EDF ENVIRONMENTAL DEFENSE FUND®
Finding the ways that work

March 20, 2017

SUBMITTED ELECTRONICALLY
HARD COPY TO FOLLOW BY U.S. MAIL

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

Re: Freedom of Information Act Request for Records Related to Scientific Research and Communication

Dear National Freedom of Information Officer:

Environmental Defense Fund ("EDF") respectfully requests records, as that term is defined at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act ("FOIA"), of the U.S. Environmental Protection Agency (the "Agency"). Specifically, EDF requests:

1) all directives and guidance to Agency scientific staff that relate to public communication about scientific research or findings;
2) all questionnaires or other solicitations of information sent to Agency scientific staff that relate to (i) past, current, or prospective public communication of scientific research or findings, and (ii) attendance at or participation in past, current, or prospective public events; and
3) all correspondence relating to FOIA that was sent or received by anyone who, since November 8, 2016, has served as a political appointee or member of the beachhead team, landing team, action team, or transition team.

For all elements of this request, EDF respectfully seeks records produced, modified, or transmitted since November 8, 2016 that exist as of the date of this request and on a rolling basis going forward. "Correspondence" includes, but is not limited to, hard copy correspondence and electronic correspondence such as emails, text messages, and correspondence transmitted through any other electronic platform. "Communication" includes, but is not limited to, any means by which information is made available to the public, media, or other outside entities, and specifically includes journal publications and presentations at conferences.

1875 Connecticut Avenue, NW
Washington, DC 20009
T 202 387 3500
F 202 234 6049
edf.org
New York, NY/ Austin, TX/ Bentonville, AR/ Boston, MA/ Boulder, CO/ Raleigh, NC
Sacramento, CA/ San Francisco, CA/ Washington, DC/ Beijing, China/ La Paz, Mexico
Totally chlorine free 100% post-consumer recycled p aper

If any of the information sought in this request is deemed by the Agency to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

Request for Expedited Processing

EDF respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(1)(ii), which applies when there is "[a]n urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public." In support of this request, I certify that the following information is true and correct to the best of my knowledge and belief:

1. EDF engages in extensive, daily efforts to inform the public about matters affecting environmental policy. For example, EDF has multiple channels for distributing information to the public, including through direct communication with its more than 2 million members, press releases, blog posts, active engagement on social media, and frequent appearances by staff in major media outlets. *See, e.g.*, Martha Roberts, *Less Science, More Cost: Why the Misguided "Secret Science" Bill Is Bad Policy*, EDF Climate 411 Blog (Feb. 7, 2017), http://blogs.edf.org/climate411/2017/02/07/less-science-more-cost-why-the-misguided-secret-science-bill-is-bad-policy/; Scott Weaver, *We Lose More than You Think if NASA's Climate Science Is Cut*, EDF Voices Blog (Nov. 23, 2016), https://www.edf.org/blog/2016/11/23/we-lose-more-you-think-if-nasas-climate-science-cut. With respect to another FOIA request, EPA recently recognized EDF's eligibility for expedited processing under 40 C.F.R. § 2.104(e)(1)(ii).

2. Since November 8, 2016, scientific integrity and scientific communication in federal agencies has been a matter of significant public concern. *See, e.g.*, Steven Mufson and Juliet Eilperin, *Trump Transition Team for Energy Department Seeks Names of Employees Involved in Climate Meetings*, Wash. Post (Dec. 9, 2016), https://www.washingtonpost.com/news/energy-environment/wp/2016/12/09/trump-transition-team-for-energy-department-seeks-names-of-employees-involved-in-climate-meetings; Rebecca Leber, *The EPA Used to Tweet About the Environment. Now It Just Tweets About Scott Pruitt*, Mother Jones (Mar. 14, 2017), http://www.motherjones.com/environment/2017/03/scott-pruitts-epa-his-own-pr-firm.

3. Media reports give rise to a serious concern that scientific integrity and scientific communication are being deemphasized or undermined at EPA. *See, e.g.*, Michelle Chen, *Donald Trump's War on Science*, Nation (Mar. 2, 2017), https://www.thenation.com/article/donald-trumps-war-on-science/; David Malakoff, *Trump's 2018 Budget Will Squeeze Civilian Science Agencies*, Science (Feb. 27, 2017), http://www.sciencemag.org/news/2017/02/trump-s-2018-budget-will-squeeze-civilian-science-agencies; Debra Kahn, *State Officials to Federal Scientists: "Come West"*, E&E News (Mar. 14, 2017), http://www.eenews.net/climatewire/2017/03/14/stories/1060051408.

4. Threats to scientific integrity and scientific communication at the Agency could have imminent consequences for the American people. Such threats could jeopardize the dissemination of scientific information impacting public health and the environment and negatively impact the morale and work product of the federal scientific workforce. If such threats persist undisclosed, the harm suffered by the American people will increase, and the conditions creating that harm may become increasingly intractable and irreversible. If the public learns of those conditions only after scientific research, policies, and communication have already been impacted for a significant duration, the ability of concerned citizens to influence and engage with their government would be severely prejudiced.

Request for Fee Waiver

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of issues of considerable public interest: scientific research and communication about topics that include grave threats to the American people. 5 U.S.C. § 552(a)(4)(A)(iii). EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials. We fully intend to disseminate newsworthy information received in response to this request. Accordingly, we respectfully request that the documents be furnished without charge.

For ease of administration and to conserve resources, we will accept documents produced in a readily accessible electronic format. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3318 or by email at blevitan@edf.org.

Respectfully submitted,

Benjamin Levitan
Environmental Defense Fund
1875 Connecticut Avenue, NW
Suite 600
Washington, DC 20009