of this proposal, would this proposed rule violate any existing federal laws on privacy?

10. **OP** What is this proposed rule's impact on confidential business information (CBI)? Please state how you plan to ensure that in any final rule EPA will neither: be (1) prevented from using science that cannot be published (because it has CBI in it) nor forced into the default position that EPA should endeavor to publicly release all scientific data – including legally colorable CBI – so that this science can be used by the Agency?

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11. **OCI** I understand the Agency is looking at its work force to see how it can better function.

    a. How many people does EPA have working full-time for the Agency in headquarters?

    b. How many people does EPA have working full-time for it in its regional offices?

    c. How many contractors currently work for EPA? [if he doesn't know what number ask him for a percentage. If that fails, ask him why not]?

12. **OCI** One of the priorities for the proposed budget includes an "EPA Reform Plan." Projects under this plan include streamlining the permit review process, developing a Lean Management System, and reducing the reporting burden on the regulated community.

    a. Why were these areas made priorities?

    b. What progress has been made so far on these efforts?

    c. Do you have benchmarks and timelines for the Reform Plan?

13. **OCI** What are the biggest obstacles to meaningfully reforming EPA to engage the 21st Century?

14. **OCSPP** The proposed budget has four Agency Priority Goals, including that EPA intends to meet statutory deadlines for chemical reviews under the Toxic Substances Control Act. In particular, EPA plans 100 percent compliance with "existing" chemicals and only 80 percent compliance certain "new" chemicals.

    Under the law, EPA is the gatekeeper to innovation because these chemicals cannot go to onto the market until EPA decides they can and companies cannot work to improve these chemicals unless EPA says there is a problem.

    As of April 17, 2018, EPA's website was reporting that EPA had 449 pending applications for new chemicals. In addition, the EPA website claims the typical caseload for new chemicals under review is approximately 300 cases.

    a. Is the increase in pending applications – at one-third of EPA's historical output, due to a higher number of new chemicals applications coming into the Agency at the same time or EPA falling behind again on getting them processed?

    b. What do you intend to do to eliminate the backlog and keep it at bay?

    c. One thing the EPA website does not give data on is just how long some of those applications have been sitting at EPA. The law is very clear 90 days and no more than 180 days to review and regulate.

        i. How many of the 449 new chemicals applications sitting at EPA are less than 90 days old?

ii. How many of the 449 new chemical applications sitting at EPA are more than 90 days old, but less than 180 days?

iii. How many of the 449 new chemical applications have been filed with EPA for more than 180 days and what is the range of time on them?

15. **OCSPP** Under TSCA section 26, the Agency has authority to set fees to defray the costs of chemical testing, new and existing chemical review and regulation and to offset related costs for processing confidential business information. For new chemicals, EPA moved the fee from $2,500 to $16,000 – a more than 6-fold increase – and for small manufacturing entities – EPA raised the fee for new chemicals from $100 to $2,800 – or a 28-fold increase.

    a. How much impact with these dramatic fee increases have on improving the speed at which the Agency is reviewing new chemicals?

    b. If not much, then what is the problem?

16. **OCSPP** The proposed fee rule suggests EPA will see 10 percent fewer new chemical applications based on legal changes to how EPA is supposed to review new chemicals. What kind of new chemical applicant attrition is expected due to the combined fee increase and lack of generated revenue from the chemical?

17. **OLEM/Superfund** Portland Harbor is complex site at which almost 100 potentially responsible parties (PRPs) have been identified. It is my understanding that on March 16, 2018, EPA sent all of the PRPs a letter indicating that EPA will be issuing Special Notice Letters for full performance of the remedial design/remedial action (RD/RA) at the Portland Harbor Site by the end of 2019. However, several of the PRPs have indicated that the allocation process will not be complete by that time, and that the issuance of Special Notice Letters will actually slow the clean-up, because companies will choose to litigate rather than potentially bear the full cost of the clean-up at that point. How will EPA balance the allocation process timeline and issuing the Special Notice Letters?

The Honorable David B. McKinley

1. **OW** I appreciate your commitment to supporting cooperative federalism under the Coal Combustion Residuals (CCR) permitting program by working with states to develop, submit, and implement state CCR permit programs. How is EPA working with states as they develop and submit these plans, particularly those that are seeking to incorporate WIIN Act authorities rather than just adopting the current, self-implementing federal rule?

2. **OW** As states develop these programs, guidance from EPA will be important. With that in mind, Congress appropriated $6 million to EPA for FY18 to develop its own federal permitting program for "non-participating states". Please provide an update on and timeline for the development of that federal permit program.

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The National Association of Scholars recently published a report titled, "THE IRREPRODUCIBILITY CRISIS OF MODERN SCIENCE, Causes, Consequences, and the Road to Reform". They state, "The Federal government should also consider instituting review commissions for each regulatory agency to investigate whether existing regulations are based on well-grounded, reproducible research. These should establish the scope of the problem by identifying those regulations that rely on unreplicated or irreproducible research, and recommending which regulations should be revoked."

3. **OP** Will you commit the EPA to investigate whether existing regulations are based on well-grounded, reproducible research?

4. **OP** Will you commit the EPA to identify those regulations that rely on un-replicated or irreproducible research?

5. **OP** Will you provide a report to our committee and my office with the results of your investigation?

6. **OP** Will you provide a report to our committee and my office regarding if the endangerment finding for CO2 was based upon well-grounded, reproducible research?

Administrator Pruitt, I know that the ethanol industry has recently attacked the EPA for granting small refinery hardship relief.

7. **OAR** Does the Clean Air Act establish small refinery hardship relief?

Answer:
SEPW 5/11 QFR CLEARED RESPONSE: Section 211(o)(9)(B) of the CAA and 40 CFR 80.1441(e)(2) allow EPA to grant an extension of a small refinery's exemption from compliance with its renewable fuel volume obligations for a given year based on a small refinery's demonstration of "disproportionate economic hardship" in that year. The statute also directs EPA to consult with the Department of Energy (DOE) in evaluating small refinery exemption petitions. EPA will grant a hardship exemption if we conclude, after review of available information and in consultation with DOE, that a refinery will experience disproportionate economic hardship that can be relieved in whole or in part by removing its RFS obligations for that year.

8. **OAR** Has the Congress affirmed this on several occasions by directing the DOE to study this issue and, more recently, reminding the EPA that it did not intend for small refineries to bear a disproportionate regulatory burden?

9. **OAR** Did the DOE's 2011 report for Congress predict that harm to small refineries would increase over time, not diminish?

10. **OAR** Did the 10th circuit decision last year instruct the EPA to grant small refinery hardship relief?

Some have made the argument that hardship relief results in "demand destruction" for ethanol by resulting in less blending. Regardless of if small refineries receive hardship relief, they are incentivized to blend ethanol for many economic reasons: 1) it is cheaper than gasoline, 2) they must meet their RVO, and 3) they can sell RINS not needed for compliance.

11. **OAR** Was ethanol consumption up in the first quarter of 2018?

12. **OAR** Was it, in fact, higher than projected in November of 2017 when RINS were 80-90 cents a gallon?

13. **OAR** Did ethanol consumption increase throughout 2017 despite hardship relief?

President Obama used an EPA "veto" twice in unprecedented fashion. The Spruce Coal Mine located in West Virginia, had the required permits and approvals in hand, when the EPA "vetoed" the project. The project went through the entire regulatory process and was approved by ALL parties. Then the Obama Administration's "War on Coal" went into high gear. The EPA vetoed the project. The second instance was the Pebble Mine in Alaska, where they vetoed the project prior to the approval process starting. Both instances of using the EPA veto are very dangerous if they are allowed to stay in place. A future administration can use the veto to shut down the entire coal mining industry if both precedents are not reversed by the EPA. I can think of no greater threat to the industry.

14. **OW** Will you consider revoking both the Spruce Mine and Pebble Mine vetoes?

15. **OW** Do you believe that the EPA should have the authority to preemptively veto development projects under Section 404 of the Clean Water Act before any permit applications have been submitted to the Army Corps of Engineers?

16. **OW** President Trump, in his Infrastructure Initiative, has proposed legislation that eliminates entirely EPA's authority to veto projects under the Clean Water Act. Why have you taken a position, by leaving in place the Pebble veto, that is different than the President's policy?

Answer:
SEPW 5/11 QFR CLEARED RESPONSE: Regarding the Pebble Mine project, EPA's decision to suspend its proposal to withdraw the proposed determination under Clean Water Act section 404(c) does not impede the review of Pebble Limited Partnership's permit application by the Army Corps of Engineers under the normal Clean Water Act process. However, the Corps cannot issue a permit during the pendency of the section 404(c) process, and EPA will ensure protection of the world-class fishery in the Bristol Bay region. EPA looks forward to working with the Corps as the Corps assesses the permit application.

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As to your broader question, EPA strongly supports the President's infrastructure initiatives and associated efforts to significantly improve predictability, timeliness, and consistency in the permitting of urgently needed infrastructure projects. The Agency is working under the President's direction to streamline and improve EPA's role in the review of new infrastructure projects to help to assure they are reviewed and permitting decisions are made without unnecessary delay.

17. **OW** Isn't it correct that under the applicable regulations the Army Corps of Engineers cannot issue a permit to a project developer if the EPA has even begun the process of issuing a veto?

18. **OW** Is there any environmental harm that occurs whatsoever by allowing a permit application to be considered by the Army Corps of Engineers without a veto pending?

19. **OW** Isn't it better to wait until the Army Corps of Engineers has decided whether to grant a permit before EPA issues a veto, if one is to be issued at all?

20. **OW** Has EPA ever before issued a preemptive veto of the sort you have left in place with your decision not to withdraw the veto of the Pebble mine?

21. **OW** In the Agency's decision not to withdraw the preemptive Pebble veto, you cited the risk created by the project. In doing so, you are relying on the Bristol Bay Watershed Assessment, which many of the Agency's own peer reviewers said was insufficient to support a regulatory decision. Why are you relying on science that has been discredited?

The Honorable Gregg Harper

1. **OAR** Does the Clean Air Act establish small refinery hardship relief?

Answer:
SEPW 5/11 QFR CLEARED RESPONSE: Section 211(o)(9)(B) of the CAA and 40 CFR 80.1441(e)(2) allow EPA to grant an extension of a small refinery's exemption from compliance with its renewable fuel volume obligations for a given year based on a small refinery's demonstration of "disproportionate economic hardship" in that year. The statute also directs EPA to consult with the Department of Energy (DOE) in evaluating small refinery exemption petitions. EPA will grant a hardship exemption if we conclude, after review of available information and in consultation with DOE, that a refinery will experience disproportionate economic hardship that can be relieved in whole or in part by removing its RFS obligations for that year.

2. **OAR** Has the Congress affirmed this on several occasions by directing the DOE to study this issue and, more recently, reminding the EPA that it did not intend for small refineries to bear a disproportionate regulatory burden?

3. **OAR** Did the DOE's 2011 report for Congress predict that harm to small refineries would increase over time, not diminish?

4. **OAR** Do small refineries typically produce more diesel than gasoline?

5. **OAR** Blending gasoline with ethanol to current standards will separate more RINs than blending the same volume of diesel. EPA's RVO calculation, however, imposes the same proportional ethanol RIN obligation on all refiners even though some produce significantly less gasoline and more diesel than others. Even if they blend all their production, these diesel rich refiners cannot separate enough RINs to meet their total obligation while their gasoline rich competition will separate more than required. These refiners who produce more diesel are then forced to buy RINS.

   Does the hardship process give EPA a tool to mitigate this structural discrimination against these small refineries?

6. **OAR** RFA has made the argument that hardship relief results in "demand destruction" for ethanol by resulting in less blending. Regardless of whether or not small refineries receive hardship relief, they are incentivized to blend ethanol for a number of economic reasons: 1) it is cheaper than gasoline, 2) they must meet their RVO, and 3) they can sell RINS not needed for compliance.

   a. Was ethanol consumption up in the first quarter of 2018?

   b. Was it, in fact, higher than projected in November of 2017 when RINS were 80-90 cents a gallon?

   c. Did ethanol consumption increase throughout 2017 despite the EPA granting small refinery hardship relief?

7. **OLEM** Some of my constituents have raised an issue regarding oil spill response training. I am told that the funding for certain training courses for federal and local responders involved in inland oil spill prevention and cleanup has been eliminated and that the EPA Environmental Response Team is no longer able to consistently make these courses available.

   a. With an increase in oil production across the country, there remains a need for oil spill response training for local, state, and federal responders. Would you commit to looking into whether funding can and will be made available for this important training?

8. **OAR** I want to applaud the work EPA is doing to streamline or eliminate unnecessarily costly regulations. And while most of the attention is focused on major rules like the Clean Power Plan or Waters of the United States, I am particularly pleased that under your leadership EPA is taking a second look at other regulations that may not be major but nonetheless have a serious impact on small businesses. In particular, I hear that EPA is reviewing the Obama era rule targeting wood heater manufacturers such as Hardy

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Manufacturing back in my district. But time is of the essence, as the regulatory deadlines are coming soon. Can you assure us that you will do all you can to provide timely regulatory relief for wood heater manufacturers?

The Honorable Tim Walberg

1. **OCSPP** This is a very technical issue but an extremely important one to manufacturers in Michigan. In 2011, EPA approved the use of Isobutane as a refrigerant and limited the amount of refrigerant that could be used in a refrigerator to 57 grams. This amount was based on a well-recognized safety standard limit at the time. However, the safety standard has since been updated to increase the allowable amount of refrigerant to 150 grams. These refrigerants are more environmentally friendly and supported by both industry and environmental advocates yet manufacturers are still in limbo as they away EPA's rulemaking.

    a. Can you commit to working on this issue to recognize the updated safety standard so manufacturers can beginning retooling and redesigning refrigeration products? Delay will only add cost to American workers and our manufacturing shop floors.

    b. I know you have a lot of issues to deal with at the EPA, but I urge you to publish the technical correction without delay. It's my understanding refrigerator manufacturers have been working with your staff at the EPA for over a year now on this and would welcome the update.

2. **OAR** ENERGY STAR is an important program and one that consumers in my district value. Over the past year, manufacturers in my state have stressed the need for the program to be reformed. In the FY18 Omnibus Appropriations package, EPA and DOE were directed to revisit the Obama era Memorandum of Understanding (MOU) that changed the way the program was managed and report back to Congress within 90 days.

    a. The 2009 MOU for example moved home appliances out of DOE and over to EPA, where the products had never been managed before. DOE has the expertise in these products because they regulate them through the appliance standards program required by EPCA. It doesn't make sense to me to have duplicative programs built up within two agencies. From a good governance perspective and in the era of streamlining programs under the EPA's purview, I would like to hear from you on this specific topic.

    b. Would you support moving the ENERGY STAR program for home appliances back to DOE while still maintaining a majority of the management within EPA? It's my understanding a broad set of industries are eager to work with your agency on these issues and I look forward to working with you to revisit the MOU.

The Honorable Earl L. "Buddy" Carter

EPA Marine Engine Waivers

In a recent Energy & Commerce Committee hearing, you mentioned that you would now be personally involved in the marine engine waiver issue for pilot boats, after giving the commitment to look into in your December testimony from the committee. This is a pressing issue that could have a wide-ranging impact on our port operations and growth.

1. **OAR** Mr. Administrator, can you please provide a breakdown of the actions the EPA has taken to address the Tier 4 concerns?

2. **OAR** Please provide a timeline of what the EPA has done and any upcoming actions that will be taken by the EPA to address this concern.

3. **OAR** After you send technical experts to California, what will need to be done?

4. **OAR** Does the EPA have the authority to move forward with a waiver system? If not, what are your legal restrictions?

Tier 4 Restrictions for Generators

1. **OAR** Administrator Pruitt, I have a similar concern for the Tier 4 restrictions placed on large, 1-megawatt generators. It's my understanding that the Tier 4 restrictions are preventing Tier-4 generators from being sold in the market due to that and the portability restrictions. It's forecasted that there won't be a viable solution in the market until the early 2020s. Is this something you are working on?

2. **OAR** What would need to be done by the EPA to remedy this situation and allow for the sale of currently developed generators?

3. **OAR** Is the EPA currently reviewing this concern or working on any changes that would remedy it?

Biomass

I commend you for your policy statement clarifying biomass carbon neutrality on Monday, April 23 in my home state of Georgia. As you know, the Consolidated Appropriations Act of 2018 included language in Section 431 Policies Relating to Biomass Energy directing the Secretaries of Energy and Agriculture and the Administrator of the Environmental Protection Agency to establish clear and simple policies that reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source provided the use of forest biomass does not cause the conversion of forests to non-forest use.

1. **OAR** What is the EPA's progress in implementing a regulation on carbon neutrality of biomass? What are the next steps?

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The Honorable Jeff Duncan

Some of my corporate constituents are subject to complex and, at times, inconsistent regulation by the Environmental Protection Agency. Inconsistent actions or interpretations by EPA are particularly burdensome to my constituents when the Agency's Policy and Enforcement Offices take positions that are at odds with each other. To that end, please explain whether, and to what extent, EPA's Office of Enforcement and Compliance Assurance ("OECA") consults with EPA's Office of Transportation and Air Quality ("OTAQ") prior to initiating any enforcement action involving a certification issued by OTAQ (for example, an enforcement action alleging uncertified engine parameters).

1. **OECA/OAR** In addition, what steps can be taken by EPA to improve and streamline consultation between OTAQ and OECA to avoid unnecessary hardship on the regulated community?

During the last Administration, many Energy Star program operations were shifted from the Department of Energy, where they had been since 1996, to EPA. I understand from home appliance manufacturers that they would like Energy Star efforts related to home appliances transferred back to the DOE. One of these is Electrolux, a home appliance manufacturer that has a large presence in my district in Anderson, SC. This is an important issue for South Carolina as we have recently seen a great deal of investment in the home appliance industry. In Newberry, SC Samsung recently opened its first U.S. based home appliance manufacturing facility and is on track to create over 1,000 jobs by 2020.

1. **OAR** With the Appliance Standard program at DOE and Energy Star at EPA, companies currently have two federal agencies attempting to coordinate changes in product specifications and test procedures on the same products. This creates unnecessary cost, confusion and uncertainty for manufacturers and does not appear to bring any benefit to consumers. **Administrator Pruitt**-are there any efforts to make such a change?

2. **OAR** Wouldn't this change fit in with your desire to get EPA back to its core functions?

The Honorable Frank Pallone, Jr.

During your appearance on April 26th, you stated that purchasing real estate through a Limited Liability Corporation, or LLC, is "normally how you buy real estate in Oklahoma." Your ownership stake in that LLC was not included in your financial disclosures at the time.

1. **OPA** How often have you purchased real estate through an LLC?

2. **OPA** Do you currently own property through an LLC or have a stake in an LLC that owns property?

3. **OPA** Please list all property you have purchased and/or owned a stake in through an LLC.

4. **OPA** Please explain why your ownership stake in Capital House, LLC was not listed in your financial disclosures at the time.

Also at the April 26th hearing, you disavowed knowledge of whether you had paid taxes on the income from your ownership stake in Capital House LLC. You said "you provide information to your accountant, they determine what you pay."

5. **OPA** Did you sign your tax filings for the years in question? Do you take responsibility for the accuracy of the information contained therein?

Extensive questions have been raised about your tax liability for the expenses of your security detail when they accompanied you on personal travel, including to Disney World and the Rose Bowl.

6. **OPA** Did you pay taxes on that benefit?

It has been revealed that the EPA reimbursed your former landlord, Vicki Hart, for the repair of a door at your residence.

7. **OPA** Did you reimburse the EPA for that expense?

8. **OPA** If not, did you pay taxes on that income?

During the Administrator's April appearance before the Subcommittee, Chairman Walden underscored the importance of staffing and internal management issues at EPA, stating "it is essential that EPA have the staff with proper expertise, implementing and enforcing programs that correlate with their experience."

9. **OCI** Please provide the Committee a copy of the EPA's reorganization plan submitted to OMB pursuant to Executive Order 13781, including any interim and final drafts submitted to OMB.

10. **OCI** Please provide the Committee a copy of the EPA reform plan.

11. **OCI** Explain the similarities and differences between the reform plan and the reorganization plan.

12. **OCI** Please provide the Committee a copy of the EPA's operating plan for new hires and indicate how many new employees EPA plans to hire in each program office.

13. **OCI** Please provide the Committee with the names of political and career members of the hiring review panel.

    a. On what criteria were the panel members chosen?

    b. What procedures do the offices need to do to make a hiring request of the panel?

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14. **OCI** When filling a position from within the agency, how is it determined a staff member possesses the technological skills appropriate for the office of which they are being transferred?

15. **OCI** Please provide the following information:

    a. FTE on EPA payroll in regional offices and in HQ.

    b. The number of employees that have left the EPA through attrition during 2017 and 2018, and the numbers from each office.

    c. Please provide a list of employees that have been moved to a new position within the agency, including their previous office, title, position description, and their new office, title, and position description.

    d. The predetermined employee headcounts for each office.

The Honorable Bobby L. Rush

During the question period I spoke to you about the widespread levels of lead that have been detected throughout homes in Chicago and I referenced a recent Tribune article entitled "Brain-damaging lead found in tap water in hundreds of homes tested across Chicago, results show" (April 12, 2018).

You agreed with me that this was a severe problem, nationally, and it would cost approximately $45 billion to resolve. You mentioned that there was a program at the agency consisting of $4 billion in grants, annually, for ten years that states could apply for to address this issue.

1. **OW** Can you provide more information regarding this program, including eligibility requirements, deadlines, and the dollar amounts available?

2. **OW/OP/R5** Will you commit to work with my office to have staff from EPA Region 5 come into my district to discuss this program with state and local leaders, as well as other stakeholders concerned with this issue?

The Honorable Diana DeGette

1. **OPA** I questioned you about your legally dubious real estate transactions, but further information is needed in light of your incomplete answers and troubling new developments.[1]

In your testimony before the Subcommittee, you failed to disclose significant details concerning your 2003 purchase of a luxury home in Oklahoma City. According to a recent report in the *New York Times*, you purchased the home with Justin Whitefield, a registered lobbyist who, at

[1] House Committee on Energy and Commerce, *Hearing on the Fiscal Year 2019 Environmental Protection Agency Budget*, 115th Cong. (Apr. 26, 2017).

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the time, was pursuing business-friendly changes to Oklahoma's workers' compensation rules, which you allegedly helped negotiate.[2] Mr. Whitefield, yourself, and four other owners reportedly used a limited liability company, Capitol House L.L.C. (Capitol House), to purchase the home.[3] The seller, Marsha Lindsey, was a telecommunications lobbyist for SBC Oklahoma, and sold the property at a significant discount of approximately $100,000.[4] SBC Oklahoma reportedly offset this amount in Ms. Lindsey's retirement package.[5]

Your incomplete testimony leaves key questions unanswered concerning this transaction. You allegedly paid for one-sixth of the purchase price, and according to reports, you purchased the home with Kenneth Wagner, who now serves as a political appointee at EPA and previously served as treasurer of your political action committee,[6] as well as health care executive Jon Jiles.[7] However, the identity of two additional owners remains unknown.

You also apparently failed to disclose your interest in Capitol House in your financial disclosure filings, and in your testimony could not confirm whether you paid taxes on rental income received for a room on the property rented to another Republican lawmaker.[8]

Given your history of real estate transactions with lobbyists both in Oklahoma during your tenure as a state legislator and in Washington, D.C. while serving as EPA Administrator, and in light of these troubling developments, I ask that you respond to the following requests:

a. Please provide the names and corresponding ownership share of all owners of Capitol House.

b. Please provide documentation of your payment for and purchase of an ownership share in Capitol House, including the terms of the payment and the individual or entity who received the payment.

c. Please provide copies of your financial disclosures disclosing your ownership interest in Capitol House.

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[2] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[3] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[4] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[5] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[6] *Pruitt's Friend Joins Agency as Senior Adviser*, E&E News (Apr. 13, 2017).

[7] *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

[8] *Scott Pruitt Before the EPA: Fancy Homes, a Shell Company and Friends with Money*, New York Times (Apr. 21, 2018).

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d. Please provide the name of the individual(s) who arranged for cash purchase of the Oklahoma City property and subsequent transfer of ownership to Capitol House.

e. Please provide the name of the individual(s) who requested or arranged for Spirit Bank, where former EPA appointee Albert Kelly was chief executive, to approve a mortgage in the name of Capitol House.

f. Please provide documentation demonstrating you paid taxes on all rental income received from Jim Dunlap or any other tenant who rented space on the property, including, but not limited to, Schedule K-1 tax forms.

g. Please provide documentation of any proceeds you received for the 2005 sale of the property, including the amount and date received.

The Honorable Janice D. Schakowsky

1. **OPA/AO Speeches:** Please provide the date, location, name of event, and text for all speeches you have given to industry associations (e.g. Louisiana Chemical Association) in your capacity as EPA Administrator.

2. **OPA/AO Official vehicle:** During the hearing, you stated that EPA staff "just asked for consultation" on the selection of your official vehicle. During this consultation, did you or people responding on your behalf express a preference for a larger vehicle, leather interior, bucket seats, Wifi, GPS navigation, or any other luxury features that were ultimately included in the vehicle selected?

3. **OP/OPA/AO Samantha Dravis:**

    a. At any time during Samantha Dravis's employment at EPA, was she employed or compensated using authority under the Safe Drinking Water Act?

    b. How much was Samantha Dravis compensated during the three months from November 2017 to January 2018?

    c. According to the EPA's own spokesperson, Ms. Dravis was a "senior leader at the EPA." Do you have record of meetings attended in person or substantial projects completed by Samantha Dravis during the three months from November 2017 to January 2018? If so, please summarize. Please provide all records of meetings attended in person or substantial projects completed, as well as any emails between Administrator Pruitt and Ms. Dravis concerning her attendance or departure from the EPA.

    d. Was Samantha Dravis approved for first class travel to or from Morocco in December 2017? If so, who at EPA approved first class travel and on what date?

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The Honorable Paul Tonko

1. **OP/ORD** Strengthening Transparency in Regulatory Science Proposed Rule

    a. Please cite specific provisions in statute that require EPA to make the changes proposed in the Strengthening Transparency in Regulatory Science rule?

    b. Do any of the statutory authorities identified by the proposed rule include the ability to grant exemptions to the treatment of science at the Administrator's discretion to address issues on a case-by-case basis?

    c. What science organizations or stakeholder groups were involved in the development of this proposed rule? Please provide a list of all meetings, including teleconferences, with these organizations, including the date, and the name, title, and organizational affiliation of participants.

    d. Previously, EPA analyzed legislation (The HONEST Act) that would have similar goals and estimated it would cost $250 million annually to implement. Did EPA develop any cost estimates to implement the proposed rule?

    e. If so, please provide any cost analysis completed regarding the proposed rule.

    f. Why did EPA conclude this is not an economically significant rulemaking? Please explain EPA's analysis associated with this conclusion.

    g. Please provide a list of all key meetings and determinations made for this rulemaking during the Action Development Process, including the rulemakings tier, meeting dates and participants in any intra-agency work group meetings, and a list of EPA offices which participated in the development of the rulemaking. For each office, please provide the name, title, and office of each work group participant.

    h. Did EPA examine lost benefits or costs associated with EPA's inability to consider certain scientific studies as a result of this proposal?

    i. If so, what analysis was done on costs or lost benefits, and what were the results?

    j. Many older studies may rely on data that are no longer available. Does EPA have any estimates or analysis of how many studies would be disqualified to be used for major rulemakings under this proposal?

    k. How long did the Office of Information and Regulatory Affairs (OIRA) take to complete its review of the proposed rule? Please provide the date OIRA accepted and began review, and the date OIRA completed review.

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l. Did EPA or other executive officials have any communication with the Office of Information and Regulatory Affairs to accelerate this review? If so, please provide the name and title of these individuals.
m. Was the Office of Information and Regulatory informed by any EPA official that Administrator Pruitt would be testifying before Congress one week after submitting this proposed rule?

n. Office of Information and Regulatory Affairs reviews of similarly complex rules often take months to complete. What specific factors allowed this review to be completed so quickly?

o. The proposed rule solicits comments in numerous areas, indicating it hopes to develop answers during the regulatory process. Proposals with so many outstanding questions are often released as Advanced Notice of Proposed Rule Makings. Why did EPA propose this as a Notice of Proposed Rulemaking with so many outstanding questions included?

p. Did the Office of Information and Regulatory Affairs ask EPA to issue an Advanced Notice of Proposed Rulemaking instead? If so, when was this request made and who at OIRA made this request?

2. **OP/ORD** Science Advisory Boards (SAB)

a. How many current members of EPA Science Advisory Boards are expected to cycle off before the end of this year?

b. Since joining the agency, has Administrator Pruitt requested EPA career staff in the SAB Staff Office to provide recommendations for board appointments?

c. If so, how many of those recommendations have been accepted of the total amount of new appointees.

d. How many EPA Science Advisory Board members have been appointed without input by the SAB Staff Office?

e. How many issues went before EPA Science Advisory Boards or the Clean Air Scientific Advisory Committee (CASAC) for review in each year for the past five years?
f. Does the Administrator plan to seek SAB or CASAC review of the recently proposed Strengthening Transparency in Regulatory Science rule?

g. Does the Administrator plan to seek SAB or CASAC review on any climate change issues?

h. Does the Administrator plan to seek SAB or CASAC review on any aspect of the long-term economic costs and benefits of any changes that have been made or are being proposed under his tenure at EPA?

3. **OCSPP** The Frank R. Lautenberg Chemical Safety for the 21st Century Act Implementation

    a. What steps has EPA taken to ensure new and existing chemical reviews include explicit considerations to protect vulnerable populations, as required by statute?

    b. In November, Administrator Pruitt and EPA staff attended an American Chemistry Council board meeting on South Carolina's Kiawah Island. The Administrator's schedule contains no details of that weekend. Please provide a list of all companies or lobbyists that met with the Administrator in South Carolina.

    c. Please provide a list of all chemicals specifically discussed at meetings attended by the Administrator at this event.

4. **OCSPP** Formaldehyde Assessment

    a. Earlier this year, Administrator Pruitt was asked by Senator Ed Markey at the Senate Committee on Environment and Public Works hearing on 1/30/18 about the delayed formaldehyde assessment. At that hearing, Administrator Pruitt said, "Senator, I commit to you that I will look into that and make sure your office is aware of what we have and when we can release it." Please provide an update on the status of the formaldehyde assessment.

Answer:

SEPW 5/11 QFR CLEARED RESPONSE: The National Academy of Science (NAS) identified numerous significant recommendations for improving the science that underlies the formaldehyde IRIS assessment. As noted by EPA staff during the February 2018 NAS workshop to review advances made to the IRIS process, the Agency is working to fully implement the NAS recommendation in all IRIS assessments released moving forward.

    b. Has EPA concluded its intra-agency review process?

    c. What additional reviews are needed before it can be finalized?

    d. When does EPA expect the final report to be released?

5. **OP** EPA Year in Review 2017-2018 Report

    a. The "EPA Year in Review 2017-2018" report states, "In year one, EPA finalized 22 deregulatory actions, saving Americans more than $1 billion in regulatory costs." Please provide a list of each of these actions along with EPA's analysis of the regulatory cost estimate for each action.

6. **OW** Lead and Copper Rule

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a. EPA undertook efforts to revise the Lead and Copper Rule more than 13 years ago. In October 2016, the EPA published a white paper on the revisions that included a pledge to issue a proposed rule by the end of 2017. That deadline has passed. When does EPA expect to issue a proposed rule?

b. Has EPA conducted any analysis on how the proposed "Strengthening Transparency in Regulatory Science" rule may impact its ability to regulate lead in drinking water?

7. **OCSPP** PFAS

a. EPA announced a National Leadership Summit on Per- and Polyfluoroalkyl Substances (PFAS). What options has EPA discussed internally to regulate or reduce PFAS contamination in drinking water?

b. What options have been discussed by staff of EPA and the Department of Defense?

c. Has EPA conducted any analysis on how the proposed "Strengthening Transparency in Regulatory Science" rule may impact its ability to regulate PFAS in drinking water?

8. **OCFO** Funding for the Office of Inspector General

a. The Fiscal Year 2019 budget request includes a significant proposed cut to the EPA Office of Inspector General (OIG). In November 2017, in OIG's Semiannual Report to Congress, it was reported that "OIG submitted an FY 2019 request for $62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of $42 million." In February, the White House requested only $37.5 million for the OIG. What was the justification for reducing appropriations and FTEs in the FY 2019 budget request for EPA OIG?

b. Did the EPA defend its $42 million request to the Office of Management and Budget?

9. **OP/AO** Freedom of Information Act

a. It has been reported that political appointees' role in reviewing documents requested under the Freedom of Information Act has increased significantly during Administrator Pruitt's tenure. Please describe the process for "awareness reviews" or "senior management reviews" conducted by political appointees before EPA releases documents involving Administrator Pruitt, including the names and titles of all EPA political appointees who participate.

b. Please explain EPA Chief of Staff Ryan Jackson's role in conducting awareness reviews. How many FOIA awareness reviews has Mr. Jackson completed, and in how many instances did Mr. Jackson instruct that information be withheld, redacted, or altered prior to public release?

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c. Have any other political appointees ever sought to alter, redact, or withhold portions of a FOIA disclosure following an awareness review?

d. Please provide the start date, end date, and length of review for all awareness reviews conducted during Administrator Pruitt's tenure at EPA.

e. Have any of these reviews resulted in a missed FOIA deadline to release documents? If so, please provide details for each instance.

f. Please explain the rational for moving the National FOIA office into the Office of General Counsel.

g. Please explain the role of EPA political appointees Matthew Leopold, Eric Baptist, Marcella Burke, David Fatouhi, and Justin Schwab in the FOIA review process, including any instance where any of these individuals withheld, delayed, redacted, or altered prior to public release?

10. **OP/AO** International Travel

a. According to EPA emails released under a Freedom of Information Act request, on July 10, 2017, Mr. Matthew Freedman was involved in the planning of the Administrator's potential trip to Australia. Mr. Freedman wrote to EPA staff, "[Richard Smotkin] and I will attend and will be present but will not be listed as members of the delegation." It has been reported that Mr. Richard Smotkin was also involved in the planning of the Administrator's December trip to Morocco. Did Mr. Smotkin meet with Administrator Pruitt or any EPA staff, in official meetings or otherwise, during the Administrator's trip to Morocco?

b. If so, please provide a full list of meetings between Mr. Smotkin and any EPA officials in Morocco, including any meetings with EPA officials and Moroccan government officials, during official business or otherwise.

c. Please provide a list of all attendees for any meeting identified in (b).

d. Recent press accounts indicated Administrator Pruitt and EPA staff missed their connecting flight to Morocco because his security detail's equipment and other gear could not be transferred to the connecting flight in time. This differs from earlier explanations from EPA that the connecting flight was missed due to weather. Please explain why Administrator Pruitt and EPA staff missed their connecting flight.

11. **OP/AO** Security

a. In March, Administrator Pruitt told CBS News, "The quantity and the type of threats I've faced are unprecedented." These threats have been used to justify costly security measures, including first-class travel and full-time protection by a 20-member security detail. How does EPA catalogue threats against officials, including the Administrator?

b. What office is primarily responsible for identifying these threats?

c. What office is primarily responsible for investigating these threats and determining their legitimacy?

d. Please describe the role in EPA security assessment, investigation, and response of each of the following offices: the Protective Security Detail, the Office of Homeland Security Intelligence Team, the Office of Inspector General, and any other EPA entity that has responsibilities related to the Administrator's security?

e. If threats are deemed to be serious, are they referred to the FBI or another law enforcement agency outside of EPA?

f. Which EPA office determines whether or not to refer threats?

g. On how many occasions did such a referral occur in 2017 and 2018?

h. What spending decisions related to security require sign-off by the head of the Administrator's security detail?

i. When did Mr. Nino Perrotta take over the role referenced in (h)?

j. Before Mr. Perrotta took over this role, who was responsible for those duties?

k. Why and when was the previous head of the Administrator's security detail removed from that position?

l. If that employee continued to work at EPA, to where was he reassigned and what is his current employment status?

m. How many EPA security officials hit the $160,000 annual salary cap due to overtime last year?

n. How does that compare to each of the previous 5 years?

o. On May 1, 2017, Mr. Perrotta sent a memorandum requesting Administrator Pruitt be seated in first or business class on official travel. On how many instances before this memorandum did the Administrator travel in first or business class on official travel?

p. On how many instances after this memorandum did the Administrator travel in first or business class on official travel?

q. How many times and on what dates did EPA security officials travel with the Administrator for nonofficial business, where the Administrator paid for his own travel expenses?

r. What was the total cost for security officials' airfare, hotel, and per diem for each of these instances?

s. Which EPA employee(s) approved the EPA payment to Mrs. Vicki Hart to compensate for a broken door at her condo?

t. Was Administrator Pruitt involved with or notified about that payment?

u. It has been reported that EPA entered into a new vehicle lease for a Chevrolet Suburban at $10,200 annually. This lease was reportedly for a more upscale LT model, instead of the LS model typically leased and included monthly charges of $300 for luxury upgrades. What were the terms and rate of the previous vehicle used by the Administrator, and what was the rationale for these upgrades?

12. **OP/AO** The Administrator's Housing Arrangement

a. It has been reported that the Administrator's original lease with Mrs. Vicki Hart ended at the end of April 2017, but he did not move out of that condo until later in the year. What were the terms of extending the lease?

b. On what date did Administrator Pruitt move out of the condo owned by Mrs. Hart?

The Honorable David Loebsack

Administrator Pruitt, as I indicated to you at the hearing, I have a lot of concerns about the way in which the small refinery exemptions within the Renewable Fuel Standard (RFS) program have been handled by the Environmental Protection Agency (EPA). There needs to be much more transparency and public accountability in the with respect to the small refinery waiver exemptions. Please provide responses to the following questions regarding small refinery exemptions within the RFS.

1. **OAR** What is the total number of refinery waiver applications that EPA received in each year from 2013 through 2017?

2. **OAR** For each year from 2013 through 2017, how many waivers did the EPA grant?

3. **OAR** What companies have received waivers for each year from 2013 through 2017?

4. **OAR** What is the total volume of biofuel obligation represented by the waivers granted for each year 2013 through 2017?

5. **OAR** What is the EPA process for confirming that each applicant falls beneath the 75,000-barrell throughput capacity?

6. **OAR** Please confirm how the gallons waived under the small refinery exemption process are handled. Are the gallons reassigned to remaining obligated parties for blending? Are they reassigned within the same compliance year? If they are not reassigned to the remaining obligated parties, what is the disposition of those gallons relative to the overall renewable volume obligation set in the annual rule?

7. **OAR** Did you inform President Trump or White House staff of the unusually large number of small refinery exemptions EPA was granting and of the potential effects on the renewable fuel market of exempting additional gallons and facilities and the fact that these actions would not be well received by the agricultural community?

8. **OAR** EPA claimed recently that the Agency did not change the criteria for granting exemptions from those used in past years. Yet, numerous press reports indicate the Agency has granted almost double the amount of waivers than have been granted in past years. What is your explanation for the Agency's granting of an unusually high number of waivers under this program as compared to past years? If the Agency is applying different criteria, please provide an explanation of the changes and the justification for initiating the new criteria.

9. **OAR** Did EPA consult with the Department of Energy on each of the applications for a small refinery exemption for 2016 and 2017? For how many of the applications reviewed by DOE for these two compliance years did EPA disagree with DOE's recommendation to grant or deny the exemption?

The Honorable Joseph Kennedy, III

1. **OPA/AO** What precipitated the need for a secure phone booth inside of your office? You repeatedly have placed blame at the feet of your staff for the exorbitant $43,000 cost of the phone booth, but it was you yourself who instructed your staff to find a way to create a secure communications line in your office in the first place. Why do you need that secure line? What is the nature of the phone calls you are making that require an additional "secure" phone line while already in the privacy of your own office? If your office does not provide sufficient privacy, why is one of the two Secure Compartmented Information Facilities (SCIFs) inside the EPA headquarters not sufficient?

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Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Bill Johnson

1. **OAR** I know that the EPA has expressed interest in finding a resolution to some of the concerns regarding EPA's current brick MACT rule which was issued in 2015. Would you commit to working with me and this committee in providing further information on this work and any potential possibilities?

The Honorable Bill Flores

As the American people are well aware, the EPA under the Obama administration abused environmental regulatory process by ignoring congressional statutes any by circumventing the U.S. Constitution. Fortunately, the federal court system stepped in to protect American families from this abuse of the law. In this regard I have the following questions:

1. **OGC/OP** Can you provide this committee with a list of those overreaching and overturned regulations that were overturned by the court systems?

2. **OGC/OP** Can you provide this committee with the economic cost of those overturned regulations?

3. **OGC/OP** Can you also inform the committee about EPA's actions, if any, to modify those regulations so those overreaching regulations to conform with the rule of law?

The Honorable Richard Hudson

1. **OCSPP** Was GenX used in a manner that was incompatible with the consent agreement under the Toxic Substances Control Act?

The Honorable Doris O. Matsui

1. **OAR** You said the EPA has data supporting your decision to revise emission standards for light duty vehicles. Will you commit to providing that data to both side of the committee?

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The Honorable John P. Sarbanes

1. Did Carl Ichan's company apply for a waiver from ethanol blending requirements for any of its refining facilities?

2. Did Carl Ichan's company receive a waiver for any of its refining facilities?

The Honorable Tony Cardenas

1. In regard to your lease, can you provide the written statement from the attorneys after reviewing it?

The Honorable Debbie Dingell

1. In regard to the January 25, 2018 guidance to reverse the longstanding once in, always in policy for major sources of hazardous air pollutants, did EPA determine the location of these sources?

2. Yes or no, did EPA conduct an analysis of the health effects including the potential increased risk of cancer of this decision before releasing the January 25th guidance memo?

3. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on children, babies, or pregnant women before releasing the January 25th?

4. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on older Americans or those with chronic health problems before releasing the January 25th guidance?

5. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on minority and low-income communities before releasing the January 25th?

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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: As EPA has previously stated, we dispute the veracity of these accusations.

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

Answer: The Administrator is focused on carrying out the core mission of the Agency, protecting human health and the environment, as well as continuing our successful implementation of the President's agenda.

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: As previously stated, the Administrator is focused on carrying out the core mission of the Agency, protecting human health and the environment, and continuing our successful implementation of the President's agenda. As part of this we continue to work towards ensuring that all scientific or technical recommendations are done in the most transparent and verifiable manner possible.

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

Answer: The Administrator has the continued trust and support of EPA's staff as we remain focused on carrying out the core mission of the Agency, protecting human health and the environment.

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: