Message

From: Segall, Martha [Segall.Martha@epa.gov]
Sent: 6/26/2020 2:12:19 PM
To: Kadish, Rochele [Kadish.Rochele@epa.gov]; Vizard, Elizabeth [Vizard.Elizabeth@epa.gov]
CC: Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Ambrosino, Helene [Ambrosino.Helene@epa.gov]; Hopkins, Yvette [Hopkins.Yvette@epa.gov]
Subject: RE: Senate EPW QFRs from Oversight of EPA Hearing- GLP

Rochele,

She had an emergency with her neighbor and got pulled away yesterday. I just spoke to her and she should have it done by early afternoon. Sorry for the delay.

Martha

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Martha Segall
Director (Acting)
Monitoring, Assistance, and Media Programs Division
Office of Compliance/OECA
U.S. Environmental Protection Agency
Office Phone: (202) 564-0723
Mobile Phone: (202) 725-8609

From: Kadish, Rochele <Kadish.Rochele@epa.gov>
Sent: Friday, June 26, 2020 8:37 AM
To: Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>
Cc: Segall, Martha <Segall.Martha@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>
Subject: Re: Senate EPW QFRs from Oversight of EPA Hearing- GLP

Hi - is the response ready?

Sent from my iPhone

> On Jun 23, 2020, at 12:30 PM, Vizard, Elizabeth <Vizard.Elizabeth@epa.gov> wrote:
>
> <image002.jpg>
> Working on it.
>
> Elizabeth Vizard
> Deputy Division Director, Acting
> Monitoring, Assistance & Media Programs Division
> Office of Compliance
> 202-564-5940
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From: Kadish, Rochele <Kadish.Rochele@epa.gov>
Sent: Tuesday, June 23, 2020 12:11 PM
To: Segall, Martha <Segall.Martha@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>
Subject: RE: Senate EPW QFRs from Oversight of EPA Hearing--Wood Heater Sell Through Responses

What is the status of this QFR? On schedule for tomorrow? Thanks, Rochele

EPA has a premier audit and inspection program for Good Laboratory Practices (GLPs), recognized worldwide. However, EPA does not issue certificates of GLP compliance for laboratories, as other nations do, that would make it easier for many regulatory authorities in countries around the world to recognize the GLP credentials of regulatory studies conducted in the US. This places US contract research laboratories and US businesses at an economic and competitive disadvantage in seeking product marketing approvals in those countries and exporting their products and services. EPA has recently received additional funding from PRIA4 to enhance the GLP program. What specific changes to US regulations and/or legislation would be necessary to allow/require EPA to issue such GLP certificates? What changes could be made under President Trump's May 19, 2020 Executive Order 13924 on economic recovery from COVID-19 to accomplish this?"

Rochele Kadish
Office of Compliance
Chief of Staff
Certified Professional Coach, EPA Coaches Cadre
202-564-3106 – Office
202-853-2300 - Cell

From: Segall, Martha <Segall.Martha@epa.gov>
Sent: Monday, June 22, 2020 3:07 PM
To: Kadish, Rochele <Kadish.Rochele@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Subject: RE: Senate EPW QFRs from Oversight of EPA Hearing--Wood Heater Sell Through Responses

Jacqueline/Rochele,

Below are final draft responses for question #28 on the Wood Heater sell through for your review. We have coordinated the responses with OCE, OGC and OAR. Per our discussion with Jacqueline on Friday, we went back to OGC and OAR to get their review of OCE's edits. All offices are good with these responses. Please let us know if you have any questions. Thanks.

Ex. 5 Deliberative Process (DP)

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Martha Segall
Director (Acting)
Monitoring, Assistance, and Media Programs Division
Office of Compliance/OECA
U.S. Environmental Protection Agency
Office Phone: (202) 564-0723
Mobile Phone: (202) 725-8609

From: Kadish, Rochele <Kadish.Rochele@epa.gov>
Sent: Wednesday, June 10, 2020 8:05 AM
To: Segall, Martha <Segall.Martha@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>
Subject: Senate EPW QFRs from Oversight of EPA Hearing

Good morning – as follow-up to the Administrators SEPW hearing last month we have been identified as contributors/respondents to 4 questions, 2 are air related (3, 4) one is CM w/EJ and the other is about COVID reg requirement relaxation. MAMPD/AIR will be responsible for the air questions, MAMPD/CSPD for question 1 and I am going to ask if Kathleen will take question 2.

Where possible please reuse previously cleared language from recent issue papers or Agency correspondence. If I got the designations of responsibility wrong please let me know ASAP. Attached is the full list of 93 questions if you are interested.

These are due Wednesday June 24.
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MAMPD/CPS: **OCE and OC with OAR review: enforcement/compliance and high exposure to air pollutants**

1. (24) It is already clear that COVID-19 is having a far more serious impact on **lower income communities and communities of color, which often experience more air and water pollution**. EPA has used funding Congress provided in the CARES Act to study disinfectants and whether COVID-19 can be detected in wastewater. But, because it is clear that there is much to be learned about this disease and its impacts on Americans, I asked you to commit to re-allocate unused EPA funds to study whether exposure to air pollution causes people with COVID-19 to have worse outcomes or more difficult recoveries, or to be more susceptible to other diseases once they have recovered. You responded that "you are looking at those areas," noted that "a lot of other people are researching that," criticized a recent study from Harvard University, and declined to make such a commitment.
    a. Please describe how EPA plans to re-focus its enforcement, compliance, and monitoring activities in a manner that prioritizes the early detection of high exposure to air pollutants in communities that have both historically experienced such exposures and those at greatest risk of adverse outcomes from COVID-19.

Asking Kathleen - **OCE and OC: COVID-19 regulatory modifications and enforcement waivers**

2. **(25)**On April 1, 2020, 10 of my Senate colleagues joined me in asking you for materials describing how EPA is fulfilling its mission while protecting its employees against the spread of COVID-19. We also asked you to describe any anticipated **relaxation of regulatory requirements**, and we stressed that **modifications to environmental enforcement obligations** must be taken only as necessary, temporarily and with full transparency. Your May 8th response was not fully responsive to our requests.
    a. Please provide and post on EPA's website all COVID-related regulatory modifications and enforcement waivers issued thus far.
    b. Please describe EPA's process for publishing any new enforcement or regulatory changes the Agency takes because of COVID-19 within 48 hours of their issuance going forward.

MAMPD/AIR: **OCE and OC: EO on Regulatory Relief to Support Economic Recovery, May 19, 2020**

3. **(27)** On April 29, 2020, I sent a letter to EPA about an EPA proposal to permanently relax **air emissions monitoring requirements** using COVID-19 as a pretext. Specifically, EPA had tried to propose the relaxation of these requirements automatically whenever a national emergency was in place despite the fact that not all national emergencies involve contagious diseases that require social distancing (e.g., the 1979 Iran hostage crisis national emergency that remains in place today). EPA's proposal would have effectively made the air monitoring requirements' relaxation permanent but was wisely rejected in the interagency review process. On May 19, 2020 the President issued an "Executive Order on Regulatory Relief to Support Economic Recovery" that urges federal agencies to address the economic impacts of COVID-19 "by rescinding, modifying, waiving, or providing exemptions from regulations and other requirements that may inhibit economic recovery."
    a. Please identify each rule, policy, guidance, enforcement response, or other action that EPA has made or intends to make i) permanent or ii) extend beyond the duration of the COVID-19 pandemic, and state what action will be taken, when, and whether you commit to providing at least 30 days public notice before the effective date of any such regulatory or enforcement relaxation.

MAMPD/AIR: **OC with OCE and OAR review: Wood heaters rule**

4. **(28)**Nationwide, residential wood heaters emit five times more particulate matter pollution than U.S. petroleum refineries, cement manufacturers, and pulp and paper plants combined. On February 3, 2015, EPA issued Clean Air Act New Source Performance Standards (NSPS) for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces, which set more stringent emissions requirements on wood heaters to be phased-in over five years. The first emissions standards, known as Step 1, went into effect on May 15, 2015. At the time of

implementation, over 85% of the wood heaters on the market required to meet Step 1 met the emissions standards. More stringent emissions reductions, known as Step 2, were scheduled to go into effect five years later on May 15, 2020. After that date, manufacturers and retailers were no longer allowed to make or sell wood heaters that did not meet the Step 2 emissions requirements. In 2018, EPA proposed allowing retailers more time to sell Step 1 wood heaters, but in April 2020, rejected this proposal and decided to maintain the original Step 2 deadline. On May 8, 2020, I sent a letter asking EPA to respond to press reports that the agency was planning to reverse its April 2020 decision, and instead propose allowing retailers to sell wood heaters that failed to meet Step 2 requirements for an additional six months. This decision would lead to more harmful air pollution in the midst of a deadly respiratory pandemic and into the future. I asked for you to respond to my letter by May 19, 2020 and as of June 3, 2020, I still have not received a response. On May 15, 2020, EPA issued a proposal to delay the deadline for retailers to sell Step 1 wood heaters through November 30, 2020. Please answer and provide the following:

g. Because the May 15, 2020 proposed wood heater rule is not yet final, it provides interim relief by stating that "EPA will treat the sale of Step 1 devices as a **low enforcement priority**." Although this is not a firm commitment not to enforce the May 15 wood stove deadline, it is effectively the same. Prior "low enforcement priority" statements by EPA have been very rare but always have been conditioned upon meeting certain conditions designed to assure environmentally responsible behavior, and implicitly held out the specter of enforcing if such conditions were not met or for very bad actors. The wood heater statement of low enforcement priority imposes no such conditions. EPA's sole justification is also economic, i.e., "to mitigate the impact of the ongoing COVID-19 pandemic on retailers who have lost valuable sales opportunities." When does EPA's low enforcement priority for Step 1 wood heater sales end? If not upon issuance of a final rule, why not?

h. Are there any circumstances in which EPA will consider initiating enforcement action against an entity that sells Step 1 wood heaters? If so, what are they?

i. Please explain why EPA's low enforcement priority policy statement that is included in the proposed rule is not in effect a final rule.

Rochele Kadish
Office of Compliance
Chief of Staff
Certified Professional Coach, EPA Coaches Cadre
202-564-3106 – Office
202-853-2300 - Cell