## Green, LindaE

**From:** Lawrence Carter <lawrence.carter@energydesknews.org>
**Sent:** Wednesday, May 24, 2017 9:57 AM
**To:** FOIA HQ
**Subject:** FOIA Request - EPA OAR / OTAQ
**Attachments:** EPA - OAR & OTAQ FOIA Request.docx

Dear FOIA Officer,

Please find attached a request by *Energydesk* under the Freedom of Information Act.

I look forward to hearing from you.

Kind regards,

Lawrence Carter

Investigations Reporter

*Energydesk*

(+44) 7581 692 641

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To Email: foia_hq@epa.gov
From Email: lawrence.carter@energydesknews.org

Re: Freedom of Information Act Request

Dear FOIA Officer,

This Freedom of Information Act ("FOIA") request is directed to the **Office of Air and Radiation (OAR)** – including specifically the **Office of Transportation and Air Quality (OTAQ)** - at the Environmental Protection Agency. *Energydesk* is interested in obtaining the below information relating to fuel economy standards; light-duty vehicle greenhouse gas emissions and zero emission vehicles (ZEV).

I hereby request copies of all records containing the following information:

1) Copies of correspondence, including letters; emails; attachments and notes from phone calls between the **Office of Air and Radiation (OAR)** – including specifically the **Office of Transportation and Air Quality (OTAQ)** – and the following entities:

    - Alliance of Automobile Manufacturers
    - National Automobile Dealers Association
    - Western States Petroleum Association
    - US Chamber of Commerce
    - Renault-Nissan Alliance
    - Fiat-Chrysler and subsidiaries
    - Volkswagen and subsidiaries
    - American Petroleum Association
    - American Fuel and Petrochemical Manufacturers
    - Defour Group LLC
    - Exxon Mobil and subsidiaries
    - American Petroleum Institute
    - BP and subsidiaries
    - Shell and subsidiaries
    - Chevron and subsidiaries
    - California Air Resources Board
    - Koch Industries
    - Ford and subsidiaries

Between the following dates: 1 January 2017 to present. Please use the following search terms when searching records for this information: "CAFE"; "Corporate Average Fuel Economy"; "fuel economy" "tailpipe emissions"; "light-duty vehicle greenhouse gas emissions"; "Final Determination"; "California Air Resources Board"; "CARB"; "California waiver"; "Zero Emission Vehicle"; "ZEV"; "electric car"; "fleet average".

2) Details of meetings, including any minutes or notes, between the **Office of Air and Radiation (OAR)** – including specifically the **Office of Transportation and Air Quality (OTAQ)** - and the following entities:

    - Alliance of Automobile Manufacturers
    - National Automobile Dealers Association
    - Western States Petroleum Association

- US Chamber of Commerce
- Renault-Nissan Alliance
- Fiat-Chrysler and subsidiaries
- Volkswagen and subsidiaries
- American Petroleum Association
- American Fuel and Petrochemical Manufacturers
- Defour Group LLC
- Exxon Mobil and subsidiaries
- American Petroleum Institute
- BP and subsidiaries
- Shell and subsidiaries
- Chevron and subsidiaries
- California Air Resources Board
- Koch Industries
- Ford and subsidiaries

Between the following dates: 1 January 2017 to present.

Disclosure of this information is demonstrably in the public interest - EPA policy and enforcement on tailpipe emissions; fuel economy and greenhouse gases shapes health; family finance and wellbeing outcomes for millions of Americans. Shortly after the transition to the current administration – representatives of the auto industry wrote to the EPA urging it to review fuel economy standards for the period between 2022-25. The California Air Resources Board waiver has also been targeted for rescindment by industry; something that Administrator Pruitt has not ruled out. With longstanding policy under review and with industry seeking to influence this process, the public has a right to transparency over communication between commercial interests and the EPA.

In order to help to determine my status to assess fees, you should know that I am a representative of the news media affiliated with *Energydesk* – an energy and environmental news website that is funded by Greenpeace but editorially independent. This request is made as part of news gathering activity and not for commercial use.

In addition to being a news outlet in its own right, *Energydesk* is an organisation affiliated to Greenpeace, which qualifies as a news media organization under the definition provided by Congress in the OPEN Government Act because it "gathers information of potential interest to a large segment of the public, and uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience."

Specifically, *Energydesk* is seeking this records request because the information in it is of interest to a large portion of the pubic, including the many concerned citizens that regularly acquire information through our publications – whether directly through *Energydesk* or via Greenpeace. These publications include the *Energydesk* news website and social media networks such as Facebook and Twitter. In addition, *Energydesk* partners with traditional news media outlets that regularly broadcast our publications through television, radio, print and electronic articles and interviews.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not in my commercial interest. In the paragraphs

below, *Energydesk* addresses the 6 factors that are used to determine whether the fee waiver requirements are met.

1) *Energydesk* is requesting documents specifically concerning the EPA's communications with commercial entities regarding matters of public policy. *Energydesk* is not seeking the documents in order to obtain intrinsic information regarding business operations that happen to be in the possession of EPA. Instead, *Energydesk* is solely seeking information on the extent, if any, of EPA's interactions with specific external entities regarding transportation policy.

2) There is limited information publicly available regarding the occurrence, frequency, or scope of meetings or other interactions between EPA and the external entities listed regarding transportation policy.

3) *Energydesk* employs multiple journalists and its news stories are read by tens of thousands of readers. It is a trusted news source for other journalists, policy makers, think tanks and others interested in energy and environmental issues. Its purpose is to inform and provide scrutiny - revealing activities that may be harmful to the environment, as well as activities that are beneficial.

4) As noted in #2, there is currently limited publicly available information regarding the occurrence, frequency or scope of communication between EPA and external entities regarding transportation policy. Likewise, *Energydesk* believes there is public concern regarding the trajectory of transportation policy – particularly in relation to tailpipe emissions and fuel economy. It is crucially important that, given the change in policy direction and the risk to public health and finances posed by changes to transport policy in general, the public is given a much more comprehensive picture of the nature of the communication between EPA and the listed entities.

5) *Energydesk* is a non-profit public interest news organization that promotes open, informed debate about energy and environmental issues. We do not intend to make a profit from the information provided through this request.

6) *Energydesk* has no commercial interest in this material and does not intend to disclose the information to data brokers or others who compile and market government information for economic return. Whereas our work generates income from concerned individual donors, this income serves to perpetuate our activities and not to provide a profit to individuals associated with *Energydesk*. With such limited or non-existent commercial interest, it is clear that the public interest in disclosure is far greater in magnitude than *Energydesk's* commercial interest.

In as much as *Energydesk* is making this request in the course of carrying out its journalistic and nonprofit activities, we request that charge for duplicating be waived.

If you deny all or any part of this request, please cite each specific exemption that you believe justifies your withholding of information. Please be sure to notify me of appeal procedures available under the law in the event of any denial.

If you deny my request for a fee waiver, please inform me before processing my request. If you have any questions regarding this request, please contact me at lawrence.carter@energydesknews.org.

I look forward to receiving your response within the twenty day statutory time period. Thank you for your consideration of this request.

Sincerely,

Lawrence Carter
Investigations Reporter
*Energydesk*

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