Message

From: Hughes, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D98153A3667544CE81B60DD0B1ECBD0D-HUGHES, HAY]
Sent: 5/19/2020 10:57:22 PM
To: Knott, Steven [Knott.Steven@epa.gov]; Wooge, William [Wooge.William@epa.gov]
Subject: RE: Update on 8 Asbestos FOIAs

Bill,
Please can you loop Sharlene in. I have asked her to address another issue that relates to some of the responses in the FOIAs.

Perhaps, we should set up a quick meeting tomorrow with Steve, Sharlene and you and me.

Thanks,
Hayley

Hayley Hughes, DrPH, MPH, CSP
Director, Office of Science Coordination and Policy
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency

Desk: 202.564.1116
Email: Hughes.hayley@epa.gov

From: Knott, Steven <Knott.Steven@epa.gov>
Sent: Tuesday, May 19, 2020 6:17 PM
To: Wooge, William <Wooge.William@epa.gov>
Cc: Hughes, Hayley <hughes.hayley@epa.gov>
Subject: RE: Update on 8 Asbestos FOIAs

Thanks Bill. You've done a very comprehensive analysis. I tried to generate a quick list of names (by request) to compare to our rosters, candidates, etc. (and for possible future searches). I did not include any of the law firms. Your list has 4 folks I'm missing (the 3 folks you've highlighted in gray and Joseph Satterly). I have some lawyers on my list, so I'm not sure why I excluded those 4 (might have thought they were law firms).

I'm not sure how useful my list is but I've attached it for our internal use, as needed (with the caveat it is subject to errors due to my trifocal glasses ☺)

Thanks again.

Steve

Steven M. Knott, M.S.
Chemist and Executive Secretary
FIFRA Scientific Advisory Panel and
Science Advisory Committee on Chemicals
U.S. EPA Office of Science Coordination and Policy
Knott.steven@epa.gov
(202) 564-0103

From: Wooge, William <Wooge.William@epa.gov>
Sent: Tuesday, May 19, 2020 12:11 PM
To: Knott, Steven <Knott.Steven@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Scarano, Louis <Scarano.Louis@epa.gov>; Matten, Sharlene <Matten.Sharlene@epa.gov>
Subject: Update on 8 Asbestos FOIAs

Howdy All,

I've gone through the 8 asbestos FOIAs to determine "overlap" between requests to facilitate review and avoid duplications of effort. Here is the first iteration:

Overlap of Asbestos FOIAs

Name	FOIA #							
	1 (EPA-2020-004334)	2 (EPA-2020-004486)	3 (EPA-2020-004487)	4 (EPA-2020-004563)	5 (EPA-2020-004564)	6 (EPA-2020-004608)	7 (EPA-2020-004621)	8 (EPA-2020-004674)
Henry Anderson, MD	1.2, 1.3							
Dr. Brad Black								8.8
Barry Castleman, PhD	1.2, 1.3							8.8
Dr. L. Christi								8.8
Brent Coon (individual?)							7.13	
John Dement, PhD	1.2, 1.3							
David Egilman, MD	1.2, 1.3		3.7.d				7.3, 7.4	
Dr. Murray Finkelstein			3.7.e					
Arthur Frank, MD	1.2, 1.3		3.7.c		5.1			8.8
Christian Hartley, Esquire	1.2, 1.3		3.7.f		5.2, 5.3, 5.4			
Shep Hoffman							7.1, 7.2	
David Jagolinzer, Esq	1.2, 1.3							
Dr. Marty Kanarek		2.2, 2.3, 2.6						8.8
Steve Kazan, Esq			3.7.h					
G. Patterson Keahy (individual?)							7.13	
Dr. Richard Lemen								8.8
Jerry Kristal, Esq	1.2, 1.3							
Dr. Dana Loomis			3.7.b				7.5, 7.6	
Steven Markowitz,PhD	1.2, 1.3	2.4, 2.5, 2.6			5.7, 5.8			8.8
David Michaels							7.9, 7.10	
Jacqueline Moline, MD	1.2, 1.3							8.8
Linda Reinstein	1.2, 1.3							
John Ruckdeschel, Esq	1.2, 1.3		3.7.g		5.5, 5.6			
Joseph Satterley, Esq								
Michael Silverstein							7.11, 7.12	
Dr. Leslie Stayner			3.7.a				7.7, 7.8	
Laura Welch, MD	1.2, 1.3							
Roger Worthington (individual?)							7.13	
Law Firms								
Maune Raichle Hartley French & Mudd, LLC			3.7.f					
Ruckdeschel Law Firm			3.7.g				7.13	
Kazan, McClain, Satterley, & Greenwood			3.7.h					
Dean Omar Branham, Simon Greenstone Panatier, Belluck & Fox							7.13	
Weitz & Luxenberg							7.13	

Name	FOIA #							
	1 (EPA-2020-004334)	2 (EPA-2020-004486)	3 (EPA-2020-004487)	4 (EPA-2020-004563)	5 (EPA-2020-004564)	6 (EPA-2020-004608)	7 (EPA-2020-004621)	8 (EPA-2020-004674)
Simmons Hanly, Gori, Kazan McLain Satterly & Greenwood							7.13	
Belluck & Fox							7.13	
Nemeroff, Maune Raichle, Ferraro, SWMW, Levy Konigsberg, Early Lucarelli Sweeney & Meisenkothen							7.13	
The Williams Firm							7.13	
Motley Rice, Cooney & Conway							7.13	
Baron & Budd							7.13	
Karst & Von Oiste							7.13	
Waters & Kraus							7.13	
Lanier Law Firm							7.13	
Heard Robbins							7.13	
Meirowitz & Wasserberg							7.13	
Knopt Law Firm							7.13	
Hoffman Firm							7.13	
Nemeroff Firm							7.13	

I've tagged the ones that I'm not sure of in gray. Mostly, in FOIA request 7.13 there is a list of law firms, and sometimes I wasn't sure where the name of one firm "ended" and another "began." Also, a couple of times I couldn't figure out if it was an individual vs. a firm. Help me vet this.

Also, if an attorney is listed as an individual and is part of a law firm, wouldn't that be a partial duplication?

I've also updated the tracking chart:

May 2020 Asbestos TSCA SACC FOIAs
(v20200519)

Overall Asbestos FOIA #	Tracking #	Requester	Submitted	Due Date	Description	Itemized Task List	Date Scope	OSCP Lead	OPPT Lead	Search Issues
1	EPA-2020-004334	Nicole D. Policarpo	04/24/2020	05/26/2020	Please see the attached letter request from Sharon L. Caffrey, Esquire.	1. All comments and discussion hearing transcripts preceding the EPA's Draft Risk Evaluation for Asbestos, EPA-740-R1-8012 (March 2020)	?		✓	
						2. All correspondence and communications between EPA and any of the following individuals regarding the Draft Risk Evaluation for Asbestos: David Egilman, MD, Arthur Frank, MD, Henry Anderson, MD, Jacqueline Moline, MD, Laura Welch, MD, Steven Markowitz,PhD, Linda Reinstein, Barry Castleman, PhD, John Ruckdeschel, Esq, Christian Hartley, Esquire, David Jagolinzer,	?	✓	Unclear	

Overall Asbestos FOIA #	Tracking #	Requester	Submitted	Due Date	Description	Itemized Task List	Date Scope	OSCP Lead	OPPT Lead	Search Issues
						Esq., Jerry Kristal, Esq., and John Dement, PhD				
						2. All correspondence and communications between EPA and any of the following individuals regarding the Draft Risk Evaluation for Asbestos: David Egilman, MD, Arthur Frank, MD, Henry Anderson, MD, Jacqueline Moline, MD, Laura Welch, MD, Steven Markowitz,PhD, Linda Reinstein, Barry Castleman, PhD, John Ruckdeschel, Esq, Christian Hartley, Esquire, David Jagolinzer, Esq., Jerry Kristal, Esq., and John Dement, PhD; 3. Transcripts of all meetings and telephonic or web-based conferences regarding the Draft Risk Evaluation for Asbestos, including a telephonic conference held on April 7, 2020. If you have any questions, please contact me at (215) 979-1180.	?	✓ Public FACA Record – Audio Recording	Unclear	
2	EPA-2020-004486	Alex Spisak	05/04/2020	06/08/2020	On March of 2020, EPA published the Draft Risk Evaluation for Asbestos ("Asbestos Risk Evaluation") as required by the Toxic Substance Control Act ("TSCA"). As part of the TSCA Risk Evaluation Process, the Asbestos Risk Evaluation is subject to Peer Review by EPA's Science Advisory Committee on Chemicals ("SACC") and a group of additional Ad Hoc committee members.	1. Please provide all documents concerning or in any way describing how EPA selected the members of the Ad Hoc committee who will be participating in the Peer Review of EPA's Asbestos Risk Evaluation	?	✓		
						2. Please provide any and all documents and records in EPA's possession relating to Dr. Marty Kanarek, including, but not limited to, reports, memoranda, correspondence, and all communications to, with or about, Dr. Marty Kanarek since 2017	Since 2017	✓	Unclear given time frame.	
						3. Please provide all communications between EPA, including any member of the EPA's SACC, and Dr. Marty Kanarek regarding his participation on the Ad Hoc committee	?	✓		
						4. Please provide any and all documents and records in EPA's possession relating to Dr. Steven Markowitz, including, but not limited to, reports, memoranda, correspondence, and all communications to, with or about, Dr. Steven Markowitz since 2017	Since 2017	✓	Unclear given time frame.	
						5. Please provide all communications between EPA, including any member of EPA's SACC, and Dr. Steven Markowitz regarding his participation on the Ad Hoc committee	?	✓		
						6. Please provide all documents, including conflict of interest disclosures and	?	✓		

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						public statements, submitted by Drs. Marty Kanarek and Steven Markowitz in relation to their participation on the Ad Hoc committee.				
3	EPA-2020-004487	Alex Spisak	05/04/2020	06/08/2020	See EPA-2020-004486	7. Please provide all documents, including, but not limited to, correspondence, memoranda, records and any communications between EPA, including any member of EPA's SACC, and the following persons regarding TSCA and/or EPA's Asbestos Risk Evaluation, as well as any such document regarding asbestos since 2016: a. Dr. Leslie Stayner; b. Dr. Dana Loomis; c. Dr. Arthur Frank; d. Dr. David Egilman; e. Dr. Murray Finkelstein; f. Mr. Christian Hartley, Esq., or any person employed by the law firm, Maune Raichle Hartley French & Mudd, LLC.; g. Mr. Jonathan Ruckdeschel, Esq., or any person employed by the law firm, Ruckdeschel Law Firm; and, h. Mr. Steve Kazan, Esq., Mr. Joseph Satterley, Esq. or any person employed by the law firm Kazan, McClain, Satterley, & Greenwood	Since 2016	✓	✓	
						8. Please provide all submissions and comments submitted to EPA on regulations.gov dockets EPA-HQ-OPPT-2019-0501 and EPA-HQ-OPPT-2016-0736 that were not made publicly available on the regulations.gov website	?	✓ Public FACA and OPPT Records and Docket should Handle	✓	
						9. Please provide all documents and communication exchanged between EPA and any person not employed by EPA or any person not employed on a full-time basis by the United States government in connection with EPA's Asbestos Risk Evaluation, together with all documents and communications exchanged within EPA concerning such communications with persons not employed by EPA on that topic. This request specifically includes, but is not limited to, any documents, drafts, publications, correspondence, and record of communications of any kind concerning the formation/recruitment of the	?	✓	✓ Last Part	

Overall Asbestos FOIA #	Tracking #	Requester	Submitted	Due Date	Description	Itemized Task List	Date Scope	OSCP Lead	OPPT Lead	Search Issues
						SACC, the formation/recruitment of ad hoc members of the SACC, and the drafting and publication of the EPA Asbestos Risk Evaluation.				
4	EPA-2020-004563	Eric Hawkins	05/06/2020	06/05/2020	Pursuant to the Freedom of Information Act, 5 U.S.C. §552 et seq., we request copies of any documents related to the EPA Draft Risk Evaluation for Asbestos (EPA-740-R1-8012, March 2020) on the following topics for the years 2015 through May 6, 2020	1. Comments submitted in response to the Federal Register posting of nominations and request for comments for the Ad Hoc committee (83 FR 46487; EPA-HQ-OPPT-2018-0605; FRL-9983-09; Document Number 2018-19952)	2015 through May 6, 2020	✓ Public FACA Records and Docket should Handle		
						2. Selection of membership for the peer review meeting of EPA's Science Advisory Committee on Chemicals (SACC) on draft risk evaluation	2015 through May 6, 2020	✓		
						3. Ad Hoc peer reviewer (Docket Number EPA-HA-OPPT-2019-0501) selection process	2015 through May 6, 2020	✓		
						4. Ad Hoc peer reviewer (Docket Number EPA-HA-OPPT-2019-0501) nominations	2015 through May 6, 2020	✓		
						5. Ad Hoc peer reviewer (Docket Number EPA-HA-OPPT-2019-0501) ethics investigations	2015 through May 6, 2020	✓		
						6. Ad Hoc peer reviewer (Docket Number EPA-HA-OPPT-2019-0501) conflict of interest submissions	2015 through May 6, 2020	✓		
						7. Documents related to Office of Budget Management approval for the EPA Draft Risk Evaluation for Asbestos.	2015 through May 6, 2020		✓	
5	EPA-2020-004564	Eric Hawkins	05/06/2020	06/05/2020	Pursuant to the Freedom of Information Act, 5 U.S.C. §552 et seq., we request copies of any documents related to the EPA Draft Risk Evaluation for Asbestos (EPA-740-R1-8012, March 2020) on the following topics for the years 2015 through May 6, 2020	1. Communications from Arthur Frank to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	Unclear	✓	
						2. Communications from the EPA to Christian Hartley	2015 through May 6, 2020	Unclear	Unclear	
						3. Communications from Christian Hartley to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	Unclear	✓	
						4. Communications from the EPA to Christian Hartley	2015 through May 6, 2020	Unclear	Unclear	
						5. Communications from Jonathan Ruckdeschel to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	Unclear	✓	
						6. Communications from the EPA to Jonathan Ruckdeschel	2015 through May 6, 2020	Unclear	Unclear	
						7. Communications from Steven Markowitz to the EPA and/or related to the	2015 through May 6, 2020	✓	Unclear	

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						EPA Draft Risk Evaluation for Asbestos				
						8. Communications from the EPA to Steven Markowitz	2015 through May 6, 2020	✓	Unclear	
6	EPA-2020-004608	Eric Hawkins	05/07/2020	06/08/2020	Pursuant to the Freedom of Information Act, 5 U.S.C. §552 et seq., we request copies of any documents related to the EPA Draft Risk Evaluation for Asbestos (EPA-740-R1-8012, March 2020) on the following topics for the years 2015 through May 6, 2020	1. Documents related to the UTV company identified in the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020		✓	
						2. Documents related to the oil-field brakes identified in the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020		✓	
						3. Documents related to the aftermarket brakes identified in the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020		✓	
						4. Documents related to the sheet gasket stamping identified in the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020		✓	
						5. Documents related to the sheet gasket in the chemical industry identified in the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020		✓	
7	EPA-2020-004621	Eric Hawkins	05/08/2020	06/09/2020	Pursuant to the Freedom of Information Act, 5 U.S.C. §552et seq., we request copies of any documents related to the EPA Draft Risk Evaluation for Asbestos (EPA-740-R1-8012, March 2020) on the following topics for the years 2015 through May 6, 2020	1. Documents/Communications from Shep Hoffman to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	?	✓	
						2. Documents/Communications from the EPA to Shep Hoffman	2015 through May 6, 2020	?	✓	
						3. Documents/Communications from David Egilman to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	?	✓	
						4. Documents/Communications from the EPA to David Egilman	2015 through May 6, 2020	?	✓	
						5. Documents/Communications from Dana Loomis to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	?	✓	
						6. Documents/Communications from the EPA to Dana Loomis	2015 through May 6, 2020	?	✓	
						7. Documents/Communications from Leslie Stayner to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	✓	✓	
						8. Documents/Communications	2015 through	✓	✓	

Overall Asbestos FOIA #	Tracking #	Requester	Submitted	Due Date	Description	Itemized Task List	Date Scope	OSCP Lead	OPPT Lead	Search Issues
						from the EPA to Leslie Stayner	May 6, 2020			
						9. Documents/Communications from David Michaels to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	?	✓	
						10. Documents/Communications from the EPA to David Michaels	2015 through May 6, 2020	?	✓	
						11. Documents/Communications from Michael Silverstein to the EPA and/or related to the EPA Draft Risk Evaluation for Asbestos	2015 through May 6, 2020	?	✓	
						12. Documents/Communications from the EPA to Michael Silverstein	2015 through May 6, 2020	?	✓	
						13. Documents/Communications to or from the following law firms: Dean Omar Branham, Simon Greenstone Panatier, Belluck & Fox, Weitz & Luxenberg, Simmons Hanly, Gori, Kazan McLain Satterly & Greenwood, Belluck & Fox, Nemeroff, Maune Raichle, Ferraro, SWMW, Levy Konigsberg, Early Lucarelli Sweeney & Meisenkothen, the Williams Firm, Motley Rice, Cooney & Conway, Baron & Budd, Karst & Von Oiste, Waters & Kraus, Lanier Law Firm, Heard Robbins, Meirowitz & Wasserberg, Brent Coon, G. Patterson Keahy, Roger Worthington, Knopt Law Firm, Ruckdeschel Firm, Hoffman Firm, and Nemeroff Firm; and to the extent otherwise not covered, documents related to Plaintiff's asbestos lawyers involved	2015 through May 6, 2020		✓	
8	EPA-2020-004674	Thomas G Ross	05/12/2020	06/10/2020	Pursuant to the Freedom of Information Act ("FOIA"), I hereby request copies of the following documents	1. All communications, including electronic communications, between EPA and any person or entity that relate in any way to the EPA's decision to conduct a risk evaluation for asbestos, which has culminated in the publication of the EPA Draft Risk Evaluation for Asbestos EPA Document # EPA-740-R1-8012 dated March 2020	?		✓	
						2. All other documents in possession of EPA that relate to the decision to conduct the EPA Draft Risk	?		✓	

Overall Asbestos FOIA #	Tracking #	Requester	Submitted	Due Date	Description	Itemized Task List	Date Scope	OSCP Lead	OPPT Lead	Search Issues
						Evaluation for Asbestos EPA Document # EPA-740-R1-8012 dated March 2020				
						3. All documents submitted by any person or entity to the EPA that relate in any way to the preparation of the EPA Draft Risk Evaluation for Asbestos EPA Document # EPA-740-R1-8012 dated March 2020	?	Unclear	✓	
						4. All documents prepared by the EPA or any employee of the EPA that relate in any way to the preparation of the EPA Draft Risk Evaluation for Asbestos EPA Document # EPA-740-R1-8012 dated March 2020	?	Unclear	✓	
						5. All documents prepared by any person, contractor, or other entity and provided to EPA in connection with or that relate to the preparation of the EPA Draft Risk Evaluation for Asbestos EPA Document # EPA-740-R1-8012 dated March 2020	?	Unclear	✓	
						6. All documents that relate in any way to the preparation of the EPA Draft Risk Evaluation for Asbestos EPA Document # EPA-740-R1-8012 dated March 2020	?	Unclear	✓	
						7. All communication, including electronic communication, and attachments to that communication, which relate in any way to the preparation of the EPA Draft Risk Evaluation for Asbestos EPA Document # EPA-740-R1-8012 dated March 2020	?	Unclear	✓	
						8. To the extent not included in prior responses, all communication, including electronic communication, and attachments to that communication from or to any of the following: Dr. Arthur Frank, Dr. Steven Markowitz, Dr. Marty Kanarek, Dr. Jaqueline Moline, Dr. Brad Black, Dr. Richard Lemen, Dr. Barry Castleman, Dr. L. Christi	?	✓	✓	

SharePoint is balking at loading these files:

<< File: May2020_FOIA_OSCP_20200519_v1.docx >> << File: May2020_FOIA_OSCP_overlap_20200519.docx >>

at the moment but as soon as it allows me to, I'll upload and send the link so we will have version control and allow everyone to update.

Let me know what you think.

Thanks!

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Bill Wooge
Office of Science Coordination & Policy (OSCP)
Office of Chemical Safety & Pollution Prevention (OCSPP)
U.S. Environmental Protection Agency
(202) 564-8476