Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 4/26/2018 3:06:16 PM
To: Hengst, Benjamin [Hengst.Benjamin@epa.gov]
Subject: FW: FOIA Document Review
Attachments: Index of Proposed Production OTAQ Docs.xlsx

Importance: High

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Byron Bunker
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Environmental Protection Agency
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From: Zaremski, Sara
Sent: Tuesday, April 24, 2018 8:23 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: FOIA Document Review
Importance: High

Byron/Erin/Julia,

Below is a description of the FOIA request as well as the approach taken. I have reviewed the documents in the sharepoint site and one minor concern (in red below). This batch contains mostly information not previously release. The contents are generally as follows:

- Lots of communication from ICCT to EPA (John German to Chris Grundler, Drew Kodjak to Chris Grundler and Jim Blubaugh, press coordination with ICCT and EPA, etc.) – and I mean LOTS. Please see a screen shot below of one that is FYI and an example of our close working relationship with ICCT. Because this is communication outside the agency, I do not see any valid reason for withholding.
- One email is referencing a ICCT FOIA request which is already available on FOIA online and a subsequent report based on that data
- The actual data included in the FOIA request referenced above.
- Multiple "Car Lines" reports
- International Summit Logistics emails
- A survey and background materials ICCT requested EPA to participate in.
- John German's FOIA request on in-use vehicles and the resulting information produced. There was also some internal back and forth on this about getting him some additional data from the lab which was eventually produced. And the blog post written from it.
- Emails from private citizens about their issues with VWs to both EPA and DOJ. These seem mostly to be active military.

- Email regarding narrowing the scope of another FOIA regarding Daimler/Mercedes and multiple follow-ups on the status
- Compliance summit slides from Byron regarding FCA enforcement case from May 2017 and April 2016. Also slides from April 2016 from Linc
- Notes from G20 TTG conference call from Drew Kodjak
- This round included emails from myself, Janet Cohen, and Jim Blubaugh to ICCT
- Emails from Byron to ICCT and WVU with a heads up about the announcement in September, 2015 and the settlement in June, 2016
- Presentation from May, 2015 from Justin – it has "Privileged and Confidential" in the footer, so I will point that out to Peter as a potential issue. (page 4530)
- Emails from ICCT with Margo Oge as a recipient mostly related to information on pending rulemakings for HDV

To: Drew Kodjak[Drew@theicct.org]
From: Grundler, Christopher
Sent: Sat 9/19/2015 12:25:37 PM
Subject: Media referrals

Yesterday in interviews I refused to speculate on what possibly could have motivated VW but am referring reporters to you in case you might be willing. Should have alerted you sooner and forgot. Sorry

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. EPA
202-564-1682 (DC)
734-214-4207 (Ann Arbor)

If you would like to review anything specific, please let me know. If I do not hear from anyone by noon Thursday (April 26), I will tell Peter that OTAQ is ok with these documents. I will reach out to him right away on the one I have highlighted as concerning.

Please let me know if you have any questions.
sara

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From: Bermes, Peter
Sent: Friday, April 20, 2018 5:08 PM
To: Kaul, Meetu <Kaul.Meetu@epa.gov>; Zaremski, Sara <zaremski.sara@epa.gov>
Cc: Meekins, Tanya <Meekins.Tanya@epa.gov>
Subject: EPA-HQ-2018-000615, Proposed Production of 377 Docs, Response Requested by April 26

Hello all,

I have a production of records ready for release in response to FOIA EPA-HQ-2018-000615. This request was submitted by Melanie Sloan of Summer Strategies, a Public Affairs organization. She is seeking communications discussing diesel automobiles manufactured by Volkswagen, Audi, BMW, Daimler, or FCA exchanged between EPA and a long list of law firms and environmental groups. The list of external parties is at the end of this email.

Meetu and I discussed what might be subject to gag orders amongst this collection, and I planned to take the first cut at reviewing the somewhat small collection of records. I'm still working with the records collected from OECA custodians, but I've managed to work through the records collected from OTAQ custodians. The link below will take you to the records that are responsive and releasable.

https://usepa-my.sharepoint.com/:f:/r/personal/bermes_peter_epa_gov1/Documents/EPA-HQ-2018-000615%20(Sloan)/April%20Production?csf=1&e=y9ON5Y

Attached is an index of the records. There are 377 records. While there are over 6,000 pages, many of the pages are parts of spreadsheets or publicly available long publications, so it shouldn't require quite as much time to review as you might think. Most of the production is communications with the ICCT, and most discuss VW. It may be most useful to just review the index and follow up on documents of interest.

I think it is most important for OTAQ to review this set, though Meetu/Brianna, you should review if interested. If you'd like to look at the records in Relativity, I can get you access.

I'd like to get this out as soon as we're able, the deadline is the end of the month, though it can be extended. **Would you be able to get me any comments or concerns with the proposed production by Thursday the 26th?** If you'll need more time, just let me know. These are all external records with no enforcement concerns that I could see.

Happy to discuss. Thank you,

Peter

List of third parties covered by request:

Law Firms
Bailey and Glasser:@baileyglasser.com
Baron Budd: @baronandbudd.com
Beasley Allen Crow Methvin Portis & Miles @beasleyallen.com
Bleichmar @bfalaw.com
Block @blockesq.com
Boies @bsfllp.com
Branstetter @bsjfirm.com
Carella @carellabyrne.com
Casey @caseygerry.com
Cotchett @cpmlegal.com
Eggnatz @elplawyers.com
Finkelstein @finkelsteinthompson.com
Girardi @girardikeese.com
Glancy @glancylaw.com
Graham Grant @gelaw.com
Gross @grosskleinlaw.com
Hagens @hbsslaw.com
Hart @hmelegal.com
Hausfeld @hausfeld.com

Hellmuth @hjlawfirm.com
Heygood @hop-law.com
Keller @kellerrohrback.com
Labaton @labaton.com
Levi @zlk.com
Lieff @lieffcabraser.com
Lockridge @locklaw.com
Malkinson @mhtriallaw.com
Motley @motleyrice.com
Pearson @pswlaw.com
Pomerantz @pomerantzlawfirm
Pritzker @pritzkerlevine.com
Quinn @quinnemanuel.com
Robbins Arroyo @robbinsarroyo.com
Robbins Geller @rgrdlaw.com
Robins @robinskaplan.com
Roxanne @roxanneconlinlaw.com
Schneider @schneiderwallace.com
Seeger @seegerweiss.com
Simmons @simmonsfirm.com
Sommers @sommerspc.com
Steyer @steyerlaw.com
Stull @ssbny.com
The Rosen @rosenlegal.com
Weitz @weitzlux.com
Wolf Haldenstein @whafh.com

Environmental Non- Profits
1% for the planet @onepercentfortheplanet.org
American Bird Conservancy @abcbirds.org
American Rivers @americanrivers.org
Association of Environmental Professionals @califaep.org
Conservation of International Foundation @conservation.org
Co-op America @greenamerica.org
Defenders of Wildlife @defenders.org
Earth First! @earthfirstjournal.org
Earth Justice @earthjustice.org
Earth Liberation Front @earth-liberation-front.com
Earth Policy Institute @earth-policy.org
Environmental Defense Fund @edf.org
Forest Stewardship Council @us.fsc.org
Friends of the Earth @foe.org
Green America @greenamerica.org
Greenpeace @greenpeaceusa.org
Heal the Bay @healthebay.org/
Intergovernmental Panel on Climate Change @ipcc.ch
National Audubon Society @audubon.org
National Geographic @nationalgeographic.com
National Resources Defense council @nrdc.org
National Wildlife Federation @nwf.org
Rainforest Action Network @ran.org
Sierra Club @sierraclub.org
Smithsonian @si.edu

Surfrider Foundation @surfrider.org
The Conservation Fund @conservationfund.org
The International Council on Clean Transportation @theicct.org
The Nature Conservancy @nature.org
The Wilderness Society @wilderness.org
Trust for Public Land @tpl.org
UNion of Concerned Scientists @ucsusa.org
West Virginia University @wvu.edu
Wildlife Conservation Society @wcs.org
World Business Council for Sustainable Development @wbcsd.org
World Wildlife Fund @worldwildlife.org
Worldwatch Institute @worldwatch.org

Peter Bermes
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