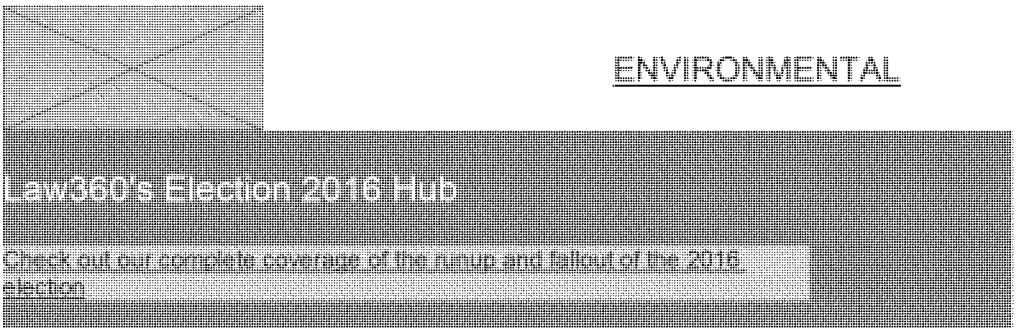
FOIA Number: EPA-HQ-2017-008310

Response to Request #2

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Tue 11/8/2016 8:38:13 AM
Subject: Exxon Investors Pile On With Climate Change Class Claims



Tuesday, November 8, 2016

TOP NEWS

Exxon Investors Pile On With Climate Change Class Claims

A proposed class of investors added its woes to an increasing pile of claims against ExxonMobil over whether the company concealed its knowledge about climate change, accusing the energy giant Monday of lying about its fuel reserves in part to score a $12 billion debt offering.

NJ Agency To Review Gas Pipeline After Improper Approval

A New Jersey state appeals court on Monday ruled that the executive director of the New Jersey Pinelands Commission overstepped her authority last year in approving a proposed 21.6-mile natural gas pipeline across a swath of the environmentally sensitive Pinelands region, saying that power lies with the commission itself.

5th Circ. Allows $500M Austin Highway Projects To Continue

The Fifth Circuit on Friday declined to halt right-of-way clearing, scheduled to start Tuesday, for a highway expansion project in Austin, Texas, ruling that the environmental and local advocacy groups challenging the project haven't shown they are likely to succeed in their appeal.

Mass. AG Says Exxon Can't Add NY To Climate Suit

Massachusetts Attorney General Maura Healey urged a Texas federal court on Monday not to let Exxon Mobil Corp. amend its lawsuit over her climate change probe to add New York's attorney general as a defendant, saying the company's request is a bad-faith attempt to play New York and Texas courts against one another.

Norwegian Bank May Weigh Pullout From Dakota Pipeline

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Norway's DNB Bank ASA may reconsider its financial backing for Energy Transfer Partners' $3.8 billion Dakota Access pipeline in response to Native Americans' concerns about the project's impact in North Dakota, the bank said Sunday.

$175M BP Deal Gets Judge's OK With Opt-Out Method Intact

A Texas federal judge preliminarily approved a $175 million settlement between BP PLC and a class of investors alleging the company downplayed the magnitude of the Deepwater Horizon oil spill in the weeks following the blowout, rejecting a bid by 135 institutional investors to modify the settlement opt-out procedures.

ENFORCEMENT

Illinois AG Hits VW With Environmental Suit Over Emissions

Illinois Attorney General Lisa Madigan lodged a new lawsuit against Volkswagen AG on Monday, accusing the company in state court of violating Illinois environmental laws when it tampered with emissions controls in its VW and Audi cars sold nationwide.

Justices Won't Review NJ Superfund Contractor's Conviction

The U.S. Supreme Court refused Monday to review a Third Circuit decision that shot down the appeal of a former project manager challenging his conviction for taking $1.5 million in kickbacks for bid-rigging and other subcontracting abuses at two New Jersey Superfund sites, leaving intact a 14-year prison sentence.

New VW Exec Added To German Market Manipulation Probe

German prosecutors expanded a probe into alleged market manipulation by Volkswagen AG stemming from the automaker's diesel emissions scandal to include the company's current supervisory board chairman, the automaker announced Sunday.

LITIGATION

Feds Dodge Forest Fire Negligence Claims At 10th Circ.

The federal government escaped a suit alleging the U.S. Forest Service failed to follow firefighting procedures when a Tenth Circuit panel on Monday affirmed the dismissal of a suit brought by a ranch that lost 154 acres in a 2011 Colorado wildfire.

$1M Deepwater Claim Clawback Was Sound, 5th Circ. Told

Deepwater Horizon oil spill claims administrator Patrick Juneau and court-appointed special master Louis Freeh on Friday urged the Fifth Circuit to uphold a judgment ordering a seafood company and its owners to pay back $1 million they received from the claims program, saying there's clear evidence they fraudulently claimed the cash.

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Halt Of $3.5B Pipeline Work Unwarranted, DC Circ. Told.

Developers of the $3.5 billion Southeast Market pipeline project told the D.C. Circuit on Thursday that environmentalists challenging the Federal Energy Regulatory Commission's approval of the project haven't shown that blocking construction is necessary and that a delay would harm electricity customers in Florida and the southeast U.S.

Disease Fear Claim Cut From DuPont Cancer Trial

The first nonbellwether plaintiff in multidistrict litigation alleging DuPont contaminated drinking water saw his claim for mental anxiety damages nixed Monday, with a judge saying the testicular cancer patient cannot bring claims he suffered from anxiety of developing possibly linked diseases.

EPA Denies Clean Power Plan Downplays Effects On Coal

The U.S. Environmental Protection Agency fought back Monday against the National Mining Association's allegation that the agency understated the Clean Power Plan's effects by exaggerating how much coal generation will decline despite the plan, saying the miners presented no new meaningful information.

Neighbors Trash Insurer's Bid To Escape $50M Pollution Row

A class of neighbors in Elkhart, Indiana, shot back in federal court Monday at Westfield Insurance Co.'s bid to escape covering a multimillion-dollar award owed by a waste disposal facility to the residents for pollution from the facility, saying a past declaratory judgment doesn't get the insurer off the hook for the bill.

BLM, Southern Ute Reach Settlement In Fracking Rule Suit

The U.S. Bureau of Land Management, the U.S. Department of Justice and the Southern Ute Indian tribe have reached an agreement meant to resolve the tribe's Colorado federal court suit over the BLM's controversial fracking rule, according to a joint statement issued on Friday.

Montana Enviros Move To Block Coal Mine Expansion

A set of Montana environmental advocacy groups on Friday asked a federal judge to vacate federal approval of Signal Peak Energy's coal mine expansion plan, saying that the environmental assessment of the project was arbitrary.

Investors Didn't Understand Enviro Laws, Costa Rica Says

The government of Costa Rica has asked an international tribunal to throw out a case brought by foreign real estate developers who say they were punished for not paying a bribe, retorting that the case is rooted in an "uninformed and unfounded" understanding of environmental law.

EXPERT ANALYSIS

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Capital Efficiency Driving Oil And Gas Industry Changes

Historically low prices are forcing oil and gas companies to tighten their belts on capital expenditures. Vendors are finding they must renegotiate drilling contracts, firms are less willing to explore in undeveloped or unproven fields, joint ventures are being formed to spread risk, and technological advances that increase returns are prioritized, says Bernard Given of Loeb & Loeb LLP.

7 Steps For Managing An Associate Who May Be Impaired

According to a recent study on the prevalence of attorney addiction and mental health concerns, more than one-third of practicing attorneys in the U.S. qualify as problem drinkers and 28 percent struggle with depression. While change in large law firms can be slow, there is a lot firms can do to navigate situations where an associate's performance may be impaired, says Stacey Saada Schwartz, a former litigator and Los Angeles-based executive coach and facilitator.

LEGAL INDUSTRY

News Analysis

Clinton Trounces Trump In Donations From Biggest Of BigLaw

Donald Trump has attracted just a fraction of the donations Hillary Clinton received from employees at the country's 10 largest law firms, federal records show.

Citizens United Architect Predicts Future Finance Battles

A longtime soldier for conservative and Republican causes, attorney James Bopp Jr. was an architect of the landmark Citizens United case that unleashed unlimited corporate and union spending on campaign advertising. Now challenging restrictions on soft money in state and local elections, Bopp spoke with Law360 about super PACs, Hillary Clinton, and why he thinks Donald Trump's claims of a "rigged" election aren't so far-fetched.

How To Compete With The Big 4 For Clients

The Big Four accounting firms' march into the legal services arena has picked up speed in recent years as the global giants grab not only tax work but a vast array of legal work from law firms around the world. Here, experts offer their take on how law firms can combat the threat posed by the Big Four.

Justices Won't Hear Calif., Out-Of-State Bar Rules Fight

The U.S. Supreme Court on Monday said it will not consider a challenge to policies in Maryland and California regarding restrictions placed on out-of-state attorneys to practice in-state without passing that state's bar exam, as well as their refusal to allow reciprocity agreements with other states.

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Janet Reno Remembered As 'Lawyer For The People"

Former U.S. Attorney General Janet Reno, a Washington outsider who became the first woman to lead the Justice Department and weathered some of the biggest controversies of the Clinton administration, died on Monday at age 78.

Kirkland Aids Clemency Release For Ohio Man Serving Life

A protracted pro bono push by a Kirkland & Ellis LLP team to secure a place in society for an Illinois man who had expected to spend the rest of his life behind bars culminated last week in a tearful phone call to an Ohio prison.

Rainmaker Q&A: Akerman's Scott Marrs

In this "connected" (or some might say "disconnected") world, it is still all about relationships. Like any relationship, it takes work. Time. Effort. Thought. That extra step. Being genuine. But it is rewarding, personally and professionally. Start now, get going, keep it up, never give up. Everyone needs a family, a clan, a tribe, a network, says Scott Marrs, regional managing partner at Akerman LLP.

Rainmaker Q&A: Wilson Cribbs' Reid Wilson

Develop a strong elevator speech about your law practice, and give it some zing. Don't just be a lawyer. In my case, I became a "land use lawyer, protecting owner property rights." Create an image that is memorable, says Reid Wilson, chairman of Wilson Cribbs & Goren PC.

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Kirby McInern

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Locke Lord

Loeb & Loeb

Maynes Bradford

McGuire

McKool Smith

Moore & Van Allen

Morgan Lewis

Morrison & Foerster

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O'Melve & Myers

Paul
Weiss

Pepper
Hamilto

Pomera
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Proskau
Rose

Reed
Smith

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Rodrigu

Robbins
Geller

Ropes
& Gray

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Reiff

Schonel
Evans

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Douglas

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Californi Environ Protecti Agency

Federal Bureau of Investig

Federal Election Commis

Federal

Energy Regulat Commis

New Jersey Attorney General Office

Small Busines Adminis

Souther Ute Indian Tribe

Texas Departm of Transpo

U.S. Air Force

U.S. Army

U.S. Attorney Office

U.S. Departm of Justice

U.S. Departm of the Interior

U.S. Environ Protecti Agency

U.S. Forest Service

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Baker Hughes Inc.

DNB ASA

Deloitte Touche

Duke Energy Corporation

E. I. du Pont de Nemours and Company (DuPont)

Energy Transfer Partners, L.P.

Ernst & Young

Florida Power & Light Co.

Halliburton Company

International Association of Defense Counsel

International Centre for Dispute Resolution

International Institute for Conflict Prevention & Resolution

Intersections, Inc.

KPMG International

Kirkland's, Inc.

LawVision Group LLC

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NextEra Energy Inc.

Porsche

Schlumberger Limited

Sevenson Environmental Services Inc.

Southwest Airlines Co.

Spectra Energy

Turner Broadcasting System Inc.

Urban Land Institute

Westfield Insurance Co.

GOVERNMENT AGENCIES
U.S. Department of Justice

U.S. Environmental Protection Agency

U.S. Supreme Court

California Environmental Protection Agency

Federal Election Commission

Army Corps of Engineers

Bureau of Land Management

Federal Bureau of Investigation

Federal Energy Regulatory Commission

New Jersey Attorney General's Office

Small Business Administration

Southern Ute Indian Tribe

Texas Department of Transportation

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Tue 11/8/2016 12:15:31 PM
Subject: The Morning Headlines from InsideEPA.com -- November 8, 2016

November 8, 2016

Latest News

Mining Firm Says Superfund Listing Bars CERCLA Suits Over Gold King Spill

A mining company is claiming EPA's decision to add the region including the former Gold King Mine to the National Priorities List (NPL) of Superfund sites means state and tribal governments can no longer invoke the waste law to sue over an EPA cleanup team's accidental spill of 3 million gallons of contaminated wastewater at Gold King.

Environmentalists' Suit Seeks EPA Response To Ammonia NAAQS Petition

Environmentalists have filed suit in federal district court trying to force an EPA response to their years-old petition asking the agency to issue a first-time national ambient air quality standard (NAAQS) for ammonia emissions from animal feeding operations (AFOs), the latest step in a long-running legal bid to target the air pollution.

EPA Seeks To Prohibit Vessels From Discharging Sewage In Puget Sound

EPA is proposing barring ships and boats from discharging sewage in the Puget Sound -- a move that Washington state officials and environmental advocates in EPA Region 10 have long advocated, with advocates noting such discharge prohibitions are already in place in other parts of the country.

Environmentalists Say Trump EPA Would Prolong CWA Jurisdiction Fight

Environmentalists say that if Republican presidential candidate Donald Trump wins the Nov. 8 election it

Would Guarantee a prolonged fight over the already contentious issue of Clean Water Act (CWA) jurisdiction, setting up a Trump EPA would likely scrap the Obama EPA's CWA rule and restart the process of defining the law's reach.

Justices Appear Split On Case Testing Eligibility Of EPA Acting Officials

Supreme Court justices appear split on whether to uphold a ruling that would bar several acting officials at EPA and other agencies from continuing to serve after being nominated to fill their positions permanently, which could lead to a 4-4 decision that would sustain the lower court's decision while offering no new guidance on how to resolve the issue.

Overcoming Initial Hesitation, EPA Floats Final ESPS Model Trading Rules

EPA has sent the draft final version of the model trading rules for its power plant greenhouse gas rule to the White House for interagency review, signaling the agency hopes to issue the rules before the end of the administration and is confident such an action is consistent with a high court stay on the underlying rule.

About This Message

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D.C. Circuit Sets Date For Argument In Case Challenging EPA's Ozone Rule

The U.S. Court of Appeals for the District of Columbia Circuit has scheduled oral argument for Feb. 16 in consolidated litigation challenging EPA's decision in October 2015 to tighten its ozone national ambient air quality standard (NAAQS) down to 70 parts per billion (ppb) from the prior limit of 75 ppb set in 2008.

House, Senate Lawmakers Fault EPA's Atrazine Review

House and Senate lawmakers are faulting EPA's draft ecological risk assessment of atrazine, the country's second-most commonly used herbicide, backing state and pesticide industry arguments that the agency's review relies on flawed science and would lead to severe use restrictions that would essentially ban a safe and valuable herbicide.

Clock Starts For Suits Over EPA Air Permit Rescission Rule

EPA published in the Nov. 7 *Federal Register* its final rule granting air regulators authority to rescind air permits issued under the prevention of significant deterioration (PSD) and related new source review (NSR) programs, starting a 60-day clock for potential legal challenges under the Clean Air Act.

EPA Sends Final Revised Regional Haze Rule For OMB Review

EPA has sent for White House Office of Management and Budget (OMB) review its final rule to revise the regional haze program that would streamline compliance with the program but also increase federal officials' involvement in haze planning, which could put EPA on track to issue the rule before President Obama leaves office.

EPA Defends Inaction On California Water Standards

EPA is maintaining that it was not required by the Clean Water Act to review "temporary revisions" California officials made to water quality standards in response to the state's drought conditions, but a federal district court judge Nov. 3 denied the agency's motion to dismiss the case filed by environmentalists challenging EPA's inaction.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Hitchens, Lynnann
Sent: Tue 11/8/2016 12:49:49 PM
Subject: Scientific Integrity Training

Francesca – Per our earlier discussions, I wanted to let you know that I am ensuring that OARM is represented at the make-up training on November 14th. Our FACA Division, LER, OGD and OAM will be represented. As I receive the names, I'm forwarding the invite to folks.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 11/8/2016 1:03:02 PM
Subject: Morning Consult Energy: Kaine Supports Re-Routing Dakota Access Pipeline; Oklahoma Pipeline Hub Resumes Operation Following Earthquake

By Jack Fitzpatrick

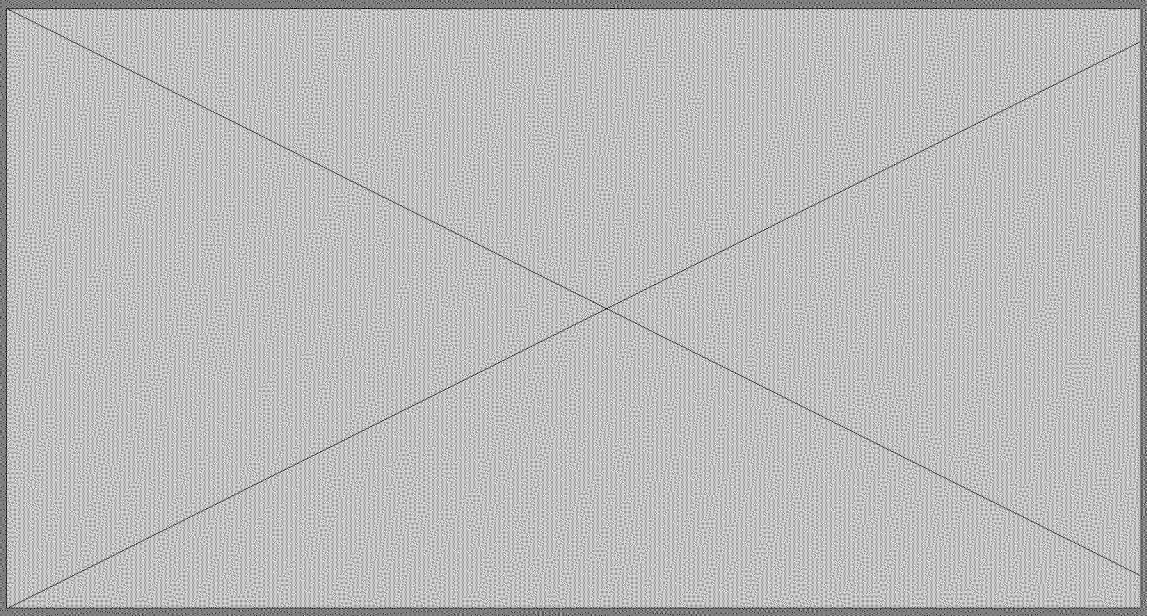
Today's Washington Brief

- Vice presidential candidate and Sen. Time Kaine (D-Va.) said re-routing the Dakota Access pipeline around the area where the Standing Rock Sioux are protesting would be "the right thing to do." (Fusion)
- Today is the first presidential Election Day since 2004 in which voters aren't concerned about high gas prices, which has taken the focus off of energy issues this election cycle. (Morning Consult)
- A federal appeals court will hear oral arguments in February in an industry challenge to the Obama administration's rule on ozone pollution. (The Hill)

Today's Business Brief

- Pipeline operators resumed normal operations in a critical hub in Cushing, Okla., on Monday after a magnitude 5 earthquake hit the area. (Bloomberg News)
- Iran plans to sign a $6 billion deal with France-based Total SA in which Iran's Petropars and China National Petroleum Corp. would develop an oil field in the Persian Gulf. (The Wall Street Journal)
- Ireland's Mainstream Renewable Power agreed to a $2.2 billion deal to build and operate wind-power projects in Vietnam, where electricity demand is expected to increase 10.6 percent in the next five years. (Reuters)

Today's Chart Review



Mark Your Calendars (All Times Eastern)

Tuesday

22nd Conference of the Parties to the United Nations Framework Convention on Climate Change

Wednesday

22nd Conference of the Parties to the United Nations Framework Convention on Climate Change

FERC holds a conference on utilization of organized markets of electric storage	10 a.m.
Bracewell's Policy Resolution Group holds webinar on election results	10:30 a.m.

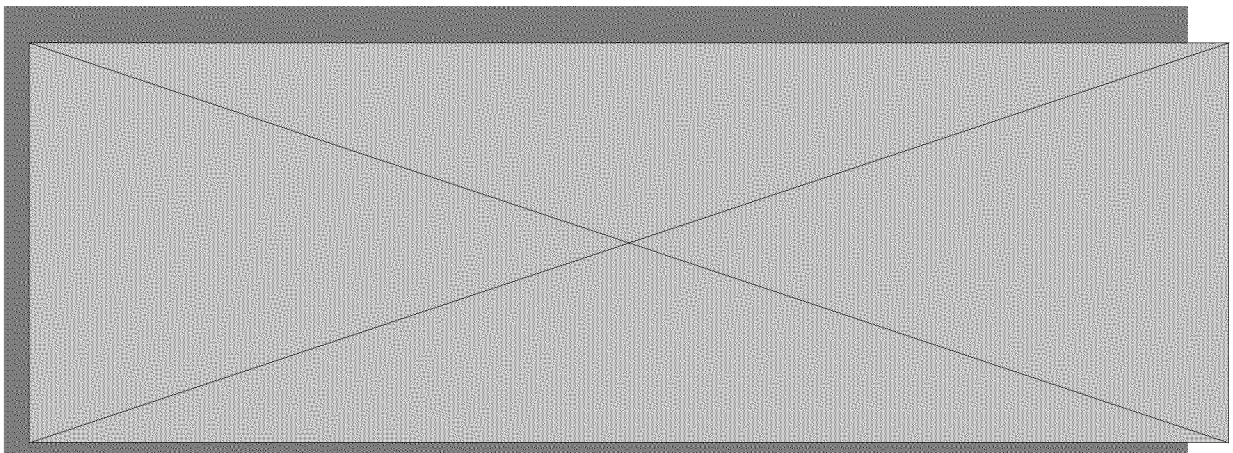
Thursday

22nd Conference of the Parties to the United Nations Framework Convention on Climate Change

Alia Mohammed, Senior Analyst for Energy Security at the U.S. Department of Energy, speaks at Columbia University's Center on Global Energy Policy	12: p.m

Friday

22nd Conference of the Parties to the United Nations Framework Convention on Climate Change



General

Voters Not Focused on Energy Issues, Thanks to Cheap Gas
Jack Fitzpatrick, Morning Consult

As voters head to the polls on Tuesday, a presidential race will have passed with little focus on gasoline prices for the first time in more than a decade. The average U.S. gas price is $2.22 per gallon as of Monday, according to AAA, the lowest before a presidential election since 2004.

Appeals court to hear challenge to EPA ozone rule
Timothy Cama, The Hill

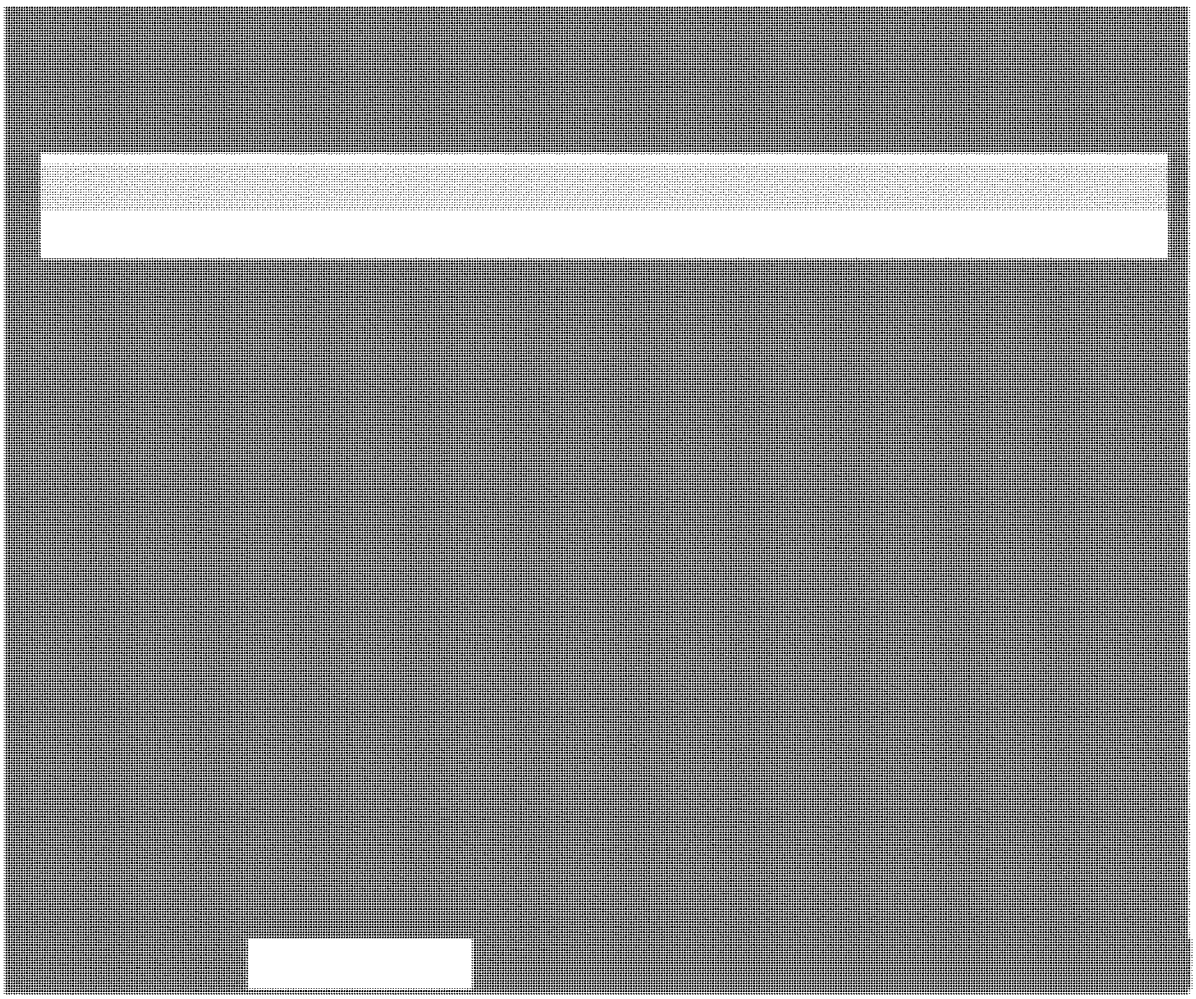
A federal appeals court has scheduled a February session to hear oral arguments in an industry coalition's challenge to the Obama administration's 2015 rule limiting ground-level ozone pollution. The Court of Appeals for the District of Columbia Circuit said Monday that a three-judge panel will hear from lawyers in the case Feb. 16.

Tesla Motors to start charging for charging
Nathan Bomey, USA Today

Tesla Motors said Monday that it would begin requiring certain Tesla owners to pay to charge their electric vehicles at the company's network of charging stations. In a reversal, the Palo Alto, Calif.-based automaker said its superchargers would no longer be completely free.

EPA Proposes Ban on Sewage Discharge Into Puget Sound
Jack Fitzpatrick, Morning Consult

The Environmental Protection Agency on Monday proposed a ban on



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PO Box 27068 Washington, DC, 20038, US

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 11/8/2016 1:06:38 PM
Subject: November 8 -- EnergyWire is ready

Read today's EnergyWire on the web

AN E&E NEWS PUBLICATION

ENERGYWIRE —Tue., November 8, 2016

READ FULL EDITION

1.CAMPAIGN 2016:

Oil and gas litigation's fate unclear under new president

As the White House prepares for a changing of the guard, federal agencies are involved in several high-profile oil and gas lawsuits that will churn on no matter what the outcome on the ballots.

TOP STORIES

2.CAMPAIGN 2016:

For oil and gas, election solves almost nothing

3.CAMPAIGN 2016:

All eyes on Fla. as 3 states vote on solar

4.CAMPAIGN 2016:

It's about whose energy plan puts more oil in the pipe for Alaska voters

5.DAKOTA ACCESS:

Kaine 'optimistic' about pipeline reroute

ELECTRICITY

6.TRANSMISSION:

Mo. courts, not regulators, may decide fate of 2 big projects

7.UTILITIES:

Duke Energy eyes electric vehicles, plans to buy 500

8.SOLAR:

Ky. 'eyesore' gets state approval

OIL AND GAS

9.EARTHQUAKES:

Okla. weighs next steps after damaging quake at pipeline hub

10.PEOPLE:

Pipeline foundation elects new chairman

11.MARKETS:

Iran set to get its first Western customer

12.DAKOTA ACCESS:

Iowa landowners keep petitioning as construction nears end

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To send a press release, fax 202-737-5299 or email editorial@eenews.net.

ABOUT ENERGYWIRE – The transformation of the energy sector

EnergyWire is written and produced by the staff of E&E News. EnergyWire is designed to bring readers deep, broad and insightful coverage of the transformation of the energy sector. EnergyWire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. EnergyWire publishes daily at 9:00 a.m.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: SETAC Brussels
Sent: Tue 11/8/2016 1:21:35 PM
Subject: Submit your abstract for SETAC Brussels

Don't miss the deadline on 23 November!

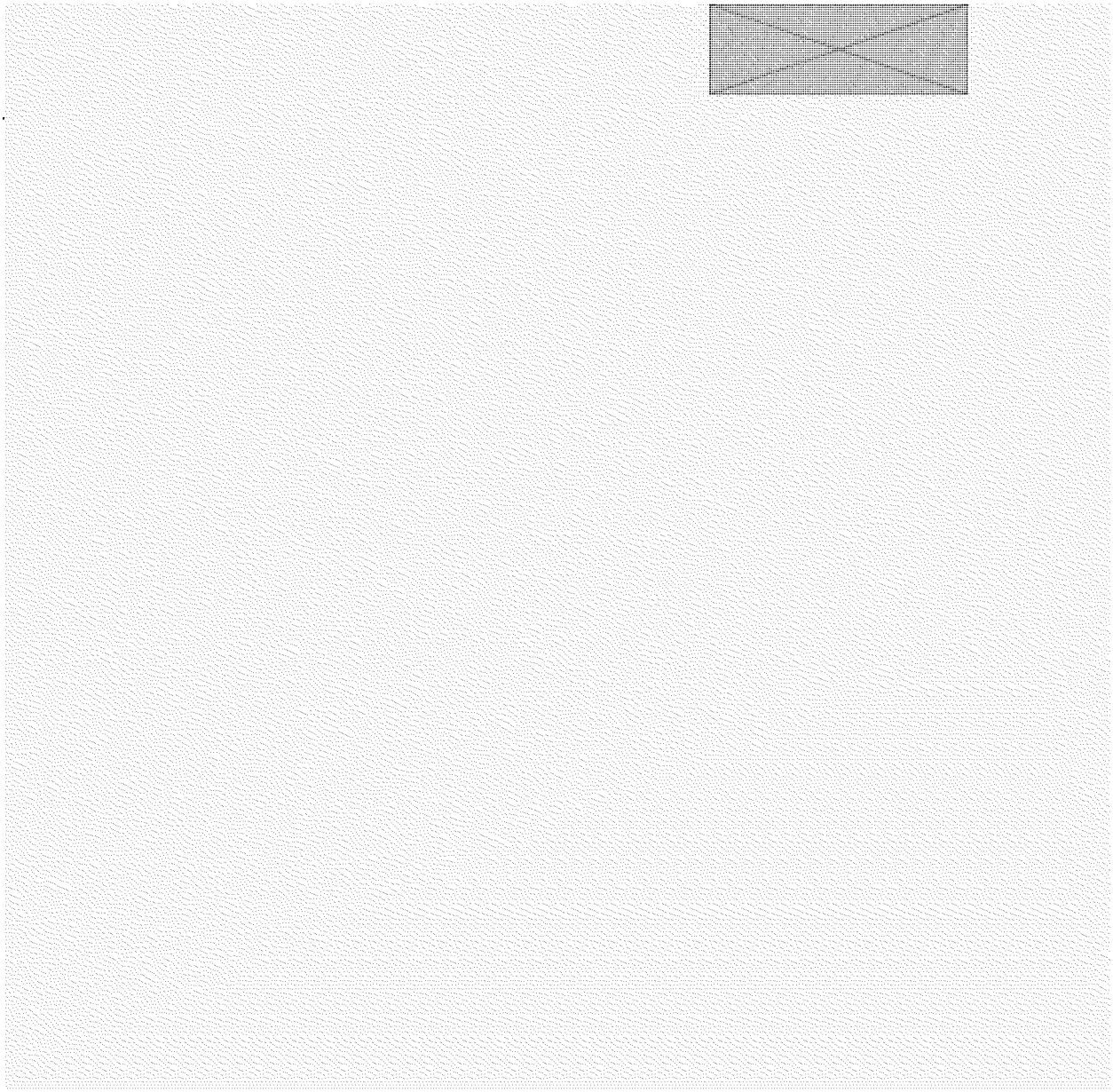
Dear Francesca Grifo,
SETAC Europe is pleased to announce its 27th Annual Meeting from 7–11 May 2017 in Brussels, Belgium.
Centrally located, the conference center "Square" will host more than 2,000 delegates from academia, business, consultancy, government and NGO's, gathering to discuss one central theme, "Environmental Quality Through Transdisciplinary Collaboration".
Don't miss this event where scientists will present their latest resesarch on topics such as environmental science, toxicology, environmental and human assessment and management, environmental policy and economics, as well as life cycle assessment. We are convinced that this will stimulate discussion and debate among academia, business, industry and government representatives and will enable valuable inter- and transdisciplinary networking.
Brussels is a cultural and tourism hotspot where our exciting social activities will immerse you into the Belgian atmosphere and offer you an unforgettable experience!
Please note that abstracts need to be submitted by 23 November. For more information, please contact roel.evens@setac.org.

SUBMIT MY ABSTRACT

With our kind regards and looking forward to meet you there,
SETAC Europe Office

Share this email:

Manage your preferences | Opt out using TrueRemove™
Got this as a forward? Sign up to receive our future emails.
View this email online.
229 South Baylen Street 2nd Floor
Pensacola, FL | 32502 US
This email was sent to grifo.francesca@epa.gov.
To continue receiving our emails, add us to your address book.



To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 11/8/2016 1:46:44 PM
Subject: November 8 -- ClimateWire is ready

Read today's ClimateWire on the web

AN E&E NEWS PUBLICATION

CLIMATEWIRE —Tue., November 8, 2016

READ FULL EDITION

1.CAMPAIGN 2016:

If it's Clinton, how much further on GHGs could she go?

If Hillary Clinton wins the presidency today, she will inherit ambitious climate pledges, a deadlocked partisan Congress and increasingly limited regulatory options for curbing big sources of emissions.

2.CAMPAIGN 2016:

If it's Trump, here's how he could gut Paris, Clean Power Plan

Donald Trump's presidential campaign has vowed to rescind the Clean Power Plan, exit the Paris deal and end the "war on coal" as early as his first day in office.

CAMPAIGN 2016

3.CAMPAIGN 2016:

5 state races to watch on election night

4.CAMPAIGN 2016:

'This is a climate election,' Gore tells voters

5.STATES:

Voters weigh a record $200B in public transit plans

STATES

6.CALIFORNIA:

State mulls carbon tax, other alternatives to cap and trade

SCIENCE AND TECHNOLOGY

7.SCIENCE:

Sea could rise faster than at any time in human history

8.SCIENCE:

Sewage plants: an overlooked source of CO2 emissions

9.SCIENCE:

Climate change depleting the planet's stratosphere

10.RENEWABLE ENERGY:

Is Morocco's solar success a model?

INTERNATIONAL

11.PARIS AGREEMENT:

IFC eyes trillions in investments for emerging economies

12.CHINA:

Government announces plan to curb emissions, coal use

13.FLOODS:

Thousands displaced after heavy downpour in Vietnam

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To send a press release, fax 202-737-5299 or email editorial@eenews.net.

ABOUT CLIMATEWIRE – The politics and business of climate change

ClimateWire is written and produced by the staff of E&E News. It is designed to provide comprehensive, daily

coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, ClimateWire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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To: ORD-OSA[ORDOSA@epa.gov]
From: Cox, Taylor
Sent: Tue 11/8/2016 2:28:20 PM
Subject: RE: ORD/OSA Weekly report November 7, 2016

Hi All,

Please find Tom's weekly note to the Administrator below.

Begin forwarded message:

From: "Burke, Thomas" <Burke.Thomas@epa.gov>
Date: November 6, 2016 at 11:46:42 AM EST
To: "Adm13McCarthy, Gina" <Adm13McCarthy.Gina@epa.gov>, "Meiburg, Stan" <Meiburg.Stan@epa.gov>, "Fritz, Matthew" <Fritz.Matthew@epa.gov>, "Vaught, Laura" <Vaught.Laura@epa.gov>, "Distefano, Nichole" <DiStefano.Nichole@epa.gov>, "Benenati, Frank" <benenati.frank@epa.gov>, "Garbow, Avi" <Garbow.Avi@epa.gov>, "Beauvais, Joel" <Beauvais.Joel@epa.gov>, "Jones, Jim" <Jones.Jim@epa.gov>, "Rupp, Mark" <Rupp.Mark@epa.gov>, "Ragland, Micah" <Ragland.Micah@epa.gov>, "Strauss, Alexis" <Strauss.Alexis@epa.gov>, "Pieh, Luseni" <Pieh.Luseni@epa.gov>, "Garvin, Shawn" <garvin.shawn@epa.gov>, "McCabe, Janet" <McCabe.Janet@epa.gov>
Cc: "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Robbins, Chris" <Robbins.Chris@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>, "Deener, Kathleen" <Deener.Kathleen@epa.gov>, "Radzikowski, Mary Ellen" <Radzikowski.Maryellen@epa.gov>, "Corona, Elizabeth" <Corona.Elizabeth@epa.gov>, "Osaka, Anna" <Osaka.Anna@epa.gov>, "Hubbard, Carolyn" <Hubbard.Carolyn@epa.gov>, "Burden, Susan" <Burden.Susan@epa.gov>
Subject: ORD/OSA Weekly report November 7, 2016

Administrator,

Thanks so much to Stan for his keynote at the 2016 US EPA International Decontamination Research and Development Conference in RTP last week. Stan delivered an inspirational talk on the importance of the conference because it "brings researchers and responders together," which is essential to the success of the Agency in addressing disasters. We also very much appreciate Stan's participation in the Town Hall meeting following the conference.

I had a great time at APHA last week. From signing an MOU with APHA to

speaking in scientific sessions to connecting with leaders in public health, the ties between EPA and public health are strong and will continue into the future. I posted a blog and an "in the moment" video about the experience. In addition, our own Kacee Deener was presented with the APHA Environment Section Distinguished Service Award for her service to APHA and professional achievement in the field of public health.

This week we will continue to push forward toward on a number of major efforts including the updated Gold King data and modeling, the multimedia lead exposure modeling, and the hydrofracking report. We will continue to reach out to Agency leadership to assure coordination and communication.

Cancer Moonshot - Launching the Next "Framingham Study" to Revolutionize Precision Oncology

ORD is collaborating with the DoD on a groundbreaking new longitudinal oncology study capable of furthering our understanding of the biological underpinnings of cancer, similar to the groundbreaking Framingham longitudinal cohort study on cardiovascular disease. By combining the vast amounts of data housed within the Automated Central Tumor Registry, the DoD cancer registry system, and the DoD Serum Repository, researchers will work to identify pre-diagnostic protein/peptide markers and novel associations for different types of cancer. Approximately 1,000 new cases of cancer occur annually in Active Duty personnel, with roughly 250,000 samples from the last 25 years available to undergo protein signature analysis for pre-incident cancer markers. DoD will work in partnership with EPA to link results with the "Environmental Quality Index" to further evaluate the environmental factors contributing to disease.

Tire Crumb

The tire crumb work continues and is on schedule. Last week the sample team received seven tire crumb samples and completed 14 small chamber and 15 micro-chamber tests. Formaldehyde analysis is also on track. The technical team is considering conducting additional tests. ORD provided input on the tire crumb transition issue paper this week. We are working with OPA to develop updated messages.

Board of Scientific Counselors Meeting

Last Tuesday we held a teleconference with the Board of Scientific Counselors

Executive Committee to discuss their final review of the Environmental Justice and Climate Change Roadmaps, and to introduce our new efforts in metrics and social sciences. The Executive Committee had extremely favorable comments on both Roadmaps, and they were especially pleased with the attention to their previous review comments and recommendations. In particular, they commended ORD for including social science connections in the Roadmaps. I am happy to report that they approved both Roadmaps with only minor editorial revisions, and these will now be finalized and posted to the EPA website. They also received the first annual reports of progress and impact from our four cross cutting roadmaps (the other two are Children's Health and Nitrogen and Co-Pollutants) for review. Finally, we teed up future topics, including efforts to expand metrics for program evaluation for our National Research Program and our increased integration of social science into our research.

Cookstoves Training in Bolivia

ORD is leading a training workshop on cookstove testing and research in La Paz, Bolivia, November 7-11. ORD's Jim Jetter will serve as an expert advisor. He will present classroom and hands-on laboratory sessions on a full range of topics related to cookstove testing. His participation will further the development of a global network of Regional Testing and Knowledge Centers that will be capable of scientifically evaluating and certifying cookstoves to international standards for air pollutant emissions and fuel efficiency.

SETAC World Congress and Annual Meeting, Orlando, FL

ORD will have a strong presence at next week's Society of Environmental Toxicology and Chemistry meeting. Staff will demonstrate tools at the EPA exhibit booth, chair sessions, and present session papers and posters. Topics include harmful algal blooms, poly- and perfluoroalkyl substances, and pharmaceuticals in the environment. ORD's Tim Canfield will receive the Herb Ward Exceptional Service Award for "long-term, exceptionally high-quality service to the Society".

Floating Vegetation Island Deployed

This week ORD and Region 9 will take a team into the field to set up a floating vegetation island in collaboration with the Colorado River Indian Tribes on No Name Lake. The objective of this Regional Sustainable Environmental Science project is to evaluate the effectiveness of floating vegetated islands in

removing nutrients from the water column. Floating islands and floating island wetlands have been shown to help improve water quality by, among other things, removing nutrients through uptake and respiration activities, increasing the quantity and diversity of aquatic habitat, and providing vital structure and shading for fish, and discouraging the growth of undesirable plants and algae.

Resilience Dialogues

On October 31, the White House announced the release of the Resilience Dialogues initiative, a public-private partnership to support communities in their resilience planning. The Resilience Dialogues collaboration will enable community leaders to engage in facilitated, expedited, and tailored discussion with scientists, practitioners, and other subject-matter experts, to identify their climate risks and navigate information that will help them prepare and adapt in the face of those risks. The Resilience Dialogues is being co-led by the U.S. Global Change Research Program and the American Geophysical Union's Thriving Earth Exchange, with support from the Kresge Foundation and participation from multiple Federal agencies and a number of NGOs and non-profits. ORD's Chris Weaver is serving as the Federal lead for the Resilience Dialogues effort.

Publications

Columbia Children's Center Grantee Publication

Regular physical activity can improve cardiopulmonary health; however, increased respiratory rates during activity may increase the dose of air pollution exposure. This could be especially critical in urban environments where physical activity may occur near sources of traffic-related air pollution. Black carbon is a major indicator of traffic-related air pollution exposure in cities. There has been very little research to address the link in children between regular physical activity and pollutant exposures in urban environments. Researchers from the NIEHS/EPA Children's Center at Columbia University investigated the impact of black carbon on the relationship between physical activity and airway inflammation in children living in New York City. Results of this recently published study show that children that live in an urban environment and are physically active on a daily basis have higher personal exposure to black carbon. The high black carbon offsets the protective relationship between physical activity and airway inflammation.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]; Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]; Nolt-Helms, Cynthia[Nolt-Helms.Cynthia@epa.gov]
Cc: Bender, Michael[Bender.Michael@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Greene, Mary[greene.mary@epa.gov]
From: Sinks, Tom
Sent: Tue 11/8/2016 3:18:53 PM
Subject: OSA project database milestones

Last September we agreed to creating a standard set of milestones for all OSA projects. Now we are entering SI projects into the database and there are some questions. Michael and I just met and invited Lorna to meet with us to discuss this issue.

It boils down to this … the standard milestones for all OSA projects work for SI projects going forward. Only one (#2) is not currently part of the SI process.

1) Initiation date [SI and OSA agree to begin a project]

2) Charge Approved [a document that describes the project, how it will be done, resources required, and timeline]

3) Workgroup/panel formed [project has been assigned to who?]

4) Initial Draft Product Completed [draft completed and initial reviews started]

5) Initial Product Review Completed [reviews of draft are completed]

6) Final Concurrence/approval [OSA, SCIC, SA approve/concur]

7) EPA Clearance completed (communications Package) [project is ready to be released]

8) Product Released [project is released]

I suggest that Emily and Lorna sit down with Michael and enter the information on the current SI projects into the system. Most of them are probably well along the path to completion. Current SI projects do not have a charge and that milestone should be removed. But future SI projects should include a charge milestone.

Thomas Sinks, Ph.D.

Director, Office of the Science Advisor

Environmental Protection Agency

1200 Pennsylvania Ave NW

Room 41251 RRB, MC 8105 R

Washington DC, 20460

office: (202) 564-6811 mobile: (404) 226-6288

email: sinks.tom@epa.gov

To: ORD-DC Feds and NonFeds[ORDDCFedsandNonFeds@epa.gov]
Cc: Sykes, John[Sykes.John@epa.gov]; Lopez, Sarah[Lopez.Sarah@epa.gov]; McDowell, Mike[McDowell.Mike@epa.gov]; Brennan, Beverly[Brennan.Beverly@epa.gov]
From: Knudsen, Keeley
Sent: Tue 11/8/2016 3:25:54 PM
Subject: FW: File Storage - Network Drives, One Drive, Sharepoint - how do you decide - PART 2

All:

We are starting to find folks with large amounts of data. We would appreciate it if everyone starting making use of One Drive.

Please see the additional information below for updated information about saving to One Drive. Please note the section in red below.

Thank you!

Keeley Knudsen

Customer Support Representative

ORD/OSIM/CSD

Office - (202)-566-2461

Cell – (202)495-8897

For more detailed information about OSIM Services, see our:

IT Resources, How to Submit Tickets, and/or OSIM IT Tips.

Please conserve paper and think before you print. The trees thank you.

From: Knudsen, Keeley
Sent: Wednesday, September 21, 2016 8:10 AM
To: ORD-DC Feds and NonFeds <ORDDCFedsandNonFeds@epa.gov>
Cc: Sykes, John <Sykes.John@epa.gov>; Knudsen, Keeley <Knudsen.Keeley@epa.gov>
Subject: File Storage - Network Drives, One Drive, Sharepoint - how do you decide

All:

There are many places to store files on the EPA network. Storing files in Office 365 (which includes OneDrive, SharePoint, and Office 365 Groups) offers significant enhancements over network drives. Consider storing your files in one of these cloud-based solutions.

File Storage Options spelled out at: https://intranet.ord.epa.gov/p2/it-resources/file-storage-and-sharing

There are multiple locations to store and share files both internal to the agency as well as with external partners. The information below should provide clarification on how each location may be used and will help guide your decision on where to store your files. ***Content stored in any of the areas listed below are backed up on a regular basis. Files stored on your local machine are not backed up - so save files to your computer at your own risk.***

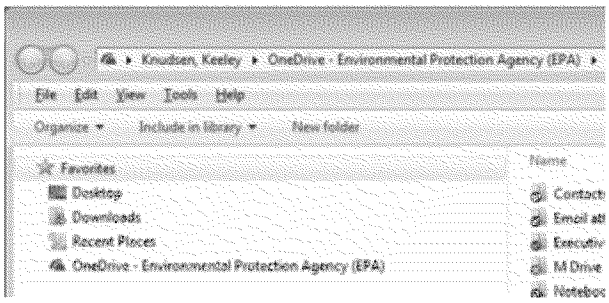
Network Drives

Access to the EPA network is required to access both public and private network drive folders, and are accessible in the office or while working remotely. ORD has three standard drive letters – **M**:, **L**:, and **O**:. **M**: and **L**: are located at the site that uses them (RTP, DC, CIN, etc) . **O**: is in RTP.

In general, **L** and **O** network drives have a PUBLIC area and a PRIV area. Folders in PUBLIC are open, folders in PRIV are restricted to whomever has been allowed by the folder owner. A request has to be submitted on the EZForms SharePoint site to get a folder created.

OneDrive

OneDrive allows you to upload and sync files to EPA's cloud storage and you access them from a Web browser or your local device. Files stored in your OneDrive may be restricted to the owner of the OneDrive, or shared with internal and external users.



OneDrive is very similar to a network drive. It will sync files you save to OneDrive while you are on the network or the next time you connect to the network. If you modify a file from your OneDrive folder on your PC, the next time your machine connects to the network, your changes will sync with your OneDrive files in the cloud.

OneDrive is a **personal** storage option. If you are looking for a solution for files that belong to a group of users, Office 365 Groups or a SharePoint site are better options. **OneDrive offers 1-5 TB of personal storage space.**

There's a page on ORD@Work that describes these differences at:
https://intranet.ord.epa.gov/p2/it-resources/what-goes-where-my-workplace-options

SETTING DEFAULT LOCATIONS TO ONE DRIVE

To set the default file location for saving in Word, Excel, and PowerPoint, please do the following:

1. Open up Word. Excel and Powerpoint to a blank document, etc.
2. Click – File, Options, Save
3. Default local file location:

Word Options

- General
- Display
- Proofing
- Save
- Language
- Advanced
- Customize Ribbon
- Quick Access Toolbar
- Add-ins
- Trust Center

Customize how documents are saved.

Save documents

Save files in this format: Word Document (*.docx)

☑ Save AutoRecover information every 10 minutes

☑ Keep the last autosaved version if I close without saving

AutoRecover file location: C:\Users\KKnudsen\AppData\Roaming\Microsoft\Word\

☐ Don't show the Backstage when opening or saving files

☑ Show additional places for saving, even if sign-in may be required.

☐ Save to Computer by default

Default local file location: C:\Users\KKnudsen\OneDrive - Environmental Protection Age

Default personal templates location:

Offline editing options for document management server files

Save checked-out files to:

○ The server drafts location on this computer

◉ The Office Document Cache

Server drafts location: C:\Users\KKnudsen\Documents\SharePoint Drafts\

Preserve fidelity when sharing this document: Document1

☐ Embed fonts in the file

☐ Embed only the characters used in the document (best for reducing file size)

☑ Do not embed common system fonts

OK

Excel Options

- General
- Formulas
- Proofing
- Save
- Language
- Advanced
- Customize Ribbon
- Quick Access Toolbar
- Add-ins
- Trust Center

Customize how workbooks are saved.

Save workbooks

Save files in this format: Excel Workbook (*.xlsx)

[x] Save AutoRecover information every 10 minutes

[x] Keep the last autosaved version if I close without saving

AutoRecover file location: C:\Users\KKnudsen\AppData\Roaming\Microsoft\Excel\

[ ] Don't show the Backstage when opening or saving files

[x] Show additional places for saving, even if sign-in may be required.

[ ] Save to Computer by default

Default local file location: C:\Users\KKnudsen\OneDrive - Environmental Protection Agen

Default personal templates location:

AutoRecover exceptions for: Book1

[ ] Disable AutoRecover for this workbook only

Offline editing options for document management server files

Save checked-out files to:

( ) The server drafts location on this computer

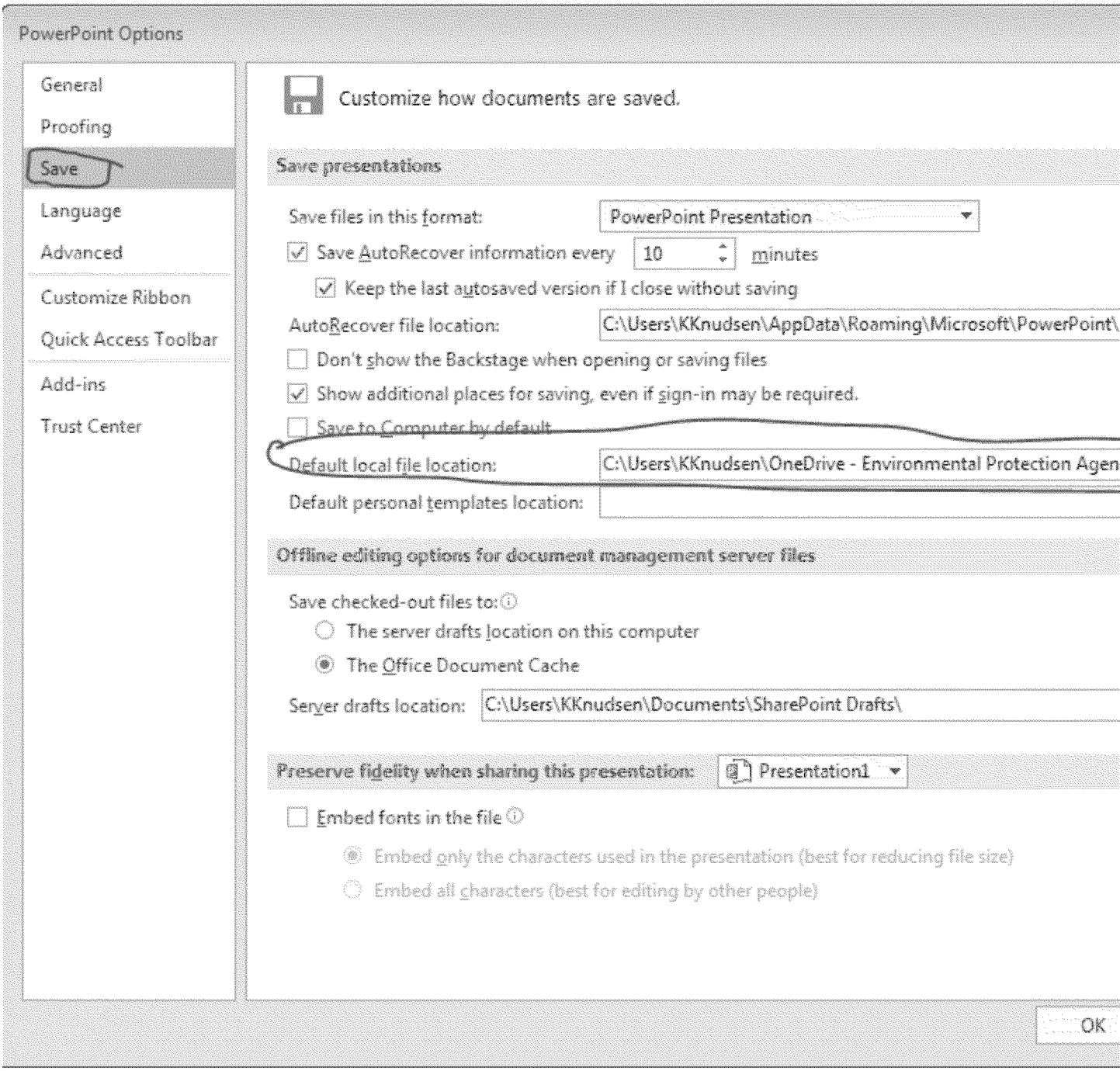
(•) The Office Document Cache

Server drafts location: C:\Users\KKnudsen\Documents\SharePoint Drafts\

Preserve visual appearance of the workbook

Choose what colors will be seen in previous versions of Excel: Colors...

OK



SharePoint Sites

SharePoint sites may include document libraries for document storage and collaboration. Documents stored on SharePoint sites maybe restricted to a known set of users or open to all users with access to the EPA network. Files may also be shared with external users.
SharePoint sites are not intended to be document repositories but rather collaboration environments.

Staff should make use of SharePoint for collaborating with each other and outside entities such as other Federal Agencies. Learn more about requesting a SharePoint site at: https://intranet.ord.epa.gov/p2/it-resources/my-workplace-sharepoint-sites. Obtain training on SharePoint and other IT programs at https://usepa.sharepoint.com/sites/oei_Community/ittraining/SitePages/Home.aspx

Office 365 Groups

Office 365 Groups include a document library for use by the group. A group can be private or public, but only group members are able to manage files within an Office 365 Group.

We hope this information is helpful. Thank you!

Keeley Knudsen

Customer Support Representative

ORD/OSIM/CSD

Office - (202)-566-2461

Cell – (202)495-8897

For more detailed information about OSIM Services, see our:

IT Resources, How to Submit Tickets, and/or OSIM IT Tips.

Please conserve paper and think before you print. The trees thank you.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Complimentary Exec Breakfast for Gov-Identity Mgmt
Sent: Tue 11/8/2016 4:21:00 PM
Subject: Starts Next Tues - Comp Gov Registration: Exec Breakfast- Gov Identity Management - DHS - NASA - NIST

Complimentary Executive Breakfast for Government
Please REVIEW - REGISTER - FORWARD to Others In Your Agency Interested in Identity Management

(Please Register Soon to Insure a Seat)

Tuesday, November 15, 2016
Willard InterContinental Hotel
Washington, D.C.

8:00 am - 11:00 am
Seated Breakfast - Registration and Coffee at 7:30 am

Executive Breakfast for Government Series - Complimentary

Converging Logical and Physical Identity Access Management Controls: 21st Century Strategies for Success

Putting the Pieces Together to Be Compliant with A-130, FICAM and CDM

Executive Breakfast for Government Series

Converging Logical and Physical Identity Access Management Controls: 21st Century Strategies for Success

Putting the Pieces Together to Be Compliant with A-130, FICAM and CDM

November 15, 2016
Willard InterContinental Hotel
Washington, D.C.

Potomac Forum, Ltd.
Executive Breakfast for Government Series

Government & Industry are Invited at this "Widely Attended" Public Event
Government Attendance is Complimentary

For Information or Registration:

www.PotomacForum.org
or Call: (703) 683-1613

iPad Mini Raffle at Conclusion of this Event
Every person who attends this event (open to all) will be offered a raffle ticket upon check-in.
Government ethics offices have considered this event as a "Widely Attended Gathering."
Potomac Forum will be giving away an iPad Mini to one attendee. The raffle is open to all but you must be present for the random selection of the winner at the end of the event. If organizational policy does not permit acceptance, the iPad Mini will be donated to NIH Children's Inn.

Government Guest Speakers
From:
DHS Offices:
Identity, Credential and Access Management Program Office - DHS

Continuous Diagnostics & Mitigation Program Office - DHS

ICAM Arhitect -DHS

NASA

Agency Identity Management Official, ICAM

NIST

Senior Standards and Technology Advisor

and more...

Seated Full Breakfast
8:00 am to 11:00 am
Registration 7:30 am

Potomac Forum Thanks Our Sponsor:

Quantum Secure

Part of HID Global

What You Will Learn:

- How the CIO and the Chief Security Officer for facilities and others can combine forces to effectively align with FICAM, CDM and the revised A-130 directives
- Discover tools to demystify FICAM and understand its terminology and use cases
- Hear from other departments and agencies about how they have integrated physical access controls into FICAM conformant process and their plans for CDM adoption
- How to plan for CDM Phase II and CDM Phase III adoption
- Learn about the lesser known ICAM Privileged User Instruction Implementation Guidance, published in October 2014
- How to adopt new transformative IT initiatives now using innovative funding programs.
- What Agency senior leadership needs to know about the integration of physical and logical systems to provide secure access to facilities and information systems.

Why You Should Attend:

- OMB A-130, FICAM and CDM places the responsibility for both Physical and Logical Access Systems with the CIO requiring close coordination with physical and facility security

management.

- Identity and Access Management is a business imperative and a basic component of Cyber Security
- Agencies are being challenged to move legacy physical access controls into the 21st century now to make 100% of PIV cards for authentication and authorization to physical resources.
- The ramifications of ineffective physical assess controls can put logical systems at risk, possibly defeating million-dollar IT investments already made.

Who Should Attend:

- CIOs, Deputy CIOs and Executive/Management Staff
- CFOs, Deputy CFOs and Executive/Management Staff
- Department/Agency Executive Management
- Program/Project Executives and Managers
- Contracting Officers
- Capital Planners
- IGs, Auditors and Staff
- Industry Partners Supporting the Federal Government
- Academicians interested in Identify Management

CEUs Awarded for Attendance
Request Certificate of Training at Registration

This Event Can be Considered a Widely Attended Gathering Open to All in Accordance with Office of Government Ethics (OGE) Guidelines

This "Widely Attended Training Event" is Complimentary to Government Employees. Industry is Invited to Register for a Fee.

Registration and Information:
www.potomacforum.org

Call: (703) 683-1613
Info@PotomacForum.org

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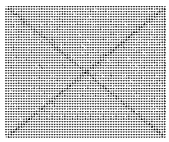

Additional Potomac Forum Training that May be of Interest to You or Others in Your Organization.
Please Forward to Your Associates

1. Complementary Executive Breakfast for Government - No Fee

Converging Logical and Physical Identity Access Management Controls:

21st Century Strategies for Success ***Putting the Pieces Together to Be Compliant with A-130, FICAM and CDM***

November 15, 2016

No Registration Fee for Executive Breakfasts

Workshops for Fee

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.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 11/8/2016 4:21:52 PM
Subject: Final Reminder: $25 Amazon Gift Card for Your Opinion on the State of the Energy Industry

Morning Consult is conducting a quick 5 minute survey, and we are interested in your opinion.

For your time, we are offering a $25 Amazon.com gift card, sent via email by Amazon.com, or the option to donate $25 to the American Red Cross, within 10 days of completing the survey, in compliance with Senate and House Rules on outside compensation. Click here to start the survey.

The survey contains about 10 questions and is available 24 hours a day for your convenience. This survey works on most desktops, laptops, tablets and mobile phones.

Thank you in advance, your input is important to us.

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Washington District of Columbia 20038
United States

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Update your preferences or Unsubscribe

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Tue 11/8/2016 5:03:33 PM
Subject: Now Available in EHS RegTracker™: Canadian EHS Monitoring

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From: EZTech Notification
Sent: Tue 11/8/2016 5:17:35 PM
Subject: Notice for EZ Tech Users: Required System Updates

EZ Tech User N

Please visit the EZ Tech Intranet si

To contact the EZ Tech Service Desk, phone 1-866-411-4EPA (437

Please do not respond to this message.

Summary
Beginning at **11:00 p.m. ET on Friday, November 11, 2016** we will begin distribution of required Security Patches and Application updates to all EZ Tech users. These updates are important as they help keep our computers and networks safe by reducing the risk of attacks.

Why is this Occurring
The Computer Security Incident Response Capability (CSIRC) has deemed it necessary to deploy these updates in order to avoid any potential security risks.

What You Need to Do
Updates will automatically be distributed to all EZ Tech users' desktops and laptops on the EPA network overnight, so that your work productivity during normal work hours will be unaffected.

□□□□□□□□□ Before you leave the office on Thursday, please ensure that your computer is shut down completely.

□□□□□□□□□ **Your computer will be rebooted even if it has been left in a logged in state. This will also include all computers that have not been restarted since the 1st of the month.**

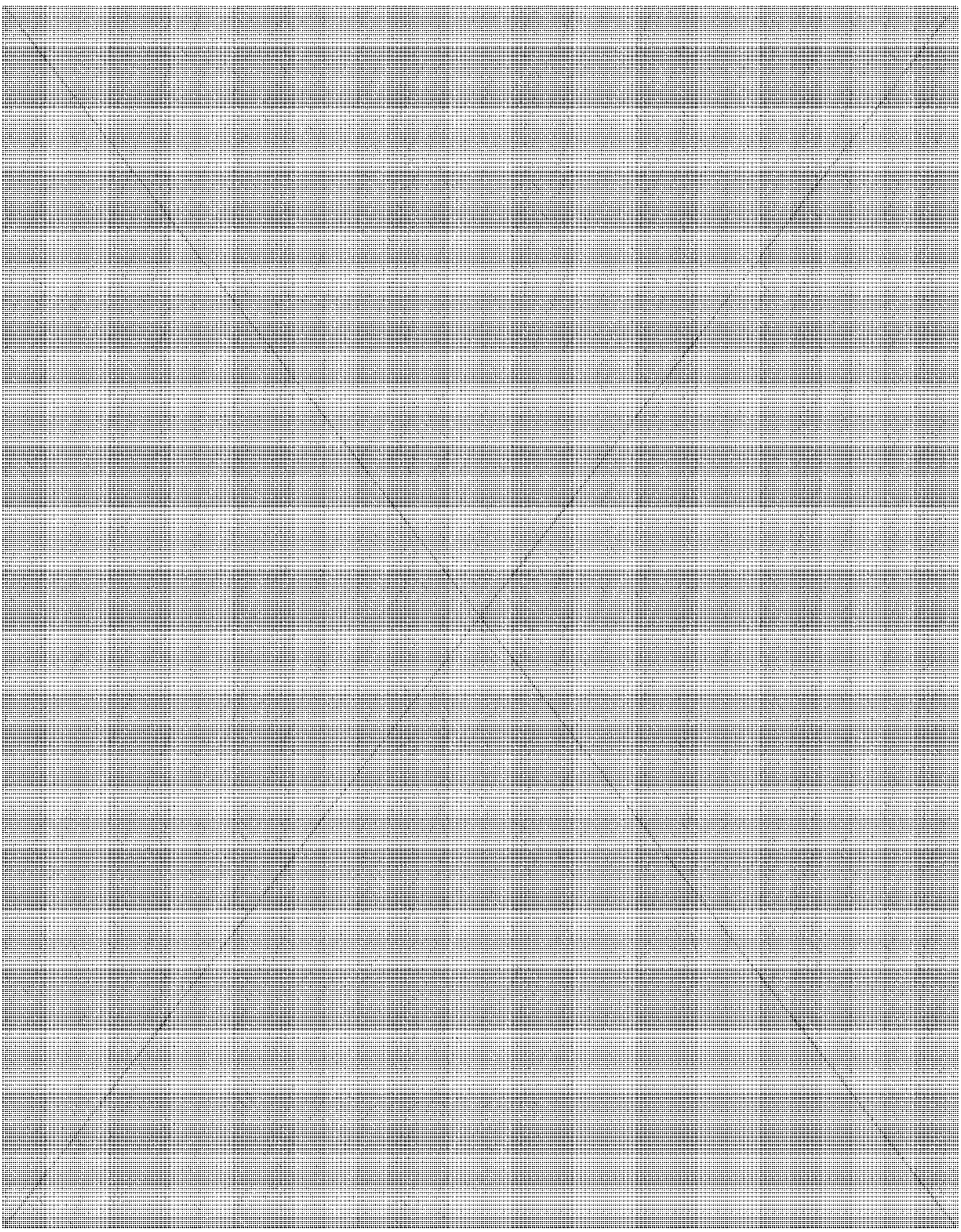
□□□□□□□□□ If your computer has been taken off-site, once you log-on and have Internet connection, a window will appear and lead you through the patching process.

Contact

If you have any questions, please call 1 (866) 411-4372 and Press Option 3 for the EZ Tech Service Desk — or EZTech@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 11/8/2016 5:22:50 PM
Subject: EXIT POLL: Voters Want a Strong Leader More Than Anything Else

To view this email as a web page, go here.



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To: Anand Mudambi[Mudambi.Anand@epa.gov]; Bender, Michael[Bender.Michael@epa.gov]; Broder, Michael[Broder.Michael@epa.gov]; Clarke, Robin[Clarke.Robin@epa.gov]; Downing, Jim[Downing.Jim@epa.gov]; Fitzpatrick, Julie[Fitzpatrick.Julie@epa.gov]; Greene, Mary[greene.mary@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Kleibacker, Lu-Ann[Kleibacker.Lu-Ann@epa.gov]; Martin, Lawrence[Martin.Lawrence@epa.gov]; Mebane, Sheryl[Mebane.Sheryl@epa.gov]; Nelson, Daniel K.[Nelson.Daniel@epa.gov]; O'Farrell, Thomas[OFarrell.Thomas@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]; Phelps, Lara[Phelps.Lara@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Susanke, Greg[Susanke.Greg@epa.gov]
From: Kleibacker, Lu-Ann
Sent: Tue 11/8/2016 5:55:58 PM
Subject: FW: Excused Absence for Voting: PPL Override Reason Code
Excused Absence for Voting__CHCOC.pdf

Please see below.

Lu-Ann Kleibacker

1200 Pennsylvania Ave., NW

MC 8105R, Room 41237

Washington, DC 20460

Phone: 202-564-7189

FAX: 202-564-2070

kleibacker.lu-ann@epa.gov

From: Terry, Joyce
Sent: Tuesday, November 08, 2016 10:17 AM
To: Best, Deborah <Best.Deborah@epa.gov>; Borsz, Patrice <Borsz.Patrice@epa.gov>; Brooks, Shadawn <Brooks.Shadawn@epa.gov>; Brown, Janice <Brown.Janice@epa.gov>; Casper, Lori <Casper.Lori@epa.gov>; Cunningham, Denise <Cunningham.Denise@epa.gov>; Davis, Sheila <Davis.Sheila@epa.gov>; Durham, Ruth <durham.ruth@epa.gov>; Fong, May <fong.may@epa.gov>; Gazoo, John <Gazoo.John@epa.gov>; Goode, Teresa <Goode.Teresa@epa.gov>; Grey, Brian <Grey.Brian@epa.gov>; Jackson, Suzanne <jackson.suzanne@epa.gov>; James, Joe <James.Joe@epa.gov>; James, Temberly <James.Temberly@epa.gov>; Kleibacker, Lu-Ann <Kleibacker.Lu-Ann@epa.gov>; Kosoff, Marguerite <Kosoff.Marguerite@epa.gov>; Lamanna, Janice <Lamanna.Janice@epa.gov>; Manders, Brandy <Manders.Brandy@epa.gov>; Matchen, Irving <Matchen.Irving@epa.gov>; Matney, Rachel <Matney.Rachel@epa.gov>; Medley, Tanya <Medley.Tanya@epa.gov>; Neal, Jill <Neal.Jill@epa.gov>; Perkins, Daniel <perkins.daniel@epa.gov>; Plotkin, Viktoriya

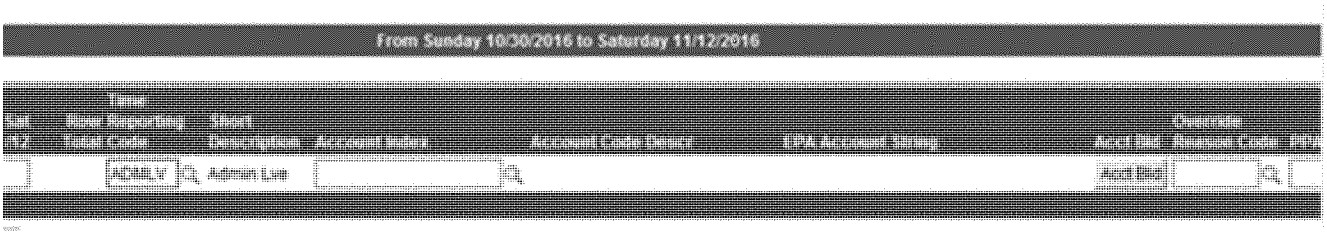
<Plotkin.Viktoriya@epa.gov>; Roberts, Sandra <Roberts.Sandra@epa.gov>; Schirmann, Diane <schirmann.diane@epa.gov>; Sherman, Barbara <Sherman.Barbara@epa.gov>; Stauber, Jodi <Stauber.Jodi@epa.gov>; Walters, Brandon <Walters.Brandon@epa.gov>; Watkins, Andrew M. <Watkins.Andrew@epa.gov>
Cc: Beazley, Martha <Beazley.Martha@epa.gov>; Best, Deborah <Best.Deborah@epa.gov>; Betts, Bernice <Betts.Bernice@epa.gov>; Boone, Amanda <Boone.Amanda@epa.gov>; Boyd, Marieka <Boyd.Marieka@epa.gov>; Brown, Gwendolyn <Brown.GwenD@epa.gov>; Butler, Cheryl <Butler.Cheryl@epa.gov>; Campisano, Romy <Campisano.Romy@epa.gov>; Caudle, George <Caudle.George@epa.gov>; Clinton, Pat <Clinton.Pat@epa.gov>; Coates, Brenda <Coates.Brenda@epa.gov>; Cochran, Renae <cochran.renae@epa.gov>; Collins, Barbara <Collins.Barbara@epa.gov>; Costantino, Lisa <Costantino.Lisa@epa.gov>; Curtsinger, Glenda <Curtsinger.Glenda@epa.gov>; Daggs, Pam <Daggs.Pam@epa.gov>; Drumm, Heather <Drumm.Heather@epa.gov>; Duncan, John <Duncan.John@epa.gov>; Foster, Rebecca <Foster.Rebecca@epa.gov>; Fuller, Gloria <Fuller.Gloria@epa.gov>; Gundlach, Mary <Gundlach.Mary@epa.gov>; Harwell, Linda <Harwell.Linda@epa.gov>; Jackson, Toya <Jackson.Toya@epa.gov>; James, Temberly <James.Temberly@epa.gov>; Johnson, Antoinette <Johnson.Antoinette@epa.gov>; Jones, DebraM <Jones.Debram@epa.gov>; Kleibacker, Lu-Ann <Kleibacker.Lu-Ann@epa.gov>; Lassiter, Linda <Lassiter.Linda@epa.gov>; McGhee, Patricia <Mcghee.Patricia@epa.gov>; Meadows, Leslie <Meadows.Leslie@epa.gov>; Mitchell, Carol <Mitchell.Carol@epa.gov>; Murphy, Joy <Murphy.Joy@epa.gov>; Newman, Tina <newman.tina@epa.gov>; Perry, Renee <Perry.Renee@epa.gov>; Peterson, Susan <Peterson.Susan@epa.gov>; Ramsey, Ashley <Ramsey.Ashley@epa.gov>; Redmond, Diana <Redmond.Diana@epa.gov>; Rogers, Rhonda <Rogers.Rhonda@epa.gov>; Ross, Christine <Ross.Christine@epa.gov>; Ruffini, Diana L <Ruffini.Diana@epa.gov>; Scott, Jeanne <Scott.Jeanne@epa.gov>; Serbst, Jonathan <Serbst.Jonathan@epa.gov>; Smothers, Ernestine <Smothers.Ernestine@epa.gov>; Stecher, Hilmar <Stecher.Jody@epa.gov>; Ward, Antoinette <Ward.Antoinette@epa.gov>; Warhol, Stephanie <warhol.stephanie@epa.gov>; Wheeler, Patricia <Wheeler.Patricia@epa.gov>; Wilkinson, Sherry <Wilkinson.Sherry@epa.gov>; Zwayer, Bette <zwayer.bette@epa.gov>
Subject: Excused Absence for Voting: PPL Override Reason Code

Good Morning,

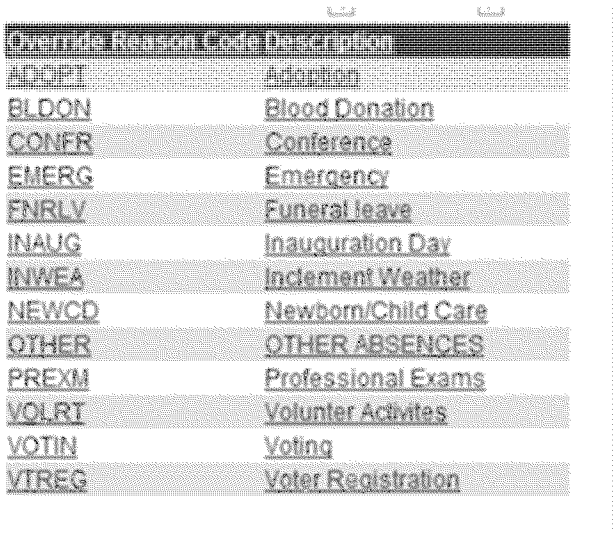
Attached is the Excused Absence for Voting memo that was issued by OPM dated 10/17/2016. Below is some guidance from OCFO regarding entering the "override reason code" in PPl for the voting absence and the Mass Mailer from EPA News. Please read the highlighted information on "Election Day" and "Early Voting".

Thanks.

1) Scroll all the way over to the right until the "Override Reason Code" field appears as below:



2) Click on the magnifying class to get the list of codes. The screen will look like this:



Override Reason Code	Description
ADOPT	Adoption
BLDON	Blood Donation
CONFR	Conference
EMERG	Emergency
FNRLV	Funeral leave
INAUG	Inauguration Day
INWEA	Inclement Weather
NEWCD	Newborn/Child Care
OTHER	OTHER ABSENCES
PREXM	Professional Exams
VOLRT	Volunter Activites
VOTIN	Voting
VTREG	Voter Registration

3) Select **"VOTIN"** as the override code.

If you have any questions or concerns, please let me know.

Joyce Terry

ORD Lead PPL Coordinator

Office of Research and Development

OARS Human Resources Division

Research Triangle Park, NC 27709

919-541-2671 (Office)

919-541-4101 (Fax)

OARS Website

The Race for Quality Has No Finish Line.

From: MassMailer
Sent: Wednesday, November 02, 2016 1:15 PM
To: MassMailer <massmailer@epa.gov>
Subject: Excused Absence for Voting

Message from: Donna J. Vizian, Acting Assistant Administrator, OARM

Colleagues,

As you know, the Presidential election takes place on November 8, 2016. There are federal guidelines governing the granting of official time for the purpose of voting. Employees may be granted an excused absence (i.e., administrative leave) to vote depending on their work schedule and the polling times for their voting jurisdiction. There are also additional considerations related to Election Day, extended commuted distance and early voting summarized below.

Election Day

If the polls open or close at least three hours before or after an employee's work schedule, no excused absence may be granted.

If the difference between an employee's scheduled arrival and departure times, and the poll's opening and closing time is less than three hours, an employee is entitled to administrative leave, up to a maximum of three hours.

Extended Commuting Distance

If an employee's voting place is beyond normal commuting distance and voting by absentee ballot is not permitted, the agency may grant excused absence (not to exceed one day) to allow the employee to make the trip to the voting place to cast a ballot. If more than one day is needed, the employee may request annual leave or leave without pay for the additional period of absence.

Early Voting

For an employee voting in a jurisdiction permitting early voting before Election Day, excused absence is permitted only when: 1) the employee will be unable to vote on Election Day because of agency mission needs (e.g., temporary duty travel) and cannot vote using an absentee ballot; or 2) early voting hours are the same as, or exceed, voting hours on Election Day, in which case use the guidelines above. If an employee chooses to vote earlier, but the hours in which polling places are open are shorter than on Election Day, the employee is not eligible for excused absence because the employee has opted to vote at that time.

The U.S. Environmental Protection Agency's policy regarding official time off for voting may be found at http://intranet.epa.gov/ohr/policy/payleave/hrad_09-001b.pdf. Here is the link to the Office of Personnel Management's October 17, 2016 memo regarding excused absence for voting https://www.chcoc.gov/content/excused-absence-voting-4.

Any employee needing an excused absence to vote, should seek approval from their first-line supervisor. If you have questions regarding these guidelines, please contact Loretta Hunt, chief, Policy and Accountability Branch, Office of Human Resources, at (202) 564-6963 or hunt.loretta@epa.gov.

Best,

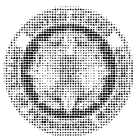
Donna J. Vizian

Acting Assistant Administrator

OARM

Published on *CHCOC* (https://www.chcoc.gov)

Excused Absence for Voting



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Monday, October 17, 2016
CPM 2016-15
From: BETH F. COBERT, ACTING DIRECTOR

This memorandum provides agencies with information on the Federal Government's longstanding policy of granting employees limited time off from work (i.e., excused absence) to vote in Federal, State, county, or municipal elections, or in referendums on any civic matter in their community. The head of each agency (or his or her designee) has discretion to grant excused absence in limited circumstances under his or her broad authority to govern, unless otherwise prohibited by law. Agencies have discretionary authority to grant excused absence to the extent that such time off does not interfere with agency operations, including the ability to adjust policies to circumstances as they unfold. Typically, polling places throughout the United States are open for extended periods of time, and an increasing number of jurisdictions are offering early voting options. Therefore, excused absence should rarely be needed. Agencies should consider the following guidelines when creating their policies on excused absence for voting in the upcoming election.

Granting Excused Absence for Voting

Generally, the U.S. Office of Personnel Management (OPM) has advised agencies that where the polls are not open at least 3 hours either before or after an employee's regular work hours, an agency may grant a limited amount of excused absence to permit the employee to report for work 3 hours after the polls open or leave from work 3 hours before the polls close, whichever requires the lesser amount of time off. An employee's "regular work hours" should be determined by reference to the time of day the employee normally arrives at and departs from work.

ED_001292B_00003488-00001

For example, if an employee is scheduled to work from 8:00 a.m. to 4:30 p.m. and the employee's polling place is open from 7:00 a.m. to 8:00 p.m., the employee should not be granted excused absence for voting, since the employee would still have at least 3 hours after the end of his or her workday to vote. However, if an employee is scheduled to work from 8:00 a.m. to 4:30 p.m. and the employee's polling place is open from 7:00 a.m. to 7:00 p.m., the employee may be granted ½ hour of excused absence from 4:00 p.m. to 4:30 p.m., if requested.

Employees on Alternative Work Schedules whose regular day off is scheduled for the day polls are open should not be permitted to change their regular day off solely for the purpose of gaining excused absence for voting.

Extended Commuting Distance

If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the agency may grant excused absence (not to exceed 1 day) to allow the employee to make the trip to the voting place to cast a ballot. If more than 1 day is needed, the employee may request annual leave or leave without pay for the additional period of absence.

Early Voting

An increasing number of jurisdictions offer a period prior to the day of the election during which voters may cast ballots early. Some employees may find it necessary to vote during this early period because of work requirements on the day of the election. Others, such as those on Alternative Work Schedules, may find it convenient to vote during these early voting periods.

Agencies should grant excused absence for early voting only when (1) the employee will be unable to vote on the day of the election because of activities directly related to the agency's mission (such as Temporary Duty (TDY) travel) and cannot vote by absentee ballot, or (2) early voting hours are the same as, or exceed, voting hours on the day of the election, in which case the information provided under "Granting Excused Absence for Voting" applies. If an employee chooses to vote earlier, but the hours in which polling places are open are shorter than on Election Day, the employee is not eligible for excused absence because the employee has opted to vote at that time.

Additional Information

Agency headquarters-level human resources offices may contact OPM at pay-leave-policy@opm.gov [1]. Employees should contact their agency human resources office for further information on this memo.

cc: Chief Human Capital Officers, and Human Resources Directors

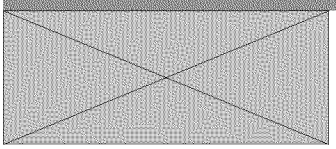
Stakeholders: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES [2]

Source URL: https://www.chcoc.gov/content/excused-absence-voting-4

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 11/8/2016 6:18:43 PM
Subject: November 8 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION



Tune in Nov. 9 at 1 p.m. EST for E&E News' **election 2016 postmortem** on Facebook Live. Kicking off our *Power Shift* transition coverage, hear what the results will mean for energy and environment issues. To join the discussion, **like us on Facebook**.

GREENWIRE —Tue., November 8, 2016

READ FULL EDITION

1.WHITE HOUSE:

'Even lame ducks have wings'

President Obama will start his lame-duck stint tomorrow — 72 days before he leaves the Oval Office. He's expected to use the time — and his executive power — to cement his legacy on energy and environmental issues. From monument designations, last-minute rules, pushing nominees and granting pardons, there's plenty he can still do.

TOP STORIES

2.PUBLIC LANDS:

Interior to square off with fracking-rule critics in January

3.CLEAN WATER RULE:

Top enviro urged Clinton to link Flint, WOTUS foes — email

4.AUTONOMOUS CARS:

Computer chip maker's in the driver's seat

CAMPAIGN 2016

5.POLITICS:

Former DOE loan chief 'eager to help' Clinton — emails

6.POLITICS:

Clinton aide worried about 'hitting Sanders every which way'

7.DAKOTA ACCESS:

2 rogue Wash. electors may refuse to vote for Clinton

8.DAKOTA ACCESS:

Many pipeline protesters won't vote today

9.WHITE HOUSE:

Meet Evan McMullin, the former CIA agent who could win Utah

10.WIND:

Iowa Gov. Branstad pushes Trump on turbines

NATURAL RESOURCES

11.AGRICULTURE:

GMO crops could combat climate change — study

12.WIND:

Turbines kill bats, too

13.WILDLIFE:

Seized ivory came mostly from poaching — study

LAW

14.HYDROPOWER:

Judges seem to favor FERC in project-licensing challenge

15.BIODIESEL:

Fla. men get prison time for tax-fraud scheme

16.SUPREME COURT:

Fla., Ga. water war trial could result in new compact

17.RAIL:

BNSF, enviros clash over coal in court

ENERGY

18.DAKOTA ACCESS:

Enviros urge banks to drop pipeline loan

19.HYDROPOWER:

New tidal turbine installed in Bay of Fundy

FEDERAL AGENCIES

20.INTERIOR:

Married BIA employees broke ethics rules — IG

21.EPA:

IG to probe improper payments

TRANSPORTATION

22.ELECTRIC VEHICLES:

Greens to Colo.: Use VW cash to 'ditch the tailpipe'

AIR AND WATER

23.AIR POLLUTION:

Greens relaunch ammonia regulation suit

24.WATER POLLUTION:

Document shows treatment-plant flaws before 2014 W.Va. spill

INTERNATIONAL

25.LAOS:

Nation greenlights 3rd contentious Mekong dam

26.ENGLAND:

Famous white cliffs erode 10 times faster than normal

27.MEXICO:

Venomous snake on plane forces abrupt landing

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To send a press release, fax 202-737-5299 or email editorial@eenews.net.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Tue 11/8/2016 6:26:54 PM
Subject: have you done the cybersecurity stand-down training?

Hi, Francesca,

Ex. 6

Just wondering whether you completed the cybersecurity stand-down training. Apparently, you need to have taken it by tomorrow.

- Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

To: ORD-DC Feds and NonFeds[ORDDCFedsandNonFeds@epa.gov]
From: Gentry, Nathan
Sent: Tue 11/8/2016 7:31:51 PM
Subject: Hold the date - ORD Holiday Party on December 13

As another year draws to a close, ORD-HQ will gather once more to celebrate the holidays on December 13. Please mark your calendars, and more information will come soon.

Nathan Gentry

Scheduler for Tom Burke, Bob Kavlock, and Chris Robbins

EPA Office of Research and Development

Phone: 202-564-9084

Fax: 202-565-2430

To: Otto, Martha[Otto.Martha@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Gwinn, Maureen[gwinn.maureen@epa.gov]; Munns, Wayne[Munns.Wayne@epa.gov]; Johnson, Arthur[Johnson.Arthur@epa.gov]; Kipp, Katrina[kipp.katrina@epa.gov]
From: Hillger, Robert
Sent: Tue 11/8/2016 7:57:17 PM
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Hello Martha:

It was a pleasure speaking with you today regarding next steps associated with the work shared on Lipid Normalization by Ex. 6. Honestly, with the exception of the historical basis for said work and some of the products generated from an ORD Regional Methods study, I am somewhat at a loss as to what people are the experts in this area. I would imagine many of the experts in this field are shared in the bibliography attached to the white paper entitled, "Lipophillic Fish Contaminant Data Should Never be Ratio Normalized." In large part, this is why I shared Ex.6 work with EPA's Office of Water and with EPA's Office of Research and Development to see if there was any credibility and merit to the white paper that was generated. I think that is why Mike Shapiro (Dir. OW) recommended getting help on this matter from your office.

I have conversed with Wayne Munns, Ex. 6, and folks here in our Regional lab to see if we might come up with some names to assist you further as you prepare for a meeting to deliberate the subject. One person that Ex.6 felt was critical to understanding this work was Dr. James Heltshe from the University of Rhode Island. Also Richard Pruell from the EPA Atlantic Ecology Division. I shared some other names with you that are risk assessors from both the Region and NHEERL that may be of assistance. Here is the contact information you requested for Ex. 6:

Ex.6

I will be conferring with Wayne Munns later in the week and I will follow up with by COB on the 14th of November with any additional information. We appreciate your office taking the lead in this review and we will support whatever protocol you need to follow to move this along. Thank you

Robert Hillger

Senior Science Advisor

Office of the Regional Administrator

U.S. EPA Region 1

Boston, Mass.

(617) 918-8660

From: Otto, Martha
Sent: Tuesday, November 01, 2016 11:22 AM
To: Hillger, Robert <Hillger.Robert@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Gwinn, Maureen <gwinn.maureen@epa.gov>; Munns, Wayne <Munns.Wayne@epa.gov>
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Good Morning, Robert,

I work with Francesca Grifo on scientific integrity. I am writing to provide an update to you on the status of our review of Ex. 6 concerns about lipid normalization and fish tissue analysis. I have been working with staff in the Office of General Counsel's (OGC's) Conflict Prevention and Resolution Center (CPRC) here in headquarters to set up a task order under CPRC's Alternative Dispute Resolution program to address several of our allegations of a loss of scientific integrity that are "dissenting scientific opinions." The task order is in place and I am

now starting to draft the technical directive for this particular project ([redacted] Ex. 6 concerns about lipid normalization and fish analysis).

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Also, the attached files represent all of the information that I have on this issue. If you have additional information, please send it to me.

Thank you for your help with this.

Regards,

Martha Otto

Scientific Integrity Program
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

P.S. Here is your email message to Francesca from 12/21/2015:

Hello Francesca:

Thank you for getting back to us with regards to the Lipid Normalization Issue that we raised to your office earlier. It sounds like the Office of Water also supports further investigation of the white paper generated by Ex. 6 and that it warrants a review by other Agency programs as well. Yes, we do agree that the next step might be an internal meeting with a diverse group of EPA stakeholders.

With regards to the question on "how we would like to proceed", I think it best to consider which office is best suited for taking the lead in this effort, and what experts would have the qualifications for helping us all look and evaluate the scientific basis of Ex. 6 thinking. After a brief consultation here at our Regional Laboratory, the consensus suggests that we agree with Mike Shapiro's recommendation that a meeting should be convened under the auspices of the Office of Scientific Integrity. The Office of the Science Advisor is the appropriate and practical venue for this kind of meeting and for determining which Program Offices, ORD Laboratories, and the level of Regional representation that should be involved. We can certainly assist you and participate in developing such a meeting if this would be helpful. We are wondering if you might want to reach out to any of the ORD Laboratories (NERL, NHEERL, etc) and OCSPP prior to setting a meeting date to get additional feedback that may be useful in helping guide the protocol for said meeting. You had mentioned in previous messages that Bob Kavlock was also given the opportunity to review Ex. 6 paper and quite possibly ORD has an opinion on this matter as well.

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Robert Hillger

Senior Science Advisor – ORD Liaison

U.S. EPA Region 1

Office of the Regional Administrator

5 Post Office Sq

Boston, Mass. 02109

(617) 918-8660

From: Grifo, Francesca
Sent: Tuesday, October 25, 2016 12:54 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: FW: Ex. 6

FYI

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hillger, Robert
Sent: Tuesday, October 25, 2016 12:09 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Ex. 6

Hi Francesca:

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Robert Hillger

Senior Science Advisor - ORD Liaison

U.S. EPA Region 1

Office of the Regional Administrator

(617) 918-8660

Hillger.Robert@EPA.gov

To: Nolt-Helms, Cynthia[Nolt-Helms.Cynthia@epa.gov]
From: Briskin, Jeanne
Sent: Tue 11/8/2016 8:00:57 PM
Subject: Re: Quick (I hope) questions on the draft SI policy you worked on in March 2016

Hi. Thanks for the reminder. See short answers below. There was a pretty egregious case and y 1 memorializes why was considered a good approach to avoid future problems.

Sent from my iPhone

On Nov 8, 2016, at 2:11 PM, Nolt-Helms, Cynthia <Nolt-Helms.Cynthia@epa.gov> wrote:

Hi Jeanne,

I don't recall seeing a response to this inquiry on Friday. I just don't want it to fall off your to do list.

Thanks

Cynthia

From: Nolt-Helms, Cynthia
Sent: Tuesday, November 01, 2016 2:17 PM
To: Briskin, Jeanne <Briskin.Jeanne@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Quick (I hope) questions on the draft SI policy you worked on in March 2016

Hi Jeanne,

I am working on moving forward with incorporating the SI Policy into Contracts and Assistance Agreements (grants and coops) with Francesca through a Skills Marketplace position.

As I look at the draft T&Cs you prepared for grants, I have some questions:

•□□□□□□□ Y.1 appears to be on impartiality and have come from the EPA's Peer Review Handbook. Do you recall why you decided this needed to be put in these draft T&Cs?

Yes. Because of issues that have arisen when a potential iag recipient to do science was not impartial.

I have the same questions for:

•□□□□□□□ the reporting requirements on research misconduct (Sections Z.1.1. and Z.1.2.) which appear to have come from the 2003 *EPA Policy and Procedures for Addressing Research Misconduct.* and,

•□□□□□□□ Sections Z.2. which appears to be the guidelines for fair timely procedures from the *Federal Policy on Research Misconduct* at 65 FR 76260-76264.

Do you recall why you decided these needed to be put in these draft T&Cs?

To provide appropriate mechanism for follow up consistent with other similar situations

Whatever you recall would be helpful.

Thanks!

Cynthia Nolt-Helms

<Scientific Integrity Grant Options and Clauses v.3.docx>

From: Cox, Taylor
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: OSA White Elephant Gift Exchange and Holiday Get Together
Start Date/Time: Mon 12/12/2016 5:00:00 PM
End Date/Time: Mon 12/12/2016 7:00:00 PM

Hi OSA,

We are going to do a White Elephant gift exchange this year. We'll exchange gifts over our favorite holiday hor d'oeuvres and desserts.
So bring your best gifts and your favorite treat!

Reminder: Please keep all gifts under $20.

Need a refresher of how White Elephant works?

1. Each player brings one wrapped gift to contribute to a common pool

2. Players draw names to determine what order they will go in

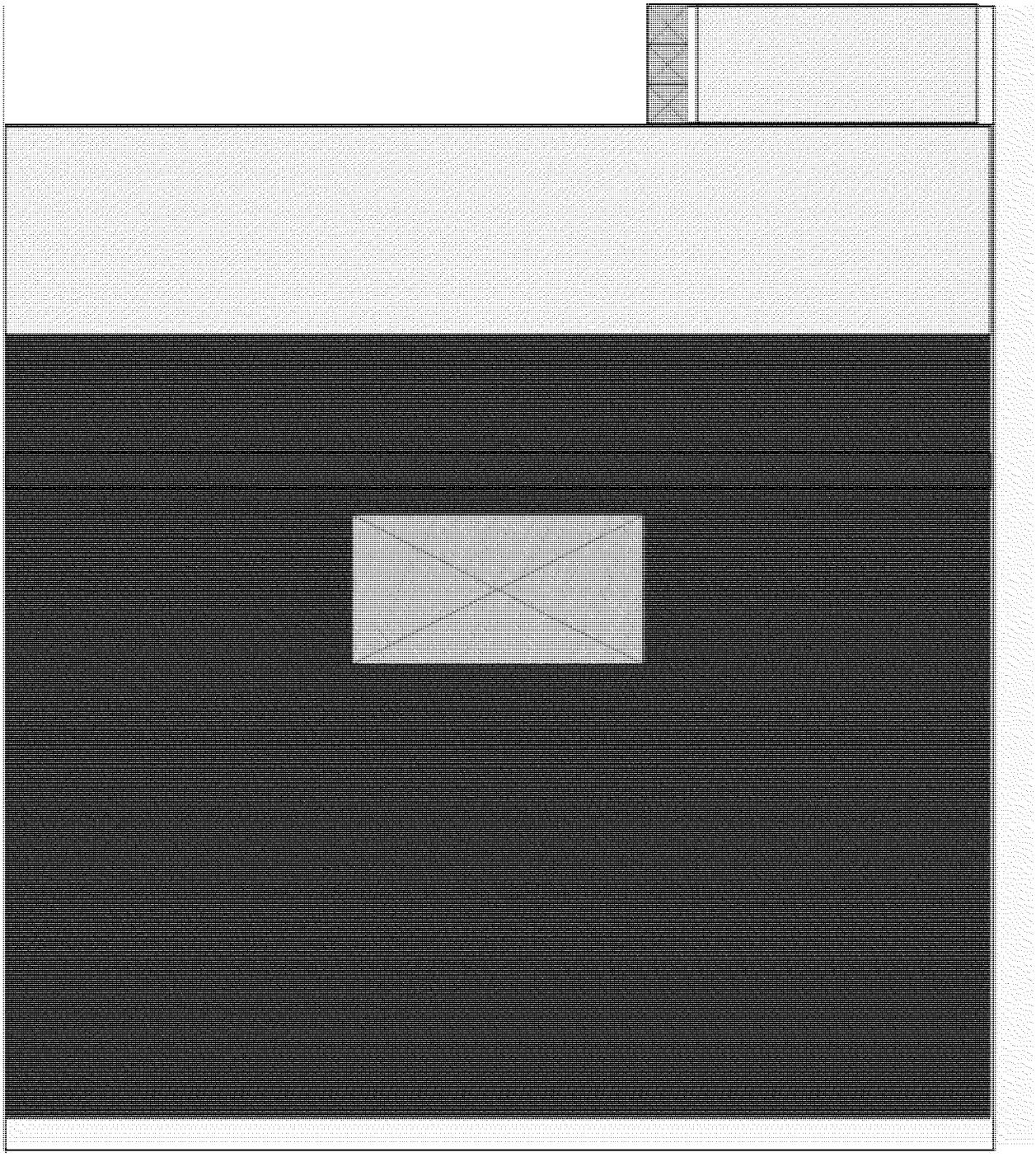
3. Players sit in a circle or line where they can see the gift pile

4. The first player selects a gift from the pool and opens it

5. The following players can choose to either pick an unwrapped gift from the pool or steal a previous player's gift. Anyone who gets their gift stolen in this way can do the same - choose a new gift or steal from someone else.

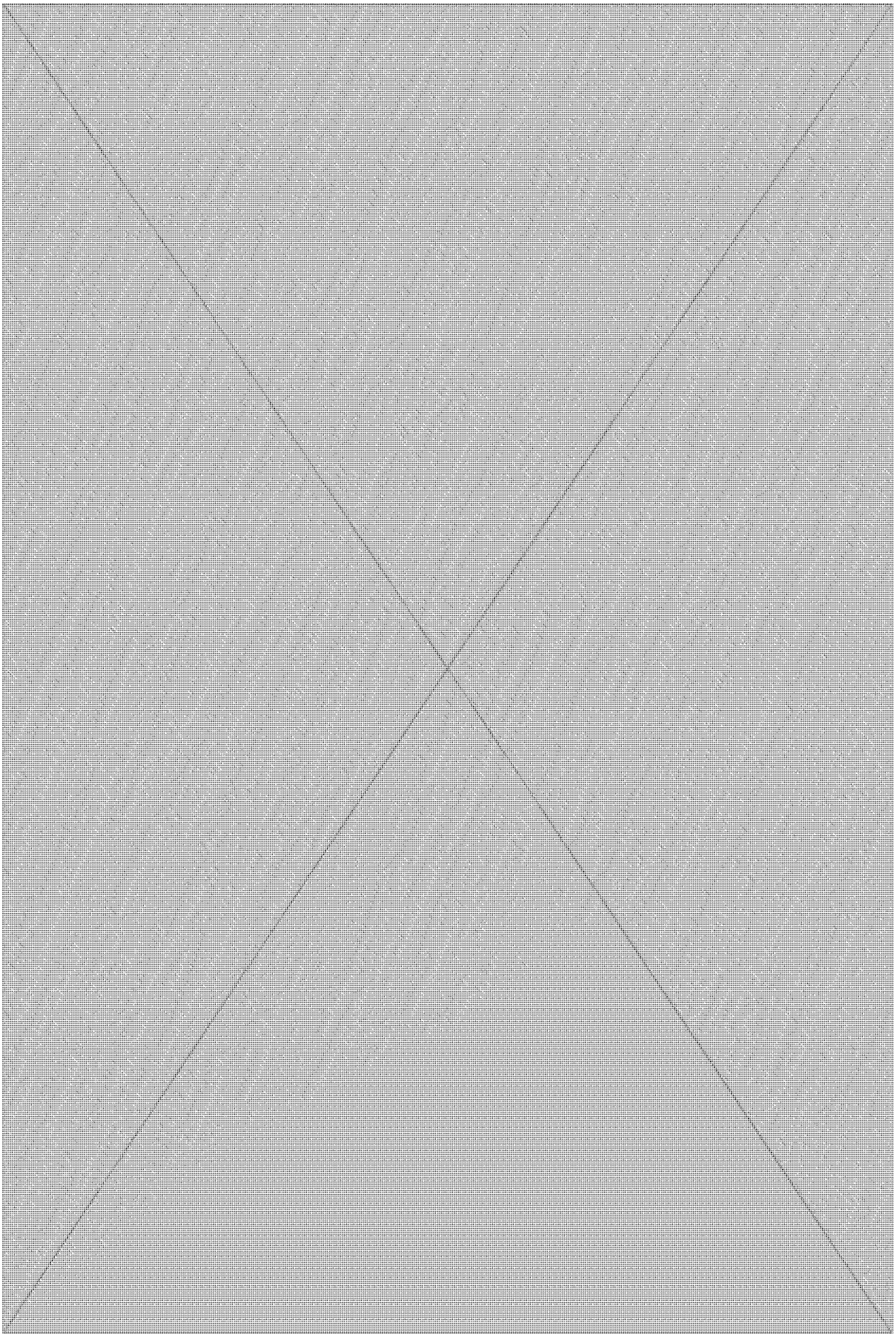
6. After all players have had a turn, the first player gets a chance to swap the gift he or she is holding for any other opened gift. Anyone who's gift is stolen may steal from someone else (as long as that person hasn't been stolen from yet). When someone declines to steal a gift, the game comes to an end.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Cato Institute
Sent: Tue 11/8/2016 8:13:01 PM
Subject: Policy Forum: The Way Forward for Trade, November 14



To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 11/8/2016 8:18:45 PM
Subject: Second Exit Poll: Clinton Bests Trump With Ground Game

To view this email as a web page, go here.



This email was sent to: **grifo.francesca@epa.gov**
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Manage Subscriptions | Update Profile | Unsubscribe

From: Cox, Taylor
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: OSA Thanksgiving Potluck
Start Date/Time: Thur 11/17/2016 4:00:00 PM
End Date/Time: Thur 11/17/2016 6:00:00 PM

Bring in your favorite Thanksgiving dish and celebrate a week early with OSA!

To: Hillger, Robert[Hillger.Robert@epa.gov]
Cc: Otto, Martha[Otto.Martha@epa.gov]; Gwinn, Maureen[gwinn.maureen@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Munns, Wayne
Sent: Tue 11/8/2016 8:27:51 PM
Subject: Re: Ex. 6 -- lipid normalization and fish analysis

Hi all,

I've enlisted additional ORD expertise on this issue. I'll keep you informed.

Wayne

Sent from my iPhone

On Nov 7, 2016, at 3:13 PM, Hillger, Robert <Hillger.Robert@epa.gov> wrote:

Hello Matha:

I am preparing a response for you today. Just a bit busy at the moment catching up on things. Thanks for your patience, Robert

From: Otto, Martha
Sent: Monday, November 07, 2016 8:40 AM
To: Hillger, Robert <Hillger.Robert@epa.gov>
Cc: Gwinn, Maureen <gwinn.maureen@epa.gov>; Munns, Wayne <Munns.Wayne@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: FW: Ex. 6 -- lipid normalization and fish analysis
Importance: High

Hello, Robert,

I wanted to make sure that you received my message below.

I am drafting the technical directive now for this case and am looking for some input from

appropriate folks in Region 1.

Thank you for your help.

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Otto, Martha
Sent: Tuesday, November 01, 2016 11:21 AM
To: Hillger, Robert <Hillger.Robert@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Gwinn, Maureen <gwinn.maureen@epa.gov>; Munns, Wayne <Munns.Wayne@epa.gov>
Subject: RE: [redacted] -- lipid normalization and fish analysis

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Thank you for your help with this.

Regards,

Martha Otto

Scientific Integrity Program
Office of the Science Advisor
mail code 8105R

tel: 202.564.2782
otto.martha@epa.gov

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Senior Science Advisor – ORD Liaison

U.S. EPA Region 1

Office of the Regional Administrator

5 Post Office Sq

Boston, Mass. 02109

(617) 918-8660

From: Grifo, Francesca
Sent: Tuesday, October 25, 2016 12:54 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: FW: Ex. 6

FYI

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hillger, Robert
Sent: Tuesday, October 25, 2016 12:09 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Ex. 6

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Hillger.Robert@EPA.gov

To: Hillger, Robert[Hillger.Robert@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Gwinn, Maureen[gwinn.maureen@epa.gov]; Munns, Wayne[Munns.Wayne@epa.gov]; Johnson, Arthur[Johnson.Arthur@epa.gov]
From: Kipp, Katrina
Sent: Tue 11/8/2016 8:40:58 PM
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Robert,

We should definitely include **Dr. Dennis Helsel,** USGS retired statistician, who runs Practical Stats (http://www.practicalstats.com/consulting/credentials.html), as Ex. 6 spent a lot of time discussing this issue with him and they talked about publishing a paper together on the subject. Thanks.

Katrina

Katrina Kipp

Manager, Ecosystems Assessment Unit

EPA New England Regional Laboratory

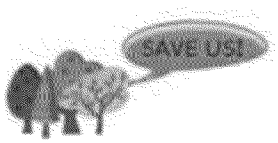
11 Technology Dr.

North Chelmsford, MA 01863

Office (617) 918-8309

Fax (617) 918-8209

kipp.katrina@epa.gov



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From: Hillger, Robert
Sent: Tuesday, November 08, 2016 2:57 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Gwinn, Maureen <gwinn.maureen@epa.gov>; Munns, Wayne <Munns.Wayne@epa.gov>; Johnson, Arthur <Johnson.Arthur@epa.gov>; Kipp, Katrina <kipp.katrina@epa.gov>
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Hello Martha:

It was a pleasure speaking with you today regarding next steps associated with the work shared on Lipid Normalization by Ex. 6. Honestly, with the exception of the historical basis for said work and some of the products generated from an ORD Regional Methods study, I am somewhat at a loss as to what people are the experts in this area. I would imagine many of the experts in this field are shared in the bibliography attached to the white paper entitled, "Lipophillic Fish Contaminant Data Should Never be Ratio Normalized." In large part, this is why I shared Ex. 6 work with EPA's Office of Water and with EPA's Office of Research and Development to see if there was any credibility and merit to the white paper that was generated. I think that is why Mike Shapiro (Dir. OW) recommended getting help on this matter from your office.

I have conversed with Wayne Munns, Ex. 6 and folks here in our Regional lab to see if we might come up with some names to assist you further as you prepare for a meeting to deliberate the subject. One person that Ex. 6 felt was critical to understanding this work was Dr. James Heltshe from the University of Rhode Island. Also Richard Pruell from the EPA Atlantic Ecology Division. I shared some other names with you that are risk assessors from both the Region and NHEERL that may be of assistance. Here is the contact information you requested for Ex. 6:

[redacted]

Ex. 6

I will be conferring with Wayne Munns later in the week and I will follow up with by COB on the 14th of November with any additional information. We appreciate your office taking the lead in this review and we will support whatever protocol you need to follow to move this along. Thank you

Robert Hillger

Senior Science Advisor

Office of the Regional Administrator

U.S. EPA Region 1

Boston, Mass.

(617) 918-8660

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FYI

Francesca T. Grifo, Ph. D.

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U.S. EPA Region 1

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To: Kipp, Katrina[kipp.katrina@epa.gov]; Hillger, Robert[Hillger.Robert@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Gwinn, Maureen[gwinn.maureen@epa.gov]; Johnson, Arthur[Johnson.Arthur@epa.gov]
From: Munns, Wayne
Sent: Tue 11/8/2016 9:10:29 PM
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Hi all,

I very much agree with Katrina's suggestion – an excellent one. Also, I've reached out to bioaccumulation experts in ORD to beef up that side of the question. AED probably does not have the right mix of expertise to help address this effectively. Please stayed tuned for other experts' involvement.

Sorry to have been out of contact for a bit. As mentioned earlier, I am willing to be ORD's contact throughout this. I personally don't have the technical expertise needed for this issue, yet I know I guy… (that's a Rhode Islandism – I will be your ORD guy).

Wayne

From: Kipp, Katrina
Sent: Tuesday, November 08, 2016 3:41 PM
To: Hillger, Robert <Hillger.Robert@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Gwinn, Maureen <gwinn.maureen@epa.gov>; Munns, Wayne <Munns.Wayne@epa.gov>; Johnson, Arthur <Johnson.Arthur@epa.gov>
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Robert,

We should definitely include **Dr. Dennis Helsel,** USGS retired statistician, who runs Practical Stats (http://www.practicalstats.com/consulting/credentials.html), as Ex. 6 spent a lot of time discussing this issue with him and they talked about publishing a paper together on the subject. Thanks.

Katrina

Katrina Kipp

Manager, Ecosystems Assessment Unit

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From: Hillger, Robert
Sent: Tuesday, November 08, 2016 2:57 PM
To: Otto, Martha <Otto.Martha@epa.gov>

Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Gwinn, Maureen <gwinn.maureen@epa.gov>; Munns, Wayne <Munns.Wayne@epa.gov>; Johnson, Arthur <Johnson.Arthur@epa.gov>; Kipp, Katrina <kipp.katrina@epa.gov>
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Hello Martha:

It was a pleasure speaking with you today regarding next steps associated with the work shared on Lipid Normalization by Ex. 6. Honestly, with the exception of the historical basis for said work and some of the products generated from an ORD Regional Methods study, I am somewhat at a loss as to what people are the experts in this area. I would imagine many of the experts in this field are shared in the bibliography attached to the white paper entitled, "Lipophillic Fish Contaminant Data Should Never be Ratio Normalized." In large part, this is why I shared Ex. 6 work with EPA's Office of Water and with EPA's Office of Research and Development to see if there was any credibility and merit to the white paper that was generated. I think that is why Mike Shapiro (Dir. OW) recommended getting help on this matter from your office.

I have conversed with Wayne Munns, Ex. 6, and folks here in our Regional lab to see if we might come up with some names to assist you further as you prepare for a meeting to deliberate the subject. One person that Ex. 6 felt was critical to understanding this work was Dr. James Heltshe from the University of Rhode Island. Also Richard Pruell from the EPA Atlantic Ecology Division. I shared some other names with you that are risk assessors from both the Region and NHEERL that may be of assistance. Here is the contact information you requested for Ex. 6:

Ex. 6

I will be conferring with Wayne Munns later in the week and I will follow up with by COB on the 14th of November with any additional information. We appreciate your office taking the lead in this review and we will support whatever protocol you need to follow to move this along. Thank you

Robert Hillger

Senior Science Advisor

Office of the Regional Administrator

U.S. EPA Region 1

Boston, Mass.

(617) 918-8660

From: Otto, Martha
Sent: Tuesday, November 01, 2016 11:22 AM
To: Hillger, Robert <Hillger.Robert@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Gwinn, Maureen <gwinn.maureen@epa.gov>; Munns, Wayne <Munns.Wayne@epa.gov>
Subject: RE: Ex. 6 -- lipid normalization and fish analysis

Good Morning, Robert,

I work with Francesca Grifo on scientific integrity. I am writing to provide an update to you on the status of our review of Ex. 6 concerns about lipid normalization and fish tissue analysis. I have been working with staff in the Office of General Counsel's (OGC's) Conflict Prevention and Resolution Center (CPRC) here in headquarters to set up a task order under CPRC's Alternative Dispute Resolution program to address several of our allegations of a loss of scientific integrity that are "dissenting scientific opinions." The task order is in place and I am

now starting to draft the technical directive for this particular project ([redacted] Ex. 6 concerns about lipid normalization and fish analysis).

Through the task order, we will have access to a mediator who will help us to bring together appropriate participants to discuss [redacted] Ex. 6 concerns. However, I will need some assistance in preparing the technical directive to make sure that we steer the mediator to the appropriate participants.

Late last year, you sent an email message to Francesca in which you spoke of your ideas for next steps. (Your email message is below.) I am interested in getting Region 1's help with identifying EPA and other experts on lipid normalization and fish analysis. Please identify who in Region 1 (and/or OW or ORD) would be able review a draft technical directive… Wayne Munns (ORD/NHEERL), Katrina Kipp, others?

I also would like to have [redacted] Ex. 6 contact information so that I can request his input and also to invite him to participate in the workshop/meeting, if he is able.

Please also identify who in your Region, OW, ORD or external parties -- Wayne Munns (ORD)?, Dennis Helsel, a retired USGS statistician? -- might want to participate in the workshop/meeting.

Also, the attached files represent all of the information that I have on this issue. If you have additional information, please send it to me.

Thank you for your help with this.

Regards,

Martha Otto

Scientific Integrity Program
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

P.S. Here is your email message to Francesca from 12/21/2015:

Hello Francesca:

Thank you for getting back to us with regards to the Lipid Normalization Issue that we raised to your office earlier. It sounds like the Office of Water also supports further investigation of the white paper generated by Ex. 6 and that it warrants a review by other Agency programs as well. Yes, we do agree that the next step might be an internal meeting with a diverse group of EPA stakeholders.

With regards to the question on "how we would like to proceed", I think it best to consider which office is best suited for taking the lead in this effort, and what experts would have the qualifications for helping us all look and evaluate the scientific basis of Ex. 6 thinking. After a brief consultation here at our Regional Laboratory, the consensus suggests that we agree with Mike Shapiro's recommendation that a meeting should be convened under the auspices of the Office of Scientific Integrity. The Office of the Science Advisor is the appropriate and practical venue for this kind of meeting and for determining which Program Offices, ORD Laboratories, and the level of Regional representation that should be involved. We can certainly assist you and participate in developing such a meeting if this would be helpful. We are wondering if you might want to reach out to any of the ORD Laboratories (NERL, NHEERL, etc) and OCSPP prior to setting a meeting date to get additional feedback that may be useful in helping guide the protocol for said meeting. You had mentioned in previous messages that Bob Kavlock was also given the opportunity to review Ex. 6 paper and quite possibly ORD has an opinion on this matter as well.

You asked if Ex. 6 could travel. At present, Ex. 6 is in the process of preparing for his retirement and may not be a government employee come January. Ex. 6 In any event, I would like to continue keeping him

included in the e-mail correspondence and would appreciate your including him in any future messages. Ms. Katrina Kipp is his supervisor, and she assures me that any messages that come to us, will be forwarded to Ex. 6 home e-mail as well.

You had also asked if we might meet in January of 2016. We will do our very best to work with any time frame you find best that is accommodating to your office and those respective experts that are invited to participate. Again, it is our intention to provide technical background material and support your office as the principle venue for both spearheading this review and bringing the appropriate experts to the table. Please let us know at your earliest convenience how we might assist you to that end. If we do not hear from your prior to the Holidays, I hope you have a wonderful New Years. Thank you

Robert Hillger

Senior Science Advisor – ORD Liaison

U.S. EPA Region 1

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5 Post Office Sq

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From: Grifo, Francesca
Sent: Tuesday, October 25, 2016 12:54 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: FW: Ex. 6

FYI

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hillger, Robert
Sent: Tuesday, October 25, 2016 12:09 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Ex. 6

Hi Francesca:

Hope you are well. We really need to nail down a date and the SOW for this review of Ex. 6 report. He visited us last week and we are way late on addressing this. Please get back to me as soon as able so that I can update Deb Szaro our DRA. Thank you

Robert Hillger

Senior Science Advisor - ORD Liaison

U.S. EPA Region 1

Office of the Regional Administrator

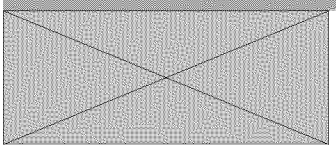
(617) 918-8660

Hillger.Robert@EPA.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 11/8/2016 9:24:29 PM
Subject: November 8 -- E&ENews PM is ready

Read today's E&ENews PM on the web

AN E&E NEWS PUBLICATION



Tune in Nov. 9 at 1 p.m. EST for E&E News' **election 2016 postmortem** on Facebook Live. Kicking off our *Power Shift* transition coverage, hear what the results will mean for energy and environment issues. To join the discussion, **like us on Facebook**.

E&ENEWS PM —Tue., November 8, 2016

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Nev. judge rejects Trump lawsuit over early voting

A Nevada district court judge denied the Trump campaign's bid today to compel Clark County to hand over data from four early-voting sites.

THIS AFTERNOON'S STORIES

2.CAMPAIGN 2016:

Early millennial turnout mixed — climate group

3.DRINKING WATER:

Almost a third of House building samples contained lead

4.CLEAN WATER RULE:

88 lawmakers urge court to vacate WOTUS

5.COAL:

Use to jump 20% in China despite decrease in generation mix

UPCOMING HEARINGS AND MARKUPS

6.CALENDAR:

Activity for November 7 - November 13, 2016

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Tue 11/8/2016 9:26:23 PM
Subject: Nov. 8 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Shari Clayman at clayman.shari@epa.gov, 202-566-2370.

Chemical Ranking Strategy Heads for White House Review

Posted November 08, 2016, 12:48 P.M. ET

By Pat Rizzuto

A strategy the Environmental Protection Agency proposes to rank chemicals as high or low priorities for risk assessment is under review at the Office of Management and Budget.

The proposed rule (RIN:2070-AK23), which the EPA submitted Nov. 7, is the first of four chemical rulemakings the agency must soon submit to the White House regulatory office to meet the agency's target of proposing them before the end of this year.

The OMB's Office of Information and Regulatory Affairs (OIRA), which reviews federal rules before agencies may propose or issue them as final, has allowed agencies to submit proposed rules late in an administration's term, Susan Dudleytold Bloomberg BNA Nov. 2. Dudley described OIRA's practice when she served as its administrator from April 2007-January 2009 under President George W. Bush.

The rationale for reviewing proposed regulations late in an administration is that the incoming administration would have an opportunity to revise them before final publication, she said.

Three More Proposed Rules

The four chemical rules are needed to implement the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. No. 114-182) , which amended the Toxic Substances Control Act on June 22.

Jim Jones, EPA assistant administrator for chemical safety and pollution prevention, has said the agency intends to submit three proposed procedural rules by Nov. 24, which the Lautenberg Act requires the agency to issue by June 2017.

Those rules are:

• the newly submitted proposal for prioritizing chemicals;

• the agency's approach to assessing chemical risks; and

• the process the EPA would use to update the TSCA inventory of chemicals, so it lists those that have been made in or imported into the U.S. over the last 10 years.

The Lautenberg Act does not mandate a deadline for the EPA to issue the fourth rule that would set fees to help the agency recoup its chemicals management costs.

That rule, however, will provide critically needed resources to oversee chemicals.

Under Review

The prioritization rule joins two proposed chemical rules and one final rule that the EPA submitted to the White House regulatory affairs office in September and October.

The two proposed rules would restrict, require labeling for, or otherwise manage the risks posed by a few uses of three solvents: trichloroethylene (RIN:2070-AK11) and n-methylpyrrolidone (NMP) and methylene chloride (RIN:2070-AK07).

The fourth final rule would require companies to provide the EPA certain information about chemicals made, imported or processed as nanoscale materials and maintain certain records for such materials (RIN:2070-AJ54). This rulemaking began years before the Lautenberg Act became law and does not have a statutory deadline. Chemical manufacturers sharply criticized the proposed nanoscale chemicals data-collection rule when the EPA published it in March 2015. Environmental advocacy organizations said it was long overdue.

Dudley told Bloomberg BNA that when the Bush administration was leaving office it set deadlines for final rules. After those deadlines passed, OIRA generally would not approve the final rules, although it granted exemptions for rules with statutory deadlines, she said.

"This administration has also said it would avoid last-minute regulations but without the hard deadlines. I expect that it would also be willing to review and approve rules subject to statutory deadlines," Dudley said.

Speculation Soars on Short List of Candidates to Lead EPA

Posted November 08, 2016, 6:01 A.M. ET

By Brian Dabbs

A Yale professor and a leader of California's ambitious air policy agenda are topping the short list for Environmental Protection Agency administrator under a potential Hillary Clinton presidency.

Dan Esty, a Yale University environmental expert who most recently served in a public office as Connecticut's top environmental regulator, and Mary Nichols, chief of the California Air Resources Board for going on 10 years now, are the most likely choices should Clinton prevail Nov. 8, veteran, bipartisan policy makers and environmental lawyers told Bloomberg BNA in interviews.

Nearly all those veterans caveated their discussion of the personnel prospects tied to an EPA

overhaul in a Donald Trump administration, arguing the real estate mogul's calls for revamping the agency have alienated environmental stalwarts on both sides of the aisle.

Clinton maintains a wide but shallow lead, and her road map to 270 electoral votes is far safer and more reliable, according to poll aggregations. Trump, however, is gunning for upsets in the traditional Democrat firewall, barnstorming Michigan, Minnesota and Nevada along with a range of other tight states in recent days.

Trump Short List Elusive

The Trump campaign tapped Myron Ebell, an environment specialist and staunch climate change policy detractor with the Competitive Enterprise Institute, to lead the EPA transition in recent weeks. Still, only a few names are being floated for the top job.

Ebell declined to comment, and a Trump campaign spokeswoman didn't respond to a Bloomberg BNA inquiry.

Trump continues to garner headlines over the past several months with his pledge to dismantle the EPA, calling the agency the "laughingstock of the world" and vowing to discard the Paris Climate Change accord. The anticipated follow-through, however, remains unclear, according to some experts.

"I think you need to take some of that with a grain of salt just because that kind of change could only be done with legislation," Jeff Holmstead, a former head of the EPA's air office under the George W. Bush administration, told Bloomberg BNA.

Holmstead pointed to campaign staffer Mike Catanzaro, who held a top spot in the EPA under the George W. Bush administration, Andy Wheeler, an EPA official under the administration of former President Bill Clinton.

Despite those proven hats in the ring, the Trump environment personnel orbit is severely limited, Alexandra Dunn, executive director at the Environmental Council of the States, a non-partisan association of state and territorial environmental commissioners, told Bloomberg BNA.

"Republican leaders in the environmental field to my knowledge aren't working with the Trump campaign," she said. "It's ambiguous who might want to lead if the directive is to really undermine the administration."

Clinton Speculation More 'Linear'

A Clinton EPA is far easier to predict, and she'll likely mine traditional recruiting pools for top agency slots, officials told Bloomberg BNA. A broad range of long-time political and policy leaders are leading the Clinton environment transition team, including Jennifer Granholm, the former Michigan governor, and former EPA Administrator Carol Browner.

"Under a Clinton administration, there are healthy rumors," said Dunn. "Certainly there's been more discussion about what might happen under a Clinton administration than a Trump administration."

Dunn said Nichols is the arguable front-runner, and several other veterans said Nichols is near the top of the list, if not the odds-on favorite.

Climate policy is likely to remain the centerpiece of a Clinton administration, and Nichols is steeped in empirical experience having shepherded through implementation of California's landmark climate change statute, which aims to dramatically decrease greenhouse gas emissions in the state.

All those interviewed said Clinton would likely perpetuate and advance the Obama Administration's environment agenda. That platform is currently bogged down by ongoing litigation over the Clean Power Plan (RIN:2060-AR33), which sets greenhouse gas standards for existing power plants.

California v. Washington, D.C.

Nichols led the EPA's federal air office under the Bill Clinton Administration, giving her first-hand experience of federal policy-making. Her staff declined to comment to Bloomberg BNA for this article.

Despite boasting advocacy experience and a successful track record, many veterans said she may simply be opposed to returning to a confrontational D.C. political environment.

"She has a pretty big job in California," said Holmstead. "Doing the type of things in Washington that she has been doing in California would be virtually impossible. She has a lot more influence there and a lot of people look to California as a leader in environmental policy."

The California legislature is far more amenable to Nichols' agenda than the broader American public and their representatives would be, Holmstead said. Meanwhile, current EPA Administrator Gina McCarthy has come under constant fire from Republicans lawmakers in Washington, as well as industry and state representatives. The Senate confirmed McCarthy in 2013, following a four-and-a-half month nomination battle.

Jim Aidala, the former Bill Clinton assistant administrator for the pesticides and chemicals office, also questioned the incentives for Nichols.

"California is the world's tenth biggest economy," he told Bloomberg BNA. "Is it really a step up to go to Washington?"

A New England Repeat?

Esty has no shortage of support for the top selection either, according to a broad range of interviews.

The Yale professor and former Connecticut Department of Energy and Environmental Protection commissioner is close to the Clinton campaign, several of those interviewed said. In Connecticut, Esty spearheaded clean energy initiatives, creating an unprecedented green energy financing framework. Esty served federal EPA roles in the Reagan and Clinton administrations.

He also declined to comment to Bloomberg BNA.

McCarthy, however, served as Connecticut environment chief from 2004 to 2009. That may deter the Clinton administration from tapping Esty, Dunn said.

"The question might be about whether you'd want a perspective from another state considering the current administrator also hailed from Connecticut," she said. "He's extremely qualified and extremely knowledgeable, but he comes from the same geographic perspective." Dunn also said a

Clinton Administration would likely target racial and gender diversity throughout her cabinet.

Other potentials include: Katie McGinty, who is aiming to capture a Pennsylvania Senate seat from Pat Toomey (R-Pa.); Bob Sussman, who served as EPA transition team member and senior policy adviser for the Obama Administration; and Bob Perciasepe, former EPA Deputy Administrator and water chief.

Short lists, however, are often wrong, Jeff Porter, a Boston-based attorney with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., told Blooomberg BNA.

"Generally you don't want to be on the short list because that means you won't get the job," said Porter. "The names you hear about don't get the jobs after the election. And this season is so volatile."

Exxon Misled Investors About Climate Risks, Suit Says

Posted November 08, 2016, 11:34 A.M. ET

By Amena H. Saiyid

ExxonMobil Corp. is misleading investors about the drop in its oil and gas reserves resulting from climate change risks and the decline in oil prices, according to a class action lawsuit filed in federal court (Ramirez v. ExxonMobil Corp., N.D. Tex., No. 16-cv-03111, complaint 11/7/16) Pedro Ramirez Jr. filed the class action lawsuit Nov. 7 in the U.S. District Court for the Northern District of Texas on behalf of investors, holding the company responsible for the drop in stock price in September, and accusing the company of overstating the size of its recoverable oil and gas reserves. In a series of misleading statements made between February and October, ExxonMobil posted positive projections about its oil reserves even though it was aware that it wouldn't be able to extract as much due to potential carbon limits arising from climate change, the lawsuit charged. The investors also said the company refused to write down — or reduce the value of — any of its oil and gas reserves, which the lawsuit said had been overttated, in the face of declining global oil prices. As a result, the investors allege that the price of Exxon common stock plummeted to a close of $82.54 per share on Sept. 20, down more than 13 percent from the stock's high of more than $90 per share, erasing billions of dollars of market capitalization. On Oct. 28, Exxon publicly acknowledged that "it might have to write down 3.6 billion barrels of oil sand reserves and one billion barrels of other North American reserves that Exxon now conceded were not profitable to produce under current prices," the lawsuit said.

Earth Just Experienced the Hottest Five Years on Record

Posted November 08, 2016, 9:49 A.M. ET

By Jessica Shankleman

Earth experienced its hottest half-decade on record between 2011 and 2015 and the floods, droughts and storms unleashed by rising temperatures are likely only a prelude to new weather extremes, the World Meteorological Organization said.

As delegates from almost 200 countries gather in Marrakech, Morocco, this week for global talks on climate change, the WMO report published on Nov. 8 shows the world has already warmed by 1 degree Celsius (1.8 Fahrenheit) compared to pre-industrial levels.

"We just had the hottest five-year period on record, with 2015 claiming the title of hottest individual year," WMO Secretary-General Petteri Taalas said in a statement. "Even that record is likely to be beaten in 2016."

The WMO's measurements underline the difficultly countries face in mitigating runaway global warming. While they agreed in December in Paris to keep temperatures increases well below 2 degrees Celsius (3.6 degrees Fahrenheit) the new data show countries left themselves a narrow margin of error as greenhouse gases continue to accumulate in the atmosphere.

Global Five Year Average Temperature Anomolies

The warming trend may have been responsible for a drought in East Africa between 2010 and 2012 which led to about 258,000 deaths, as well as flooding in southeast Asia in 2011 that cost more than $40 billion, the report said. Superstorm Sandy in 2012 caused $67 billion in damage to the U.S. and almost 8,000 people were killed by Typhoon Haiyan in the Philippines.

Rising ocean temperatures and ice sheets melting have been causing sea levels to rise, the WMO said. Average sea-surface temperatures in 2015 rose to a record, feeding into ocean expansions triggered by warming water, it said.

Areas covered by Arctic sea ice over the five-year period was 28 percent below the average of the previous 29 years, the WMO reported. Sheets of white ice at the Earth's poles have historically had a cooling effect by reflecting solar rays back into the atmosphere.

Extreme Weather

Despite the Paris Agreement signed in December, the world remains on track for 3.4 degrees Celsius of warming, according to a United Nations report last week. Countries must identify how they can make further cuts of at least 12 gigatons of carbon dioxide equivalent, which is the same as taking all of Europe's cars off the roads for 12 years, it said.

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Extreme Weather Linked to 500,000 Deaths Over 20 Years

Posted November 08, 2016, 03:41 P.M. ET

By Eric J. Lyman

Extreme weather killed more than half a million people over two decades, and India was among the countries most directly affected by such weather events last year, according to a report released Nov. 8 outside the United Nations' Marrakech Climate Change Conference.

Mozambique, Dominica, Malawi and India were the countries most impacted last year by extreme weather that could be related to climate change, according to the report. But the 12th edition of the report compiled by climate monitoring group Germanwatch notes that a single major storm can skew annual results. Over a 20-year period, Honduras, Myanmar, Haiti, Nicaragua, the Philippines and Bangladesh were most affected.

India, the world's second most populated country, was hit by a range of severe weather in 2015, the "Global Climate Risk Index 2017" report noted.

"India faced several types of extreme weather events in 2015. After floods in February and March due to unseasonal rainfall, it suffered from one of the deadliest heatwaves in world history ... killing more than 2,300 people in May, followed by a much weaker monsoon than normal," said the report. "Further floods in August and especially in Chennai in December had enormous consequences."

The new report could be used as a tool by negotiators in Marrakech to assess climate impacts in various parts of the world. It comes as delegates at the Nov. 7-18 talks start identifying revenue streams for "loss and damage" initiatives that would compensate poor countries for losses.

Plans for a "loss and damage" mechanism date back to the 2013 climate summit in Poland, and they were included as a stand-alone entity in Article 8 of last year's Paris Agreement.

Water Storage Projects May Be Snarled Under Water Rule: Brief

Posted November 08, 2016, 8:01 A.M. ET

By Amena H. Saiyid

Replenishing aquifers in California with treated wastewater could become cumbersome if the federal government treats artificial groundwater impoundments as federally protected waters under the Clean Water Rule, Western water districts claim (In re Murray Energy Corp. v. EPA (In re EPA and Dep't of Def. Final Rule), 6th Cir., No. 15-03751, brief filed 11/4/16).

Groundwater infiltration basins under the rule, also known as the Waters of the U.S. rule or WOTUS, would be subject to Clean Water Act requirements, including discharge permits or water quality standards for pollutants. These basins are impoundments for holding treated wastewater or stormwater before it naturally infiltrates into the soil.

"Agencies will be reluctant to invest in infrastructure that would be subject to these burdensome requirements. Thus, a WOTUS designation would significantly hinder, if not prevent, these projects," the districts wrote in an amicus brief to the U.S. Court of Appeals for the Sixth Circuit, which is reviewing the merits of the water rule. The rule has been stayed pending that review.

The issue is a concern for many water districts in the West that are contemplating projects to increase the capacity of recycled water, or stormwater, for reuse to help cope with drought.

Southern California's Eastern Municipal Water District, for example, is constructing infiltration basins to increase the recycled water it can store for future use. The Santa Margarita Water District is developing a project to capture stormwater for use in the potable supply system.

Concerns About Rule

According to the districts' brief, the Environmental Protection Agency and the U.S. Army Corps of Engineers are treating not only canals and aqueducts but also groundwater infiltration basins as being under the jurisdiction of the federal government under the rule. The brief said the EPA and the corps consider them as being adjacent to navigable waters or streams.

The rule considers water features to be considered adjacent, and therefore under the jurisdiction of the rule, if they are within 100 feet of an ordinary high water mark of a natural stream or within the 100-year floodplain of that stream or within 1,500-feet of that stream's ordinary high water mark.

"The EPA and the Corps have drafted the Final Rule so broadly that many water supply conduits are susceptible to being classified as WOTUS," the districts said in their brief.

Network of Water Supply

The water districts say their facilities that will be unduly affected form a network of water supply canals, storage basins and reservoirs. The canals transport water from major rivers and streams to storage reservoirs where the water is treated for potable use. The canals include a collection of open, dirt-lined channels, concrete-lined aqueducts and fully enclosed pipes.

In some cases, water is drawn directly from the canals into treatment plants. In others, it is stored in a reservoir that sends water back and forth to the plant, or it is sent to an infiltration basin for storage in an underlying aquifer. In most circumstances, the terminal reservoir or infiltration basin is the end point for water that is sent to potable treatment. In simple terms, these facilities do not discharge water downstream.

Andre Monette, partner with Best, Best & Krieger LLP, wrote the briefs for the Association of California Water Agencies, National Water Resources Association, Eastern Municipal Water District, San Diego County Water Authority, Santa Fe Irrigation District, Helix Water District and the Santa Margarita Water District.

Oklahoma Agency Plans to Shut Disposal Wells After Earthquake

Posted November 08, 2016, 8:16 A.M. ET

By Sheela Tobben and Jessica Summers

Oklahoma's oil and gas regulator plans to shut some disposal wells and reduce the volume of others as its initial response to the Nov. 6 earthquake near the oil hub of Cushing.

"Other plans are being developed that will encompass larger areas" and more details are coming Nov. 8, the Oklahoma Corporation Commission said Nov. 7 in an e-mailed advisory.

The commission said the plan covered 700 square miles. It didn't say how many wells were affected. When a quake of similar magnitude hit the state in September, the agency ordered 37 wells shut in a 500-square-mile area. The commission in 2015 established a "volume reduction area" covering 11,000 square miles, or about one-sixth of the state.

Cushing is the delivery point for West Texas Intermediate crude futures. WTI for December delivery rose 82 cents to settle at $44.89 a barrel on the New York Mercantile Exchange.

"It's definitely a long-term negative development if you are getting earthquakes of that magnitude at such an important site," Bob Yawger, director of the futures division at Mizuho Securities USA Inc. in New York, said by telephone. "It doesn't bode well for the future."

Pipelines Operating

The Oklahoma agency reported earlier that all pipelines under its jurisdiction were operating again after shutting down as a precaution because of the temblor, centered less than 2 miles west of Cushing.

Magellan Midstream Partners LP, a pipeline operator, resumed normal operations at Cushing late Sunday after a controlled shutdown of its assets after the quake, Bruce Heine, a spokesman, said in e-mailed statements. Enbridge Inc.'s facility in Cushing wasn't affected, Michael Barnes, a spokesman, said by e-mail.

Magellan typically suspends operations to check the integrity of assets if an earthquake over a certain strength occurs, Heine said. Kinder Morgan Inc., another pipe operator, hasn't had any issues affecting its Cushing operations, Richard Wheatley, a Houston-based spokesman for the company, said in an e-mailed statement.

Other Tremors

Several producers, as well as the Environmental Protection Agency, are facing lawsuits because of seismic activity allegedly linked to oilfield wastewater disposal in Oklahoma and other states. The OCC has been issuing restrictions for more than a year aimed at cutting down on the amount of wastewater injected into underground wells.

There are about 35,000 active wastewater disposal wells, though only a few dozen have been linked to quakes, according to a Bloomberg Intelligence report in May, citing the USGS. A 5.6-magnitude temblor struck Oklahoma in September, which tied a state record set in 2011. Following the earthquake at Cushing on Nov. 6, minor tremors occurred at Nicoma Park, east of Oklahoma City, and Fairview, in the western part of the state.

The region, previously not known for intense seismic activity, began having a significant number of earthquakes in 2009, the same year area oil companies began using fracking to shatter deep rock layers to extract oil and gas. Fracked wells produce large quantities of wastewater, which drilling companies inject into ultra-deep disposal wells.

With assistance from Sharon Cho, Alexander Kwiatkowski and Dan Murtaugh.

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Why Oklahoma Can't Turn Off Its Earthquakes

Posted November 08, 2016, 8:05 A.M. ET

By Matthew Philips

The 5.0 magnitude earthquake that hit Cushing, Okla., late Nov. 6, is the latest and, in some ways, the most troubling in a series of temblors that has rocked the Sooner State over the past few years. Not only did it strike within a mile of what is arguably one of the country's most important strategic assets—Cushing is the largest crude oil trading hub in North America, with almost 600 million barrels of stored crude—but its occurrence raises questions over the state's ability to do anything about the significant rise in seismic activity, which has been linked to oil and gas activity.

While regulations limiting the underground disposal of wastewater have succeeded in reducing the overall frequency of earthquakes, they haven't been able to stop the really big ones from happening. With a recent flurry of quakes hitting closer to Cushing, that's raising questions about national security risks.

Last year, Oklahoma experienced more than 1,000 earthquakes measuring at least 3.0 in magnitude; that's up from fewer than two in 2008. The state is now the most seismically active in the continental U.S. Seismologists believe the quakes there are the result of wastewater injection wells used by the oil and gas industry.

Horizontal oil wells in Oklahoma can produce as many as nine or 10 barrels of salty, toxin-laced water for every barrel of oil, and much of that fluid is injected back underground into wastewater disposal wells. The fracking revolution resulted in an enormous increase in the disposal of wastewater underground in Oklahoma. From 2009 to 2014, disposal volumes shot up 81 percent, to more than 1 billion barrels a year. It is this wastewater, injected near faults, that many seismologists, including those at the U.S. Geological Survey, say has caused the spike in earthquakes.

After years of official skepticism over the relationship between fracking and earthquakes, Oklahoma's government finally acknowledged the link in 2015. That came as the industry was reeling from lower crude prices, and it was a big step, considering that oil and gas accounts for about a quarter of all jobs in the state. That summer, the Oklahoma Corporation Commission, the state's oil and gas regulator, began imposing restrictions aimed at cutting the amount of wastewater disposed of underground. To date, the OCC has ordered some 700 disposal wells either to shut down or reduce their volumes. That's cut disposal rates by about 800,000 barrels a day, from a high of about 2.5 million in 2014.

With the added restrictions, Oklahoma has gone from averaging more than four earthquakes a day to around two per day. The reduction, in some ways, confirms the connection between wastewater disposal and earthquakes. "It's the closest thing we have to a smoking gun," said Jeremy Boak, director of the Oklahoma Geological Survey. But it also shows the limited power of strict regulations in reducing the largest earthquakes.

The Cushing quake was the third quake with a magnitude of 5.0 or greater so far this year in Central, the 19th temblor over the past week. It hit just two months after the biggest quake in state history, a 5.8-magnitude one in Pawnee, about 25 miles south of Cushing.

That event has muted some of the enthusiasm around the OCC restrictions, said Dan McNamara, a research geophysicist at the U.S. Geological Survey in Denver. "For about six months, the story was that these restrictions were working, but then the 5.8 hit," said McNamara. "The small events may be trending down, but the frequency of the largest ones is going up, and that is what's troubling about this latest cluster of activity, particularly around Cushing."

Last year, McNamara co-authored a paper that studied a sequence of earthquakes around Cushing in 2014. His paper linked the quakes to the activity of four injection wells in the vicinity. It also uncovered a fault line directly beneath Cushing's enormous oil tanks that was previously unknown to geologists—the same fault that was activated on Sunday. The recent seismic activity, despite a significant reduction in disposal rates, is cause for concern, McNamara said. "It tells me that there is something else going on other than the direct injection of water underground."

Even if Oklahoma were to stop injecting wastewater tomorrow, McNamara said, the chance of large quakes will remain elevated for years to come. The pressure that fracking wastewater has added to the complex network of fault lines running beneath Oklahoma isn't going away. "We're looking at many, many years of earthquakes as that energy dissipates through the system," he said.

The Cushing quake knocked out power and damaged many of the small town's historic buildings, but no damage was reported to its oil and gas infrastructure. The oil facility resumed normal operations on Nov. 7.

Even so, might the latest temblors serve as a wake-up call to the industry that more must be done to prevent what could ultimately become a national catastrophe? "I don't think this changes anything," said Kim Hatfield, vice chairman of the Oklahoma Independent Petroleum Association, a trade group of oil and gas producers. The industry still strongly opposes any moratorium on wastewater disposal, said Hatfield.

Although big fracking companies are exploring options on how to treat and recycle their wastewater, rather than inject it underground, the industry insists those options still aren't cost-effective and that a disposal moratorium would destroy the state's economy by shutting down oil production. "If you shut down wastewater disposal, there won't be anything left to regulate," said Hatfield. "So that is an awfully expensive science project you'd have there." It's also an awfully risky chance to take.

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Six Reasons You Should Care About the Marrakesh Climate Talks

Posted November 08, 2016, 04:08 P.M. ET

By Jessica Shankleman

Officials from almost 200 countries are gathering in Marrakesh, Morocco, this week for the first major summit since they agreed in December to curb greenhouse gas pollution and limit global warming to well below 2 degrees Celsius.

The landmark deal struck in Paris entered into force Nov. 4, with more than half of the 197 countries now having ratified the pact, significantly faster than expected. Work now starts to ensure the world actually delivers the Paris goals, and the delegates in Marrakesh are charged with fleshing out the details of the 13-page agreement. This year's talks may not be as high profile as the Paris summit but here are six things to look for.

Writing a Rulebook

Within the next two years, officials must draw up a rulebook for the Paris deal, to actually put the agreement into practice. This rulebook will set out guidelines on key issues such as climate-finance accounting, defining what constitutes a climate pledge (also known as Nationally Determined Contributions) and how the deal applies to existing and future carbon markets. These rules need to be in place by 2018—the next politically significant year for the negotiations when a global evaluation is planned—calculating any additional actions needed to meet the Paris goals.

Investors Searching for Clean Opportunities

The Paris deal sent a signal to businesses that governments are seeking to ramp up investment in renewable energy technologies and climate adaptation measures, such as sea walls and desalination plants. The climate action plans that countries have put forward can be used like a shopping catalog for investors and businesses that want to benefit from the low-carbon economy. The Paris Agreement has already created $23 trillion of investment opportunities in emerging markets, according to the International Finance Corp. It identified as much as $13 trillion in investment potential for green buildings in the East Asia and Pacific region and almost $1.5 trillion investment potential for transportation in the Latin America and Caribbean region. Investors now want to see how the Paris deal will be implemented, and that it's more than just words.

The World Is Still Heading for Catastrophic Warming

All the pledges on the table still aren't enough to keep global warming below 2 degrees Celsius (3.6 degrees Fahrenheit). Countries need to find at least another 12 gigatons of carbon dioxide-equivalent to save or else we're heading for warming of 3.4 degrees Celsius, according to the United Nations. Countries have agreed to review their proposals every five years, and to boost ambitions where they can. The U.S. is expected to announce a new mid-century goal in Marrakesh, providing another signal to investors that it's committed to curbing emissions.

After Decades of Delay, Talks Are Moving Too Fast

Nobody expected the Paris deal to enter into force so soon and this year's talks will actually seek to suspend some new negotiation strands. Since December, many countries moved quickly to ratification, reaching the threshold last month of 55 countries covering 55 percent of global emissions to make the deal legally binding. That triggered the creation of a new working group, known as CMA 1, which will be seeking to tie down rules about transparency. But now delegates will be seeking to put the brakes on CMA 1 until they've cleared other issues off the table.

This Year Will Be Another Record Scorcher

The past five years were the hottest half-decade on record, according to the World Meteorological Organization, and this year is virtually certain to go down as the third consecutive year to set a global heat record. The group is warning that the world has already warmed by 1 degree Celsius, making delegates' task even harder.

Oceans Are Warming and Sea Ice Is Shrinking

Rising ocean temperatures and melting ice sheets are leading to higher sea levels. Average sea-surface temperatures in 2015 rose to a record, feeding into ocean expansions triggered by warming water, according to the WMO.

Melting ice caps also raise sea levels. Areas covered by Arctic sea ice from 2011 to 2015 were 28 percent below the average of the previous 29 years, the WMO reported. Sea levels rose by about 3 millimeters (0.12 inch) a year since 1993, almost double the rate seen since 1900, the WMO said.

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EU Emissions Up Slightly, But 22 Percent Below 1990 Level

Posted November 08, 2016, 02:31 P.M. ET

By Stephen Gardner

The European Union's greenhouse gas emissions increased slightly in 2015 compared to the previous year, but were still down 22 percent relative to 1990, according to preliminary figures issued by the European Environment Agency (EEA) Nov. 8.

EU emissions went up 0.7 percent in 2015, but the 28-country bloc nevertheless remains "well on course" to meet a binding goal to reduce its greenhouse gas emissions by 20 percent by 2020 compared to 1990, the EEA said.

The 2015 increase was caused by rising emissions in parts of the economy not covered by the EU

emissions trading system (ETS), in particular transportation, the EEA said. The ETS covers heavy industry, power generation and some aviation, while EU countries are required to take action at the national level to reduce emissions from other sectors, such as agriculture, construction and transportation.

The EEA said that by 2020, most EU countries are expected to beat their national emission reduction targets for the non-ETS parts of their economies, but Austria, Belgium, Denmark, Ireland and Luxembourg would have to "implement additional measures to reach their targets."

The EU's top climate official, Climate Action and Energy Commissioner Miguel Arias Cañete, said the EEA data showed the EU was "doing its homework" after it pledged to cut its emissions by 40 percent by 2030 ahead of the 2015 United Nations climate conference where the Paris Agreement was adopted.

"Once again we have shown that protecting the climate can go hand in hand with economic growth," Cañete said.

The EEA said that confirmed EU emissions figures for 2015 would be reported to the United Nations Framework Convention on Climate Change in 2017.

Europe at Risk of Missing 2030 Climate Goal, Researchers Say

Posted November 08, 2016, 9:24 A.M. ET

By Ewa Krukowska

The European Union risks missing its climate goals for the coming decades unless it strengthens greenhouse gas-reduction policies, according to the Institute for Sustainable Development and International Relations.

Despite significant progress in cutting carbon dioxide and improvement in energy efficiency, the EU may miss its target of cutting emissions by at least 40 percent by the end of the next decade and by at least 80 percent by 2050 compared with 1990 levels, the Paris-based institute, or IDDRI, said in a Nov. 8 report.

"The rate of change is insufficient," according to the report. "Too much of the change in aggregate emissions has been driven by cyclical effects" like the financial crisis and the bloc hasn't adequately formulated options for industrial "long-term decarbonization."

Leading the Way?

The 28-nation EU has sought to lead the global fight against climate change, which scientists blame for more frequent heatwaves, hurricanes and floods. The bloc submitted its 2030 target as a contribution to the United Nations' climate deal that was agreed in December in Paris and entered into force earlier this month.

EU policy makers are currently debating draft measures on sharing the burden of emissions cuts among member states and on reforming the bloc's Emissions Trading System to translate climate objectives for the next decade into specific rules. In order to put the region on track to meet the goals, those laws should be adopted "in the strongest possible form," IDDRI said.

"The EU ETS desperately needs be strengthened to avoid the risk of low and ineffective carbon prices persisting well in the late 2020s," according to the report.

The price of EU emission allowances slumped about 80 percent in the past eight years amid a surplus of permits aggravated by the economic crisis. The benchmark contract fell 2.3 percent to 6.09 euros a metric ton as of 10:33 a.m. in London on Nov. 8. Before the system started in 2005, some policy makers expected the cost of discharging a ton of greenhouse gas to cost as much as 30 euros.

Price Signals?

Given the lack of a price signal from the ETS, Europe should consider policies to phase down coal in power production, IDDRI recommended. By 2030, unabated coal needs to drop by more than 50 percent to make way for low-carbon electricity sources, it said.

"A failure to develop a smart retirement plan for unabated coal will continue to place pressure on EU electricity markets," according to the report. "This risks, in turn, undermining progress towards efficient and better integrated power markets that are needed for the transition to high shares of low-carbon generation to occur."

Europe should also adopt ambitious rules to cut transport emissions and help roll out clean-fuel cars, according to the institute. Targets and financing of energy-efficiency retrofitting and fuel switching in buildings should be strengthened, the researchers said.

"The EU needs a shake-up of current policies for decarbonizing energy-intensive and trade-exposed industries," they wrote in the report. "A renewed focus on industrial decarbonization is necessary, given the inadequacy of the EU ETS signal and the fact that progress towards key decarbonization technologies in these industries has stalled."

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Japan Approves Paris Agreement Ratification After Settling Trade Dispute

Posted November 08, 2016, 04:06 P.M. ET

By Toshio Aritake

Japan's Diet unanimously passed the bill to ratify the Paris Agreement Nov. 8, days after the climate change pact entered into force for its almost 200 signatory nations.

The bill was to be sent to the full House for approval Nov. 4—the day the Paris Agreement entered into force—but Prime Minister Shinzo Abe's ruling Liberal Democratic Party postponed its submission amid ruling-opposition rows over the 12-country Asia-Pacific trade framework bill, the Trans-Pacific Partnership.

Japan's bill passage came too late for it to attend in full member capacity at the 22nd Conference of the Parties (COP-22) to the United Nations Framework Convention on Climate Change that opened Nov. 7 in Marrakech, Morocco. Instead, the country will take part as an observer, meaning it does not have voting rights, a Japan Ministry of the Environment official said.

A Foreign Ministry official insisted, however, that the delayed submission of ratification documents

to the UNFCCC should not cause any inconvenience for Japan's representation in the COP-22 climate talks.

Of the 197 countries that participated in COP-21, 94 countries, representing 55 percent of greenhouse emissions from the 197 countries, have ratified the Paris Agreement, including the U.S., China and the European Union. The agreement commits signatory nations to reduce greenhouse gas emissions voluntarily, the idea that Japan initially floated, instead of legally binding them to do so.

"Japan will spare no effort in tackling the issue of global warming. My Cabinet will make global warming countermeasures a task of the highest priority," Abe said in a Nov. 8 statement.

Japan will formally become a signatory to the Paris Agreement after it submits the ratification documents to the United Nations.

Canada Calls for Limiting Use of Ethanol Paint Additive

Posted November 08, 2016, 02:54 P.M. ET

By Peter Menyasz

Canada is calling for manufacturers and importers to limit concentrations of a toxic form of ethanol as a solvent in paints sold to consumers.

In a voluntary code of practice published in a Nov. 5 notice in the Canada Gazette, the government recommends limiting concentrations of 2-(2-Methoxyethoxy) ethanol, known as DEGME, in consumer surface coating products to 1 percent by weight (10,000 milligrams per kilogram).

Codes of practice are voluntary and set out official national standards or environmental controls that companies and organizations should follow, according to Environment and Climate Change Canada.

DEGME was designated as toxic in February 2011 under the Canadian Environmental Protection Act based on an assessment that concluded it poses a risk to human life and health.

The code, which takes effect immediately, does not apply to paints for industrial or commercial use, the government said.

Proposed Extension

Canada also is proposing a 10-year extension to exemptions for the use of banned lubricant additive BNST, a form of benzenamine, in rubber products other than tires, automotive replacement parts such as brake systems and electrical equipment such as fans.

The draft amendments to the Prohibition of Certain Toxic Substances Regulations would extend exemptions to March 14, 2028, and avoid potential shortages or elimination of replacement parts and legacy equipment in the automotive and electrical and electronic equipment sectors, the government said in a Nov. 5 notice.

BNST, or N-phenyl-benzenamine, reaction products with styrene and 2,4,4-trimethylpentene, was designated toxic in 2013 under the Canadian Environmental Protection Act based on an

assessment that it poses a risk to the environment and human health. Exemptions were provided to address concerns primarily from the auto industry, but those exemptions were scheduled to expire on March 14, 2018.

The amendments are open to public comment through Jan. 19, 2017.

U.K. Committed to Renewable Energy, Ending Coal, Minister Says

Posted November 08, 2016, 10:23 A.M. ET

By Alex Morales

U.K. Prime Minister Theresa May's administration is committed to promoting renewable energy and phasing out coal, Energy Minister Nick Hurd said, seeking to dispel uncertainty surrounding its strategy.

"The government remains very committed to renewable energy and we will be coming forward shortly with an announcement to prove that," Hurd told lawmakers in Parliament Nov. 8, without providing further details. "The government is committed to the transition from coal to clean energy."

May's government, in office since July, has yet to make any substantive announcements on its strategy for renewable energy, after her predecessor, David Cameron, cut assistance to wind and solar power. The last auction of contracts for difference, the main tool to promote offshore wind, was in February 2015. While Cameron's ministers promised three more by 2020, the new government has yet to say when the next one will be.

The uncertainty surrounding renewable-energy policy, coupled with the U.K.'s referendum vote in June to leave the European Union, helped push onetime leader Britain down to an all-time-low ranking of 14th in Ernst & Young's Renewable Energy Country Attractiveness Index last month.

Hurd was speaking in a regular parliamentary question-and-answer session for ministers from the Department for Business, Energy and Industrial Strategy. The standalone Department of Energy and Climate Change was abolished by May when she took over.

Jesse Norman, a junior minister, rebuffed several questions from lawmakers seeking clarity on whether the government will support a proposal by Tidal Lagoon Power Ltd. to tap the tides in Swansea Bay, south Wales, to generate electricity. He said it will wait until a review of the technology is completed by former Energy Minister Charles Hendry.

"We will consider the findings of the independent review of tidal lagoons which is due to report by the end of the year before deciding how to proceed on the proposed Swansea Bay tidal lagoon project," Norman said, adding that the government has received an early draft. "We're not going to be railroaded beyond the timetable that's already been described."

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China Scales Back Solar, Wind Ambitions as Renewables Cool

Posted November 08, 2016, 9:26 A.M. ET

By Feifei Shen

China, the world's biggest clean-energy investor, lowered its solar and wind power targets for 2020, a reflection of how record installations of renewables have overwhelmed the ability of the nation's grid to absorb the new electricity.

China is now aiming for 110 gigawatts of solar power by 2020, a 27 percent reduction from an earlier target, according to a webcast posted on the website of the National Energy Administration that cited the agency's chief engineer, Han Shui. The nation reduced its goal for wind power by 16 percent to 210 gigawatts.

While China has poured billions of dollars into clean energy in recent years, the ability to deliver the newly-generated electricity from where it's produced to where it's needed has lagged. The mismatch has left solar and wind capacity sitting idle in some parts of the country, hurting companies such as China Longyuan Power Group Corp. and China Datang Corp. Renewable Power Co.

The Global Large Solar Energy Valuation Peers index, which counts many Chinese manufacturers among its 20 members, has slumped 42 percent this year.

"The target reduction, which was largely expected by the solar industry, comes at a time when concerns about oversupply are pressuring solar stocks," analysts Ben Kallo and Tyler Frank of Robert W. Baird & Co. wrote in a Nov. 7 note. "Utility-scale projects will likely be most affected, and rooftop remains a potential source of upside."

Earlier Target

The government earlier expected to have 150 gigawatts of solar power and 250 gigawatts of wind by 2020, PVnews.cn reported last year, citing Zhu Ming, deputy director of renewable energy department at the NEA.

The lower targets were immediately criticized by some environmental groups who said the new goals aren't good enough.

The "wind power capacity targets do not reflect the reality of the sector's growth and solar targets fail to expand the sector beyond its record 2015 growth," Greenpeace East Asia said in an e-mailed statement.

"Given the urgency of combating air pollution and climate change, we would expect the government to accelerate investments in clean energy, rather than stabilize or slow down," Greenpeace said.

Since 2012, solar capacity has surged more than seven-fold, while wind has almost doubled amid a push by China to generate 15 percent of its power from renewable energy and nuclear by 2020, according to data compiled by Bloomberg.

The rapid growth in capacity has left China struggling to integrate power supplies from renewable sources even as the government continues to promote clean energy as an alternative to more polluting fuels like coal and natural gas.

China idled 33.9 billion kilowatt-hours of wind power last year, up 69 percent from a year earlier, the NEA said in August. Idled capacity at solar farms has also begun to appear, especially in the nation's northwest, it said.

Still, even with the lowered ambitions, China is due to see a surge in new clean-energy capacity. Solar will more than double by 2020 from 2015 levels, while wind will increase by 50 percent, according to Bloomberg New Energy Finance data.

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BP Buys Jet Fuel Made from Trash to Curb Airline Pollution

Posted November 08, 2016, 9:38 A.M. ET

By Jessica Shankleman

BP Plc will invest $30 million in Fulcrum BioEnergy Inc., which makes biofuel from garbage, in a new partnership designed to curb airplane pollution.

The London-based oil-producer also signed a 10-year deal to buy 500 million gallons (1.9 billion liters) of biofuel from Fulcrum's North American plants, according to a Nov. 8 statement by BP. BP will distribute the aviation fuel to planes through its unit Air BP Ltd., which sells about 7 billion gallons of aviation annually.

Airlines facing pressure to clean up their pollution last month brokered a landmark deal in Montreal. Their accord created a global system that requires them to fund environmental initiatives from 2020 that may cost as much as $24 billion annually by 2035.

"We have a deep understanding of our customers' challenges to achieve their lower carbon goals," said Jon Platt, Air BP chief executive in the statement. "Securing this supply helps secure the future competitiveness of Air BP, and our place as a leader in the industry."

This deal is Fulcrum's fourth major corporate investment, following similar agreements with United Airlines Inc., Waste Management Inc. and Cathay Pacific Airways Ltd., according to a statement by Fulcrum.

"Entering into this strategic relationship with a global oil and gas company enhances the value of Fulcrum's waste to fuel platform," said E. James Macias, Fulcrum's president and chief executive officer, in the statement.

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Germany Said to Agree on Plan to Slash Carbon Emissions in Half

Posted November 08, 2016, 9:23 A.M. ET

By Brian Parkin

Chancellor Angela Merkel's government plans to slash carbon dioxide pollution emitted by Germany's transport and industrial sectors over the next 15 years.

Merkel's Cabinet will vote Nov. 9 on a proposal to reduce the nation's CO2 output by 55 percent by 2030 compared with 1990 levels, according to a draft of the plan obtained by Bloomberg. The cut would be the most ambitious in the European Union, which as a whole has proposed lowering CO2 by 40 percent by that time, in line with December's United Nations Paris Climate Accord.

The government has squabbled for months over how to divide CO2 reductions between the five major sectors of Europe's biggest economy, raising doubts that Environment Minister Barbara Hendricks would have a consolidated plan to take to a UN climate meeting in Morocco this week. Transport Minister Alexander Dobrindt and Farm Minister Christian Schmidt have provisionally acceded to the targets, according to the draft.

Hendricks will use the government's "Climate Plan 2050" as a roadmap for implementing the Paris treaty. Cabinet ministers still have Nov. 8 to fine tune the targets. The five sectors of the economy that must carry the burden of slashing CO2 by over half are energy, industry, buildings, transport and agriculture. The goals are as follows:

Energy Sector: CO2 reduction of 61%-64% by 2030 or 170-180 million tons vs. 1990 level; Buildings (primarily heating); CO2 reduction of 62%-67% or 70-80 million tons; Transport: CO2 cut of 40%-42% or 95-98 million tons Industry; 53%-54% or 130-133 million tons; Agriculture: 31%-34% or 58-61 million tons.

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India Offers Non-Animal Eye and Skin Tests for Drugs, Cosmetics

Posted November 08, 2016, 02:16 P.M. ET

By Madhur Singh

India's health ministry revised the requirement for conducting eye and skin irritation tests on rabbits for drugs and cosmetics, allowing manufacturers to instead conduct non-animal testing in initial safety studies.

The amendment to the Drugs and Cosmetics (Seventh Amendment) Rules, 2016 is effective immediately, the federal Ministry of Health and Family Welfare said in a Nov. 4 notification.

The change does not eliminate animal testing entirely; instead, it allows non-animal testing during the initial stages, according to the ministry.

The Draize test on albino rabbits for acute toxicity was developed in 1944 to estimate the likelihood that chemicals, pharmaceuticals, cosmetics and other personal-care products would cause skin and eye damage in humans. Other animals, such as dogs, are sometimes used as well.

"By moving away from the archaic and cruel Draize test, India will improve product safety and spare countless animals' lives," Dipti Kapoor, research associate for People for Ethical Treatment of Animals India, told Bloomberg BNA in a Nov. 8 e-mail.

For almost four years, India has been gradually eliminating the animal testing requirement for evaluating the safety of cosmetics and certain household products like soaps and detergents in favor of in vitro and ex vivo testing, and phasing them out of pharmacy coursework.

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Daily Environment Report for EPA

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 11/8/2016 9:32:49 PM
Subject: Energy News Ticker: 88 Lawmakers File Brief Opposing EPA Water Rule

88 Lawmakers File Brief Opposing EPA Water Rule

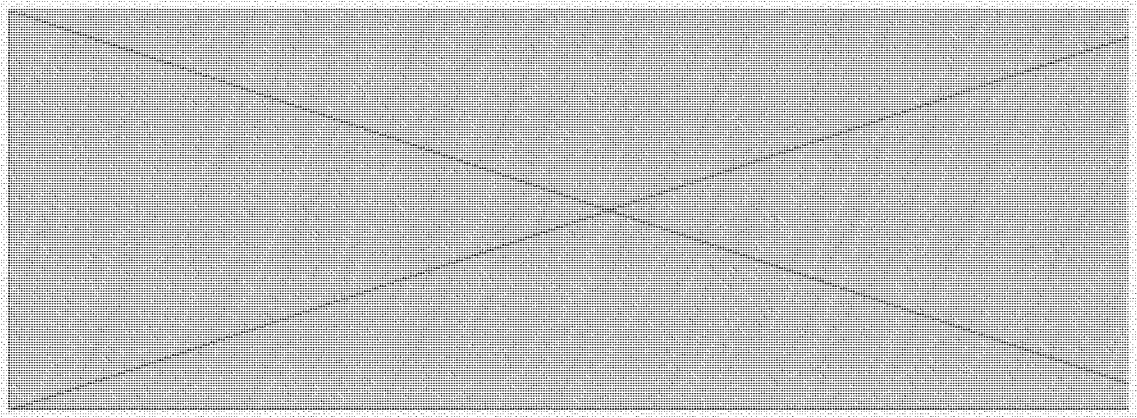
11/8/16 2:19 PM

Eighty-eight lawmakers filed an amicus brief with a federal court on Tuesday asking judges to block the Environmental Protection Agency's controversial Waters of the United States rule.

Exit Poll: Clinton Bests Trump With Ground Game

11/8/16 3:00 PM

Hillary Clinton holds a substantial edge over Donald Trump when it comes to their campaigns' respective ground games, new Morning Consult/POLITICO exit poll data shows.



Climate Meeting President Stresses Action on Green Climate Fund Contributions

11/8/16 12:03 PM

The president of the United Nations climate change meeting in Marrakesh, Morocco, said Tuesday that members of the Paris climate agreement need to quickly develop a plan to send $100 billion per year to developing countries.

Energy Stocks See Small Gains Tuesday

11/8/16 4:12 PM

Energy stocks were up on Tuesday, despite sluggish oil prices. An index tracking global energy investment rose 0.65 percent as of 3:35 p.m., while U.S. investment was up 0.57 percent.

Voters Want a Strong Leader More Than Anything Else, Exit Poll Shows

11/8/16 12:00 PM

Voters heading to the polls Tuesday are twice as likely to say they want a president who is a "strong leader" than in 2012, according to Morning Consult/POLITICO exit data.

Five Things to Watch Down the Ballot on Election Night

11/8/16 7:12 AM

Voters will head to the polls Tuesday with the Republican Party on the defense in key Senate races and with its House leaders poised to lose some of their allies who have fallen victim to the political fallout of Donald Trump's ascendence to the top of the ticket.

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EPA

WEEKLY compass

Weekly Update: 11/08/2016

Welcome to the Weekly Compass, your gateway to information about recent and upcoming ORD activities. If you have ideas for the Weekly Compass, please send them to the editors. To see each full article on ORD@work, please click on the text that is hyperlinked.

Quick Updates

- Visit OPM's online resource center for up-to-date information regarding the OPM incidents.
- For those in the DC area or visiting DC, check out commuting information for options to consider during Metro's SafeTrack project.
- Can't get enough of APHA? Read Tom's blog about EPA and APHA's MOU and watch his In the Moment video.

- Early closeout reminder: Attest and submit your time by COB today.
- Show Some Love and donate to CFC. Help ORD reach its 2016 goal of $50,847!
- This year's Federal Benefits Open Season is November 14 - December 12, 2016.
- Employee Anti-Harassment Training must be completed by December 31.
- Nominations for the Sammies are due by January 15.
- You can read the This Week @ EPA newsletter here.
- Check out the latest *It All Starts with Science* blog post.
- Upcoming webinars:
  - EPA Tools and Resources webinar--IRIS: Wednesday, November 16, 3-4pm ET
  - Region 8/ACE webinar on biochar: Thursday, November 10, 3-4pm ET

Photos of the Week: Nokomis, Decon Conference, and RTP Town Hall

In the Lab:

Cancer Moonshot - Launching the Next "Framingham Study" to Revolutionize Precision Oncology

ORD is collaborating with the Department of Defense (DoD) on a groundbreaking new longitudinal oncology study capable of furthering our understanding of the biological underpinnings of cancer, similar to the groundbreaking Framingham longitudinal cohort study on cardiovascular disease. By combining the vast amounts of data housed within the Automated Central Tumor Registry, the DoD cancer registry system, and the DoD Serum Repository, researchers will work to identify pre-diagnostic protein/peptide markers and novel associations for different types of cancer. Approximately 1,000 new cases of cancer occur annually in Active Duty personnel, with roughly 250,000 samples from the last 25 years available to undergo protein signature analysis for pre-incident cancer markers. DoD will work in partnership with EPA to link results with the "Environmental Quality Index" to further evaluate the environmental factors contributing to disease.

Board of Scientific Counselors Meeting

Last Tuesday, ORD held a teleconference with the Board of Scientific Counselors Executive Committee to discuss their final review of the Environmental Justice and Climate Change Roadmaps and to introduce new efforts in metrics and social sciences. The Executive Committee had extremely favorable comments on both Roadmaps, and they were pleased with the attention to their previous review comments and recommendations. In particular, they commended ORD for including social science connections. They approved both Roadmaps with only minor editorial revisions. The Roadmaps will be finalized and posted to the EPA website. They also received the first annual reports of progress and impact from four cross cutting roadmaps (the other two are Children's Health and Nitrogen and Co-Pollutants) for review.

Cookstove Training in Bolivia

This week, ORD is leading a training workshop on cookstove testing and research in La Paz, Bolivia. NRMRL's Jim Jetter will serve as an expert advisor. He will present classroom and hands-on laboratory sessions on a range of topics related to cookstove testing. His participation will further the development of a global network of Regional Testing and Knowledge Centers that will be capable of scientifically evaluating and certifying cookstoves to international standards for air pollutant emissions and fuel efficiency.

SETAC World Congress and Annual Meeting, Orlando, FL

ORD has a strong presence at this week's Society of Environmental Toxicology and Chemistry meeting. Staff will demonstrate tools at the EPA exhibit booth, chair sessions, and present session papers and posters. Topics include harmful algal blooms, poly- and perfluoroalkyl substances, and pharmaceuticals in the environment. NRMRL's Tim Canfield will receive the Herb Ward Exceptional Service Award for "long-term, exceptionally high-quality service to the Society".

A look at EPA's booth at SETAC

Floating Vegetation Island Deployed

This week ORD and Region 9 will set up a floating vegetation island in collaboration with the

Colorado River Indian Tribes on No Name Lake. The objective of this Regional Sustainable Environmental Science project is to evaluate the effectiveness of floating vegetated islands in removing nutrients from the water column. Floating islands and floating island wetlands have been shown to help improve water quality by removing nutrients through uptake and respiration activities, increasing the quantity and diversity of aquatic habitat, providing vital structure and shading for fish, and discouraging the growth of undesirable plants and algae.

Columbia Children's Center Grantee Publication

Regular physical activity can improve cardiopulmonary health; however, increased respiratory rates during activity may increase the dose of air pollution exposure. This could be especially critical in urban environments where physical activity may occur near sources of traffic-related air pollution. Black carbon is a major indicator of traffic-related air pollution exposure in cities. There has been very little research to address the link in children between regular physical activity and pollutant exposures in urban environments. Researchers from the NIEHS/EPA Children's Center at Columbia University investigated the impact of black carbon on the relationship between physical activity and airway inflammation in children living in New York City. Results of this recently published study show that children that live in an urban environment and are physically active on a daily basis have higher personal exposure to black carbon. The study concludes that high black carbon exposure offsets the protective relationship between physical activity and airway inflammation.

Exposure Science in the 21st Century Working Group

On October 26-27, 2016 the ES21 Federal Working Group on Exposure Science held its third annual planning meeting. The ES21 Federal working group, composed of over 20 federal organizations, was formed in 2014 to implement the strategies recommended by the National Academies of Science in their report *Exposure Science in the 21st* Century.

At the meeting, the ES21 group reviewed its progress during FY16 and laid out an agenda for FY17 and beyond. The group is planning on completing the development of a series of case studies that will serve as roadmaps for how new advances in exposure science can be used in chemical specific risk assessments, emergency response scenarios, and in the design and development of sensor technologies. The group continues to expand the understanding of ES21 through webinars and outreach to the larger federal community of researchers. The subcommittees are focused on exploring issues such as data management of "big data," addressing social issues associated with the use of sensors, the role of the public in exposure science, the use of biomonitoring data, and how to best coordinate the use of resources government wide.

Freshwater Harmful Algal Blooms RFA Announced

EPA, as part of its Science to Achieve Results program, announced the release of the Freshwater Harmful Algal Blooms Request for Applications (RFA). This RFA seeks regular and early career applications proposing innovative research on the prediction, prevention, control, and mitigation of freshwater Harmful Algal Blooms (HABs) as well as the drivers, life cycle patterns, and fate of and effects from less-common, less-studied and emerging freshwater HAB species and toxins. The RFA opened on Oct. 28, 2016 and will close on Jan. 4, 2017.

In the Office:

EPA Town Hall – Volkswagen Investigation and Settlement

For those interested, there will be an EPA Town Hall tomorrow, November 9, at 2 p.m. EST with Cynthia Giles, Assistant Administrator for OECA, and Janet McCabe, Acting Assistant Administrator for OAR, to discuss the current status and key activities surrounding the Volkswagen settlement.

There are two options for participating in the event:

- **In person:** The event will be held in the Green Room at the William Jefferson Clinton Federal Building (WJC) in Washington, D.C. Please enter through the WJC South entrance no later than 1:45 p.m. EST. Space is limited and seating is on a first come, first served basis.

- **Live broadcast:** The event will be broadcast through EPAtv. Please remember that EPAtv is available at http://epatv.epa.gov using only Internet Explorer while on the EPA network and cannot be accessed remotely. Phone lines are not available for this event, but the video recording will be available for employees who are unable to participate live.

Join the conversation for a "behind the scenes" look at how the agency's vehicle emissions testing and air enforcement efforts resulted in this landmark settlement impacting the lives of millions of Americans. There will be an opportunity to ask questions if you are attending the event in-person.

Update on OPM Cybersecurity Breach Credit Monitoring and Identity Protection Services

Since 2015, the U.S. Office of Personnel Management has offered credit monitoring and identity protection services at no charge to individuals impacted by the personnel records and background investigations cyber incidents. There will be an upcoming service provider change that will affect a subset of the individuals impacted by these incidents.

OPM has taken steps to ensure that while this change is occurring there are no gaps in identity restoration and identity theft insurance coverage. Most impacted individuals will not need to take any action and can keep their current services, while others may need to enroll with a new provider if they want to continue to use credit monitoring services.

For more information about this provider change and about the 2015 OPM cybersecurity incidents, please visit OPM's Cybersecurity Resource Center at https://www.opm.gov/cybersecurity.

Accolades:

Kacee Deener Receives APHA Award

IOAA's Kacee Deener was presented with the American Public Health Association Environment Section Distinguished Service Award for her service to APHA and professional achievement in the field of public health. Kacee is past section chair of the Environment Section, which she led from 2013 to 2015. During her tenure she successfully elevated the section's priority, climate change and health, as a focus for the entire organization, and worked to foster the growth and voice of our topic committees.

In the News:

EPA Announces Grant to University of Texas for Water Center

On Wednesday, November 2, EPA announced a $3.9 million grant to the University of Texas at Austin to develop a center for sustainable water infrastructure modeling research. The Center for Infrastructure Modeling and Management will use open source water infrastructure models while sharing green infrastructure tools and research with local communities and stakeholders.

The center will also be open to the public, allowing for community engagement with individuals interested in water infrastructure modeling. EPA and UT announced the project at an event in Austin held to raise awareness of water issues and potential solutions in the United States. The award was made as a cooperative agreement, and UT will be working with EPA scientists from NRMRL and NHSRC.The announcement was covered by KXAN-TV in Austin.

EPA's Village Blue Project was Highlighted in NextCity.org

EPA's Village Blue project, a partnership with USGS to monitor water quality in Baltimore Harbor, was featured on NextCity.org. The Village Blue project will collect water quality data to help support the existing federal, state, and local efforts to restore the environment and protect public health. Staff from both agencies will use low-cost water sensors to collect real-time water quality data at a monitoring site on the Jones Falls River, close to the Baltimore Water Wheel Exit. This effort will also let researchers get a first look at new technologies in use. You can read a blog about the joint effort here.

EPA Near Roadway Research shared in EM Magazine

The article *Living Close to Roadways: Health Concerns and Mitigation Strategies* by Michaela Burns (IOAA Communications) was published in EM magazine on Nov. 1. Members can access the online EM magazine at: http://www.awma.org/publications/em-magazine.

In the Community:

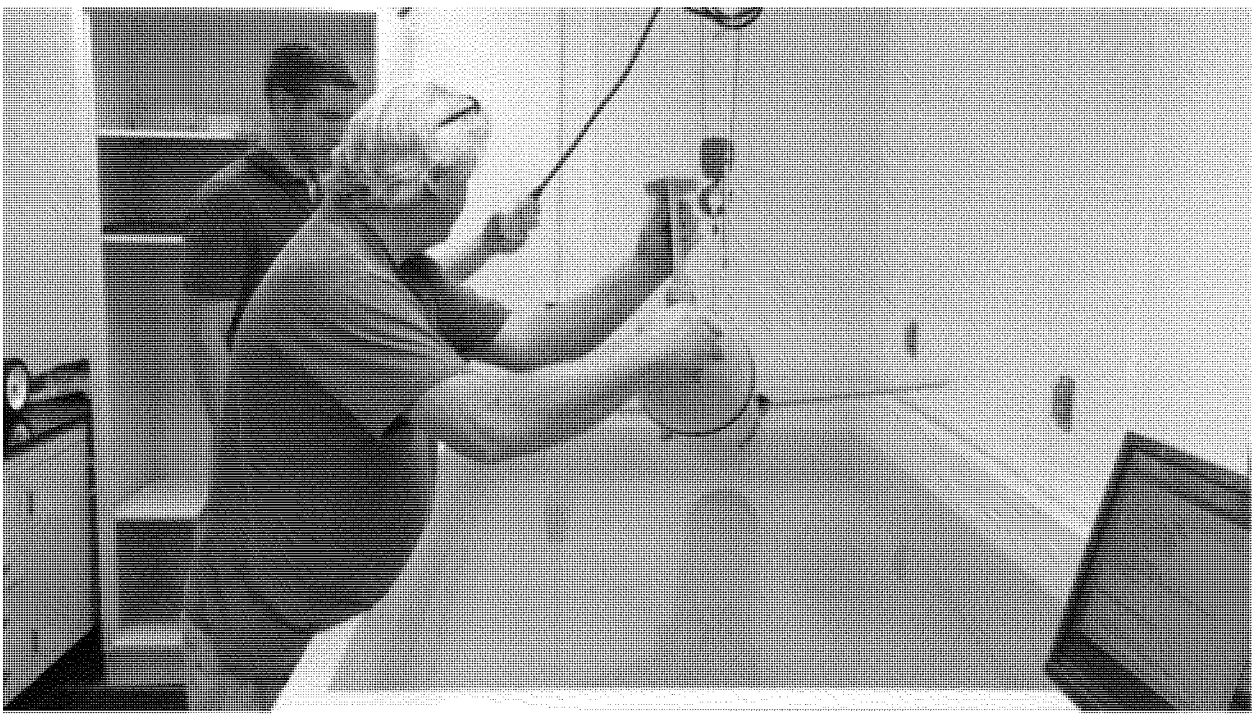
EPA STEM Outreach events

- During the week of November 7th, six EPA-RTP employees will teach their fifth Citizens School Fall Apprenticeships at Lowes Grove and Neal Middle Schools, both in Durham, N.C. These Citizen Teachers will lead students in a wind energy activity. Citizen Schools partner with public middle schools to provide an expanded learning day one afternoon a week for 10 weeks.
- Today, EPA will lead the 8th weekly Lunch Bunch session and do an activity on air chemistry with 2nd graders at Southwest Elementary School in Durham. The program provides academic enrichment for academically gifted students.
- On November 9th, Kelly Witter (NERL) will participate in the Business Advisory Council meeting at the Southern School of Energy and Sustainability in Durham. The Council

brings together local businesses to expose students to career opportunities. This is EPA's 4th year chairing the Council.

- On November 9th, EPA will lead its 4th monthly After-School Program at Holt Elementary in Durham. EPA scientists teach K-5 students about the environment by engaging them in hands-on activities.
- On November 12th, three EPA scientists will participate in the Girl Scouts Technoquest Event at Meredith College. During this event, girls in grades 6-12 experience the fun and friendship of spending a day on a college campus, exploring a variety of STEM topics, and mingling with peers and mentors.

Photos of the Week: Nokomis, Decon Conference, and RTP Town Hall



The submersible EPA research glider "Nokomis" just completed a 37 day deployment collecting data in Lake Superior as part of a NHEERL-MED-Great Lakes National Program Office collaboration with the University of Minnesota Duluth. You can check out a video of the glider in action here.

Tim Boe, Lukas Oudejans, and EPA Research's Homeland Security NPD Greg Sayles at last week's EPA International Decontamination Research and Development Conference.

EPA Deputy Administrator Stan Meiburg addresses ORD staff in RTP at last week's town hall.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Otto, Martha[Otto.Martha@epa.gov]
From: Clarke, Robin
Sent: Tue 11/8/2016 10:04:14 PM
Subject: Re: Key to your old office

Good Afternoon Francesca,

Can you tell me if you are still in possession of your key for your old office? If so, and all of your things have been moved can I have the key so that we can have it for the new person coming into the office. They are wanting to move some of their things over this week however, I wanted to check-in with you first.

Thank You

Robin R. Clarke

U.S. EPA|Office of Research and Development

Immediate Office of the Assistant Administrator

(202) 564-6493 (wk)

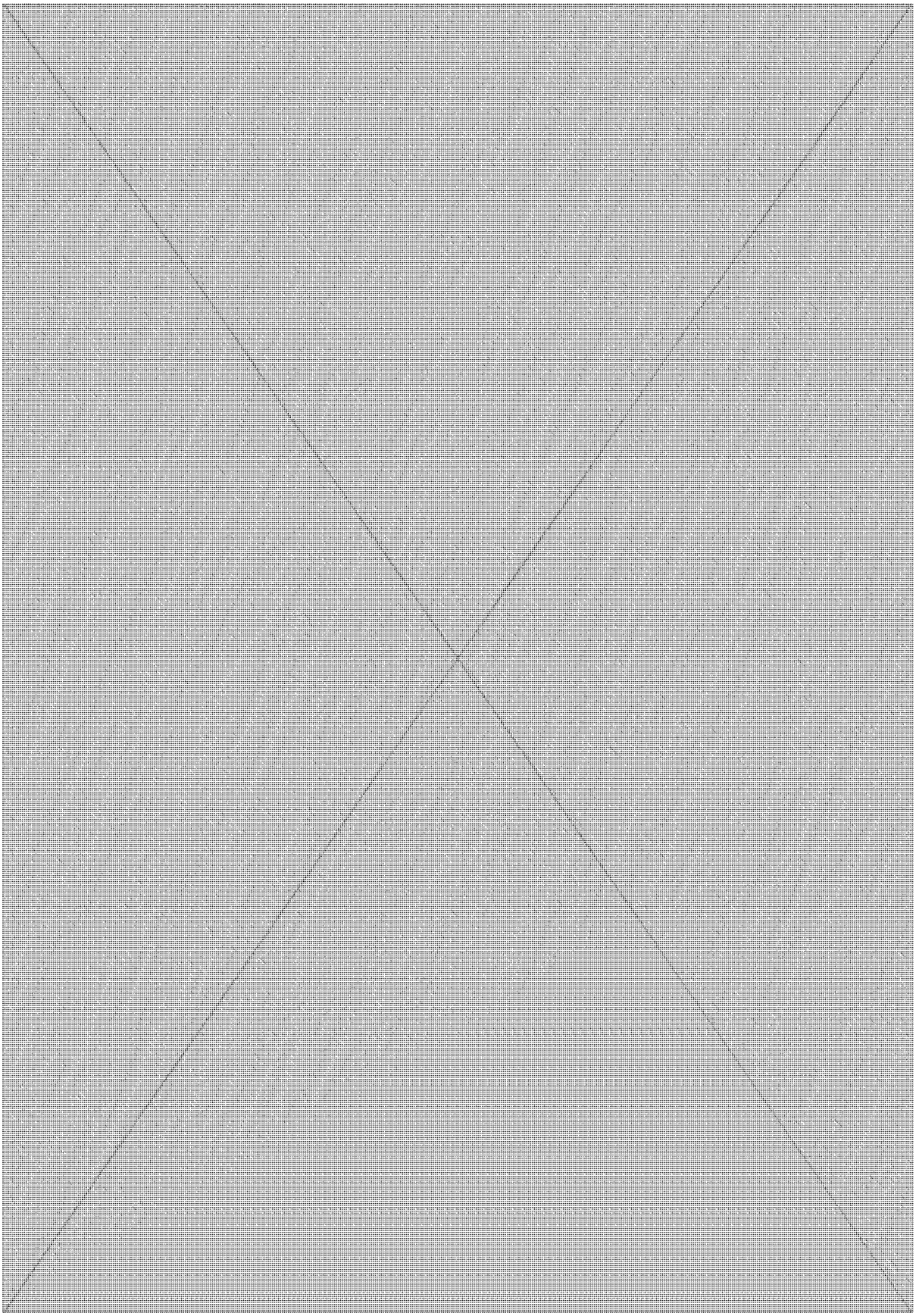
(202) 564-2070 (fax)

clarke.robin@epa.gov

"The true meaning of life is to plant trees, under whose shade you do not expect to sit"

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 11/8/2016 10:30:47 PM
Subject: 3rd Exit Poll: Voters Think Clinton and Trump Are Stubborn, Not Easy To Like

To view this email as a web page, go here.



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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Wed 11/9/2016 2:43:19 AM
Subject: Nov. 9 -- BNA, Inc. Daily Environment Report

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NEWS

Chemicals
Canada Calls for Limiting Use of Ethanol Paint Additive
Canada is calling for manufacturers and importers to limit concentrations of a toxic form of ethanol as a solvent in paints sold to consumers....

Chemicals
Chemical Ranking Strategy Heads for White House Review
A strategy the Environmental Protection Agency proposes to rank chemicals as high or low priorities for risk assessment is under review at the Office of Management and Budget....

Chemicals
Iraq Vets Want KBR Toxic Exposure Claims Reinstated
A group of veterans alleging military contractor KBR Inc. exposed them to toxic substances in Iraq told the Fifth Circuit their claims should be reinstated (McManaway v. KBR, Inc., 5th Cir., No. 15-20641, 11/2/16). ...

Chemical Testing
India Offers Non-Animal Eye, Skin Tests for Drugs, Cosmetics
India's health ministry revised the requirement for conducting eye and skin irritation tests on rabbits for drugs and cosmetics, allowing manufacturers to instead conduct non-animal testing in initial safety studies. ...

Climate Change
Earth Just Experienced the Hottest Five Years on Record
Earth experienced its hottest half-decade on record between 2011 and 2015 and the floods, droughts and storms unleashed by rising temperatures are likely only a prelude to new weather extremes, the World Meteorological Organization said....

Climate Change
EU Emissions Up Slightly, But 22 Percent Below 1990 Level
The European Union's greenhouse gas emissions increased slightly in 2015 compared to the previous year, but were still down 22 percent relative to 1990, according to preliminary figures issued by the European Environment Agency (EEA)...

Climate Change
Extreme Weather Linked to 500,000 Deaths Over 20 Years
Extreme weather killed more than half a million people and caused more than $3 trillion in damages over two decades, while African countries were among those most affected by such weather last year, according to a report released Nov. 8 at the...

Climate Change
Japan Approves Paris Agreement Ratification After Settling Trade Dispute
Japan's Diet unanimously passed the bill to ratify the Paris Agreement on climate change Nov. 8. The bill was to have been sent to the full House for approval Nov. 4—the day the Paris Agreement entered into force—but Prime...

Climate Regulation
Germany Said to Agree on Plan to Cut Carbon Emissions in Half
Chancellor Angela Merkel's government plans to slash carbon dioxide pollution emitted by Germany's transport and industrial sectors over the next 15 years....

Enforcement
$40M Biodiesel Credit Scam Lands Florida Men in Prison
A biodiesel credit scam yielded prison sentences of more than 10 years each for two Florida men, who also face orders to forfeit $46 million, the Department of Justice announced (United States v. Davanzo, M.D. Fla., No. 2:15-cr-00141, 11/7/16)....

Hydraulic Fracturing
Oklahoma Agency Plans to Shut Disposal Wells After Earthquake
Oklahoma's oil and gas regulator plans to shut some disposal wells and reduce the volume of others as its initial response to the Nov. 6 earthquake near the oil hub of Cushing....

Hydraulic Fracturing
Why Oklahoma Can't Turn Off Its Earthquakes
The 5.0 magnitude earthquake that hit Cushing, Okla., late Nov. 6, is the latest and, in some ways, the most troubling in a series of temblors that has rocked the Sooner State over the past few years....

International Climate
Europe at Risk of Missing 2030 Climate Goal, Researchers Say
The European Union risks missing its climate goals for the coming decades unless it strengthens greenhouse gas-reduction policies, according to the Institute for Sustainable Development and International Relations....

International Climate
Six Reasons You Should Care About the Marrakech Climate Talks
Officials from almost 200 countries are gathering in Marrakech, Morocco, this week for the first major summit since they agreed in December to curb greenhouse gas pollution and limit global warming to well below 2 degrees Celsius....

Oil & Gas

Energy Transfer to Keep Up Pace of Dakota Access Work
Energy Transfer Partners LP said it's not slowing construction on the controversial Dakota Access Pipeline, dismissing as a mistake the U.S. Army Corps of Engineers statement that it would....

Oil & Gas
Exxon Misled Investors About Climate Risks, Suit Says
ExxonMobil Corp. is misleading investors about the drop in its oil and gas reserves resulting from climate change risks and the decline in oil prices, according to a class action lawsuit filed in federal court (Ramirez v. ExxonMobil Corp. ,...

Oil & Gas
Oklahoma Boosts Curbs on Fracking Waste After Quake
Oklahoma is stepping up closures and curbs on fracking wastewater wells in the Arbuckle formation after a 5.0-magnitude earthquake struck Nov. 6 near the largest U.S. oil-storage hub....

Oil & Gas
OPEC Reverses Course, Data Show Old Policy Is Paying Off
Just as OPEC ditches the policy of pumping without limits, its forecasts show the strategy is paying off....

Renewable Energy
China Scales Back Solar, Wind Ambitions as Renewables Cool
China, the world's biggest clean-energy investor, lowered its solar and wind power targets for 2020, a reflection of how record installations of renewables have overwhelmed the ability of the nation's grid to absorb the new...

Renewable Energy
U.K. Committed to Renewable Energy, Ending Coal, Minister Says
U.K. Prime Minister Theresa May's administration is committed to promoting renewable energy and phasing out coal, Energy Minister Nick Hurd said, seeking to dispel uncertainty surrounding its strategy....

Vehicle Fuels
BP Buys Jet Fuel Made From Trash to Curb Airline Pollution
BP Plc will invest $30 million in Fulcrum BioEnergy Inc., which makes biofuel from garbage, in a new partnership designed to curb airplane pollution....

Water Pollution
Congressional Republicans Pile on in Water Rule Challenge
Opponents of a federal regulation to clarify which waters are subject to Clean Water Act requirements got the backing of 88 Republican members of Congress who filed a friend of the court brief supporting a challenge to the rule (Murray Energy...

Water Pollution
European Commission Sues Germany Over Nitrates in Water
The European Commission is taking Germany to court over its failure to comply with European Union laws covering nitrate pollution in water, the European Court of Justice confirmed to Bloomberg BNA Nov. 8. ...

Water Pollution
Water Storage Projects May Be Snarled Under Water Rule: Brief
Replenishing aquifers in California with treated wastewater could become cumbersome if the federal government treats artificial groundwater impoundments as federally protected waters under the Clean Water Rule, Western water districts...

REGULATORY AGENDA

Comment Deadlines

NOVEMBER 8 FEDERAL REGISTER

NOVEMBER 9 FEDERAL REGISTER

Daily Environment Report

[illegible]

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: psoft@v1742trtay007.rtp.epa.gov
Sent: Wed 11/9/2016 6:20:28 AM
Subject: Time Entry email notification for pay period 12-NOV-2016

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: iBiology
Sent: Wed 11/9/2016 9:01:03 AM
Subject: New Discovery Talk: Chemosynthetic symbioses: Living together can be fun

Chemosynthetic symbioses:

Living together can be fun

Colleen Cavanaugh (Harvard University)

As a first year graduate student, Dr. Colleen Cavanaugh predicted and discovered chemosynthetic

bacteria living in giant tubeworms found at deep-sea vents. Using a combination of electron microscopy and biochemistry, Cavanaugh showed that the bacteria metabolized sulfur and generated chemical energy for the mouthless and gutless worms. In turn, the worms provide the bacteria with an environment rich in both hydrogen sulfide and oxygen for energy production and CO_2 fixation. Cavanaugh went on to discover similar chemosynthetic symbioses in coastal bivalves and numerous other marine invertebrates.

Watch Colleen Cavanaugh's Discovery Talk: Chemosynthetic symbioses: Living together can be fun

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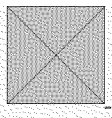
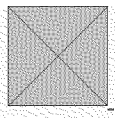
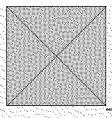

Come by the **iBiology Booth (#4229) at Neuroscience 2016** in San Diego, CA! Say hello to our team, learn more about our open-access videos and courses, educator resources and our science communication competition for graduate students and postdocs, the Young Scientist Seminars. Also, we will be raffling some cool swag!

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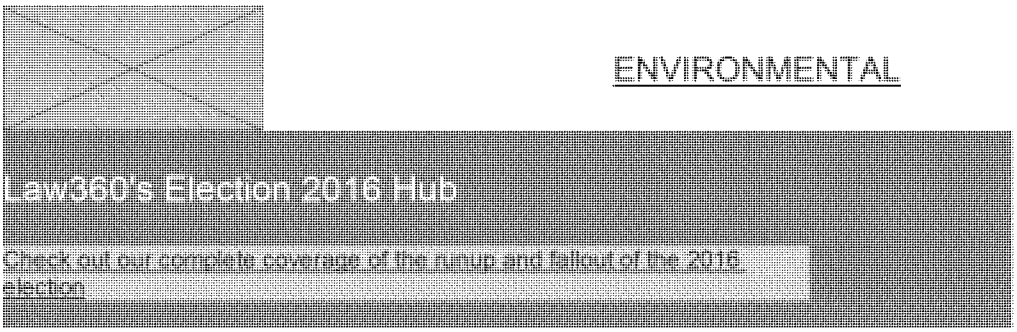
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Wed 11/9/2016 10:01:55 AM
Subject: Trump Presidency Will Open Floodgates For Law Firms



Wednesday, November 9, 2016

ELECTION 2016

News Analysis

Trump Presidency Will Open Floodgates For Law Firms

Donald J. Trump has captured the U.S. presidency and soon will send BigLaw scrambling.

Trump's Upset Win Puts Obama Legacy On Chopping Block

Donald Trump's unlikely run to the White House was fueled more by sheer force of personality than by policy specifics, and while that lack of specificity on issues has left an air of mystery over how Trump would govern, what's clear is that new rules for immigration and trade are coming and regulations on all industries will likely ease.

Trump Win Puts These 4 On High Court Shortlist

The victory of political outsider Donald Trump in the race to become the 45th U.S. president puts the Supreme Court front and center, with the president-elect having already tipped his hand as to who he might nominate to the court to replace the late Justice Antonin Scalia.

GOP Retains Control Of Both Houses Of Congress

The Republican Party will likely hold onto control of the U.S. Senate after holding on to a number of competitive seats Tuesday night, setting up another two years of GOP control of both houses of Congress.

Analysis

LAW FIRMS

Arnold & Porter

Babst Calland

Baker Donelso

Barnes & Thornbu

Bartlit Beck

Beirne Maynar

Bergesc & Campbe

Beverid & Diamon

Bracewe

Brownst

Trump Poised To Dismantle EPA Climate, Water Rules

President-elect Donald Trump has promised to keep the U.S. Environmental Protection Agency on a short leash, torpedo regulations meant to combat climate change and clarify the scope of the federal government's jurisdiction under the Clean Water Act. Experts are taking him at his word.

Analysis

Trump To Nix Climate Regs, Boost Fossil Fuel Development

President-elect Donald Trump will look to roll back efforts by predecessor Barack Obama to combat climate change, putting a host of regulations on the chopping block while pushing for increased fossil fuel development and directing energy regulators to tread lightly, experts say.

Feature

Why The Candidates' BigLaw Bills Keep Rising

The total legal tab for Hillary Clinton and Donald Trump's scorched-earth battle far surpasses spending in recent elections, but experts predict more growth in the post-Citizens United landscape.

Feature

The Firms Cashing In This Election Season

A slew of presidential hopefuls turned to a wide variety of legal professionals throughout the 2016 race.

TOP NEWS

Dozens In Congress Tell 6th Circ. Waters Rule Must Fall

A bevy of congressional Republicans — and two Democrats — on Tuesday asked the Sixth Circuit to strike down a controversial federal rule aiming to delineate the government's jurisdiction under the Clean Water Act, saying legislative history shows the rule is an overreach.

5th Circ. Says Lower Court Must Redo 'Flawed' CWA Ruling

In a highly critical opinion released Monday, the Fifth Circuit Court of Appeals reversed a lower court's ruling in a Clean Water Act suit that sided with Texas real estate developers over the federal government, holding that the lower court's eight-page opinion was "flawed legally and factually."

Navajos Fight Mining Co.'s Dismissal Bid In Gold King Suit

The Navajo Nation on Monday asked a New Mexico federal judge to reject Sunnyside Gold

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Babst Calland

Baker Donelso

Barnes & Thornbu

Bartlit Beck

Beirne Maynarc

Bergesc & Campbe

Beverid & Diamon

Bracewe

Brownst Hyatt

Caplin & Drysdal

Cole Schotz

Cory Watson

Crowell & Moring

Crowley Fleck

Corp.'s efforts to escape the tribe's lawsuit alleging the company bears some responsibility for last year's Gold King Mine disaster, which contaminated tribal land with toxic wastewater.

Insurer Can't Get 9th Circ. Rehearing Of Tesoro Spill Suit

The Ninth Circuit will not reconsider its September decision to affirm the dismissal of North of England's lawsuit accusing Tesoro Refining of not doing enough to contain a 2011 oil spill, which cost the maritime insurer roughly $2.8 million in cleanup costs, according to an order handed down Monday.

IFC Lists 1st-Of-Its-Kind $152M Forest Bond On LSE

The International Finance Corp., a World Bank Group member focused on private investments in developing countries, listed a $152 million bond on the London Stock Exchange on Tuesday, the first bond to give investors an option to be repaid in carbon credits.

POLICY & REGULATION

Utility-Backed Solar Amendment Fails In Fla.

A utility-backed solar power constitutional amendment failed in Florida when it didn't get the required 60 percent of the vote to pass, giving a win to the solar industry that fought the ballot measure as a deceptive initiative intended to thwart consumer-owned solar power devices.

ENFORCEMENT

Fla. Men Get Lengthy Prison Terms For Biofuel Fraud

A Florida federal judge on Monday imposed decadelong prison sentences on two Florida men for their roles in a multistate scheme that fraudulently claimed over $46 million in federal renewable-fuel and tax credits.

LITIGATION

DuPont Can't Put Ex-EPA Chief On Stand In Teflon Trial

An Ohio federal judge barred DuPont Co. on Monday from using a former U.S. Environmental Protection Agency head as a key witness in next week's trial over whether its dumping of a former Teflon ingredient caused an Ohio resident's cancer.

ConocoPhillips Dodges Chinese Fishermen's Oil Spill Suit

ConocoPhillips Co. on Tuesday broke free of a 4-year-old suit filed by a group of Chinese fishermen over a June 2011 oil spill in China's Bohai Bay, as a Texas federal judge ruled that the suit has nothing to do with the U.S. or ConocoPhillips.

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Atty Accused Of Investor Fraud Wants SEC Comments Barred

An attorney accused by the U.S. Securities and Exchange Commission of defrauding professional athletes and other investors in his waste-to-fuel business asked a Georgia federal court Monday to restrain the regulator from commenting on the case, saying the suit has zero justification.

Honeywell Given Limited-Use Access To Asbestos Claim Info

Honeywell Inc., the administrator of a personal injury trust related to asbestos claims, will be given access to the personal information of claimants against the trust so it can investigate potential fraud after a Delaware bankruptcy judge granted its request Tuesday with certain limitations.

Pa. Judge Blocks New Fracking Rules Amid Legal Fight

A Pennsylvania state judge agreed Tuesday to grant a preliminary injunction blocking certain provisions of a controversial new regulatory package governing hydraulic fracking operations while an industry group pursues a legal challenge.

Hawaiian Group Says Army Blocking Access To Cultural Sites

A cultural group on Monday accused the U.S. Army of refusing Hawaiian community members access to sacred sites at the Makua Military Reservation on Oahu, in violation of a settlement agreement inked roughly 15 years ago.

Calif. Tribe Slams Proposed Deal In CAA Suit Over Plant

The Blue Lake Rancheria Tribe pressed a federal court on Monday to shoot down a proposed deal that would put to rest claims that Blue Lake Power LLC flouted the Clean Air Act at a California biomass-fired electricity plant, calling it unfair.

SunEdison Unsecured Creditors Seek To Sue Yieldcos

SunEdison Inc.'s official committee of unsecured creditors stepped up its battle with the debtor in the tumultuous Chapter 11 case late Monday, asking the New York bankruptcy court for standing to try to claw back potentially billions of dollars in value transferred to its nondebtor yieldco subsidiaries.

Mich. Takes FERC Refund Ruling Fight To DC Circ.

Michigan utility regulators on Monday asked the D.C. Circuit to review Federal Energy Regulatory Commission orders directing refunds be paid to Wisconsin-based customers that the commission concluded were unfairly charged for keeping units at a Michigan coal-fired power plant open for grid reliability purposes.

Greyhound Told It Can't Toss Expert In Fuel Cleanup Suit

An Arizona federal judge Monday denied a bid from Greyhound Lines Inc. to exclude the testimony of an expert witness from Viad Corp. in the bus company's suit over

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environmental cleanup cost responsibility from fuel leaks, saying he wouldn't toss the testimony over allegedly undisclosed documents.

Land Developer Sues Calif. Coastal Commission for $490M

The California Coastal Commission has been hit with a $490 million lawsuit in California state court by developers for denying approval of a restoration project on 401 acres that would add new homes and retail space because of what the developers allege were inaccuracies and misinformation.

EXPERT ANALYSIS

How New EPA Hazardous Waste Rule Impacts Retail Pharmacies

Given that the EPA's final Hazardous Waste Generator Improvements rule was recently published without finalization of its proposed pharmaceuticals rule, retail pharmacies are now faced with complying with the new final rule as large quantity generators. Gregory Blount and Karlie Clemons Webb of Troutman Sanders LLP highlight components that will affect retail pharmacies' hazardous waste programs.

Climate Change Litigants Get Creative

Citizens, states and the federal government are finding increasingly creative angles to tackle climate change. Claimants are using a broad range of laws to pursue claims. Companies must be cognizant of the increasingly wide array of risks arising from climate change and should be adopting strategies to manage such risks, say Miranda Yost and Andy Flavin of Troutman Sanders LLP.

Candid Advice From The Bench: Judges Are People Too

While it's true that judges are more capable than juries of rendering decisions based on a subtler understanding of the law, trial lawyers shouldn't assume that judges are immune to the unfolding drama and underlying context of the case. In fact, the most important lesson we've learned from interviewing retired judges is that they process information the same way jurors do, says Alison Wong of Salmons Consulting.

LEGAL INDUSTRY

NJ Firm's Bankruptcy Estate Could Sue Insiders, Report Says

The bankruptcy estate of New Jersey foreclosure firm Zucker Goldman & Ackerman LLC may have grounds to sue its insiders over their interests in a separate company purportedly bankrolled by the firm's funds, according to a report released Tuesday.

Rainmaker Q&A: Davis Wright's Don Buder

Building an active pipeline of legal work is about building a sandbox that others want to play in with you. That involves building a community of referral sources and satisfied clients who value your business network and strategic thinking as much as your technical legal expertise, says Don Buder of Davis Wright Tremaine LLP.

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Rainmaker Q&A: Ruskin Moscou's Douglas Nadjari

Find an area of law for which you have a true passion. Prosperity will follow because learning and working will be a labor of love, not a chore, says Douglas Nadjari, partner at Ruskin Moscou Faltischek PC.

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USG Corporation

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Waste Management, Inc.

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GOVERNMENT AGENCIES

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U.S. Army

U.S. Supreme Court

Army Corps of Engineers

Securities and Exchange Commission

Council on Environmental Quality

Executive Office of the President

Federal Election Commission

Federal Energy Regulatory Commission

NAFTA

United Nations

Blue Lake Rancheria

California Natural Resources Agency

Consumer Financial Protection Bureau

Federal Bureau of Investigation

Immigration and Customs Enforcement

Native Village of Kivalina

Navajo Nation

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Wed 11/9/2016 12:31:58 PM
Subject: The Morning Headlines from InsideEPA.com -- November 9, 2016

November 9, 2016

Latest News

Trump Victory Sets Stage For Reversal Of Obama's Environmental Agenda

President-elect Donald Trump's victory in the Nov. 8 election opens the door to Republicans overturning a host of EPA policies and rules issued since 2009 -- including the Obama administration's climate agenda -- while reversing course on pending rule proposals, and potentially enacting dramatic cuts to the agency's budget.

Lawmakers Claim CWA Rule Restricts States' Land, Water Quantity Powers

A bipartisan coalition of lawmakers in a new legal filing is claiming that EPA and the Army Corps of Engineers' Clean Water Act (CWA) jurisdiction rule unlawfully restricts states' water land use and water quantity authorities, in violation of the water law's text, Congress' intent, legislative history, and a 2001 Supreme Court ruling.

California Air District Sues EPA Over Denial Of SIP Offsets Program Rules

California Bay Area air district officials are suing EPA over its rejection of the district's new source review (NSR) emissions offsets program, claiming the agency is "misreading" Clean Air Act requirements and creating "arbitrary" demands for additional offsets to allow permitting of industrial facility modifications.

Citing Stay, Procedural Defects, ESPS Opponents Seek CEIP Re-Proposal

State, utility and industry opponents of EPA's existing power plant greenhouse gas (GHG) rule are doubling

A new audit by EPA's Inspector General (IG) has found that managers overseeing the development of EPA's hazardous waste electronic manifest (e-manifest) system lacked a required certification necessary to oversee a major federal acquisition program and information technology (IT) investment such as e-manifest.

EPA Finalizing Documents On Use Of Human Data In Pesticide Reviews

EPA plans to pop issue two documents further detailing the agency's process for incorporating epidemiological, or human, data into pesticide risk assessments, a complex effort that advocates say is necessary to accurately reflect products' risks but that industry has argued the agency has approached in an inconsistent manner.

EPA Sends TSCA Prioritization Risk Review Rule To OMB

EPA has sent for White House Office of Management & Budget (OMB) pre-publication review its proposed rule to implement a mandate in the revised Toxic Substances Control Act (TSCA) to develop a formal process for prioritization of chemicals for risk evaluation, the first of several pending rules required by the overhauled TSCA.

EPA Disputes NMA Claims On CSAPR Update, ESPS

EPA is disputing claims from the National Mining Association (NMA) that the recent Cross-State Air Pollution Rule update, which includes a greater 2016 coal capacity number in its reference case than EPA's power plant greenhouse gas (GHG) rule, proves the agency understated the

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charges that the agency's work on its Clean Energy Incentive Program (CEIP) violates the Supreme Court's decision, urging the agency to re-propose the rule if EPA's Manifest Program is upheld, in part to clear a path to challenge the CEIP in future litigation.

Navajo Nation Defends Mine Spill Suit Against Superfund 'Preemption' Claim

The Navajo Nation is defending its suit seeking damages and remediation for the 2015 Gold King Mine wastewater spill caused by an EPA cleanup team, fighting claims from mining companies involved in the suit that they cannot be held liable for contamination on jurisdictional grounds and because EPA has listed the former mine as a Superfund site.

power plant rule's adverse effect on the coal industry.'

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 11/9/2016 1:07:54 PM
Subject: Morning Consult Energy: Trump Wins, Has Vowed to 'Cancel' Paris Agreement; Florida Solar Ballot Measure Fails

By Jack Fitzpatrick

Today's Washington Brief

- Donald Trump was elected president, and Republicans maintained control of the House and Senate. Trump has vowed to "cancel" the Paris climate agreement, and while that may be an oversimplification, he can cripple it by reneging on commitments the U.S. made last year. (Quartz)

- Florida's controversial ballot measure on solar power failed to reach the 60 percent necessary to amendment the state constitution to call on lawmakers and regulators to ensure the state does not subsidize rooftop solar power. (Miami Herald)

- Donald Trump just pulled off one of the biggest upsets in political history. But how? A Morning Consult/POLITICO exit poll of nearly 25,000 voters shows that in key states, voters believed Trump would be better for the economy and national security. A majority of voters also think Obamacare should be repealed. (Morning Consult)

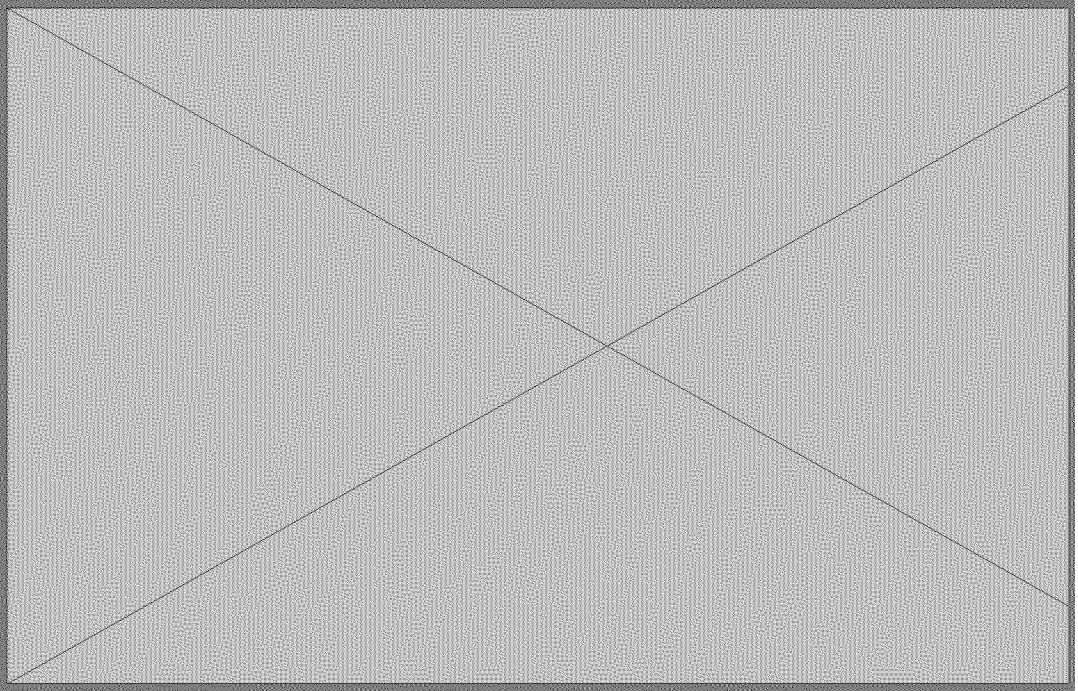
Today's Business Brief

- The U.S. Energy Information Administration projected an output of 8.84 million barrels of oil per day this year and 8.73 million barrels a day next year, signifying a less steep decline than previous projections. (The Wall Street Journal)

- France may face an electricity shortage this winter, according to grid operator RTE, thanks to the closure of about a third of the country's nuclear plants for safety checks. (Reuters)

- Royal Dutch Shell, ExxonMobil, Eni, Chevron and Total have all reached settlements with Nigeria totaling about $5 billion to cover oil exploration and production costs there. Western companies have accused the

Today's Chart Review



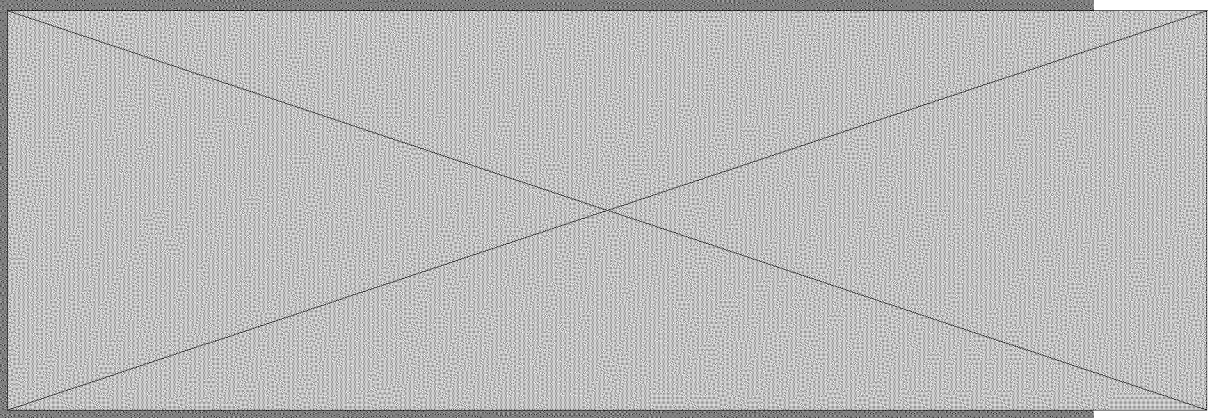
Mark Your Calendars (All Times Eastern)

Wednesday

22nd Conference of the Parties to the United Nations Framework Convention on Climate Change	
FERC holds a conference on utilization of organized markets of electric storage	10 a.
Bracewell's Policy Resolution Group holds webinar on election results	10:3 a.

Thursday

22nd Conference of the Parties to the United Nations Framework Convention on Climate Change	
Alia Mohammed, Senior Analyst for Energy Security at the U.S. Department of Energy, speaks at Columbia University's Center on Global Energy Policy	1



General

Trump has vowed to yank the US from the global climate pact. He can do it.
Michael J. Coren, Quartz

US president-elect Donald Trump says he is not a great believer in man-made climate change and has vowed to "cancel" the Paris climate agreement (which he calls "bad for US business"). But climate scientists, watching a world heating up far faster than expected, have pinned their hopes for action to save the planet on the agreement.

Clinton Likely Won the Popular Vote, But Here's Why Trump Will Be the 45th President
Morning Consult Polling

Donald Trump just pulled off one of the biggest upsets in political history, and it looks like it comes down to the economy. Though she lost the electoral college, many are predicting that Hillary Clinton won the popular vote.

Washington voters reject initiative to impose carbon tax on fossil fuels
Lewis Kamb, The Seattle Times

The nation's first state ballot measure to impose a carbon tax on fossil fuels failed Tuesday on a crowded slate of statewide initiatives facing

Washington voters this November. Initiative 732, which sought to apply a tax on energy-derived coal, oil gas had garnered just 41 percent in initial ballot counts.

On this Election Day, Secretary of State John Kerry is traveling just about as far from Washington as he can go. He's on his way to Antarctica, becoming the first secretary of state to visit all seven continents after logging well over a million miles while in office.

Eighty-eight lawmakers filed an amicus brief with a federal court on Tuesday asking judges to block the Environmental Protection Agency's controversial Waters of the United States rule. All but two of the signatories were Republicans, including Senate Majority Leader Mitch McConnell (R-Ky.), Senate Environment and Public Works Chairman Jim Inhofe (R-Okla.) and Senate Energy and Natural Resources Chairman Lisa Murkowski (R-Alaska).

As the oil bust turns around, it's worth looking back and taking note that Texas, overall, didn't suffer that much because of the oil bust. While the oil bust has hit oil-producing areas hard, it hasn't spread like a contagion to the rest of the state.

Raw materials and the companies that produce them were whipsawed as Donald Trump was elected U.S. president in a shock victory over Hillary Clinton. Oil and agricultural commodities declined on Wednesday, while industrial metals rebounded from earlier losses and gold surged with haven assets as the Republican pulled off a huge electoral upset.

Turbulence in financial markets calmed after a knee-jerk selloff in stocks and rally in haven assets as investors reassessed the effects of Donald Trump's surprise victory in the U.S. presidential election. After initially

sliding the maximum allowed. Futures on the S&P 500 Index pared losses along with European equities, while the yen and gold scaled back gains.

Oil & Natural Gas

The Energy Information Administration, in its monthly short-term energy outlook, boosted its forecasts of U.S. oil output this year and next. The EIA expects U.S. oil output to average 8.84 million barrels a day this year and 8.73 million barrels a day next year, up from its prior forecasts of 8.73 million in 2016 and 8.59 million in 2017.

Nigeria has reached an outline settlement to resolve a protracted dispute with western energy companies, under which the groups will be paid $5bn to cover exploration and production costs in Africa's biggest oil-producing nation. Royal Dutch Shell, ExxonMobil, Eni, Chevron and Total have signed deals relating to this settlement of costs incurred between 2010 and 2015, as they also seek to forge new financing arrangements for their joint ventures in Nigeria.

The Organization of the Oil Exporting Countries significantly reduced its outlook for crude prices in the next few years in its annual World Oil Outlook published Tuesday. The 14-member oil producer group now assumes its OPEC reference basket price will reach $60 a barrel by 2020.

OMV said it is selling its UK business to Siccar Point Energy for up to $1 billion, putting an end to the Austrian oil and gas group's exploration activities in Britain as it seeks to escape high costs in areas such as the North Sea. The firm's Chief Executive Rainer Seele is unwinding a strategy set by his predecessor, who bought North Sea assets in 2013 for $2.65 billion, by shifting OMV's focus from output growth to cutting costs

and cash generation.

A funny thing happened after oil exporters reached what seemed like a landmark agreement to cut output in September: they shipped crude with abandon. The number of very large crude carriers booked to travel from the Middle East to Asia reached the highest in five years in mid-October, according to JBC Energy.

Utilities & Infrastructure

New York's Clean Energy Advisory Council has generated a report on metrics and targets for energy efficiency, stopping short of specific recommendations but stressing that proper policies and funding can help align utility goals and customer outcomes. The report advocates the use of a "hybrid" approach as utilities ramp up efficiency programs, where both outcome- and program-based approaches would be used.

Renewables

Florida voters rejected Amendment 1 on Tuesday, the utility-backed measure to limit rooftop solar expansion, after a scrappy, grassroots campaign and last-minute revelations raised doubts about the proponents' claims that their goal was to expand solar generation. By 8:30 p.m. EST and with nearly three-quarters of precincts reporting, the vote was almost evenly split, falling short of the 60 percent needed for a state constitutional amendment to become law.

Adani EnterprisesBSE 2.78 % Ltd today announced the commissioning of Punjab's largest solar power plant of 100 MW, at an investment of Rs 640 crore. The plant has been set up by its subsidiary Adani Green Energy Ltd, Adani Group said in a press release.

Coal

The price of coking coal has just topped $300 a tonne for the first time since 2011 as steel mills in Asia scramble for supplies. Premium hard Australian coking coal rose 6 per cent to $307.2 a tonne on Tuesday, extending gains since April to 250 per cent, according to a price assessment from the Steel Index.

A surge in the prices of a key steelmaking ingredient took the shine off ArcelorMittal's best quarterly earnings for two years. The world's biggest steelmaker also said that lower US prices for the grey metal, coupled with an unexpected sharp increase in metallurgical coal, would crimp profitability in the fourth quarter.

Nuclear

France could impose power cuts this winter due to an electricity shortage, an unprecedented step in the wealthy nation which would expose the vulnerabilities of its dependence on nuclear power. The warning was issued on Tuesday by grid operator RTE, which said power supply had been hit by the closure of around a third of the country's aging nuclear reactors for safety checks.

China and Russia agreed to step up cooperation on nuclear energy and border development during an official visit by Premier Li Keqiang. But analysts tempered their enthusiasm for the deals by saying the significance would depend on the speed of implementation.

Entergy has agreed to sell Vermont Yankee to a cleanup contractor, paving the way for decommissioning and site restoration to be completed by 2030 - 45 years sooner than had been planned. The sale of the shut-down Vermon nuclear plant and all of its assets - including the decommissioning trust fund, which held $574.9 million at last report - to New York-based NorthStar Group Services Inc. is expected to close by the end of 2018, administrators said Tuesday.

Climate

The president of the United Nations climate change meeting in Marrakesh, Morocco, said Tuesday that members of the Paris climate agreement need to quickly develop a plan to send $100 billion per year to developing countries. Moroccan Foreign Minister Salaheddine Mezouar, who is leading the annual Conference of the Parties to the U.N. Framework Convention on Climate Change, said international leaders need to keep up momentum after the Paris agreement went into effect on Oct. 31.

Opinions, Editorials & Perspectives

This is happening. Donald Trump could actually become president of the United States. And there's no way around it. What he's planning to do looks like an absolute disaster for the planet (and the people on it).

Donald J. Trump's unlikely defeat of Hillary Clinton is a political earthquake of a kind that rarely disturbs American politics. Not since Andrew Jackson has a winning candidate so defied the settled order, for better or worse. The political and media establishments are bewildered, and markets are unsettled, and no doubt many voters are too.

Don't go out and buy Air Canada stock just because Donald Trump was elected; the initial reaction is not too dissimilar from that following the elections of Ronald Reagan and George W. Bush. Although many liberals were unhappy with their electoral success, the aftermath was far short of the predicted apocalypse.

It's Election Day and energy doesn't matter. When energy is this cheap, it's hard to get Americans to focus on it.

Research Reports, Issue Briefs & Case Studies

U.S. crude oil production averaged 9.4 million barrels per day (b/d) in 2015, and it is forecast to average 8.8 million b/d in 2016 and 8.7 million b/d in 2017. Forecast production in 2017 is more than 0.1 million b/d higher than in last month's STEO.

This email was sent by: **Morning Consult**

PO Box 27068 Washington, DC, 20038, US

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Wed 11/9/2016 1:15:54 PM
Subject: Nov. 9 -- Daily Environment Report - Breaking News

Daily Environment Report

Breaking News

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Trump Win Heralds Halt Ahead on U.S. Climate Policy

Posted November 09, 2016, 6:08 A.M. ET

• Trump has vowed to halt many U.S. efforts on climate change

• Presidency will champion development of coal, oil, natural gas

By Renee Schoof

President-elect Donald Trump mocked climate change as a candidate, and as president he plans to halt U.S. participation in the global efforts to reduce carbon emissions, and to ramp up production and use of the fuels that are driving the shift in climate worldwide.

The effects of the election victory could slam the brakes on the Obama administration's efforts to help the world avert the worst damage from rising seas, heat waves, drought and extreme weather.

Trump said he would pull out of the Paris climate agreement, end U.S. contributions to a fund to help the world's poorest countries reduce carbon emissions and cope with climate change, and end spending on clean energy research and other climate-related projects in the U.S.

Climate Change Dismissed

Trump dismissed the importance of climate change repeatedly. During a Dec. 31 rally in South Carolina, calling it a "money-making industry" and a hoax. His campaign said it would end "wasteful" spending related to climate change and save $100 billion.

The Republican businessman held to those positions in the face of overwhelming scientific consensus that human activity is the primary driver of the climate change observed in recent decades.

Trump will take office as temperatures trend upward. Last year was Earth's hottest on record, and 2011 to 2015 was the hottest half-decade, while sea levels rose and Arctic sea-ice extent declined, the World Meteorological Organization said in a Nov. 8 report on the long-term warming trend caused by greenhouse gases.

The Paris Agreement, signed by 197 countries last year, was a pledge to limit global warming to below 2 degrees Celsius (3.6 degrees Fahrenheit) and work toward net zero greenhouse gas emissions. United Nations negotiators are meeting in Marrakech, Morocco, to find additional carbon dioxide reductions needed to prevent the damage expected if warming exceeds that 2-degree target.

Trump said the U.S. would pull out of the negotiations and end contributions to a fund the world's wealthiest countries are building to help the poorest ones with climate change.

He also said he would scrap the Obama administration's centerpiece on climate action—the Clean Power Plan, which puts the first-ever limits on carbon dioxide emissions from power plants. The rule is now stayed by the U.S. Supreme court pending the outcome of all litigation. Trump would be likely to direct the Justice Department to stop defending it.

Policies to be Reversed

Tom Pyle, president of the American Energy Alliance in Washington, D.C., a group that endorsed Trump, said the Republican president-elect would "shatter the status quo with respect to energy policy."

"Trump has promised to reverse policies that unjustly target the use of our natural gas, oil, and coal resources because he knows that affordable energy is the lifeblood of a strong economy and is essential to job creation, not just in the energy industry, but throughout the economy," Pyle told Bloomberg BNA in an e-mail.

Pyle also said Trump likely would consider downsizing the Department of Energy and ending government support for renewable energy development, relying on the market for energy decisions.

Environmental groups such as the Sierra Club and League of Conservation Voters Action Fund endorsed Democrat Hillary Clinton.

"As Big Polluters' new best friend, Trump's 'plan' is pro-drilling, anti-EPA and is dangerous to our clean air and water," League of Conservation Voters Action Fund Senior Vice President of Communications David Willett said in a statement in May, after Trump gave a speech on energy. "It does nothing to arrest our rapidly changing climate and the extreme weather already impacting Americans. Trump sure did cut a deal today, a bad one for American families, offering to trade away protections for the health of our families and a clean energy future just so he could give big oil exactly what they wanted to hear."

Cutting EPA

Trump's environmental policies sketched out during the campaign included big—though unspecified—cuts to the Environmental Protection Agency. His energy policy adopted much of the Republican position that seeks energy independence and opposes the Obama administration's regulatory initiatives.

He is expected to end the leasing moratorium for coal on federal lands and open up more public land for fossil fuel extraction.

"America is sitting on a treasure trove of untapped energy—some $50 trillion dollars in shale energy,

oil reserves and natural gas on federal lands, in addition to hundreds of years of coal energy reserves," Trump said at the Shale Insight conference, a gathering of natural gas producers in Pittsburgh Sept. 22, promising to "lift the restrictions on American energy, and allow this wealth to pour into our communities."

To contact the reporter on this story: Renee Schoof in Washington at rschoof@bna.com

To contact the editor responsible for this story: Larry Pearl at lpearl@bna.com

Trump Victory Deals Blow to Global Fight Against Climate Change

Posted November 09, 2016, 7:26 A.M. ET

By Bloomberg News

The global fight against climate change is likely to be derailed by Donald Trump's victory in the presidential election, a blow to the industries working to clean up the energy supply.

The next president has questioned the science of climate change and vowed to withdraw from the Paris agreement to limit global warming, while pledging to stimulate production of coal, the dirtiest fossil fuel. Green campaigners and policymakers, some of whom are gathered this week in Morocco for talks on implementing the Paris deal, sounded the alarm over the upheaval they expect when Trump takes office in January.

"The presidency of Donald Trump relegates the West as we knew it to the realm of the past," Reinhard Butikofer and Monica Frassoni, co-chairs of the European Green Party, said in a statement. "If Donald Trump pursues the foreign policies that he announced during his campaign, this will severely undermine transatlantic relations, the international rule of law and world peace."

The U.S. under President Barack Obama rescued a two-decade old process the United Nations promoted to rein in pollution damaging the climate, forging a the Paris deal last year. Along with China and more than 190 other countries, the accord set out a framework for all nations to cut emissions. Trump has said he will cancel that work.

"Trump's election is a disaster," May Boeve, executive director of the anti-fossil-fuel campaign group 350.org, said in a statement. "Trump will try and slam the brakes on climate action. Our work becomes much harder now, but it's not impossible, and we refuse to give up."

Envoys drawn from environment and energy ministries gathered on Monday for two weeks of talks on climate organized by the United Nations, aiming to make progress implementing the Paris deal. They have a round of technical meetings this morning and are due to finish their work on Nov. 18 with a set of rules on how Paris will be implemented.

Trump's victory "will be unfavorable for the global pollution fight, though the trend to combat climate change may not change worldwide," said Zheng Xinye, associate dean at the School of Economics at the Renmin University of China in Beijing.

Global markets were thrown into disarray as results from the U.S. poured in. Futures on the S&P 500 Index plunged by a 5 percent limit that triggers trading curbs and Asian shares sank by the most since the aftermath of Britain's shock vote to leave the European Union. The WilderHill New Energy Global Innovation Index of 94 clean-energy companies fell as much as 2 percent, the most since

June 27.

Wind turbine makers led the biggest declines in five months. Vestas Wind Systems A/S dropped as much as 14 percent, continuing a plunge that started yesterday with a bleaker outlook for next year. Nordex SE, a German turbine maker, fell as much as 8.4 percent. Gamesa Corp Tecnologica SA dropped 9.3 percent.

GCL-Poly Energy Holdings Ltd., the world's biggest polysilicon and wafer maker, declined as much as 6.6 percent, the biggest decrease since January. Taiwanese solar cell maker Motech Industries Inc. slumped as much as 7.5 percent. Neo Solar Power Corp. tumbled as much as 5.7 percent.

A Trump victory could mean "the U.S. won't be leading the world the way it led under Obama," Kimiko Hirata, a board member at the Kiko Network, a Kyoto-based environmental group, said by phone. "It is inevitable that the momentum will lose steam. But luckily this is happening after the international negotiating framework has been put in place and the move toward decarbonization will not be turned back."

The Paris deal, which saw 197 countries agree last year to limit global warming to below 2 degrees Celsius (3.6 degrees Fahrenheit) and work toward net zero greenhouse gas emissions, came into force last week after being ratified by almost 100 countries, including the U.S.

While U.S. officials have said it would be difficult for Trump or any other president to walk away from the Paris agreement, it's not impossible for the next administration to unpick it. The U.S. is the richest among the top six polluting nations, and its support for the deal is essential to keep China and other developing economies working for cleaner industry.

China Watching

China's top climate envoy, Xie Zhenhua, last week criticized Trump's climate stance, according to Reuters. A joint pact between the world's two biggest producers of carbon emissions announced a year ago was seen as key to the success of the Paris summit.

The U.S. government has vowed to cut emissions by 26 percent to 28 percent in 2025 from 2005 levels.

Regardless of the election outcome, Renmin University's Zheng said he's confident China will continue its efforts to curb greenhouse gases even without U.S. coordination.

"The U.S. has joined the Paris Agreement and must continue to meet its climate obligations," Kelly Stone, a climate campaigner at ActionAid, said at the UN talks in Marrakesh. "Leaving this important international agreement will damage our credibility and would be a major setback in the fight against climate change."

--With assistance from Chisaki Watanabe and Ewa Krukowska.

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To contact Bloomberg News staff for this story: Feifei Shen in Beijing at fshen11@bloomberg.net

To contact the editor responsible for this story: Reed Landberg at landberg@bloomberg.net

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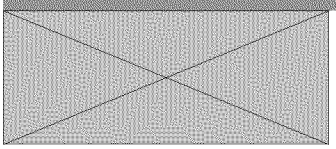
Daily Environment Report for EPA

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 11/9/2016 1:35:49 PM
Subject: November 9 -- ClimateWire is ready

Read today's ClimateWire on the web

AN E&E NEWS PUBLICATION



Tune in today at 1 p.m. EST for E&E News' **election 2016 postmortem** on Facebook Live. Kicking off our *Power Shift* transition coverage, hear what the results will mean for energy and environment issues. To join the discussion, **like us on Facebook**.

CLIMATEWIRE —Wed., November 9, 2016

READ FULL EDITION

1.WHITE HOUSE:

Industry cheers, enviros near tears about President Trump

Donald Trump's surprise victory in the presidential race stunned climate advocates and threatens to unravel President Obama's policies to reduce greenhouse gas emissions and expand renewable energy.

ELECTION NIGHT 2016

2.CLEAN POWER PLAN:
A 'sea change' for power-sector climate action?

3.PARIS AGREEMENT:
'No real Plan B here' as diplomats wake to Trump surprise

4.SENATE:
GOP majority sets stage for Trump energy agenda

5.HOUSE:
'Noah's Ark' caucus shipwrecked by election night defeats

6.STATES:
Wash. carbon tax goes down in flames

7.STOCK MARKET:
Oil prices dipped as Trump presidency looked more likely

BUSINESS

8.EXXON:
New class action suit accuses oil giant of securities fraud

9.EMISSIONS:
Taxing meat, dairy could help curb climate change

INTERNATIONAL

10.ADAPTATION:
San Francisco prepares for sea-level rise

11.BUSINESS:
Prince Charles warns of climate risk in Abu Dhabi

12.COAL:
Minister stands by commitment to clean energy

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ClimateWire is written and produced by the staff of E&E News. It is designed to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, ClimateWire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 11/9/2016 1:49:58 PM
Subject: November 9 -- EnergyWire is ready

Read today's EnergyWire on the web

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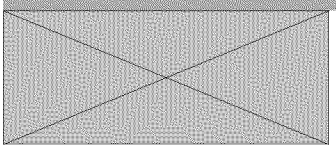

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ENERGYWIRE —Wed., November 9, 2016

READ FULL EDITION

1.ELECTION 2016:

Trump win signals titanic U-turn on energy, climate policies

With President-elect Donald Trump's stunning election victory yesterday, the states — not Washington, D.C. — are likely to become the prime engines of energy and climate policy, based on the Republican candidate's campaign denunciations of the Obama administration's regulatory agenda.

2.ELECTION 2016:

Trump has room to remake energy industry, but how?

When it comes to energy policy, there are a lot more questions about a Donald Trump presidency than there are answers.

TOP STORIES

3.ELECTION 2016:
After Clinton bloodbath, 'all hell breaks loose' for oil activists

4.SOLAR:
Fla.'s controversial rooftop amendment goes down

OIL AND GAS

5.OIL:
'We can compete with the Middle East now' — Pioneer CEO

6.EARTHQUAKES:
7 disposal wells closed, state of emergency declared in Okla.

7.DRILLING:
Apache outlines 'proactive steps' to protect West Texas sky

8.LAW:
Driller urges court to toss W.Va. county's disposal ban

9.PEOPLE:
Exxon Mobil appoints gas subsidiary chief

10.MARKETS:
OPEC warns of lingering low oil prices amid weak demand

11.ARCTIC:
Investment firms call for moratorium on oil, gas activity

12.OIL SPILLS:
Canada to spend $1.1B on response improvement

13.PIPELINES:
N.J. court says commission's approval unlawful

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ABOUT ENERGYWIRE – The transformation of the energy sector

EnergyWire is written and produced by the staff of E&E News. EnergyWire is designed to bring readers deep, broad and insightful coverage of the transformation of the energy sector. EnergyWire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. EnergyWire publishes daily at 9:00 a.m.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: do-not-reply@concursolutions.com
Sent: Wed 11/9/2016 1:56:37 PM
Subject: ConcurGov Correspondence

GRIFO.FRANCESCA@EPA.GOV

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You can access ConcurGov at: https://cge.concursolutions.com

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Sinks, Tom[Sinks.Tom@epa.gov]
From: Sinks, Tom
Sent: Wed 11/9/2016 2:01:39 PM
Subject: PARS

Francesca – I saw the material you left on my desk. [redacted] Ex. 6 [redacted]. Can you get me a clean copy so I can fill it out? We can sign the cover sheet you provided. [redacted]

[redacted] Ex. 6

Thomas Sinks, Ph.D.

Director, Office of the Science Advisor

Environmental Protection Agency

1200 Pennsylvania Ave NW

Room 41251 RRB, MC 8105 R

Washington DC, 20460

office: (202) 564-6811 mobile: (404) 226-6288

email: sinks.tom@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 11/9/2016 2:31:47 PM
Subject: Why Trump Won: Morning Consult/POLITICO Exit Poll of 25K Voters Provides Answers

To view this email as a web page, go here.

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Cc: Chang, Ming[Chang.Ming@epa.gov]
From: Higginbotham, Karen
Sent: Wed 11/9/2016 2:50:06 PM
Subject: 2017 SES Candidate Development Program

Dear SES colleagues,

The agency's SES candidate development program announcement will be closing on Wednesday, November 16, 2016. As of this morning, there are already over 440 applications awaiting review! We anticipate that there will be significantly more applications after this holiday weekend. The Executive Resources Division will need your help in evaluating applications and serving as interviewers in the selection process. For this 2017 SES-CDP class, the agency has partnered with the Department of Interior. The DOI evaluation criteria and crediting plan for this 2017 CDP class are very different from the current candidate development program through the Department of the Treasury.

Application evaluators must attend one of the training sessions listed below and should plan to schedule time for the evaluation of applications between November 30th through December 12th. The application evaluation process will be staggered with materials being distributed to evaluation teams within a day of completing the training. Training dates will be:

- Tuesday, November 29 – In-person at WJC, 1:00-4:00
- Wednesday, November 30 – In-person at WJC, 9:00-12:00
- Thursday, December 1 – Remote via webinar – 1:00-4:00

In an attempt to mitigate for unconscious bias, the announcement instructs the use of initials of applicants first and last name, along with the last four numbers in their social security number, to create an alpha-numeric identifier. Only this identifier will be on the resume materials. Additionally, applicants have been asked to not list the name or geographic location of the universities and colleges they have attended.

ERD is seeking the help of the agency's cadre of SES to also serve on interview panels for those applicants determined to be "well-qualified." Interviewers will also need to attend training and

should plan to be available during the following periods for interviews: 12/19-12/21, 1-3-1/6 and 1/9-1/11. The number of interviews and interview times will be scheduled based on availability. Interviewers must attend one of the training sessions as scheduled below.

- Tuesday, December 13 – In-person at WJC, 1:00-4:00
- Wednesday, December 14 – In-person at WJC, 9:00-12:00
- Thursday, December 15 – Remote via webinar – 1:00-4:00

The specific location (room numbers) for each training session will be provided in a future email.

The collective results of everyone's best efforts will be the identification and selection of 25 CDP participants. The DOI cohort will launch in late February 2017.

If you are willing to participate in this process, please send me an email indicating which activity you wish to participate in, with a cc to Chang.Ming@epa.gov not later than November 22, 2016.

Kind regards,

Karen D. Higginbotham

Director

Executive Resources Division/OHR

202-564-7287

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Engagement in Gov & Improving FEVS Scores Workshop
Sent: Wed 11/9/2016 3:46:56 PM
Subject: Register To Improve Agency Employee Engagement & FEVS Scores

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Former Chief Human Capital Officer, Department of Homeland Security
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Employee Engagement - Improving Agency Rankings on the Best Places to Work List and Your Agency FEVS Scores Training Workshop III

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Best Practices from Successful Leaders

November 29, 2016
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No Press Permitted to Encourage Candid Discussion

Please Review Comments from Previous Attendees (listed below)

Major Fee Reduction From Standard Workshop Fee

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Creating a Culture of Engagement at Your Agency

Best Practices from Successful Leaders

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November 29, 2016
Willard InterContinental Hotel
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Keynote Speaker:

Chelsa Gurkin
Assistant Director, Strategic Issues
U.S. Government Accountability Office (GAO)

Outstanding Guest Speakers:

Sondra Kahawaii
Manager
Partnership for Public Service
(Insight from the latest Best Places to Work report by the Partnership for Public Service & OPM)

Mika J. Cross,
Federal Workplace Expert

Sydney T. Rose
Chief Human Capital Officer and Director
Human Resources Center
Office of the Assistant Secretary for Administration and Management
U.S. Department of Labor

Robert Goldenkoff
Director, Strategic Issues Team
GAO

Jeffrey Neal
Senior Vice President,
ICF International
(former Chief Human Capital Officer for the Department of Homeland Security (DHS)

Julie Osowski
Senior Research Psychologist
Office of Policy and Evaluation
Merit Systems Protection Board

Rebecca (Becky) Johnson
Director, HCO S&F/Engagement and Organizational Improvement

Internal Revenue Service (IRS)

Ray M. Crawford, Jr., PhD.
Employee Engagement Officer
Office of Federal Student Aid
U.S. Department of Education

Clo Taylor
Chief Learning and Engagement Officer
Chief Human Capital Officer Office
U.S. Department of Homeland Security (DHS)

Kristin McNally
HR Specialist - Human Capital, Engagement & Communications Strategy
Workforce Analytics & Policy Division
Office of Human Resources
Bureau of Engraving and Printing,
U.S. Department of the Treasury

Jason Briefel
Interim President
Senior Executive Association (SEA)

Press is NOT invited to attend to promote candid discussion

Overview:

This is the third iteration of the Employee Engagement Training Workshop starting with a very successful and highly acclaimed Workshop in May 2016. Students rated the Workshop as "Excellent" and requested repeat workshops to permit additional staff to attend. This updated Workshop is scheduled at the request of previous students!

The White House set a goal of raising the government wide engagement score to 67% by the 2016 Federal Employee Viewpoint Survey and as the results indicate this year, many Agencies have continued making great progress. This workshop is designed to help Federal leaders understand how to effectively cultivate a culture of engagement that connects each employee to the mission of their organization through engagement and excellence in order to lead to higher organizational performance, employee empowerment and an effective performance based culture.

Presentations and interactive panel discussions will help supervisors, managers and practioners involved in FEVS action planning understand how to utilize best practices in workforce engagement to achieve greater outcomes for the public and ensure their Federal employees are working in productive, highly effective work environments.

What You Will Learn:

- **How to operationalize the GAO, MSPB and OPM drivers of engagement on a tactical level;**
- **How to lead performance conversations and create meaningful rewards to inspire engaged teams who can operate in a flexible, modern, performance based culture;**
- **How to develop effective communication strategies from Federal Agencies who will help you understand what's needed to implement successful internal campaigns and implement ongoing performance strategies that drive cultural transformation at all levels of the organization.**

Why You Should Attend:

- **Learn proven strategies from Federal Agencies which have improved their FEVS scores year after year;**
- **Understand how to interpret your FEVS scores in order to design effective action plans that enable you to measure engagement throughout the year and how to build a performance based culture;**
- **Build your toolkit for creating a customized employee engagement strategy in your own organizations that will sustain and improve your FEVS scores year after year;**
- **Learn tools and techniques for improving employee engagement.**
- **Take-away materials (case studies, handouts, templates, etc) you can use at your agency to improve employee engagement.**

Who Should Attend:

- Federal supervisors and managers who care about fostering engaged teams at the local level.
- Federal HR practitioners; Chief Learning Officers, and anyone responsible for employee engagement and FEVS survey action planning.
- Communications practitioners responsible for leading internal communications campaigns.
- Inspector Generals and staff.
- Executives, Managers and Staff responsible for improving performance and employee engagement.

Send a Team "Learn Together"

Special Reduced Registration Fee to Encourage Government Attendance

CEU Credits Awarded

Representative Student Comments from the
Previous Employee Engagement Workshops

Government Student Names and Organizations
Have Been Redacted

I enjoyed the conference (Workshop) and the reference material is excellent. I liked how the layout and agenda tied everything together. *Will recommend this workshop to other leaders I like all the presenters...* **Executive Officer, Office of Budget, Facilities and Security** **Government Administration**	*The Panel was fabulous! Great execution ideas.* *The overall workshop was excellent.* *Lunch was a very special treat* *Engaging with other agencies was helpful (at hosted working luncheon)* **Director, Executive Management Staff** **Office of the Secretary** **Cabinet Department**
Excellent Speakers *Great Workshop! Would recommend to others.* **OPS Manager** **Cabinet Department**	*Very enjoyable and a lot of useful information* *Thank you!* *Also, the panel was outstanding! I wrote 2 pages of very useful notes to take away.* **Management & Program Analyst** **Cabinet Department**
Excellent Speakers *Great Workshop! Would recommend to others.* **OPS Manager** **Cabinet Department**	*Overall it was Fantastic and enlightening. I absolutely loved the panel...* *All refreshments were great* **Biologist** **Government Agency**
The workshop provided me with valuable information that I can take back to my agency to assist with increasing employee engagement! **Unit Chief** **Government Administration**	*Excellent Program - a lot packed into 8 ½ hours!* *I liked the opportunity for Q&A throughout the program - Very Important* **Chief of Staff, Department of XXX** **Administration**
I picked up a lot of ides and definitely learned to refocus on management improvement over communications enhancement.	*Lots of good information given. Can't wait to get back and share!* *There was a lot of info in a short amount of time.*

Lead, Internal Communications **Government Agency**	*Lunch was amazing!* **Training Specialist** **Government Agency**
Loved it! Great speakers and information. **Strategic Human Capital Specialist** **Defense Agency**	*Great topics and Speakers!* **Deputy General Counsel** **Government Administration**
The workshop was great. All the presenters gave some great information and or material and were very engaged. **Anonymous Attendee** **Government Agency**	*Enjoyed the spectrum of presenters and their perspective on the engagement topic and how to implement engagement activity in my organization.* **Financial Management Analyst** **Office of the Chief Financial Officer** **Cabinet Department**
I liked that the presenters used hard data, they were well prepared and they didn't read the slides but refereed to them as necessary. Thanks for the binder. Lunch was amazingly good. Hats off to the chef. **Media Specialist** **Government Agency**	*The Workshop was excellent. The well-prepared speakers provided valuable information. Also appreciate the binder of information for future reference.* **Deputy Director of Audit** **Office of the Inspector General** **Independent Non-Executive Department Agency**

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Press is Not Invited to Attend to Promote Candid Discussion by the Students

Registration and Information:
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Info@PotomacForum.org

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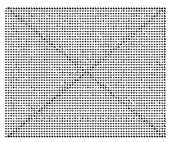

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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

From: Gentry, Nathan
Location: 41225 RRB
Importance: High
Subject: Canceled: Monthly Discussion Kavlock/Grifo
Start Date/Time: Thur 11/10/2016 3:00:00 PM
End Date/Time: Thur 11/10/2016 3:30:00 PM

It looks like Francesca is out, and Bob has a conflict. If you still want to have this, please let me know.

Nathan

To: Message from the Administrator[messagefromtheadministrator@epa.gov]
From: Message from the Administrator
Sent: Wed 11/9/2016 4:04:31 PM
Subject: Message from the Administrator

Hi everyone,

With the election now over, I wanted to take a quick moment to touch base with all of you about next steps. While this is always a time of reflection for our country, it is also a time to renew our agency's commitment to protecting public health and the environment. It is always important to remember that the work we do as an agency and our core mission reflect the values of the public we serve, and that will always be the case.

Whether it's creating new standards to address climate change or protect the air we breathe, enhance support for programs that detect and reduce water pollutants, or extend our outreach efforts to local communities, everything we have accomplished together has served to advance our important mission of protecting public health and our precious natural resources. We should all be proud of the accomplishments we have made together over the past eight years while keeping in mind the work we need to complete in the weeks ahead that is so important to both EPA's mission and the legacy of this Administration.

President Obama has made it clear that a seamless transition is one of his top priorities, and I share his goal. Soon, you will receive an email from Matt Fritz about next steps. As many of you know, we have a process in place at EPA to make sure this transition runs smoothly and seamlessly.

I look forward to continuing our momentum together. As I've mentioned to you before, we're running—not walking—through the finish line of President Obama's presidency. Thank you for taking that run with me. I'm looking forward to all the progress that still lies ahead.

Gina McCarthy
EPA Administrator

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Otto, Martha
Sent: Wed 11/9/2016 4:36:53 PM
Subject: FW: NAS Open Meeting on November 21st regarding sources of lead at or near Superfund Sites

From: Crumbling, Deana
Sent: Wednesday, November 09, 2016 11:30 AM
To: Partridge, Charles <Partridge.Charles@epa.gov>; Forrest, Sabrina <Forrest.Sabrina@epa.gov>; Powell, Dan <Powell.Dan@epa.gov>; Turner, Gary <Turner.Gary@epa.gov>
Cc: Jefferson, Matthew <jefferson.matthew@epa.gov>; Burgess, Michele <Burgess.Michele@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>; McLarty, Cody <McLarty.Cody@epa.gov>; Dyment, Stephen <Dyment.Stephen@epa.gov>; Frederick, Tim <Frederick.Tim@epa.gov>; roger.brewer@doh.hawaii.gov; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Charters, David <Charters.DavidW@epa.gov>; Stroh, Michael <Micheal.Stroh@dnr.mo.gov>; Stifelman, Marc <Stifelman.Marc@epa.gov>
Subject: Re: NAS Open Meeting on November 21st regarding sources of lead at or near Superfund Sites

I only wanted to attend on the 21st to listen, not to present anything, in any fashion, whatsoever.

Understanding how proper sampling and analysis techniques can avoid the generation of non-representative data for soil Pb concentrations is critical for any consideration of Pb sources to soil.

If there is concern about where soil Pb is coming from, then measuring Pb in soil (such as by XRF or more traditional lab methods like ICP) is unavoidable. Currently used soil (field) sample collection, lab subsampling, and Pb analysis techniques generate highly variable data that lead to contradictory conclusions if decisions about levels of contamination are made on single data points. Statistical evaluation can help "control" for the chance of decision errors when data are highly variable, but EPA (and others) do not want to spend the money required to collect enough discrete samples for reliable statistical analysis. So, if you can't trust the data, then there is no basis for evaluating Pb sources in residential yards.

Thus, a discussion of how soil heterogeneity impacts Pb data and its interpretation is critical to

any discussion of determining Pb sources, and is directly relevant to the questions the committee was tasked with. But this is a complex topic that I think is best presented to committee members in written form, at least as an introduction to the topic.

--Deana

From: Partridge, Charles
Sent: Wednesday, November 9, 2016 11:11 AM
To: Forrest, Sabrina; Crumbling, Deana; Powell, Dan; Turner, Gary
Cc: Jefferson, Matthew; Burgess, Michele; Otto, Martha; McLarty, Cody; Dyment, Stephen; Frederick, Tim; roger.brewer@doh.hawaii.gov; Raffaele, Kathleen; Charters, David; Stroh, Michael; Stifelman, Marc
Subject: RE: NAS Open Meeting on November 21st regarding sources of lead at or near Superfund Sites

Sure, I have don't have problem with presenting the data. It is good data and it is EPA data. However, if you are attending as a private citizen then I would not think that you could present EPA work product.

cp

From: Forrest, Sabrina
Sent: Tuesday, November 08, 2016 12:03 PM
To: Crumbling, Deana <Crumbling.Deana@epa.gov>; Powell, Dan <Powell.Dan@epa.gov>; Turner, Gary <Turner.Gary@epa.gov>
Cc: Jefferson, Matthew <jefferson.matthew@epa.gov>; Burgess, Michele <Burgess.Michele@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>; McLarty, Cody <McLarty.Cody@epa.gov>; Dyment, Stephen <Dyment.Stephen@epa.gov>; Frederick, Tim <Frederick.Tim@epa.gov>; roger.brewer@doh.hawaii.gov; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Charters, David <Charters.DavidW@epa.gov>; Stroh, Michael <Micheal.Stroh@dnr.mo.gov>; Stifelman, Marc <Stifelman.Marc@epa.gov>; Partridge, Charles <Partridge.Charles@epa.gov>
Subject: RE: NAS Open Meeting on November 21st regarding sources of lead at or near Superfund Sites

Hi Deana, I have no problem with your sharing Colorado Smelter data or other information for

this NAS meeting. Please let me know if you would need the region's help getting any more information to assist you.

Sincerely,

Sabrina Forrest

Environmental Scientist

Remedial Project Manager

forrest.sabrina@epa.gov

Toll free: 800-227-8917 (Ext. 312-6484)

Ofc Direct: 303-312-6484

EPA Cell: 303-589-1286

US EPA

1595 Wynkoop Street, 8EPR-SR

Denver, CO 80202-1129

From: Crumbling, Deana
Sent: Tuesday, November 08, 2016 11:38 AM
To: Powell, Dan <Powell.Dan@epa.gov>; Turner, Gary <Turner.Gary@epa.gov>
Cc: Jefferson, Matthew <jefferson.matthew@epa.gov>; Burgess, Michele <Burgess.Michele@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>; McLarty, Cody <McLarty.Cody@epa.gov>; Dyment, Stephen <Dyment.Stephen@epa.gov>; Forrest, Sabrina <Forrest.Sabrina@epa.gov>; Frederick, Tim <Frederick.Tim@epa.gov>; roger.brewer@doh.hawaii.gov; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Charters, David <Charters.DavidW@epa.gov>; Stroh, Michael <Micheal.Stroh@dnr.mo.gov>; Stifelman, Marc <Stifelman.Marc@epa.gov>
Subject: Fw: NAS Open Meeting on November 21st regarding sources of lead at or near Superfund Sites

Dan,

I would like to attend this meeting to hear about what kind of work the committee plans to do. I can attend as an EPA employee or as a private citizen, whichever you'd prefer.

At some point, I will also want to provide written information to the committee about the effect of soil heterogeneity on soil Pb measurements, which necessarily affects the ability to draw conclusions about soil Pb levels, Pb bioavailability, and Pbsources. It would be good if I could share data from the 2 major Pb-in-soil incremental sampling studies that TIIB has participated in (the Colorado Smelter-Pueblo DMA study and the R7 Furnace Creek field study).

So, I am asking whether anyone will have problems with my providing data from those studies to this National Academy of Sciences committee. Recall that some data from the Colorado Smelter study has already been presented publicly in poster form (at the Battelle conference this past spring).

More information about this NAS committee can be found at http://www8.nationalacademies.org/cp/committeeview.aspx?key=49803

--Deana

Committee: Sources of Lead Contamination at or near ...

www8.nationalacademies.org

Dr. Warren H. White University of California, Davis Warren White is a researcher at the Crocker Nuclear Laboratory of the University of California, Davis.

From: Burgess, Michele
Sent: Monday, November 7, 2016 11:58 AM
To: OLEM Science Team
Subject: NAS Open Meeting on November 21st regarding sources of lead at or near Superfund Sites

Hi
If anyone is interested in attending, here is the information. There will be a call - in number at some point. I will send that out as well.
Meeting Information

Project Title: Sources of Lead Contamination at or near Superfund Sites

PIN: DELS-BEST-16-01

Major Unit:
Division on Earth and Life Studies

Sub Unit:
Board on Environmental Studies & Toxicology

RSO:
Mantus, Ellen

Subject/Focus Area:
Environment and Environmental Studies

Sources of Lead Contamination at or near Superfund Sites Mtg..1
November 21, 2016 - November 22, 2016
Keck Center
500 5th Street, NW
Washington D.C. 20001

If you would like to attend the sessions of this meeting that are open
to the public or need more information please contact:

Contact Name: Tamara Dawson
Email: tdawson@nas.edu
Phone: 2023342776
Fax:

Agenda:
COMMITTEE ON SOURCES OF LEAD CONTAMINATION AT OR NEAR SUPERFUND SITES
1ST MEETING

Open Session: November 21, 2016
National Academies Keck Center, Room 100
500 Fifth Street, NW
Washington, DC 20001

PUBLIC AGENDA

1:00
Purpose of Open Session and Introduction of Committee Members
Edward Bouwer
Chair, Committee on Sources of Lead Contamination at or near Superfund Sites
Abel Wolman Professor of Environmental Engineering, Johns Hopkins University

1:15
EPA Perspective on Study Objectives and Background
Michele Burgess
Senior Biologist
Office of Land and Emergency Management
Office of Superfund Remediation and Technology Innovation
U.S. Environmental Protection Agency

2:15
Open Microphone – Opportunity for Public Comment
Each speaker has a maximum of 5 minutes to address committee. Accompanying written materials are encouraged.

3:15
END OF OPEN SESSION

PLEASE NOTE: Due to limited space, advanced registration is required to attend in person. Copy and paste this link (http://sgiz.mobi/s3/3ec671a394e0) into your browser's address bar to register in person or by WebEx.

Michele Burgess, PhD
OLEM/OSRTI/SPB
US EPA HQ 1200 Pennsylvania, Ave., NW (Mail Code 5203P)
Washington, DC 20460
Phone: 703-603-9003
Email: Burgess.Michele@epa.gov

FED EX Only:
2777 South Crystal Drive
5th Floor
Arlington, VA 22202

To: [redacted] Ex. 6
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Otto, Martha
Sent: Wed 11/9/2016 4:53:28 PM
Subject: lipid normalization and fish analysis
Lipophilic Fish Contaminant Data should never be Ratio Normalized (3).pdf
34x44 NEAEB 2015 Poster - Lipophilic Fish Contaminant Data should Never ....pdf
article determination of lipid content in fish samples fr bioaccumulation studies.pdf

Good Morning, [redacted] Ex. 6

I work in EPA's Scientific Integrity Program with Francesca Grifo, EPA's Scientific Integrity Official. I am writing to provide an update to you on the status of our review of your concerns about lipid normalization and fish tissue analysis. I understand that, since you informed us of your concerns, you have retired from the federal workforce. I hope that you do not mind my intruding on your retirement to follow up with this issue.

I have been working with staff in EPA's Office of General Counsel's (OGC's) Conflict Prevention and Resolution Center (CPRC) to set up a task order under CPRC's Alternative Dispute Resolution program to help us to evaluate your concerns about lipid normalization and fish analysis. Through this project with OGC, we will have access to a mediator who will help us to bring together appropriate participants to discuss your concerns. Our current thinking is that the workshop would be held in the Washington, D.C., area.

I am drafting the technical directive for this project, but would appreciate some input in order to ensure that we steer the mediator to the appropriate participants. Specifically, I could use some help with:

- Identifying EPA (in Region 1, OW, ORD, OCSPP, other offices/Regions?) and other experts (on lipid normalization and fish analysis / statistics / ecological risk assessment) who could participate in a workshop on the issue

- Identifying folks who could review the draft technical directive

- Identifying additional relevant information that I could share with the mediator and workshop participants (in addition to what is attached to this email message)

Here is what I have identified so far:

1. Workshop potential participants:

•□□□□□□□ Ex. 6 , former EPA employee, currently retired (is this correct?)

•□□□□□□□ James Heltshe, professor of statistics at the University of Rhode Island

•□□□□□□□ Richard Pruell from the EPA Atlantic Ecology Division – ORD/Narragansett lab – ORD/NHEERL/AED/HEB

•□□□□□□□ Christian Schlechtriem, author of, "Determination of lipid content in fish samples – contributions to the revision of guideline OECD 305" (Schlechtriem et al. Environmental Sciences Europe 2012, 24:13 http://www.enveurope.com/content/24/1/13)

•□□□□□□□ Dennis Helsel, former USGS employee, now a statistician at Practical Stats, Castle Rock, CO (http://www.practicalstats.com/consulting/credentials.html)

•□□□□□□□ Rob Hillger, EPA Region 1 Lab, OEME/EAA

•□□□□□□□ Francesca Grifo, EPA's Scientific Integrity Official

2. Potential reviewers of the draft technical directive:

Ex. 6

3. Information to share with mediator and participants (note: everything that I have is attached and listed here):

•□□□□□□□ White paper, "Lipophilic Fish Contaminant Data Should Never Be Ratio Normalized"

•□□□□□□□ Poster, ""Lipophilic Fish Contaminant Data Should Never…"

•□□□□□□□ Article, "Determination of Lipid Content in Fish Samples from Bioaccumulation Studies"

Please let me know if you have comments on these lists, if you have additional information that I should share with the mediator and workshop participants, and if you have any other advice.

By the way, I plan to write to the following to ask for additional suggestions/ideas:

•□□□□□□□ Mike Shapiro, OW DAA

•□□□□□□□ Bob Kavlock, ORD DAA

•□□□□□□□ William Benson, Acting Director, ORD/NHEERL

•□□□□□□□ Suzanne VanDrunick, ORD/IO, NPD for Safe and Sustainable Water Research

•□□□□□□□ Fred Hauchman, Director, ORD/Office of Science Policy

Do you have suggestions of others that I should reach out to? I have already been in touch with Bob Hillger, EPA Region 1 Lab, who is helping. And, he has enlisted the help of Wayne Munns. Wayne is reaching out to bioaccumulation experts in ORD and has agreed to be our ORD POC for this.

I would be happy to talk about this project with you. I am working at home tomorrow (available via email – we could set up a call between the two of us).

I am off on Friday, but back in the office on Monday.

Thank you for your help with this!

Regards,

Martha Otto

Scientific Integrity Program
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

Region 1, New England

Lipophilic Fish Contaminant Data should *Never* be Ratio-Normalized

Ex. 6

Ecosystem Assessment (Ecological Monitoring Team)

New England Regional Laboratory, North Chelmsford, MA

Overview

The world-wide standard practice of ratio-normalizing lipophilic fish contaminant data (dividing contaminant concentrations by %fat) is fundamentally statistically flawed. Some of the many questionable applications of ratio-normalized data by USEPA, and others, are noted. 'Discovery' of this issue during a Regional Methods Initiative (RMI), assessing a multivariate statistical method predicting dioxin toxicity in fresh-water fish from lipid profiles, is described. Some suggestions for responding to this important scientific integrity issue are proposed.

How Large is the Problem of Fish Lipophilic Contaminants in U.S. Waters?

Lipophilic fish contaminants, most commonly including dioxins and furans, PCBs, chlordane, and DDT and metabolites, bioaccumulate and bioconcentrate (biomagnify) in fish tissue fats (lipids) (El-Shahawi et al. 2010), impair millions of lake acres and hundreds of thousands of river miles through fish consumption advisories (EPA 2011b) (Figures 1 and 2), and pose a substantial risk to humans and wildlife (EPA 2009).

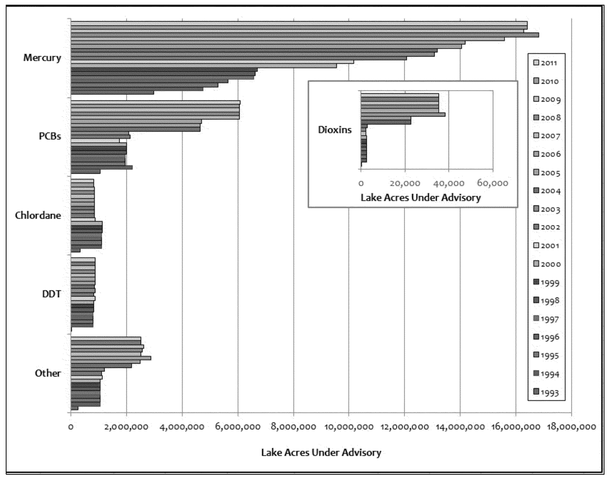


Figure 1. U.S. Lake Acres under Advisory for Mercury and the Most Common Lipophilic Contaminants, 1993 – 2011 (USEPA 2011b)

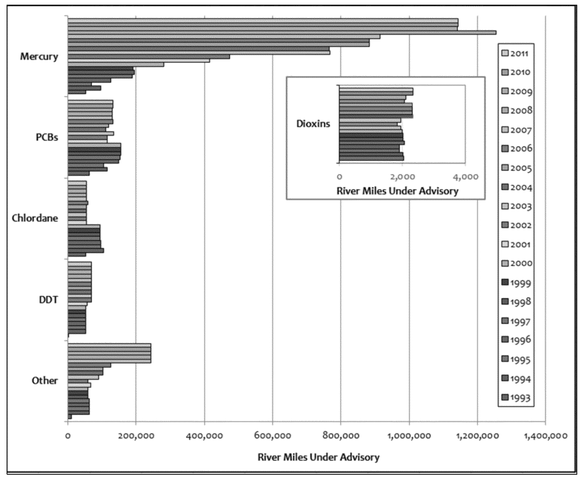


Figure 2. U.S. River Miles under Advisory for Mercury and the Most Common Lipophilic Contaminants, 1993 – 2011 (USEPA 2011b)

Regional Methods Initiative (RMI) Project History

The author and Ex. 6, with many collaborators, have since 2005 worked on a Regional Methods Initiative (RMI):

Ex. 6

The RMI study is attempting to extend a multivariate (PCA/PLS) European method (Bassompierre et al. 2004a; 2004b) used to predict dioxin toxicity in Atlantic fishmeal to the highly dioxin contaminated Kanawha River and tributaries in West Virginia. An advisor to this study, the eminent, late ORD-Duluth fisheries scientist Dr. Phil Cook, questioned why data for the RMI study had been ratio normalized prior to statistical analysis. A comparison of ratio-normalized and non-normalized TEQ data found unexpected effects, including skewing, inverting, and differentially distorting TEQ values for Channel and Flathead catfish species. Largemouth bass TEQ data when ratio-normalized resulted in outliers, extremes, and a widely expanded, skewed data range. No RMI species had an isometric relationship between % lipid and non-normalized TEQ values, making ratio-normalization statistically invalid. Gizzard shad, collected in 2004, had a statistically significant negative relationship between % lipid and non-normalized TEQ, yet this data had been lipid ratio-normalized by scientific users. Lipid ratio-normalization dramatically distorts RMI data and should not be performed. RMI data should be analyzed on a wet weight, non-lipid normalized basis. Eminent RMI statistical and fisheries external and internal peer reviewers failed to identify the issue of lipid ratio-normalization.

Phil Cook, PhD

Fish Advisories

As of 2011 fish advisories have been issued for 34 pollutants, however, these four lipophilic contaminants, together with mercury (which is not lipophilic), constitute the bulk of fish advisories (Figures 1 and 2):

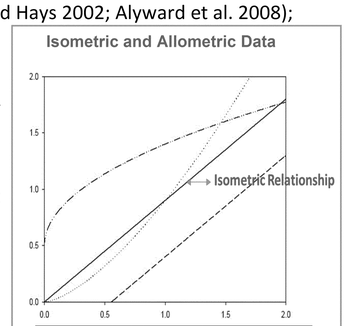
- PCBs — 1,102 advisories in 2011 (up from 1,084 in 2010)*
- Chlordane — 60 advisories in 2011 (no change from 60 in 2010)
- Dioxins — 129 advisories in 2011 (up from 128 in 2010)
- DDT — 67 advisories in 2011 (up from 58 in 2010)

* Increases in the number and areal extent of fish advisories over time are typically ascribed to more monitoring and not to higher contaminant levels.

Lipid Ratio-Normalization

Since the 1970s practitioners world-wide have largely uncritically ratio-normalized lipophilic contaminants in fish, dividing the observed contaminant concentration by the % lipid in hopes of standardizing the effects of varying lipid concentrations on contaminant levels. Lipid ratio-normalized data has been widely used by EPA and others in developing ecological effects test guidelines for fish bio-concentration factors (BCFs), in bioaccumulation, lipid measurement, fish sampling and analysis (USEPA 1996; 2000a; 2009a; Schlechtriem et al. 2009; OECD 2012); biota-sediment accumulation factors (BSAFs) (USEPA 2003a; 2009b; Burkhard 2009); modeling food web biomagnification, such as in AQUATOX (USEPA 2014); in EPA's method of deriving ambient water quality criteria (USEPA 2000b; 2003b); SETAC's Tissue Residue Approach (McElroy et al. 2010; IEAM 2011); and developing guidelines and assessing trends in human exposure to dioxin (WHO 1998; Aylward and Hays 2002; Alyward et al. 2008); among others.

Lipid ratio-normalization is only statistically correct in the rare cases the relationship between contaminant levels (non-normalized) and % lipids is isometric; they have a statistically significant positive regression slope with an intercept of zero (Hebert and Keenleyside 1995)(see box on right). However, even if statistically permissible, in a given instance, it is highly inadvisable to lipid ratio normalize data as comparative or subsequent datasets will almost surely not be isometric. Many early studies using lipid ratio-normalization have been incorrectly and uncritically cited in subsequent literature as supporting it [e.g. Anderson and Fenderson (1970); Hamelink et al. (1971); Sugiura et al. (1978); Thomann (1989) & LeBlanc (1995)]. Lipid ratio-normalization reduces the precision of data and the power of statistical tests, as shown, by studying the coefficient of variation (C.V.) before and after normalization (Hebert and Keenleyside 1995). Other issues with lipid ratio-normalization include increasing data variability and obscuring those processes which are affecting contaminant levels (Sethajintanin et al. 2004).



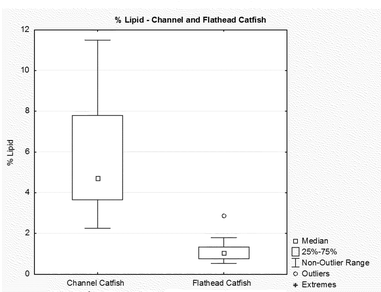
- Only solid line is an isometric relationship. Dashed and dotted lines are allometric and may be analyzed using ANCOVA (Analysis of Covariance), if test assumptions are met;

Misuse of Ratio Data— There is a widespread misuse of ratio data in environmental sciences, including chemical, physiological, limnological (e.g. standardized measures of lake biomass and morphometric indices), oceanographic, and other ratio measures (see, for example, Packard and Boardman 1988; Jackson et al. 1990; Kronmal 1993; Di Toro and De Rosa 1996; Berges 1997; Ulrich et al. 2003).

SOME NEXT STEPS

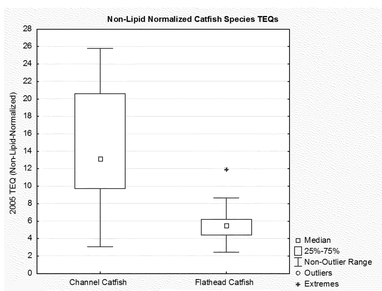
- Convene webinars and meetings among diverse EPA stakeholders to foster consensus on the science and to develop short-term and long-term strategies;
- Support Region III and State of West Virginia in analyzing fish contaminant data from 2015 Kanawha River resampling;
- Reanalyze statistically representative lipophilic data, with and without ratio normalization, from EPA's *National Study of Chemical Residues in Lake Fish Tissue* (USEPA 2009);
- Prepare article with Dr. Dennis Helsel, prominent retired USGS statistician (practicalstats.com), for publication in a peer reviewed journal;

RMI Catfish Species % Lipid



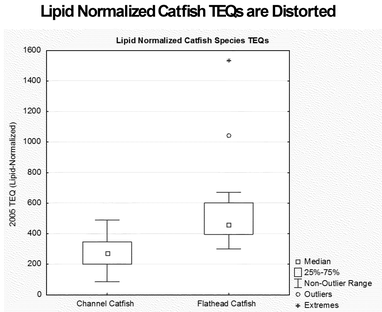
- Sympatric Flathead (*Pylodictis olivaris*) and Channel (*Ictalurus punctatus*) catfish species have very different % lipid, which strongly affects lipid normalization;

Non-Lipid Normalized Catfish TEQs



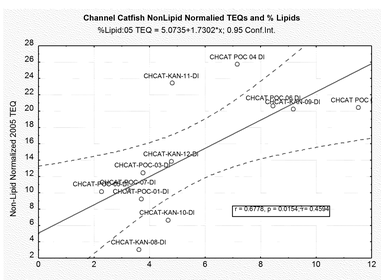
- Channel catfish have higher non-lipid normalized TEQs than Flathead catfish;

Lipid Normalized Catfish TEQs are Distorted



- Ratio lipid normalization skews, inverts, and creates outliers and extremes, distorting TEQ values for Channel and Flathead catfish species;

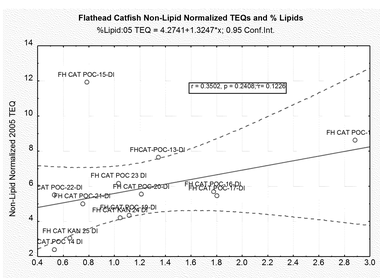
Channel Catfish Non-Lipid Normalized TEQ and % Lipids



Channel catfish data is NOT isometric

- Statistically significant positive (linear) relationship between non-lipid normalized TEQ and % lipids;
- Intercept of ~5;

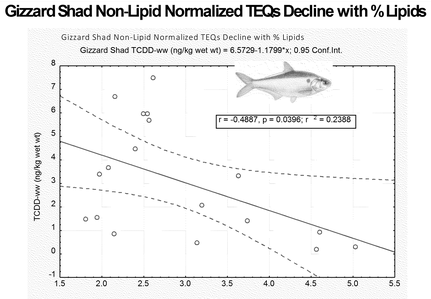
Flathead Catfish Non-Lipid Normalized TEQ and % Lipids



Flathead catfish data is NOT isometric

- Non-statistically significant relationship between TEQ and % lipids for Flathead catfish;
- No linear relationship; Intercept of ~5;

Gizzard Shad Non-Lipid Normalized TEQs Decline with % Lipids



Gizzard shad TEQ is negatively related to % lipid

- Statistically significant ***negative*** relationship between non-lipid normalized dioxin TEQ and % lipids for Gizzard shad (*Dorosoma cepedianum*);

The views expressed in this poster are those of the author and do not necessarily represent the views or policies of the U.S. Environmental Protection Agency

Schlechtriem et al. Environmental Sciences Europe 2012, 24:13
http://www.enveurope.com/content/24/1/13

Environmental Sciences Europe
a SpringerOpen Journal

DISCUSSION Open Access

Determination of lipid content in fish samples from bioaccumulation studies: contributions to the revision of guideline OECD 305

Christian Schlechtriem*, Annette Fliedner and Christoph Schäfers

Abstract

Background: The bioaccumulation potential of chemical substances is commonly determined in flow-through fish tests according to the Organization for Economic Cooperation and Development (OECD) technical guideline (TG) 305, aiming at the determination of bioconcentration factors (BCF). Investigations on aquatic organisms have shown a significant positive correlation between the accumulation of a chemical and the lipid content of organisms. Residue levels can thus differ between individuals, species, and size groups depending on their lipid content. BCF values can be normalized by lipid content; however, this requires the use of appropriate extraction techniques to ensure the complete extraction of total lipids from fish/tissue samples. The OECD TG 305 is currently under revision. A literature review was carried out to select preferred methods which shall be included in the updated OECD TG 305 along with a sampling schedule for lipid measurement in fish.

Results: An overview and appraisal of a broad range of lipid extraction methods is presented. Extraction procedures applied in bioaccumulation studies described in the literature and procedures currently used for such studies by governmental, academic, and industrial labs are surveyed. Possible impacts of unsuitable extraction techniques on lipid normalized BCF results were assessed. Default values for BCF normalization commonly used in bioaccumulation studies are described. The effect of differences in residue distribution over different organs and/or lipids on the normalization of BCF values is discussed.

Conclusions: A broad range of procedures for lipid extraction are available. However, only the use of suitable extraction techniques guarantees the complete extraction of total lipids from fish samples in bioaccumulation studies which is required to ensure the correct lipid normalization of BCF values. Preferred methods for inclusion in the updated OECD 305 test guideline as well as a standard schedule for lipid measurements are suggested.

Keywords: Lipid extraction procedures, Standard methods, BCF, Lipid normalization, Tissue distribution

Background

Bioaccumulation of chemical substances can be caused by bioconcentration, mainly via respiratory membranes, or by biomagnifications via dietary uptake. As partitioning between water or food and outer membranes of organisms represents the most important process of bioaccumulation, it is of particular interest when dealing with substances with certain physicochemical properties, e.g., lipophilicity and persistence. In aquatic systems, sediments, and soils, these substances tend to concentrate mainly in the lipid fraction of organisms and may lead to substantial physiological burdens. The accumulation of such residues in the food chain can reach levels toxic to predators and represents a risk for human health. Assessing the bioconcentration as well as the biomagnification potential is therefore an important issue for the environmental and human risk assessment of chemicals and one of the main features in environmental monitoring.

The Organization for Economic Cooperation and Development (OECD) technical guideline (TG) 305 [1] focuses on the process of bioconcentration and aims at the determination of the bioconcentration factor (BCF),

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a proportionality constant relating the concentration of a chemical in an organism to its concentration in the ambient water at the steady state between uptake and depuration. Investigations in the aquatic environment have revealed a significant positive correlation between the accumulation of a chemical and the lipid content of organisms, and residue levels thus differ between individuals, species, and size groups depending on their lipid contents [2-4]. Therefore, variations in these data can be reduced when BCF values are normalized by lipid content [5,6]. Furthermore, this facilitates the extrapolation between species and sites.

However, it must be kept in mind that lipids are not a uniform compartment and that different lipid classes, e.g., the relatively polar phospholipids common in cell membranes, the nonpolar triacylglycerols in storage lipids, the neutral steroids, glycolipids, triglycerids, and free fatty acids, have quite different properties. Partitioning of lipophilic substances in the total lipid fraction is most probably related to these differences in polarity [7,8].

Polarity also governs lipid solubility in water and organic solvents and, thus, the extraction of total lipids. Lipid fractions are usually characterized by different ratios of polar and nonpolar lipids, mainly depending on the total lipid content of the animals/tissues. The use of appropriate extraction techniques based on solvent systems with the right polarity is thus essential [8,9]. In addition, other factors, e.g., temperature, pH, light, and oxygen, may influence lipid extractions [5]. In view of these considerations, it is not surprising that up to now, many different extraction methods have been proposed, but no standard method suitable for all tissues/species has been agreed upon.

Bioconcentration guidelines such as OECD TG 305 [1], the United States Environmental Protection Agency Office of Pollution Prevention and Toxics (U.S. EPA OPPTS) 850.1730, [10] and Japanese Industrial Standards [11] emphasize the importance of lipid normalization; however, a clear guidance on lipid measurement in fish is missing. The results obtained with different extraction methods may differ quite considerably [6,8,9,12-18], leading to over- or underestimations when normalizing BCF values to lipid contents. Therefore, the selection of appropriate extraction techniques using mixed systems of nonpolar and polar solvents is required to ensure the complete extraction of total lipids from fish/tissue samples. In this context, the OECD 305 guideline [1] recommends the use of chloroform/methanol for determination of fish lipid content. The microgravimetric assay for total lipids described by Gardner et al. [19] is given as a key reference. However, a broad range of analytical procedures are available which can be used for lipid measurements as part of bioconcentration studies and thus may have a potential impact on the results obtained. To guarantee the comparability of BCFs obtained in different studies, the analytical procedures should be further standardized. Therefore, in the course of revising OECD guideline 305 [1], lipid determination is one point that needs clarification.

The aim of the present survey was to review current literature to give an overview over lipid extraction methods used in bioaccumulation studies and to appraise each method with respect to strengths and weaknesses in terms of reproducibility, ease of conductance, and robustness. Effects induced by the use of inappropriate lipid measurement methods on the result of lipid normalization are described. Lipid extraction protocols recommended to be included in the updated OECD TG 305 along with a sampling schedule of lipid measurement in fish are provided.

Main text and discussion

Overview and appraisal of lipid extraction methods

The review of methods for lipid extraction and an appraisal of each method are presented in Additional file 1. The focus of this survey is on traditional extraction procedures using organic solvents (e.g., [20-22] or the Soxhlet method [23]); however, also nondestructive instrumental methods based on near-infrared (NIR) spectroscopy or nuclear magnetic resonance (NMR) spectroscopy are presented. Each method currently employed for the determination of lipid content has its advantages and disadvantages, and there is no procedure available which is suitable for all types of lipids.

For choosing suitable methods for preparation of lipid extracts from fish tissues based on solvent extraction, different criteria must be considered. The simplicity and efficiency of the method are of central interest. However, the choice of method used for the determination of lipid content will be dictated to a large extent by the cost and by the urgency with which the results are required. The nondestructive instrumental methods are for instance exceptionally quick and involve very little sample preparation, but expensive and sophisticated equipment is required which might not be widely available. In addition, their degree of accuracy is perhaps less than that of the destructive solvent extraction methods. Finally, the toxicity of the solvents for humans (i.e., lab technicians) and the ease of disposal of the used solvents should be a prime consideration.

The amount of fish biomass sampled during bioaccumulation studies is usually limited due to the small size and low number of animals. Some procedures for solvent extraction might be principally suitable for extraction of lipids from fish tissues, but relatively large sample volumes are required (e.g., [20]). In these cases,

a careful adjustment of the extraction procedure to reduced sample sizes is required. Several microgravimetric assays have been described (e.g., [19,24]). The relative merits of the different methods have to be considered when a preferred method for inclusion in the updated OECD 305 test guideline is selected.

Lipid determination in bioaccumulation studies

The vast majority of bioaccumulation data available in the literature have been obtained in the context of environmental monitoring or field studies. Residue levels are usually expressed on wet weight basis or normalized to lipid weight.

Publications of bioconcentration studies according to OECD TG 305 [1] or U.S. EPA OPPTS 850.1730 [10] are rare: Schettgen [25] performed OECD TG 305 studies with Triclosan and some pyrethroid pesticides. Total lipids were determined according to Hara and Radin [22] using a two step extraction with hexane and isopropanol followed by the photometrical determination of the lipid-sulphosphovanillin complex after digestion with sulphuric acid [26]. Fox et al. [27] performed bioconcentration tests on polychlorinated biphenyls (PCBs) according to OECD TG 305, but no details on the methods used for lipid extraction except the solvent combination (hexane/2-propanol) are presented. Yakata et al. [28] studied the influence of dispersants on the BCF of seven organic compounds in flow-through test systems according to OECD TG 305. Lipids were determined using the Bligh and Dyer [21] method.

Other papers report on bioconcentration tests according to OECD TG 305 [1] or U.S. EPA OPPTS 850.1730 [10] without lipid determination being carried out (e.g., [29-32]). The outcome of the literature review with respect to guideline studies and lipid determination methods was thus not satisfactory due to a shortage of data. This is probably due to the fact that the majority of bioconcentration studies according to guidelines are performed in the context of regulatory risk assessment of chemicals. These studies have to be performed according to GLP (Good Laboratory Practice) and are thus of high quality. However, they are strictly confidential and not available to the public and could thus not be reviewed for this report. The literature review was therefore amended by short interviews with laboratories that perform OECD 305 studies in the context of registration and notification.

Eight international laboratories involved in bioaccumulation studies were asked for information about their standard operation procedures used for lipid extraction from fish tissues. Our survey showed that despite the broad range of methods available for lipid extraction, only a small group of techniques is routinely applied in bioaccumulation studies. Five of the eight laboratories interviewed stated that they commonly use solvent extraction methods based on chloroform/methanol according to Bligh and Dyer [21] or Randall et al. [9] which is a modification of the procedure originally described by Folch et al. [20]. Two laboratories commonly use the Smedes method [14] which is based on non-chlorinated solvents. Only one lab mentioned to use a nondestructive instrumental method based on NIR. The results show that most labs follow the current guidelines of OECD 305 [1] where the use of chloroform/methanol extraction techniques is recommended for analysis of fish samples. The Smedes method [14] was developed for the determination of total lipid in fish and extensively compared with the Bligh and Dyer method [21] for different fish and shellfish samples. The results were in agreement with the extraction following Bligh and Dyer [33,34] using chlorinated solvents, and the method is now part of the QUASIMEME Laboratory Performance Studies [35] as a 'low-toxic' method for the determination of total lipid in marine biota. It can be assumed that the results of all seven labs which use solvent extraction procedures for analysis of fish samples are comparable. Also, the values obtained by NIR are most likely in agreement with those obtained by solvent extraction, as described by Darwish et al. [36] and Mathias et al. [37].

In conclusion, the results of our survey indicate that analytical methods commonly applied by governmental, academic, and industrial labs for the determination of lipid content in fish sampled from bioaccumulation studies are of high quality. The estimation of possible impacts of unsuitable extraction techniques on lipid-normalized BCF results might therefore be a rather theoretical issue.

Effect of lipid extraction procedures on lipid-based BCF values

Principally, extraction differences may lead to substantial differences in comparing BCFs across studies and among species of varying lipid composition [9]. However, a critical investigation of different methods for lipid determination with respect to their impact on estimated BCFs is missing. Due to the limited amount of published results from bioaccumulation studies which were carried out according to OECD TG 305 [1], the specific comparison of BCFs estimated for single contaminants is difficult. Geyer et al. [38] described the relationship between the lipid content of fish and their bioconcentration potential of 1,2,4-trichlorobenzene. This study presents a valuable collection of references of older bioaccumulation studies. For instance, in a study on rainbow trout (Oncorhynchus mykiss), presented by Galassi and Calamari [39], a lipid content of 3.2% was estimated for the newly hatched animals

leading to a wet weight-based BCF (BCF_W) of 349 (based on lipid weight, the respective lipid-based BCF (BCF_L) was 10,906). In a further study on the same species but with bigger animals, a lipid content of 8.3% was determined leading to a BCF_W of 1,300 (BCF_L = 15,660) [40]. Lipid contents in both studies were determined by the Soxhlet extraction [23]. However, different solvent systems (n-hexane vs. acetone/hexane) and different boiling periods (8 h vs. 24 h) were applied. It can be assumed that in the first study, due to the neutral solvent (n-hexane), only the neutral lipids were removed leading to a lower lipid content and thus a higher BCF_L value. In contrast, the lipid content presented in the second study seems to be exceptionally high for animals of the given size.

Whole body lipid content default values for lipid normalization of BCF

Fish lipid content varies according to species, age, sex, season, and location, and it can range from around 0.5% to 20% w/w or more in the wild (e.g., [38]). BCF values for lipophilic compounds estimated on a wet weight basis (BCF_W) increase with increasing lipid contents. Normalization of BCF values to lipid content is one way to reduce variability when comparing measured BCF values, for instance, for different species or animals of different life stages. Lipid contents are commonly used to calculate BCF values on a percent lipid basis (BCF_L) but can be further used to calculate a normalized whole body BCF assuming a fixed whole body lipid content. A default value of 5% is most commonly used as this represents the average lipid content of the small fish used in OECD TG 305 [1] including the rainbow trout (O. mykiss), bluegill sunfish (Lepomis macrochirus), zebrafish (Danio rerio), fathead minnow (Pimephales promelas), and common carp (Cyprinus carpio) ([41,42] cited in the REACH TGD (R.7.10.4) [43]).

No default value is defined in OECD TG 305 [1], and a percent normalization was thus not performed in the published bioaccumulation studies following this guideline [25,28].

Fish lipid contents should be always measured and reported together with the calculated BCF values. The interviews revealed that fish lipid contents are usually measured and reported but that BCFs are not necessarily further normalized on a lipid basis. Only one lab mentioned that BCF values are normalized to a default value of 6% which represents the average lipid content of the bluegill sunfish (L. macrochirus) used in their bioaccumulation studies. A common default value (e.g., 5%, as described above) should be defined in the revised OECD guideline to give a clear basis for the comparison of BCF values across studies and among species.

Differences in residue distribution over different organs and/or lipids

Bioconcentration factors for lipophilic compounds estimated on a wet weight basis (BCF_W) increase with increasing lipid content. The generally held view is that neutral storage and membrane lipids are the most important classes for the bioaccumulation of nonpolar and polar residues, respectively. Therefore, apart from the lipid content, also the lipid composition might have an effect on the bioaccumulation potential of an animal. However, with respect to differences in residue distribution over different lipid types, only little data are available. Chefurka and Gnidec [44] found that dichlordiphenyltrichlorethane binds to the relatively polar membrane lipids. Chlorobiphenyls were detected in both the membrane-bound and the unbound lipid fraction in fish [12]. For extractable PCBs, Randall et al. [8] reported about one third to be associated with membrane-bound lipids, whereas two thirds was found in the neutral lipid fraction. Roche et al. [45] found infrequent positive correlations between lipid contents in tissues and contaminant levels: In eel (Anguilla anguilla), muscular g-hexachlorcyclohexane (Lindan, gHCH) correlated with neutral lipids. In crucian carp (Carassius carassius), muscular gHCH correlated with total lipids and hepatic ΣPCB with phospholipids. In catfish liver (Ictalurus nebulosus), a positive correlation was detected between gHCH and total, as well as neutral, lipids. Generally, the evidence for the role of lipid composition on differences in bioaccumulation potential is missing, and the estimation of BCF values should be better related to total lipid content than to any one fraction.

Lipid concentrations in different organs, namely, filet and liver, can vary leading to differences in residue distribution. For instance, Wu et al. [46] reported that polychlorinated dibenzodioxines and furanes accumulate mainly in the liver and that muscle concentrations correlate with liver concentrations. Variability in muscle concentrations between fish species decreased when concentrations were normalized to lipid content. Several studies describe the residue distribution over different organs (e.g., [31,45,47-53]). However, bioconcentration studies according to OECD 305 [1] are performed to obtain BCF values which - per definitionem - refer to the whole fish, and differences in residue distribution over different organs are thus not essential.

Recommended method for inclusion in the updated OECD 305 test guideline

As stated above, the selection of a suitable lipid determination method should consider the methods' reproducibility, robustness, and ease of use. Furthermore, it should not be too expensive and - ideally - work without toxic solvents. Another crucial point is the

applicability to small quantities of samples. Many of the methods listed above were established for samples of 1 to 10 g and have to be modified when working with sample sizes of < 1 g. The chloroform/methanol extraction technique recommended as standard method is well established and accepted. After the Soxhlet method [23], which is considered unsuitable for lipid extraction of fish tissues because of its dependency on conditions which are difficult to control (i.e., no precise determination of extraction cycles due to continuous flow), the Bligh and Dyer method [21] is probably the second most common lipid extraction procedure reported in the scientific literature. Due to the simultaneous use of the nonpolar chloroform and the polar methanol as solvents, this technique is characterized by high extraction efficiency. The lipid obtained can be subjected to further analysis if required. However, the major drawback of this method is the use of highly toxic solvents. We therefore suggest that the Smedes method [14] should be recommended as an alternative technique for the Bligh and Dyer procedure [21]. The Smedes method is characterized by a comparable efficiency of extraction, high accuracy, the use of less toxic organic solvents, and ease of performance. Cyclohexane has a lower density than chloroform and therefore separates at the top of the extraction mixture. Particulate matter which is centrifuged to the bottom of the jar is automatically removed from organic phase. Therefore, no filtration is necessary to remove it as with Bligh and Dyer [21] where tissue residues form on top of the lower chloroform phase. Both techniques are described in detail in Additional file 2. An alternative method for the quantitative extraction of lipids from fish using non-halogenated solvents was described by Jensen et al. [6]. Lipid recoveries comparable to the Bligh and Dyer method were obtained for cod muscle, showing the high potential of this method. However, further validation/calibration approaches as well as an interlaboratory study involving this method are required.

Due to the specific extraction procedures required for the analysis of many test substances, the use of techniques based on NIR or NMR spectroscopy (e.g., CEM Smart trac™, CEM Corporation, Matthews, NC, USA) has high potential for the lipid determination in fish sampled from bioaccumulation studies. However, the lack of intercalibration studies and the limited availability and high cost of equipment are currently the major bottleneck for the use of these techniques.

Standardized sampling schedule for lipid measurement

The OECD 305 guideline [1] states that, if possible, lipid determination and residue analysis should be performed using the same sample. However, analysis of test substances often requires specific extraction procedures which might be in contradiction to the guidelines for gravimetric lipid determination by solvent extraction. In this case (until suitable nondestructive instrumental methods are available), it is recommended to determine the fish lipid content by solvent extraction on independent fish sampled at the start and at the end of the experiment. The amount of fish per tank should be adjusted accordingly. The analysis of fish from the test and control groups at the end of the experiment is important to confirm the equal lipid content of test and control animals. As described in the OECD 305 guideline [1], the lipid content of the fish (as milligrams per kilogram wet weight) at the end of the experiment should not differ from that at the start by more ± 25%.

Conclusions

A broad range of procedures for lipid extraction are available. However, only the use of suitable extraction techniques guarantees the complete extraction of total lipids from fish samples in bioaccumulation studies which is required to ensure the correct lipid normalization of BCF values.

Additional material

Additional file 1: Overview and appraisal of lipid extraction methods. A table showing a review of methods for lipid extraction and an appraisal of each method.

Additional file 2: Extraction and measurement of total lipids in fish. A document describing two techniques for the extraction and measurement of total lipids in fish.

Abbreviations

BCF: Bioconcentration factor; BCF_W: Wet weight-based BCF; BCF_L: Lipid-based BCF; OECD: Organization for Economic Cooperation and Development; TG: Technical guideline; NMR: Nuclear magnetic resonance spectroscopy; NIR: Near-infrared spectroscopy; PCB: Polychlorinated biphenyls; γHCH: γ-hexachlorcyclohexane.

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Authors' contributions

CSr participated in the literature search and drafted the manuscript. AF has made a substantial contribution to the literature search. CSf has been involved in revising the manuscript critically. All authors read and approved the final manuscript.

Competing interests

The authors declare that they have no competing interests.

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Overview

The world-wide standard practice of ratio-normalizing lipophilic fish contaminant data (dividing contaminant concentrations by % fat) is fundamentally statistically flawed. Some of the many questionable applications of ratio-normalized data by USEPA, and others, are noted. 'Discovery' of this issue during a Regional Methods Initiative, assessing a multivariate statistical method predicting dioxin toxicity in freshwater fish from lipid profiles, is described. Suggestions for USEPA's response to this important scientific integrity issue are proposed.

Issue of Lipid Ratio-Normalization

Lipophilic fish contaminants, most commonly including dioxins and furans, PCBs, chlordane, and DDT and metabolites, bioaccumulate and bioconcentrate (biomagnify) in fish tissue fats (lipids) (El-Shahawi et al. 2010), impair millions of lake acres and hundreds of thousands of river miles through fish consumption advisories (USEPA 2011b) and pose a substantial risk to humans and wildlife (USEPA 2009). Since the 1970s practitioners world-wide have largely uncritically ratio-normalized[1] lipophilic contaminants in fish, dividing the observed contaminant concentration by the % lipid in hopes of standardizing the effects of varying lipid concentrations on contaminant levels. Lipid ratio-normalized data has been widely used by EPA and others in developing ecological effects test guidelines for fish bio-concentration factors (BCFs), in bioaccumulation, lipid measurement, fish sampling and analysis (USEPA 1996; 2000a; 2009a; Schlechtriem et al. 2009; OECD 2012); biota-sediment accumulation factors (BSAFs) (USEPA 2003a; 2009b; Burkhard 2009); modeling food web biomagnification, such as in AQUATOX (USEPA 2014); in EPA's method of deriving ambient water quality criteria (USEPA 2000b; 2003b); SETAC's Tissue Residue Approach (McElroy et al. 2010; IEAM 2011); and developing guidelines and assessing trends in human exposure to dioxin (WHO 1998; Aylward and Hays 2002; Alyward et al. 2008); among others.

Lipid ratio-normalization is only statistically correct if the relationship between contaminant levels (non-normalized) and % lipids is isometric; they have a statistically significant positive regression slope with an intercept of zero (Hebert and Keenleyside 1995). Many early studies using lipid ratio-normalization have been incorrectly and uncritically cited in subsequent literature as supporting lipid ratio-normalization [see, for example, Anderson and Fenderson (1970); Hamelink et al. (1971); Sugiura et al. (1978); Thomann (1989) and LeBlanc (1995)]. Lipid ratio-normalization has been shown to reduce the precision of data and the power of statistical tests, as shown, for example, by studying the C.V. (coefficient of variation) before and after normalization (Hebert and

[1] Human health authors use the terms lipid-adjusted or lipid-standardized which are equivalent to lipid ratio-normalized and lipid normalized; see for example, Alyward et al. (2008), Alyward and Hays (2002), and WHO (1998). Schisterman et al. (2005) in a statistical assessment of methods of lipid adjustment in assessing human health risks concluded "[L]ipid standardization, or the division of serum concentrations by serum lipids, was observed to be highly prone to bias." Gaskins and Schisterman (2009) concluded, "…investigators must consider biology, biological medium, laboratory measurement, and other underlying modeling assumptions when devising a statistical model for assessing health outcomes in relation to environmental exposures."

Keenleyside 1995). Amrhen et al. (1999) supported Hebert and Keenleyside's (1995) observations and concluded, "…lipid normalizing of contaminant data may be misleading when comparing individuals or species." Other issues with lipid ratio-normalization identified in the literature include increasing data variability and obscuring those processes which are affecting contaminant levels (Sethajintanin et al. 2004).

Lipid extraction from fish is quite method dependent and is also affected by temperature, pH, light and oxygen; with no single extraction method being appropriate for all lipid classes and species (Randall et al. 1991; USEPA 2003; Schlechtriem et al. 2009; 2012; McElroy et al. 2010). Further, fish species lipid profiles vary seasonally, inter-annually, between sites, and with diet, ambient temperature and other environmental factors (Halver 1980; Singh and Singh 1990; Luzia et al. 2003; Arrington et al. 2006; Guler et al. 2008; Deka et al. 2012; Chakraborty et al. 2014). Practitioners world-wide are largely unaware of the limitations and complexities inherent in lipid measurement and ratio-normalization.

In addition, an issue beyond the scope of this study is the widespread misuse of ratio data in environmental science, including chemical, physiological, limnological (e.g. standardized measures of lake biomass and morphometric indices), oceanographic, and other ratio measures (Packard and Boardman 1988; Jackson et al. 1990; Kronmal 1993; Di Toro and De Rosa 1996; Berges 1997; Ulrich et al. 2003).

RMI Project History

The author and a Ex. 6 with many collaborators, have since 2005 worked on a Regional Methods Initiative (RMI): Ex. 6 The RMI study is attempting to extend a multivariate (PCA/PLS) European method (Bassompierre et al. 2004a; 2004b) used to predict dioxin toxicity in Atlantic fishmeal to the highly dioxin contaminated Kanawha River and tributaries in West Virginia. An advisor to this study, the eminent late ORD fisheries scientist Dr. Phil Cook, was unclear why data for the RMI study had been ratio normalized prior to statistical analysis. A comparison of ratio-normalized and non-normalized TEQ data found unexpected effects, including skewing, inverting, and differentially distorting TEQ values for Channel and Flathead catfish species. Largemouth bass TEQ data when ratio-normalized resulted in outliers, extremes, and a widely expanded, skewed data range. No RMI species had an isometric relationship between % lipid and non-normalized TEQ values, making ratio-normalization statistically invalid. Gizzard Shad, collected in 2004, had a statistically significant negative relationship between % lipid and non-normalized TEQ, yet this data had been lipid ratio-normalized by scientific users. Lipid ratio-normalization dramatically distorts RMI data and should not be performed[2]. RMI data should be analyzed on a wet weight, non-lipid normalized basis. Eminent RMI statistical and fisheries external and internal peer reviewers failed to identify the issue of lipid ratio-normalization.

[2] Valid statistical alternatives to ratio-normalization include ANCOVA (Analysis of Covariance), among others, if test assumptions are met (Miller and Chapman 2001; Field 2012).

Lipid ratio-normalization is a univariate statistical data manipulation. As Smilde et al. (2004) presciently remind us,

> "....It gradually became clear that the power of our individual studies came from viewing the world as multivariate instead of univariate. At first this seemed to defy the scientific method we were taught that allows one variable at a time to be varied. Control engineers and some statisticians knew for some time that univariate experimental designs were doomed to fail in a multivariate world. While studying variance is useful, understanding covariance can lead one to move rapidly from data to information to knowledge."

Responding to the Issue of Lipid Ratio-Normalization – Some Possible Next Steps:

- Conduct a webinar(s) among EPA stakeholders to present limitations and complexities inherent in lipid ratio-normalization;
- Convene a face-to-face meeting of diverse EPA stakeholders in DC, under the auspices of the Office of Scientific Integrity, to discuss the implications of these findings, foster consensus on the science, and develop short-term and long-term strategies;
- Establish a small team of EPA stakeholders to continue assessing and adapting our response to the issue of lipid ratio-normalization;
- Inform EPA HQ's, Regional and ORD managers, scientists, and risk assessors of the issues with lipid ratio-normalization, notably including EPA's national fish tissue program which collects, distributes, and provides guidance interpreting fish contaminant data;
- Collaborate with the Office of Water to develop Fact Sheets, Guidance and other information for states, tribes, Federal Agencies, non-profits and researchers collecting and analyzing fish lipophilic contaminant data;
- Reanalyze lipophilic contaminant data from EPA's National Study of Chemical Residues in Lake Fish Tissue to illustrate the effects of ratio-normalization from a statistically representative sample of lower 48 U.S. states lakes and reservoirs (http://water.epa.gov/scitech/swguidance/fishstudies/lakefishtissue_index.cfm);
- Document the issues of ratio-normalization in a prominent peer reviewed publication with Dr. Dennis Helsel, a well-known, retired, but still active USGS statistician (practicalstats.com/); and present at scientific meetings including the 2015 New England Association of Environmental Biologists (NEAEB) meeting (http://www.epa.gov/region1/neaeb2015/);
- A large drinking water spill in the Kanawha River in 2014 resulted in the State of West Virginia planning an extensive re-sampling of fish contaminants in 2015. The author has offered to support Region III and the State in their data analysis given the issues with ratio-normalization, which we conveyed to the Region III Freshwater Biology Team lead, Dr. Frank Borsuk, in spring 2014;

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Ex. 6

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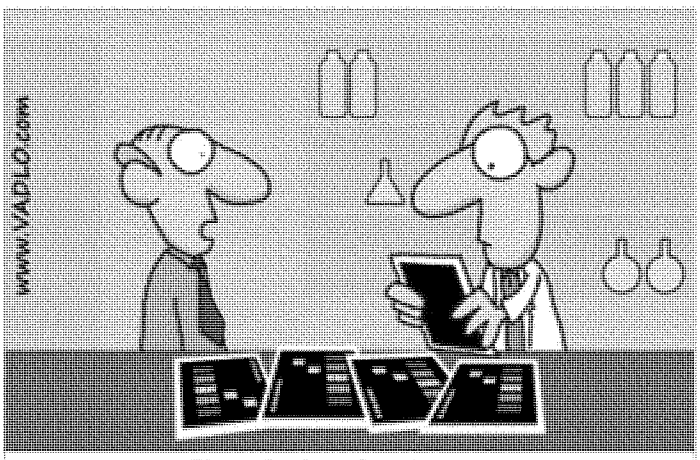

"Data don't make any sense,
we will have to resort to statistics."

From: Brantner, Emily K.
Location: FTG's office RRB 41141 (Mary Greene's old office)
Importance: Normal
Subject: Scientific Integrity Planner Meeting
Start Date/Time: Thur 11/10/2016 7:30:00 PM
End Date/Time: Thur 11/10/2016 8:00:00 PM

Hi Carolyn,

Hopefully this time works better for you.

Thanks!

Emily

To: Elisabeth Giglio[giglio@bard.edu]
Cc: BardWorks[bardworks@bard.edu]
From: Grifo, Francesca
Sent: Wed 11/9/2016 5:23:46 PM
Subject: Re: so nice to meet you

Perfect !
Thank you

Sent from my iPhone

On Nov 7, 2016, at 4:48 PM, Elisabeth Giglio <giglio@bard.edu> wrote:

Thanks Francesca. Erin Cannan, our Vice President of Student Affairs, will be moderating your panel. Basically, we will ask each panelist 2 questions round-robin style and then open it up to questions from students. We try not to have the same questions on each panel, so the content may change based on what was asked previously in the day.
In general, each panelist will give a one minute summary of their career - very brief. Then the moderator will ask the questions. Some questions that were asked in the past include:
1) What risks did you take in your career? Did they pay off?
2) What is your best career advice for students?
3) Was there a time you failed and how did you deal with it?
4) What are some best ways to enter this field?

So broadly, we are looking for career advice and guidance. Rather than a presentation, Bard Works is more of an interactive panel experience and students tend to want to ask a lot of questions. Does that help answer your questions?

Best,
Elisabeth

On Mon, Nov 7, 2016 at 2:03 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

My bio is available here - https://www.epa.gov/sites/production/files/2015-01/documents/fgrifo_jan14bio_0.pdf and below.

Can you give me some idea of what you would like me to cover?

Thanks

Francesca

Dr. Francesca Grifo is the EPA's Scientific Integrity Official. Her research interests and areas of expertise include Scientific Integrity in Federal Decision Making, Conservation of Biological Diversity, STEM Education and Environmental Policy. Prior to her appointment at EPA, Dr. Grifo was Senior Scientist, Science Policy Fellow, and Director of the Scientific Integrity Program for the Union of Concerned Scientists. Previously she served as the Director of the Science Teachers Environmental Education Program and Graduate Policy Workshop at Columbia University, and as the Director of the Center for Biodiversity and Conservation at the American Museum of Natural History. Her government experience includes work as a Program Manager of the International Cooperative Biodiversity Groups (ICBG) for the National Institutes of Health as well as service as an American Association for the Advancement of Science, Science and Diplomacy Fellow (AAAS) for USAID's Office of Research. Dr. Grifo has held adjunct and other appointments at American University, Georgetown University, Columbia University, and Bard College. She has taught at both the graduate and undergraduate levels including courses such as: Environmental Science; Introductory Biology; Conservation Biology; Biodiversity and Human Health; and Case Studies in Conservation Biology in the Hudson Valley. She has organized symposia and given talks at various scientific society meetings and has been widely quoted in the press in outlets such as The Washington Post and The New York Times as well as Rachel Maddow, several NPR programs and many others. Dr. Grifo is a fellow of the American Association for the Advancement of Science, and was awarded the Distinguished Service in Science Policy Award from the Washington Academy of Sciences. Dr. Grifo received her A.B. in Biology from Smith College and her Ph.D. in Plant Systematics from Cornell University.

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: BardWorks [mailto:bardworks@bard.edu]
Sent: Friday, November 04, 2016 4:19 PM
To: Elisabeth Giglio <giglio@bard.edu>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Re: so nice to meet you

Hi Francesca,

So glad to have you on board for BardWorks DC! The event will be taking place on Friday November 18th at the Office of Squire Patton Boggs at 2550 M Street NW.

Your panel, DC and The Government, will take place from 3:45-4:30 with a panelist meet and greet from 4:30-5 pm where students can ask you more individualized questions. Immediately following this panel is a reception from 5:15-6:45 at the firm where there will be drinks and light hors d'oeuvres served- if your schedule permits we would love to have you attend this as well!

Could you send me a brief bio?

Thanks so much, and we look forward to seeing you soon!

Best,

Jesse Goldberg

On Thu, Nov 3, 2016 at 5:09 PM, Elisabeth Giglio <giglio@bard.edu> wrote:

> Wonderful, Francesca. I'm copying Jesse Goldberg, our coordinator, on this email so she can send you all the details. You would be on the "DC and the Government" panel at 3:45p on Friday. Jesse will send you the location and other details. There will be a reception at 5:15p and we would love it if you are able to stay and have some refreshments with us.
>
> Looking forward to seeing you again.
>
> Best,
>
> Elisabeth

On Thu, Nov 3, 2016 at 4:10 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

Hi there –

Thanks for the invitation. I will be in town that day. Please send me a time and a place and what you would like from me.

Best,

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Elisabeth Giglio [mailto:giglio@bard.edu]
Sent: Thursday, November 03, 2016 11:01 AM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Re: so nice to meet you

Dear Francesca,

I'm following up on my email from last year to see if you are interested and available to join us on a panel for Bard Works DC on Friday, November 18. I can send more details if you are free. There will also be a reception at the end of the day for all members of the Bard family.

I hope you are well and that we can connect this year in DC.

Best,

Elisabeth

On Tue, Oct 27, 2015 at 11:52 AM, Elisabeth Giglio <giglio@bard.edu> wrote:

> Dear Francesca,
>
> It was so nice to meet you at the parent panel this weekend at Bard. I appreciate your willingness to help Bard students. We will definitely reach out to you next year to see if you would be free to speak at our annual Bard Works DC event.
>
> Thank you so much for introducing yourself to me after the event. I hope to be able to work with you soon. And please do not hesitate to reach out to me if we can be helpful in supporting your student at any time.
>
> Best regards,
> Elisabeth
>
> Elisabeth Giglio
> Director, Career Development Office
> Bard College
> 30 Campus Road
> Annandale-on-Hudson, NY 12504
> 845-758-7177
>
> Students and Employers!
> Visit our online job/internship board: www.collegecentral.com/bard

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Elisabeth Giglio□Director

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Join the Bard Career Network!

<image001.png><image002.png><image003.png><image004.gif>

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Elisabeth Giglio□Director

Career Development Office□Bard College

giglio@bard.edu□845.758.7177□www.bard.edu/cdo

30 Campus Road□Annandale-on-Hudson, NY 12504

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2.png><linkedin32.png><BardCollegeCDO.png><CCNLink_Stack67x30.gif>

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Carl Asprinio[carl.asprinio@geo3group.com]
From: Carl Asprinio
Sent: Wed 11/9/2016 6:07:04 PM
Subject: Advanced Monitoring and Deep Imaging Technology Presentation [WARNING: DKIM validation failed]
CJA G3 Group Presentation _ Flyer 002_11 08 2016.pdf
G3Group_MERIT_Brochure 10 6 2016.pdf
G3 Groups_MERIT Geophyscial Technology Poster 10 16 2016.pdf

Hi Francesca,
I am working as the Business Development Director with David Harro PG, President of Geo3 Group Services, Odessa, FL. David and several highly Technical Professionals, some from M.I.T. and other Phd's, have developed the MERIT System over several years (to Image from Top of Ground to over 170 feet.

MERIT (Multi-Electrode Resistivity Implant Technique).
(3) Attachments Below...

You and your colleagues will be very impressed with this New Technology and is far beyond standard GPR.

We are making several presentations nationwide and Everyone has been very impressed with what our MERIT Technology provides:

- **Quality of Imaging to over 150 feet**
- **Visual Understanding**
- **Measurable Results**
- **Helping to Reduce Risk**
- **Provide Better Estimates of the Subsurface**
- **Increased Client Confidence Lower Costs**

We provide Patent Pending/Proprietary Earth and Liquid Movement Imaging Technology Nationwide; Dams, Ponds, Reservoirs, Power Plants, Sub-Stations, Buildings, Roads, Sea Ports, Mining Operations, Pipelines, Railroads, Superfund Sites, Hazardous Materials, Brownfields, Landfills, Pressure Grouting, Shallow & Deep Slurry Walls, Cut-Off Walls, Private, Commercial, and Public (Federal) Sectors.

We can monitor for a variety of situations including initial advanced and continuous movement of Sinkholes.

We can set the system up to read instant information on your desktop to make quick decisions.

We have been working with Top Engineering firms, State FDOT & FDEP, Major Pipeline Firms, etc.

Let me know who I should contact to set up this Professional Presentation. It takes about 45 to 50 minutes.

I am looking for a positive response.

Thank you very much.

Carl Asprinio

Business Development Director

carl.asprinio@geo3group.com

Cell: 813.625.1260

www.geo3group.com

David Harro PG

Director of Geologic Services

david.harro@geo3group.com

The Geo3 Group is a FDOT Certified DBE

www.geo3group.com

Geo3 Group

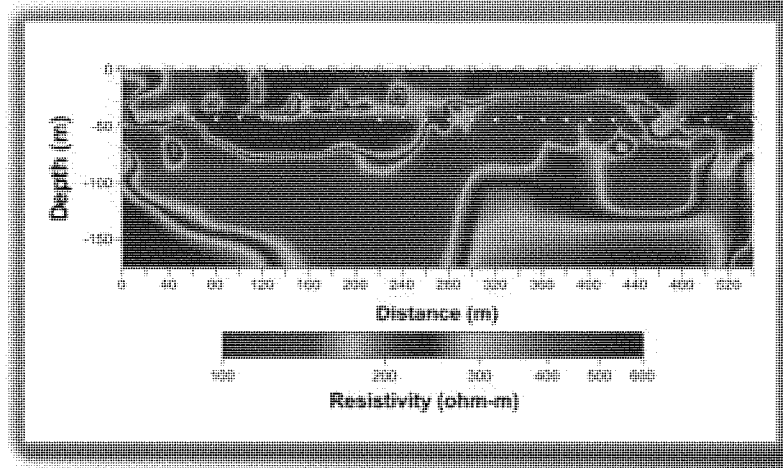
2509 Success Drive, Suite 1

Odessa, FL 33556

(727) 376-7833 **Office**

(727) 376-7433 **Fax**

The G3 Groups imaging technology the Multi-Electrode Resistivity Implant Test can provide one the most accurate subsurface images than what has been unbelievable before now



2D Image of a Sinkhole Throat at 170'

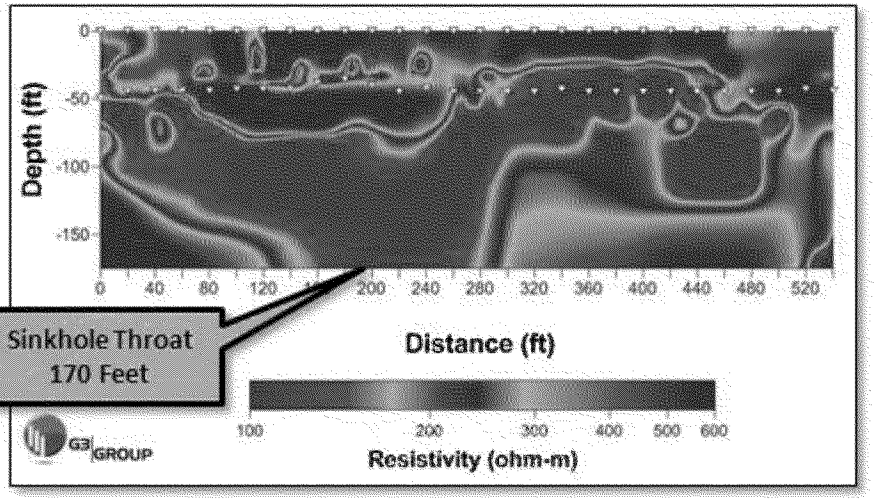
Applications Include

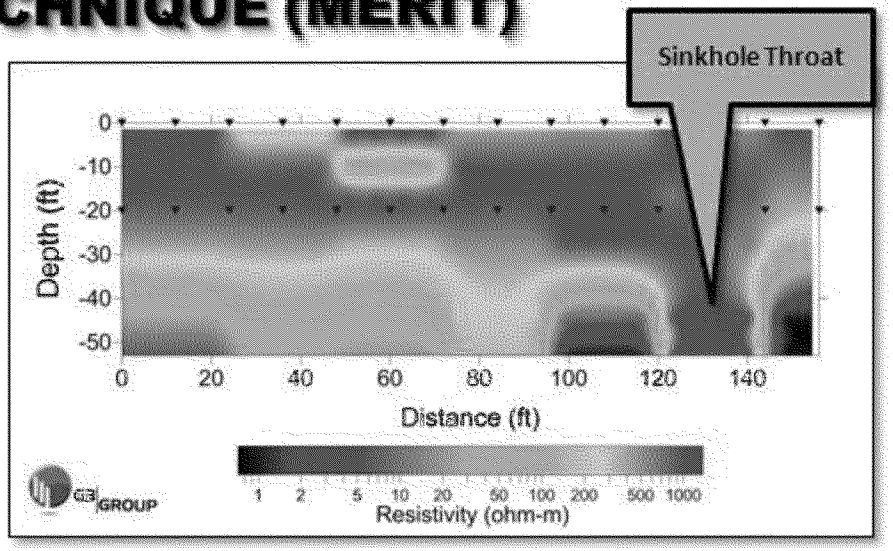
- Oil Field Exploration
- Discharge Water
- Infiltration into
- Wetlands and Basins
- Mines
- Sinkholes
- Saltwater Intrusion

MERIT's unique patent pending tomographic imaging technology has developed with the help of international team of geophysicist. MERIT was first proved to the geophysical community through scientific papers. Now MERIT has become commercially and has provided remarkable images of the subsurface on projects for the USGS, FDEP, Orlando Utilities and Florida Gas

Please join us for [illegible] about this unique geophysical technology [illegible] how it can greatly help you with your subsurf[illegible]

MULTI-ELECTRODE RESISTIVITY IMPLANT TECHNIQUE (MERIT)



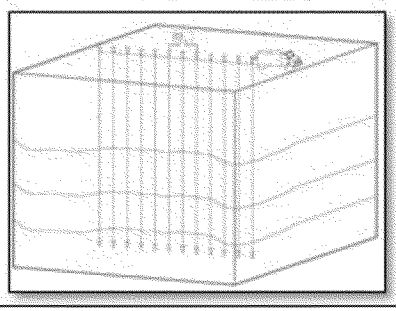


Project: FDOT Project Wekiva Parkway
Lake County Florida

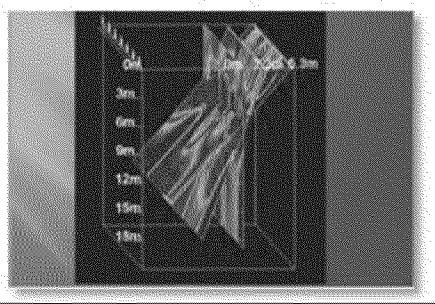
Summary: FDOT identified relic sinkhole along highway alinement, 26 standard penetration and cone penetration test were performed. High resolution site characterization with MERIT was performed with 28 implants at 48 feet. MERIT results confirmed the sinkhole to be greater than 170 deep

Project: FDEP Project Former Gas Station
Hernando County Florida

Summary: Installation of deep monitoring well encounter sinkhole conditions of undetermined size. Limited project site required deep imaging than possible with surface geophysics MERIT provided deeper imaging and location and size of sands moving into deep zones



MERIT uses patent pending technology that is designed to image deeper than conventional electrical resistivity surveys. MERIT also increases the resolution at depth by using full ranges of tomography of surface and buried electrodes. MERIT utilization of direct push technology provides an effective way to increase the depth of the geophysical measurements by implanting electrodes deep into sub surface nearer the target of interest. MERIT is the only technique with offset method for 3D images using the one installed implant array



2509 Success Drive
Suite 101
Odessa, FL

Phone 727-376-7833
www.geo3group.com

The G3 Group's Advanced Geophysical Technique

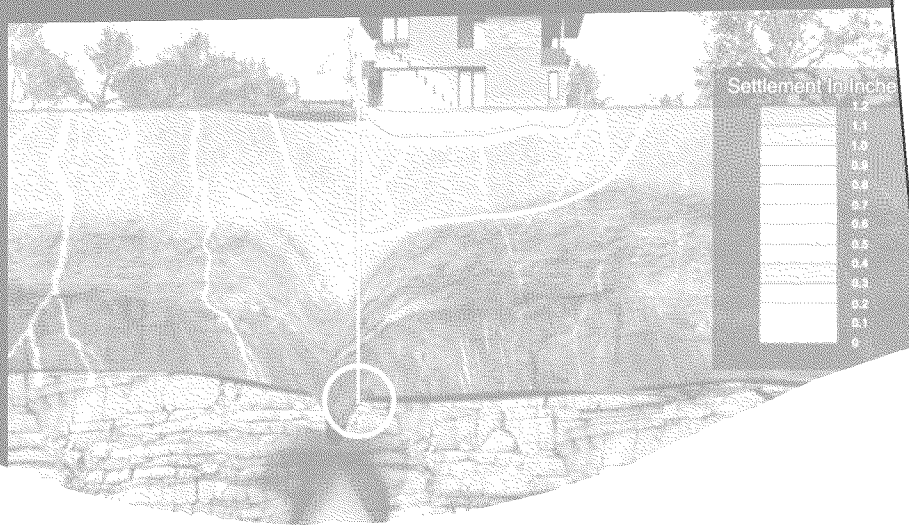
Multi-Electrode Resistivity Implant Technique (MERIT)

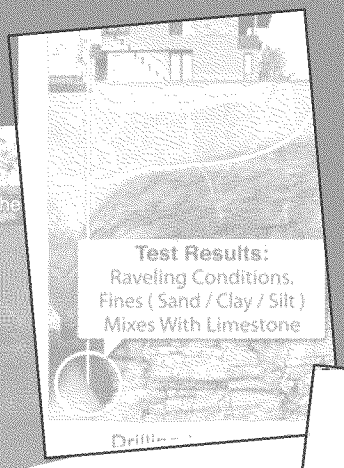
Comparison of an image of a sinkhole at the USF Geo-Park, using ground penetrating radar, electrical Resistivity and **MERIT.**

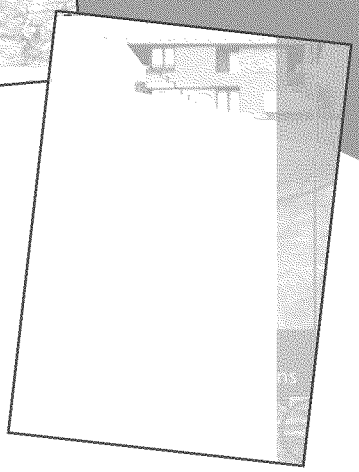
Surface methods only image the near surface clay layer, while the **MERIT** can image the entire subsurface including typography of the limestone.

The G3 Group uses direct push technology to install **MERIT** as a rapid and cost effective method of Deployment. The implants are robust and can be utilized over extended periods of time.

The G3 Group's Advanced Geophysical Technique
Multi-Electrode Resistivity Implant Technique (MERIT)

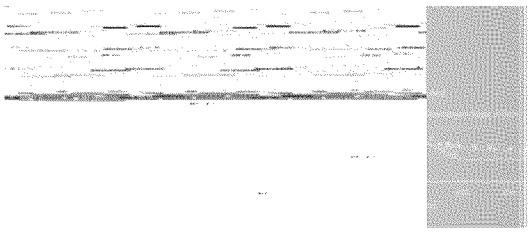






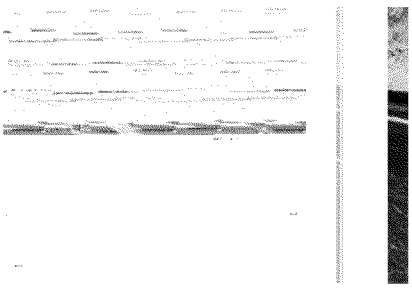
MERIT can be utilized to direct the geotechnical drilling by targeting specific locations at depth. **MERIT** provides an increased level of confidence of the subsurface investigation and remedial actions

Additional Applications for **MERIT**

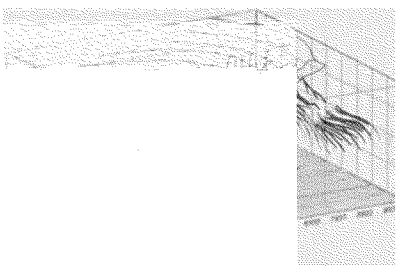


Earthen Dams

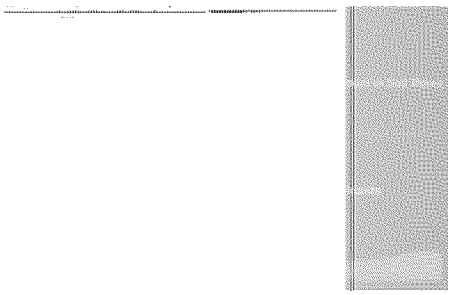
Imaging Subsurface Grouting



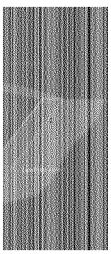
Infrastructure Ground Subsidence Issues



Groundwater Modeling



Imaging Groundwater Contamination Impermeable Layers, and Remediation efforts



Monitoring Land f i lls

From: OPPT Job Opportunity
Sent: Wed 11/9/2016 6:22:25 PM
Subject: OPPT Job Opportunity: Biologist/Toxicologist, GS-0415, 0401-09/12, OCSPP/OPPT/CESSD

The following job opportunity is being announced within the **Office of Chemical Safety and Pollution Prevention (OCSPP), Office of Pollution Prevention and Toxics' (OPPT), Chemistry, Economics and Sustainable Strategies Division (CESSD), Design for the Environment Branch**

To view the specifics of this announcement, please click the following link:

https://www.usajobs.gov/GetJob/ViewDetails/455862800/

Title	Biologist/Toxicologist
Series & Grades Announced	GS-0415, 0401-09/12
Promotion Potential	GS-13
Location of Position	Washington D.C.
Who May Apply	Any U.S. citizen may apply.
Position Type	Full-time - Permanent
Opening Date	Wednesday, November 9, 2016
Closing Date	Wednesday, November 23, 2016

To be considered for this position, applicants must apply on-line at the USAJOBS.gov website by the closing date of the announcement and follow the vacancy announcement instructions for providing any applicable supplemental information.

Please share this announcement with anyone that you feel may be interested and meets the eligibility requirements.

Please do not respond to this email. For questions regarding this job opportunity, please contact Brittany Blowe on

800-433-9633 or blowe.brittany@epa.gov. Thank you.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Braverman, Carole[braverman.carole@epa.gov]
From: Ex. 6
Sent: Wed 11/9/2016 6:45:23 PM
Subject: RE: Request For review of scientific integrity issues

Francesca, have you had a chance to look at this?

Thank you,
Ex. 6

-----Original Message-----
From: Ex. 6
Sent: Tuesday, September 13, 2016 8:08 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Request For review of scientific integrity issues

Hello Francesca,

Attached is a memo and supporting documents requesting a review of several scientific integrity issues in Region 5 air monitoring.
I included the memo and supporting documents in one file, the memo itself is only 3 pages long.

I have tried as much as possible to address these issues in the region and have made no headway.

Ex. 6

I wanted to provide examples for more of the issues, Ex. 6, but that has delayed getting this memo out too long and I don't have access to all the documents. If you would like additional documentation I'll do my best to provide it.

Thank you,

Ex. 6

From: OPPT Job Opportunity
Sent: Wed 11/9/2016 6:49:46 PM
Subject: OPPT Job Opportunity: Information Technology Specialist, GS-2210-14, OCSPP/OPPT/IMD

The following job opportunity is being announced within the **Office of Chemical Safety and Pollution Prevention (OCSPP), Office of Pollution Prevention and Toxics' (OPPT), Information Management Division (IMD), Immediate Office**

To view the specifics of this announcement, please click the following link:

https://www.usajobs.gov/GetJob/ViewDetails/455856900/#btn-how-apply

Title	Information Technology Specialist
Series & Grades Announced	GS-2210-14
Promotion Potential	GS-14
Location of Position	Washington D.C.
Who May Apply	If you are an EPA employee in the commuting area of Washington, DC, and are: -Current permanent EPA employee with competitive status; or -EPA Career Transition Assistance Program (CTAP) eligible
Position Type	Full-time - Temporary Promotion not-to-exceed one year
Opening Date	Wednesday, November 9, 2016
Closing Date	Wednesday, November 23, 2016

To be considered for this position, applicants must apply on-line at the USAJOBS.gov website by the closing date of the announcement and follow the vacancy announcement instructions for providing any applicable supplemental information.

Please share this announcement with anyone that you feel may be interested and meets the eligibility requirements.

Please do not respond to this email. For questions regarding this job opportunity, please contact Brittany Blowe

on 1-800-433-9633 or blowe.brittany@epa.gov . Thank you.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 11/9/2016 7:07:13 PM
Subject: November 9 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION

GREENWIRE —Wed., November 9, 2016

READ FULL EDITION

1.TRANSITION:

Who's in line for Trump EPA boss, energy czar?

Fresh off last night's upset victory over Democrat Hillary Clinton, the Trump campaign is shifting into full-fledged transition mode with an all-hands meeting this afternoon at the team's transition headquarters in Washington. "When he has been on the campaign trail, when he's been talking about the need to 'drain the swamp,'" a source close to the campaign said, if the Trump team interviews candidates who say, "I'm not sure if we can actually do that," the source said, "I think there's a strong likelihood that they might look at the person and say, 'Next, please.'"

TOP STORIES

2.CLEAN POWER PLAN:
Rule's demise looms, but how Trump will ax it remains unclear

3.PUBLIC LANDS:
Greens hopeful on federal control, fear 'conservation drought'

4.EPA:
Time to move on, plan transition — emails

ELECTION 2016

5.AIR POLLUTION:
'Significant shift' likely on regulatory oversight

6.ENERGY POLICY:
Fossil industry to see a 'welcome reset' with Trump victory

7.WHITE HOUSE:
Clinton calls for 'protecting our planet' amid policy uncertainty

8.NEW HAMPSHIRE:
Hassan clings to 700-vote lead, claims victory over Ayotte

9.FEDERAL WORKFORCE:
EPA unions prep for 'scary' President-elect Trump

10.AGRICULTURE:
Biofuel, farm groups scramble to discern impact of Trump win

11.TEXAS:
Republican wins easy victory in Railroad Commission race

12.ENERGY MARKETS:
Oil recovers, renewables fall after Trump surprise win

CONGRESS

13.LAME DUCK:
Trump win upends agenda expectations; energy bill in peril

14.HOUSE:
Ryan praises Trump, seeks 'relief' for farmers and miners

BALLOT INITIATIVES

15.STATES:
Calif., Mass., Nev. legalize recreational marijuana use

16.CALIFORNIA:

Plastic bag ban leans yes, project approval leans no
17.ALABAMA:
Voters support protecting state park revenue
18.COLORADO:
Voters approve amendment restrictions
19.NEVADA:
Voters OK energy market deregulation
20.MISSOURI:
Voters renew conservation sales tax
21.NORTH DAKOTA:
Voters clear measure allowing more school spending from oil tax
22.OREGON:
Voters pass wildlife trafficking ban
23.ZIKA VIRUS:
Floridians split over GMO mosquito trial
NATURAL RESOURCES
24.DAKOTA ACCESS:
'#NoDAPL' spray-painted on WWII memorial
25.NATIONAL PARKS:
Scientists explore what makes Old Faithful blow
CLIMATE CHANGE
26.POLITICS:
Greens vow to give Trump 'hardest fight of his life'
AIR AND WATER
27.AGRICULTURE:
Storm exposed N.C. failure to curb CAFO pollution — report
INTERNATIONAL
28.ROMANIA:
Gold mine dispute heads to World Bank arbitration
29.VENEZUELA:
State oil company says pipeline leak didn't reach Orinoco

Get all of the stories in today's Greenwire, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at http://www.greenwire.com.
Forgot your passcodes? Call us at 202-628-6500 now and we'll set you up instantly.
To send a press release, fax 202-737-5299 or email editorial@eenews.net.
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From: Sheppard, Tracy
Location: DCRoomARN7428/DC-Ariel-Rios-OGC
Importance: Normal
Subject: Differing scientific opinions
Start Date/Time: Mon 11/28/2016 8:00:00 PM
End Date/Time: Mon 11/28/2016 9:00:00 PM

To: Anand Mudambi[Mudambi.Anand@epa.gov]
Cc: O'Farrell, Thomas[OFarrell.Thomas@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Wed 11/9/2016 7:23:29 PM
Subject: question about table on peer review of EPA products (from EPA's Stylebook)

Hi, Anand,

I am working with Christine Dibble to update sections of the EPA Communication Product Standards Stylebook:

https://www.epa.gov/stylebook/pdf-version-epa-communication-product-standards-stylebook

to make sure that it's consistent with the Best Practices for Designating Authorship document.

Christine asked me the following questions about a table in the Stylebook that refers to the type of **peer review** required by various types of ORD products:

"Martha, due to a separate issue, I bumped into the Peer Review section of the EPA Stylebook – pages 76-77. https://www.epa.gov/sites/production/files/documents/stylebook.pdf#page=76 I can't remember, did you look at the table? Any issues with any of the text in it?"

I have copied the text and the table from the Stylebook and inserted them below. Could either you or Tom take a quick look at this and let me know if it's consistent with the revised **Peer Review Handbook**?

Thank you!

Marti

Peer Review

Peer reviewed documents require substantial record keeping, to qualify them for publication.

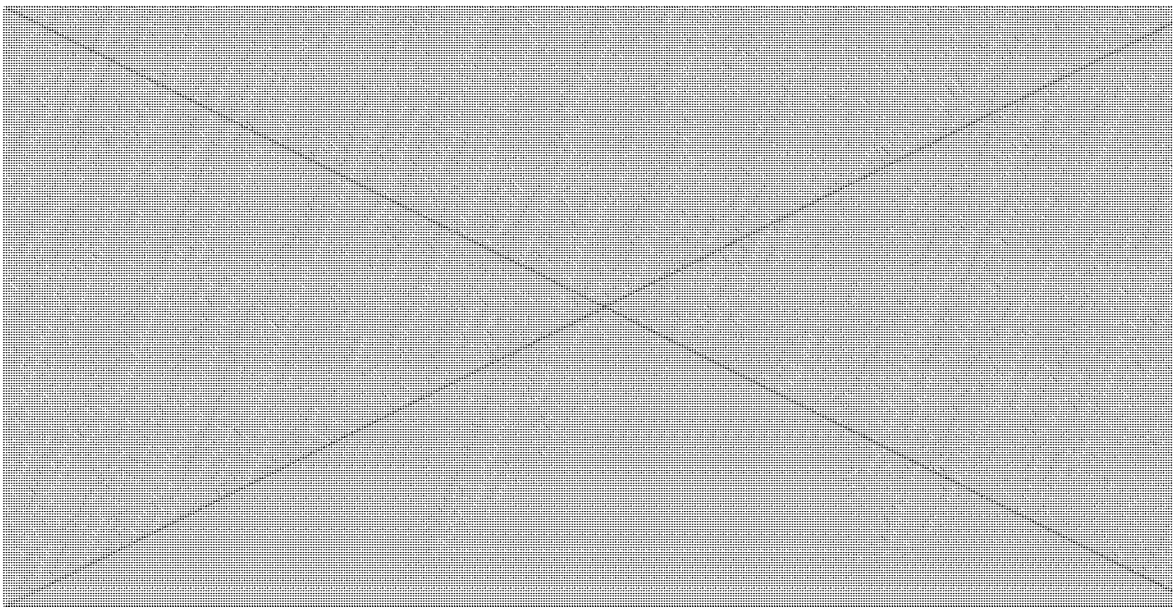
This table outlines one good example from the leading EPA producer of such work, ORD.

Product Category	Description	Examples	Review	Record Keeping
Category 1 Major Scientific or Technical Work Products	Products that meet one or more of the Major Scientific or Technical Work Products Criteria	1. Dioxin reassessment 2. Air quality criteria documents	1. Internal EPA expert review (could include experts from ORD, program and/or regional offices) 2. External panel peer review (including meeting) 3. Review by AA/ORD 4. AA/ORD sign-off*	1. Copy of draft report submitted for external review 2. Charge to external reviewers 3. List of external reviewers 4. Written comments from external reviewers 5. Report of external panel 6. Response to external review 7. Final work product
Category 2 Important Scientific or Technical Work Products	Work products that are important to EPA decision making and do not fall into Category 1, e.g., work products that might not have an immediate impact on current or pending regulations or policy	1. Methods manuals 2. Chemical-specific assessments 3. Air quality and deposition models 4. IRIS documents	1. Internal EPA expert review (could include experts from ORD, program and/or regional offices) 2. External panel peer review (including meeting) 3. L/C/O director sign-off	1. Copy of draft report submitted for external review 2. Charge to external reviewers 3. List of external reviewers 4. Written comments from external reviewers (independent report if one is prepared) 5. Response to external review 6. Final work product
Category 3 General Scientific or Technical Work Products	Publication in recognized peer-reviewed journal or similar publications	1. Journal articles 2. Proceedings of symposia, conferences etc., that are peer reviewed 3. Book chapters	1. Peer review by journal 2. Division director sign-off	1. Final work product
Category 4	Scientific or technical reports published with an	1. Project reports	1. Internal review by lab	1. Draft submitted for

Other Scientific or Technical Work Products	EPA or ORD imprimatur that do not fall into Categories 1-2	2. Technology transfer handbooks	personnel 2. Division director sign-off	internal review 2. Written comments from reviewers 3. Response to reviewers' comments 4. Final work product

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Law360 In-Depth
Sent: Wed 11/9/2016 8:05:11 PM
Subject: Election 2016: Campaign Spending, BigLaw Donations & What's Next From Trump

Feature



Why The Candidates' BigLaw Bills Keep Rising

By Jacqueline Bell and Cristina Violante

The total legal tab for Hillary Clinton and Donald Trump's scorched-earth battle far surpasses spending in recent elections, but experts predict more growth in the post-Citizens United landscape.

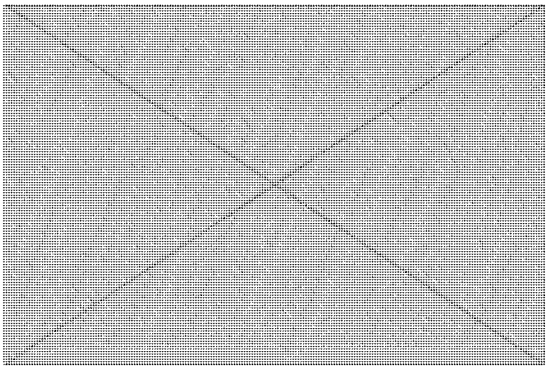
Feature

News Analysis

News Analysis

After Trump's Triumph, What's Next?

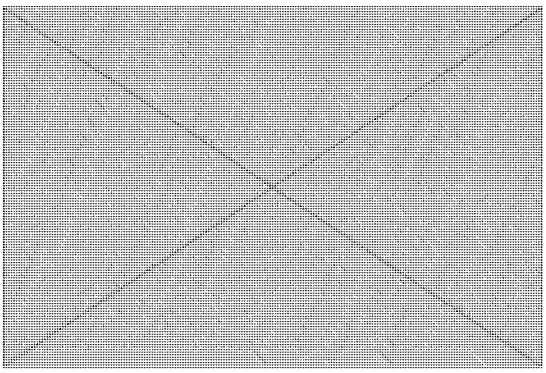
Law360 Looks At The Election's Likely Effects On The Law



The Firms Cashing In This Election Season

By Jacqueline Bell and Cristina Violante

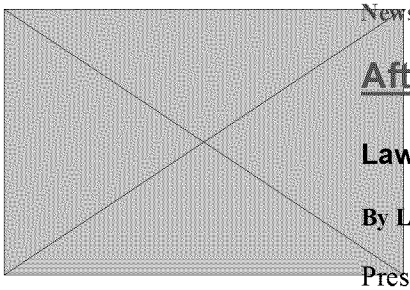
A slew of presidential hopefuls turned to a wide variety of legal professionals throughout the 2016 race.



Trump Presidency Will Open Floodgates For Law Firms

By Ed Beeson

Donald J. Trump has captured the U.S. presidency and soon will send BigLaw scrambling.



News Analysis

After Trump's Triumph, What's Next?

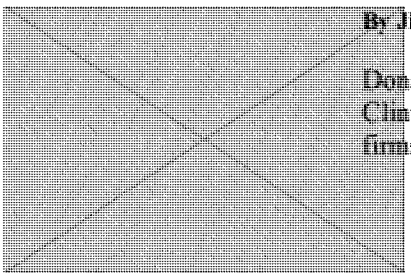
Law360 Looks At The Election's Likely Effects On The Law

By Law360 Staff

President-elect Donald Trump has upended decades of conventional wisdom about what it takes to reach the White House, and his dearth of policy specifics has left the next steps unclear.

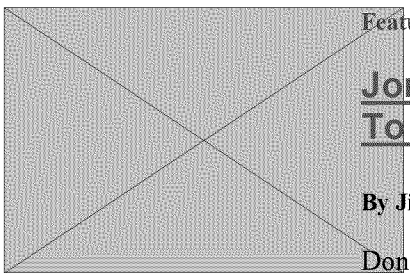
Feature

Clinton Trounces Trump In Donations From Biggest Of BigLaw



By Jimmy Hoover and Michael Macagnone

Donald Trump has attracted just a fraction of the donations Hillary Clinton received from employees at the country's 10 largest law firms, federal records show.

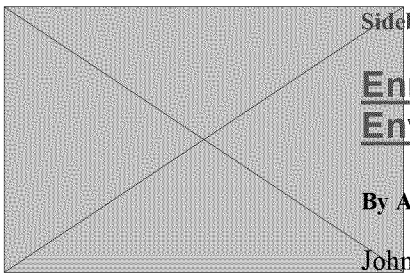


Feature

Jones Day Staff Gives More To Clinton Than To Client Trump

By Jimmy Hoover and Michael Macagnone

Donald Trump has given Jones Day millions in legal work, but donations from the firm's employees favor Hillary Clinton by a more than 70-1 margin. *This article is the second in a four-part series.*



Sidebar

Enron Prosecutor John Hueston On Environmental Heroes

By Andrew McIntyre

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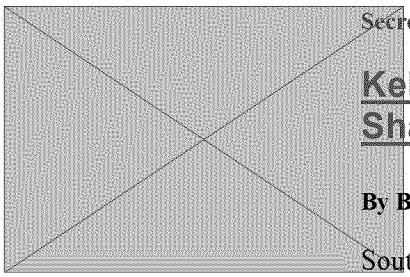

Secret Lives of Lawyers

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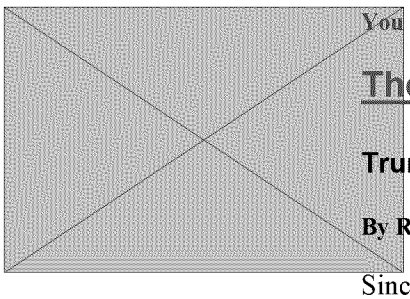
South Florida plaintiffs attorney Bob Kelley stays in the moment by meeting sea creatures in their underwater habitat, and he's inviting the rest of the bar along for the journey.



You Can Quote Me On That

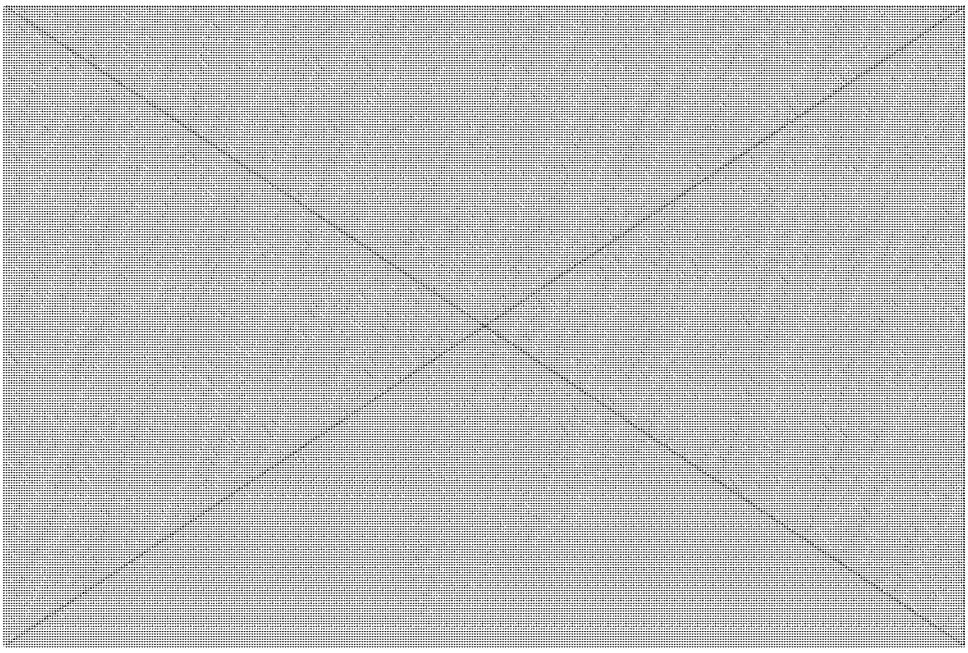
The Best In Legal Talk, Election Edition

Trump Victory, Ballot Selfies, Election Delay

By Richard McVay

Since our last edition, Donald Trump delivered America an electoral surprise. Here are the best lines from the legal world throughout the campaigns.

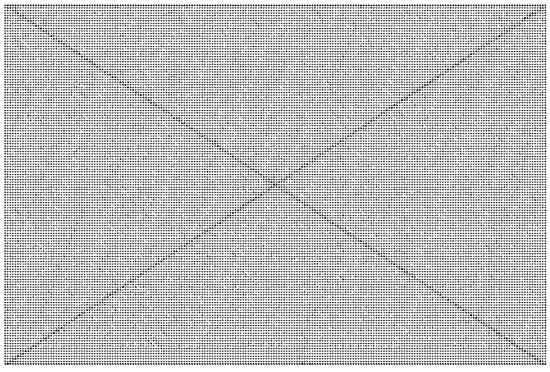
Feature



Why The Candidates' BigLaw Bills Keep Rising

By Jacqueline Bell and Cristina Violante

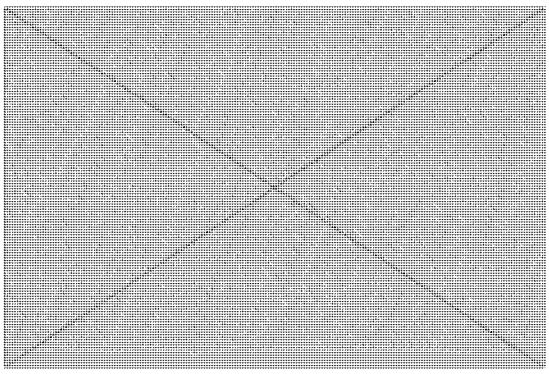
The total legal tab for Hillary Clinton and Donald Trump's scorched-earth battle far surpasses spending in recent elections, but experts predict more growth in the post-Citizens United landscape.

Feature 

The Firms Cashing In This Election Season

By Jacqueline Bell and Cristina Violante

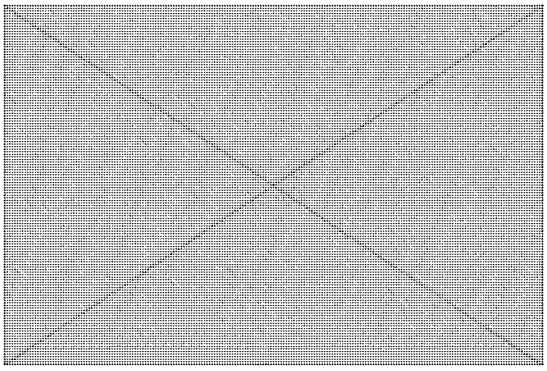
A slew of presidential hopefuls turned to a wide variety of legal professionals throughout the 2016 race.

News Analysis 

Trump Presidency Will Open Floodgates For Law Firms

By Ed Beeson

Donald J. Trump has captured the U.S. presidency and soon will send BigLaw scrambling.

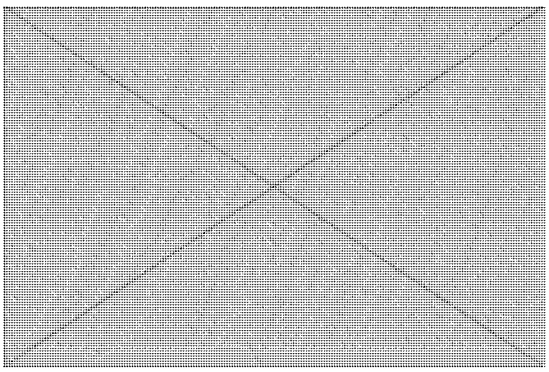
News Analysis 

After Trump's Triumph, What's Next?

Law360 Looks At The Election's Likely Effects On The Law

By Law360 Staff

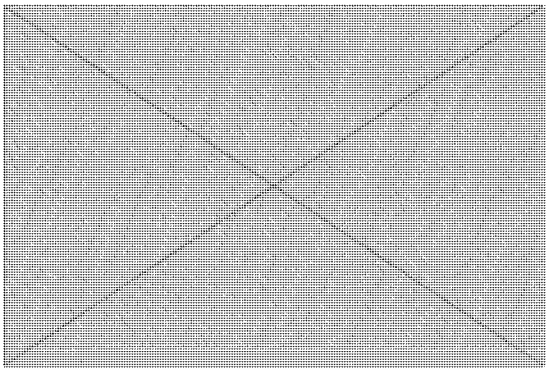
President-elect Donald Trump has upended decades of conventional wisdom about what it takes to reach the White House, and his dearth of policy specifics has left the next steps unclear.

Feature 

Clinton Trounces Trump In Donations From Biggest Of BigLaw

By Jimmy Hoover and Michael Macagnone

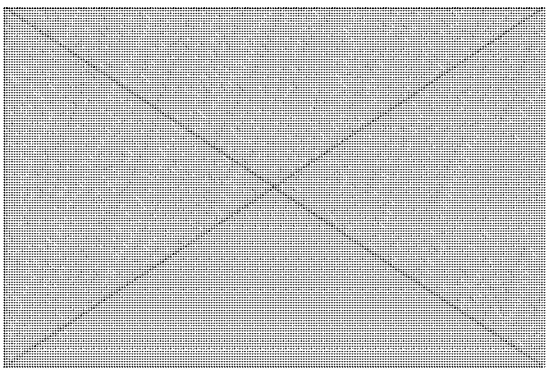
Donald Trump has attracted just a fraction of the donations Hillary Clinton received from employees at the country's 10 largest law firms, federal records show.

Feature 

Jones Day Staff Gives More To Clinton Than To Client Trump

By Jimmy Hoover and Michael Macagnone

Donald Trump has given Jones Day millions in legal work, but donations from the firm's employees favor Hillary Clinton by a more than 70-1 margin. *This article is the second in a four-part series.*

Sidebar 

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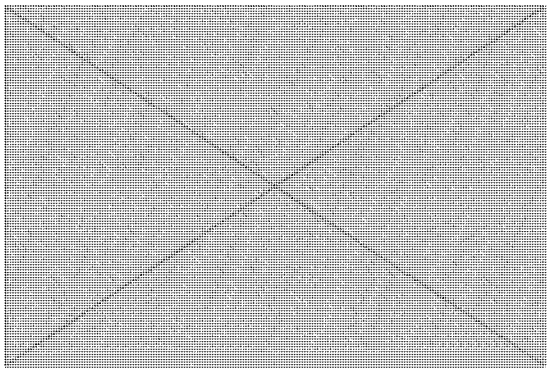

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From: Cox, Taylor
Location: DCRoomRRB41107-1, DCRoomRRB41107-2
Importance: Normal
Subject: Public Data Access Plan Working Group Monthly Meeting
Start Date/Time: Wed 11/9/2016 8:30:00 PM
End Date/Time: Wed 11/9/2016 9:30:00 PM

This meeting will occur today. Note that the conference line number below.

Call In: 1-866-299-3188
Code: Ex. 2

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: American Chemical Society
Sent: Wed 11/9/2016 8:13:08 PM
Subject: 11/15 Lunch Briefing: STEM Policy in the Next Congress - Two- and Four-Year Degrees

American Chemical Society Science & the Congress Project

STEM Policy in the Next Congress: Two- and Four-Year Degrees

November 15, 2016, 11:30 a.m. - 1:00 p.m.
American Chemical Society, 1155 16th St. NW, Washington, DC

Workers with skillsets in science, technology, engineering, and mathematics (STEM) fields tend to enjoy lower unemployment and higher wages in the U.S. economy. Some companies report difficulty finding a sufficient number of candidates for STEM positions, resulting in greater recruitment efforts. Enrollment has thus increased in both 2-year and 4-year STEM degree programs. Yet the number of students completing these degrees runs 50-70% and can often take longer than the program's advertised duration. Variables affecting 2- and 4-year STEM students' success may include: academic readiness; diversity of students compared to diversity of STEM mentors; financial constraints; and geographical distribution of schools vs. jobs. Understanding the mismatches between interest, need, and success should help better match STEM policy to opportunity.

This panel will discuss their thoughts on how STEM policy and labor needs may be considered starting in 2017 given the new Administration and Congressional session, followed by Q&A with the audience. Lunch served on location; livestream information below.

Moderator & Panel

Laura Pence, University of Hartford
David Baker, Delta College (Bay City, Michigan)
Joseph Christopher Christy-Saviano III, ACS Committee on Technician Affairs
Heidi Schweingruber, Board On Science Education, National Academies

RSVP to http://bit.ly/acsscicon-STEMn15RSVP
Livestream http://bit.ly/acsscicon-STEMn15live
(click through to the listed video)

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From: Peppins, Felicia
Sent: Wed 11/9/2016 8:27:23 PM
Subject: Detail Opportunity in Office of Water - Project Lead for the Coastal Wetlands Initiative

EPA Colleagues,

I would like to inform you of an exciting opportunity to serve as Project Lead for the Coastal Wetlands Initiative in the Office of Water, Office of Wetlands, Oceans, and Water, Wetlands Division, Wetlands Strategies & State Program Branch. If you are interested or know someone who may be interested, please apply through the Agency's Talent Hub system.

The link below contains the detail announcement. Job Title: Full-Time Detail

https://usepa.sharepoint.com/sites/OA_Applications/TalentHub/details/Lists/Detail/DispForm.aspx?ID=211&So

Felicia A. Peppins, Program Analyst

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Room 3311L WJC-East Mail Code 4101M

Washington, DC 20460

202-564-7428

Detailed to the Office of Water

To: Dibble, Christine[Dibble.Christine@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Wed 11/9/2016 8:44:16 PM
Subject: Our suggested language to fix the discrepancies between the Communication Product Standards Stylebook & Best Practices for Designating Authorship
Issues where Stylebook is inconsistent with Best Practices v1.docx

Hi, Christine,

Francesca and I have worked up some language that we think will solve our issues (regarding discrepancies between the Stylebook and the Best Practices for Designating Authorship).

Please see the attached document. And, please let me know if you have any questions or comments on our suggestions.

Thank you for helping us work this out!

Regards,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Grifo, Francesca
Sent: Tuesday, November 01, 2016 12:28 PM
To: Dibble, Christine <Dibble.Christine@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Question about the Communication Product Standards Stylebook

Great – we will work up some language.

Thanks

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Dibble, Christine
Sent: Tuesday, November 01, 2016 12:26 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Subject: Re: Question about the Communication Product Standards Stylebook

I can try, but would you guys prefer to wordsmith it? I'm open to just about anything.

Christine Dibble
Senior Web Content Strategist
Office of Web Communications
U.S. Environmental Protection Agency
Mail Code 1701A
Washington, D.C. 20460
dibble.christine@epa.gov
ph: 202-564-9147

From: Grifo, Francesca
Sent: Tuesday, November 1, 2016 12:24 PM
To: Dibble, Christine; Otto, Martha
Subject: RE: Question about the Communication Product Standards Stylebook

I think that could work – I would word it as a reference as well. Our goal here is not to create

work – just to have consistent guidance so that users are not confused. We are happy to look at exact wording when you have it!

Thanks so much for following this through!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Dibble, Christine
Sent: Tuesday, November 01, 2016 11:43 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Re: Question about the Communication Product Standards Stylebook

Thanks for the reminder. I will pass that information on to Danny and George. Let me ask you this: what about if, in the Stylebook, we added a disclaimer that says that if there is conflicting information between the Stylebook and the Best Practices document, the requirements of the Best Practices document should be followed? I would include the disclaimer, plus a link to the BP document, on all the Stylebook pages that include the conflicting information.

The rules/recommendations of the BP document should certainly govern since the document is more recent and more thoroughly vetted than the Stylebook. I don't remember any OGC involvement in the development of the Stylebook.

Since our office doesn't have anyone currently assigned to being the "owner" of the Stylebook, including this kind of disclaimer may be the easiest solution for us. If you are

amenable to this solution, let me know and I will run this by Danny and George. I already suggested it to them, and they seemed open to it.

Christine Dibble
Senior Web Content Strategist
Office of Web Communications
U.S. Environmental Protection Agency
Mail Code 1701A
Washington, D.C. 20460
dibble.christine@epa.gov
ph: 202-564-9147

From: Otto, Martha
Sent: Monday, October 31, 2016 8:04 AM
To: Dibble, Christine
Cc: Grifo, Francesca
Subject: RE: Question about the Communication Product Standards Stylebook

Hi, Christine,

Thank you for talking with your manager about this. Regarding OGC review, in my original email message below, I mentioned that the Best Practices document was cleared by the Science Advisor, EPA's Scientific Integrity Committee, in PROTRAC, and by no less than 7 attorneys in OGC. Francesca can provide the names of the OGC attorneys, if you like.

Thank you for your help with this.

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Dibble, Christine
Sent: Friday, October 28, 2016 1:41 PM

To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Question about the Communication Product Standards Stylebook

Hi ladies, I met with my management today. Their first concern was whether the issues you refer to (see bottom of this email chain) – things like

- whether contractors can be listed as authors of scientific papers
- whether contractor authors retain copyright
- language used in disclaimers for articles published in peer-reviewed journals

were cleared by OGC when you developed the Best Practices for Designating Authorship document. Did you have anyone in OGC review the document?

Thanks,

Christine Dibble

Senior Web Content Strategist

Office of Web Communications

U.S. Environmental Protection Agency

Mail Code 1701A

Washington, D.C. 20460

dibble.christine@epa.gov

Ph: 202-564-9147

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From: Otto, Martha
Sent: Monday, October 17, 2016 10:00 AM
To: Dibble, Christine <Dibble.Christine@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: FW: Question about the Communication Product Standards Stylebook

Good Morning, Christine,

I wanted to check in with you to see if you have been able to talk to your management about who within your office owns the Stylebook. You also were going to talk to Danny Hart and George Hull about the inconsistencies between the Stylebook and the Best Practices for Designating Authorship and recommend to them that we meet.

Have you been able to do this?

Please let me know if you need anything from me at this point.

Thank you for your help with this.

Regards,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Otto, Martha
Sent: Friday, September 16, 2016 11:52 AM
To: Dibble, Christine <Dibble.Christine@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Question about the Communication Product Standards Stylebook

Hi, Christine,

Thank you for your response. And, yes, I agree with your plan for next steps.

We look forward to working with you on this.

Regards,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Dibble, Christine
Sent: Friday, September 16, 2016 11:47 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>
Subject: RE: Question about the Communication Product Standards Stylebook

Hi Martha, I am not the owner of the Stylebook itself. I manage the website where it is located, but that's it.

The Stylebook was produced by the Office of Public Affairs in 2009, primarily by one long-time employee who has since retired. He was really the owner, and there hasn't been a true owner since (which is a thorn in my side; every page of EPA web content should have a named owner).

Re: your specific concerns,

1. Although the Stylebook states on page 8 that it does not apply to journal articles, pages 98 and 99 specifically reference journal articles. This is confusing.

What page 8 says, is that the standards, practices and guidelines do not apply to ***the design or writing*** of journal articles (presumably that EPA employees have authored or co-authored). The fact that the Stylebook guidelines don't apply to the design or writing doesn't preclude the Stylebook from requiring that EPA authors in journals include a disclaimer, as required on page 98 of the Stylebook, or a notice, as required on page 99. I don't see where the confusion lies.

2. On page 18, the Stylebook states that the names of contractor staff members may not be listed. The BPDA includes a large and well-researched section on contractors as authors that contradict this. If an individual meets the authorship criteria in the BPDA, then his/her name should be included with the authors and printed in the publication. OGC has provided a disclaimer that should be included.

I see the contradiction here, and recommend that the issue be discussed and that changes be made to page 18 of the Stylebook to clarify what the rules are when a contractor is an author. I think that this section of the Stylebook isn't intended to apply to journal articles, but to EPA reports. In that context, what the Stylebook says on page 18 makes more sense, but we should make it clearer. However I will need to talk to my management about who within our office owns the Stylebook. I am certain that we don't have the resources to print an updated edition, and wonder if we should take the PDF version offline and make the Stylebook an electronic-only, HTML-only edition. I'll need to talk to my management.

3. Also on page 18 of the Stylebook, "Once published, all contractor work is officially ours" does not appear to be consistent with page 94, of the Stylebook which reads, "the contractor may establish copyright in scientific and technical articles without approval from EPA." Again we have many disclaimers regarding publishing by contractors in the BPDA and we should be certain this is all consistent and legal.

I agree with you that the Stylebook is internally inconsistent with respect to these two provisions, and that they should be reconciled with each other, and with the language of the BPDA.

4. On page 99, "Notice for Articles Published in Refereed Journals" that these have not been subject to Agency review and yet – technically they have been cleared and reviewed. Although some may slip through – the vast majority do represent the Agency – so why are we saying they do not? And if we must say they do not – then why are we expending a great deal of resources reviewing and clearing them?

I have no idea. This is certainly not my area of expertise! ☺ I agree that this language should be clarified, given your concerns.

Let me talk to my supervisor, Danny Hart, the Director of the Office of Web Communications (which is part of OPA), and also to Danny's supervisor, George Hull, who is the Acting PDAA for the Office of Public Affairs. I'll need to brief them first, and will recommend that we meet with you.

Sound OK?

Christine Dibble

Senior Web Content Strategist

Office of Web Communications

U.S. Environmental Protection Agency

Mail Code 1701A

Washington, D.C. 20460

dibble.christine@epa.gov

Ph: 202-564-9147

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From: Otto, Martha
Sent: Friday, September 16, 2016 10:56 AM
To: Dibble, Christine <Dibble.Christine@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Question about the Communication Product Standards Stylebook

Good Morning, Christine,

I work in the Office of the Science Advisor on scientific integrity. I work with Francesca Grifo, EPA's Scientific Integrity Official. We recently published a document titled, "Best Practices for Designating Authorship" (https://www.epa.gov/osa/authorship-best-practices).

We have found a few places where the Best Practices for Designating Authorship (BPDA) and the Communication Product Standards Stylebook (https://www.epa.gov/stylebook/pdf-version-epa-communication-product-standards-stylebook) are inconsistent. Our contacts in the Office of Multimedia suggested that we get in touch with you. I understand that you are the "owner" of the Stylebook.

Here are our concerns:

1. Although the Stylebook states on page 8 that it does not apply to journal articles, pages 98 and 99 specifically reference journal articles. This is confusing.

2. On page 18, the Stylebook states that the names of contractor staff members may not be listed. The BPDA includes a large and well-researched section on contractors as authors that contradict this. If an individual meets the authorship criteria in the BPDA, then his/her name should be included with the authors and printed in the publication. OGC has provided a disclaimer that should be included.

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By the way, here is a link to Francesca's blog about the best practices document:

https://blog.epa.gov/blog/2016/08/accountability-through-authorship/

Francesca tried several times to reach out about these concerns before the BPDA was finalized, but had difficulty finding the right person to talk with. Please note that the Best Practices document was cleared by the Science Advisor, the Scientific Integrity Committee, in PROTRAC, and by no less than 7 attorneys in OGC.

We are not sure what the next steps are or if you are the correct person to talk with about the Stylebook. Please let me know what you think. We could schedule a meeting to talk about this, if that would help.

Thank you for your advice!

Martha

Martha Otto

Scientific Integrity Program Lead
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

We have found a few places where the Best Practices for Designating Authorship (BPDA) (https://www.epa.gov/osa/authorship-best-practices), "Ethics Disclaimers" (attached), and the Communication Product Standards Stylebook (https://www.epa.gov/stylebook/pdf-version-epa-communication-product-standards-stylebook) are inconsistent.

Issue #1:

Issue:
Although the Stylebook states on page 8 that it does not apply to journal articles, pages 98 and 99 specifically reference journal articles. This is confusing.

Christine's Comments:
What page 8 says, is that the standards, practices and guidelines do not apply to ***the design or writing*** of journal articles (presumably that EPA employees have authored or co-authored). The fact that the Stylebook guidelines don't apply to the design or writing doesn't preclude the Stylebook from requiring that EPA authors in journals include a disclaimer, as required on page 98 of the Stylebook, or a notice, as required on page 99. I don't see where the confusion lies.

OSA Suggestion:
OK, but on pages 98 and 99, please refer readers to the document, "Ethics Disclaimers," which is attached. (Note that this document was developed by Justina Fugh, EPA Ethics Official, in August 2016.)

Issue #2:

Issue:
On page 18, the Stylebook states that the names of contractor staff members may not be listed. The BPDA includes a large and well-researched section on contractors as authors that contradict this. If an individual meets the authorship criteria in the BPDA, then his/her name should be included with the authors and printed in the publication. OGC has provided a disclaimer that should be included.

Christine's Comment:
I see the contradiction here, and recommend that the issue be discussed and that changes be made to page 18 of the Stylebook to clarify what the rules are when a contractor is an author. I think that this section of the Stylebook isn't intended to apply to journal articles, but to EPA reports. In that context, what the Stylebook says on page 18 makes more sense, but we should make it clearer. However I will need to talk to my management about who within our office owns the Stylebook. I am certain that we don't have the resources to print an updated edition, and wonder if we should take the PDF version offline and make the Stylebook an electronic-only, HTML-only edition. I'll need to talk to my management.

OSA Suggestion:
Include the following on page 18 of the Stylebook:

> If there is conflicting information between this Stylebook and the EPA Best Practices for Designating Authorship (BPDA) (https://www.epa.gov/osa/authorship-best-practices), the requirements of the Best Practices document should be followed. Note that, on page 18 of the Stylebook, it states that the names of contractor staff members may not be listed as authors. However, according to the BPDA, which includes a section on contractors as authors, if an individual meets the authorship criteria (in the BPDA), then his/her name should be included with the authors and printed in the publication. Refer to the document, "Ethics Disclaimers" for recommended disclaimer language for cases where the author is a contractor.

Issue #3

Issue:
Also on page 18 of the Stylebook, "Once published, all contractor work is officially ours" does not appear to be consistent with page 94, of the Stylebook which reads, "the contractor may establish copyright in scientific and technical articles without approval from EPA."

Christine's comment:
I agree with you that the Stylebook is internally inconsistent with respect to these two provisions, and that they should be reconciled with each other, and with the language of the BPDA.

OSA Suggestion:
Also on page 18 of the Stylebook, please refer readers to the document, "Ethics Disclaimers" for information about disclaimers regarding publishing by contractors.

Issue #4:

Issue:
On page 99, "Notice for Articles Published in Refereed Journals" that these have not been subject to Agency review and yet – technically they have been cleared and reviewed. Although some may slip through – the vast majority do represent the Agency – so why are we saying they do not? And if we must say they do not – then why are we expending a great deal of resources reviewing and clearing them?

Christine's comment:
I have no idea. This is certainly not my area of expertise! ☺ I agree that this language should be clarified, given your concerns.

OSA Suggestion:
On page 99, please refer to the document, "Ethics Disclaimers" for examples and for information on the appropriate use of ethics disclaimers.

Ethics Disclaimers

This document explains when to use an ethics disclaimer and includes examples of standard disclaimers.

When to Use an Ethics Disclaimer

WRITING IN OFFICIAL DUTY
(with approval of supervisor as part of assigned duties)

IF …	THEN…	BUT
For a *scientific or professional journal*	• Can use official time and resources. • Can use subordinates and EPA email address. • Can refer solely to EPA position and title.	• Cannot receive compensation for the work in addition to EPA salary. • Does not need a disclaimer for ethics purposes.
For a *non-scientific* or professional journal (e.g., *Life* or *Time* or *Ranger Rick*)	• Can use official time and resources. • Can use subordinates and EPA email address. • Can refer solely to EPA position and title.	• Cannot be compensated for the work. • Does not need a disclaimer for ethics purposes.

WRITING IN PERSONAL CAPACITY

IF …	THEN…	BUT
For a *scientific or professional* publication or book on a subject that relates in significant part to an ongoing Agency policy, program or operation	• Must seek prior approval of the outside activity. • Should not use EPA time or resources in connection with the	• Cannot be compensated for the work • Must include a prominent disclaimer that meets requirements of OGC/Ethics: *The author participated in this writing*

(whether the employee worked on it or not)		activity. • Should not use subordinates. • Can't use non-public information. • Can refer solely to EPA title or position.	*as part of outside activity. The views expressed are his/her own and do not necessarily reflect those of the US EPA or the US government.*
IF …		**THEN…**	**BUT**
Employee is writing in *personal capacity* for a *scientific or professional* publication	On a subject that relates in significant part to assigned EPA duties or ongoing Agency policy, program or operation (whether the employee worked on it or not).	• Must seek prior approval of the outside activity. • Should not use EPA time or resources in connection with the activity. • Should not use subordinates.	• Cannot be compensated. • May refer solely to EPA title or position but must include a prominent disclaimer meeting OGC/ethics' requirements: *The author participated in this writing as part of outside activity. The views expressed are his/her own and do not necessarily reflect those of the US EPA or the US government.*
Employee is writing in *personal capacity* for a *non-scientific or non-professional* publication	On a matter *unrelated* to assigned EPA duties or ongoing Agency policy, program or operation (whether the employee worked on it or not).	• Does not need prior approval. • Should not use EPA time or resources or subordinates.	• Cannot refer solely to EPA title or position. • If any reference to EPA, then must include several other biographical details, with EPA not having any undue prominence. • If include reference to EPA as one of several bio details, then must include disclaimer meeting OGC/ethics' requirements: *The author participated in this writing as part of outside activity. The views expressed are his/her own and do not necessarily reflect those of the US EPA or the US government.*

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If you have questions about which ethics disclaimer to use, refer to the tables above. You can also contact the relevant party in your program office/region or in the Office of General Counsel or Office of Regional Counsel.

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To: O'Farrell, Thomas[OFarrell.Thomas@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Anand Mudambi[Mudambi.Anand@epa.gov]
From: Otto, Martha
Sent: Wed 11/9/2016 8:51:07 PM
Subject: RE: question about table on peer review of EPA products (from EPA's Stylebook)

Thank you for your help, Tom!!

From: O'Farrell, Thomas
Sent: Wednesday, November 09, 2016 2:38 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: Re: question about table on peer review of EPA products (from EPA's Stylebook)

Marti,

I'm not sure the PRH goes into this much detail as far as Category 1, 2 etc. It is more concerned with ISI, HISA, or Other. I'll look again.

Tom

From: Otto, Martha
Sent: Wednesday, November 9, 2016 2:23:29 PM
To: Anand Mudambi
Cc: O'Farrell, Thomas; Grifo, Francesca
Subject: question about table on peer review of EPA products (from EPA's Stylebook)

Hi, Anand,

I am working with Christine Dibble to update sections of the EPA Communication Product Standards Stylebook:

https://www.epa.gov/stylebook/pdf-version-epa-communication-product-standards-stylebook

to make sure that it's consistent with the Best Practices for Designating Authorship document.

Christine asked me the following questions about a table in the Stylebook that refers to the type of **peer review** required by various types of ORD products:

"Martha, due to a separate issue, I bumped into the Peer Review section of the EPA Stylebook – pages 76-77. https://www.epa.gov/sites/production/files/documents/stylebook.pdf#page=76 I can't remember, did you look at the table? Any issues with any of the text in it?"

I have copied the text and the table from the Stylebook and inserted them below. Could either you or Tom take a quick look at this and let me know if it's consistent with the revised **Peer Review Handbook**?

Thank you!

Marti

Peer Review

Peer reviewed documents require substantial record keeping, to qualify them for publication.

This table outlines one good example from the leading EPA producer of such work, ORD.

Product Category	Description	Examples	Review	Record Keeping
Category 1 Major Scientific or Technical Work Products	Products that meet one or more of the Major Scientific or Technical Work Products Criteria	1. Dioxin reassessment 2. Air quality criteria documents	1. Internal EPA expert review (could include experts from ORD, program and/or regional offices) 2. External panel peer review (including meeting) 3. Review by AA/ORD 4. AA/ORD sign-off*	1. Copy of draft report submitted for external review 2. Charge to external reviewers 3. List of external reviewers 4. Written comments from external reviewers

				5. Report of external panel 6. Response to external review 7. Final work product
Category 2 Important Scientific or Technical Work Products	Work products that are important to EPA decision making and do not fall into Category 1, e.g., work products that might not have an immediate impact on current or pending regulations or policy	1. Methods manuals 2. Chemical-specific assessments 3. Air quality and deposition models 4. IRIS documents	1. Internal EPA expert review (could include experts from ORD, program and/or regional offices) 2. External panel peer review (including meeting) 3. L/C/O director sign-off	1. Copy of draft report submitted for external review 2. Charge to external reviewers 3. List of external reviewers 4. Written comments from external reviewers (independent report if one is prepared) 5. Response to external review 6. Final work product
Category 3 General Scientific or Technical Work Products	Publication in recognized peer-reviewed journal or similar publications	1. Journal articles 2. Proceedings of symposia, conferences etc., that are peer reviewed 3. Book chapters	1. Peer review by journal 2. Division director sign-off	1. Final work product
Category 4 Other Scientific or Technical Work Products	Scientific or technical reports published with an EPA or ORD imprimatur that do not fall into Categories 1-2	1. Project reports 2. Technology transfer handbooks	1. Internal review by lab personnel 2. Division director sign-off	1. Draft submitted for internal review 2. Written comments from reviewers 3. Response to reviewers' comments 4. Final work product

From: Mauel, Linda
Location: Call
Importance: Normal
Subject: Accepted: Williamson/Grifo Scientific Integrity Pre-Call
Start Date/Time: Tue 1/10/2017 9:00:00 PM
End Date/Time: Tue 1/10/2017 9:50:00 PM

Hi Emily,

If this date and time works for Anahita, it will work for me. Anahita is currently on leave.

Would you please provide an agenda or topics to be discussed. I am new to the program and was planning to set up a call with Francesca (and Marie O'Shea) to begin getting up to speed. Perhaps this call could begin the process? If so, would Francesca like to invite Marie also?

Thanks,

Linda

****

Linda M. Mauel
QA & Scientific Integrity Manager
USEPA Region 2
2890 Woodbridge Avenue MS-100
Edison, NJ 08837

Phone: (732) 321-4377
Email: mauel.linda@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Corona, Elizabeth
Sent: Wed 11/9/2016 9:11:46 PM
Subject: RE: Bi-monthly Discussion Burke/Grifo

Hi Francesca - Will you have any materials to share with Tom for your general with him on Wednesday 11/16? If so, please send them to me by COB 11/14. Thank you, Elizabeth

--
Elizabeth Corona, PhD, MBA
EPA / ORD / Immediate Office
(Desk) 202-564-8356
(Cell) 703-859-2608

-----Original Appointment-----
From: Gentry, Nathan **On Behalf Of** Burke, Thomas
Sent: Wednesday, April 20, 2016 1:04 PM
To: Burke, Thomas; Sinks, Tom; Grifo, Francesca
Subject: Bi-monthly Discussion Burke/Grifo
When: Wednesday, November 16, 2016 11:00 AM-11:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: 41209 RRB

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 11/9/2016 9:16:59 PM
Subject: November 9 -- E&ENews PM is ready

Read today's E&ENews PM on the web

AN E&E NEWS PUBLICATION

E&ENEWS PM —Wed., November 9, 2016

READ FULL EDITION

1.KEYSTONE XL:

Pipeline developers see opening after Trump win

Developers of the Keystone XL oil pipeline, which stalled under the Obama administration, doubled down today on their intent to build the project now that Donald Trump has clinched the White House.

THIS AFTERNOON'S STORIES

2.ENERGY MARKETS:

Trump victory sends coal stocks soaring; renewables trip

3.AGENDA:

McConnell hopes Trump scraps regs that launched 'war on coal'

4.CALIFORNIA:

Issa may have retained seat in squeaker

5.CLIMATE:

Top diplomat congratulates Trump

6.AIR POLLUTION:

White House completes review of radon regs for uranium mills

7.RECLAMATION:

Agency taps new hydropower adviser

UPCOMING HEARINGS AND MARKUPS

8.CALENDAR:

Activity for November 7 - November 13, 2016

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 11/9/2016 9:18:46 PM
Subject: Energy News Ticker: Despite GOP Win, Energy and Environment Shakeups in Both Chambers

Despite GOP Win, Energy and Environment Shakeups in Both Chambers

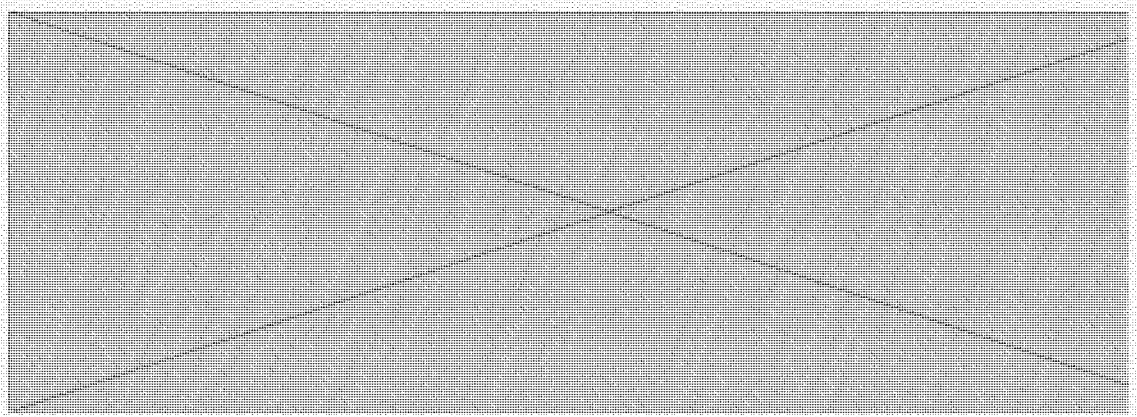
11/9/16 2:21 PM

President-elect Donald Trump's energy policy runs the gamut from blocking Democrats' Clean Power Plan to reneging on the Obama administration's promises at the Paris Climate agreement. And the lawmakers who will lead the key committees on energy and environment responsible for executing some of those efforts will also see a shake-up in the new Republican Congress.

Climate Change Delegates 'Extremely Upset' About Trump Win

11/9/16 1:18 PM

Delegates at the international climate change meeting in Marrakesh, Morocco, voiced concerns about Donald Trump's victory in private meetings Wednesday.



Inhofe: Obama's International Climate Promises

Were Hollow, Will Be Undone

11/9/16 1:04 PM

Senate Environment and Public Works Committee Chairman Jim Inhofe (R-Okla.) repeated a warning on Wednesday to international leaders that the U.S. will back out of its commitments under the Paris climate agreement.

Green Groups Prepare for Grassroots Battles on Fossil Fuels After Trump Win

11/9/16 3:55 PM

Environmental groups said Wednesday they don't view Donald Trump's election to the presidency as a referendum on his views on climate change, and vowed to pressure him on environmental issues when he takes office.

Oil Stocks Up, Clean-Energy Down Wednesday

11/9/16 4:07 PM

Investment in the oil and gas industry rose Wednesday, while the clean energy and utility sectors plummeted after Donald Trump's surprising presidential race victory led to a rocky start to trading.

Clinton's Concession Speech to Trump Calls for 'Open Mind'

11/9/16 12:20 PM

Hillary Clinton made her concession to Donald Trump public on Wednesday, the morning after the the real estate mogul clinched the presidency in stunning fashion.

McConnell Doesn't Expect Democratic Blockade on Supreme Court

11/9/16 3:43 PM

Senate Majority Leader Mitch McConnell does not expect Democrats to try to

outright filibuster any Supreme Court nominee put forward by Donald Trump, as several Republicans threatened to do before Nov. 8 in the event that Hillary Clinton was elected president.

Ryan Credits Trump for Lifting Down-Ballot Republicans

11/9/16 1:04 PM

Speaker Paul Ryan said Wednesday that Donald Trump's stunning victory on Tuesday night played a key role in helping Republicans retain their House and Senate majorities.

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This email was sent by: **Morning Consult**
PO Box 27068 Washington, DC, 20038, US

Update Profile .

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 11/9/2016 9:25:58 PM
Subject: $25 Amazon Gift Card for Your Opinion on the State of the Energy Industry

Morning Consult is conducting a quick 5 minute survey, and we are interested in your opinion.

For your time, we are offering a $25 Amazon.com gift card, sent via email by Amazon.com, or the option to donate $25 to the American Red Cross, within 10 days of completing the survey, in compliance with Senate and House Rules on outside compensation. Click here to start the survey.

The survey contains about 10 questions and is available 24 hours a day for your convenience. This survey works on most desktops, laptops, tablets and mobile phones.

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Washington District of Columbia 20038
United States

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Wed 11/9/2016 9:26:01 PM
Subject: Nov. 9 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Shari Clayman at clayman.shari@epa.gov, 202-566-2370.

Trump Win Heralds Halt Ahead on U.S. Climate Policy

Posted November 09, 2016, 6:08 A.M. ET

By Renee Schoof

President-elect Donald Trump mocked climate change as a candidate, and as president he plans to halt U.S. participation in the global efforts to reduce carbon emissions, and to ramp up production and use of the fuels that are driving the shift in climate worldwide.

The effects of the election victory could slam the brakes on the Obama administration's efforts to help the world avert the worst damage from rising seas, heat waves, drought and extreme weather.

Trump said he would pull out of the Paris climate agreement, end U.S. contributions to a fund to help the world's poorest countries reduce carbon emissions and cope with climate change, and end spending on clean energy research and other climate-related projects in the U.S.

Climate Change Dismissed

Trump dismissed the importance of climate change repeatedly. During a Dec. 31 rally in South Carolina, calling it a "money-making industry" and a hoax. His campaign said it would end "wasteful" spending related to climate change and save $100 billion.

The Republican businessman held to those positions in the face of overwhelming scientific consensus that human activity is the primary driver of the climate change observed in recent decades.

Trump will take office as temperatures trend upward. Last year was Earth's hottest on record, and 2011 to 2015 was the hottest half-decade, while sea levels rose and Arctic sea-ice extent declined, the World Meteorological Organization said in a Nov. 8 report on the long-term warming trend caused by greenhouse gases.

The Paris Agreement, signed by 197 countries last year, was a pledge to limit global warming to

below 2 degrees Celsius (3.6 degrees Fahrenheit) and work toward net zero greenhouse gas emissions. United Nations negotiators are meeting in Marrakech, Morocco, to find additional carbon dioxide reductions needed to prevent the damage expected if warming exceeds that 2-degree target.

Trump said the U.S. would pull out of the negotiations and end contributions to a fund the world's wealthiest countries are building to help the poorest ones with climate change.

He also said he would scrap the Obama administration's centerpiece on climate action—the Clean Power Plan, which puts the first-ever limits on carbon dioxide emissions from power plants. The rule is now stayed by the U.S. Supreme court pending the outcome of all litigation. Trump would be likely to direct the Justice Department to stop defending it.

Policies to be Reversed

Tom Pyle, president of the American Energy Alliance in Washington, D.C., a group that endorsed Trump, said the Republican president-elect would "shatter the status quo with respect to energy policy."

"Trump has promised to reverse policies that unjustly target the use of our natural gas, oil, and coal resources because he knows that affordable energy is the lifeblood of a strong economy and is essential to job creation, not just in the energy industry, but throughout the economy," Pyle told Bloomberg BNA in an e-mail.

Pyle also said Trump likely would consider downsizing the Department of Energy and ending government support for renewable energy development, relying on the market for energy decisions.

Environmental groups such as the Sierra Club and League of Conservation Voters Action Fund endorsed Democrat Hillary Clinton.

"As Big Polluters' new best friend, Trump's 'plan' is pro-drilling, anti-EPA and is dangerous to our clean air and water," League of Conservation Voters Action Fund Senior Vice President of Communications David Willett said in a statement in May, after Trump gave a speech on energy. "It does nothing to arrest our rapidly changing climate and the extreme weather already impacting Americans. Trump sure did cut a deal today, a bad one for American families, offering to trade away protections for the health of our families and a clean energy future just so he could give big oil exactly what they wanted to hear."

Cutting EPA

Trump's environmental policies sketched out during the campaign included big—though unspecified—cuts to the Environmental Protection Agency. His energy policy adopted much of the Republican position that seeks energy independence and opposes the Obama administration's regulatory initiatives.

He is expected to end the leasing moratorium for coal on federal lands and open up more public land for fossil fuel extraction.

"America is sitting on a treasure trove of untapped energy—some $50 trillion dollars in shale energy, oil reserves and natural gas on federal lands, in addition to hundreds of years of coal energy reserves," Trump said at the Shale Insight conference, a gathering of natural gas producers in Pittsburgh Sept. 22, promising to "lift the restrictions on American energy, and allow this wealth to

pour into our communities."

Trump Victory Deals Blow to Global Fight Against Climate Change

Posted November 09, 2016, 7:26 A.M. ET

By Bloomberg News

The global fight against climate change is likely to be derailed by Donald Trump's victory in the presidential election, a blow to the industries working to clean up the energy supply.

The next president has questioned the science of climate change and vowed to withdraw from the Paris agreement to limit global warming, while pledging to stimulate production of coal, the dirtiest fossil fuel. Green campaigners and policymakers, some of whom are gathered this week in Morocco for talks on implementing the Paris deal, sounded the alarm over the upheaval they expect when Trump takes office in January.

"The presidency of Donald Trump relegates the West as we knew it to the realm of the past," Reinhard Butikofer and Monica Frassoni, co-chairs of the European Green Party, said in a statement. "If Donald Trump pursues the foreign policies that he announced during his campaign, this will severely undermine transatlantic relations, the international rule of law and world peace."

The U.S. under President Barack Obama rescued a two-decade old process the United Nations promoted to rein in pollution damaging the climate, forging a the Paris deal last year. Along with China and more than 190 other countries, the accord set out a framework for all nations to cut emissions. Trump has said he will cancel that work.

"Trump's election is a disaster," May Boeve, executive director of the anti-fossil-fuel campaign group 350.org, said in a statement. "Trump will try and slam the brakes on climate action. Our work becomes much harder now, but it's not impossible, and we refuse to give up."

Envoys drawn from environment and energy ministries gathered on Monday for two weeks of talks on climate organized by the United Nations, aiming to make progress implementing the Paris deal. They have a round of technical meetings this morning and are due to finish their work on Nov. 18 with a set of rules on how Paris will be implemented.

Trump's victory "will be unfavorable for the global pollution fight, though the trend to combat climate change may not change worldwide," said Zheng Xinye, associate dean at the School of Economics at the Renmin University of China in Beijing.

Global markets were thrown into disarray as results from the U.S. poured in. Futures on the S&P 500 Index plunged by a 5 percent limit that triggers trading curbs and Asian shares sank by the most since the aftermath of Britain's shock vote to leave the European Union. The WilderHill New Energy Global Innovation Index of 94 clean-energy companies fell as much as 2 percent, the most since June 27.

Wind turbine makers led the biggest declines in five months. Vestas Wind Systems A/S dropped as much as 14 percent, continuing a plunge that started yesterday with a bleaker outlook for next year. Nordex SE, a German turbine maker, fell as much as 8.4 percent. Gamesa Corp Tecnologica SA dropped 9.3 percent.

GCL-Poly Energy Holdings Ltd., the world's biggest polysilicon and wafer maker, declined as much as 6.6 percent, the biggest decrease since January. Taiwanese solar cell maker Motech Industries Inc. slumped as much as 7.5 percent. Neo Solar Power Corp. tumbled as much as 5.7 percent.

A Trump victory could mean "the U.S. won't be leading the world the way it led under Obama," Kimiko Hirata, a board member at the Kiko Network, a Kyoto-based environmental group, said by phone. "It is inevitable that the momentum will lose steam. But luckily this is happening after the international negotiating framework has been put in place and the move toward decarbonization will not be turned back."

The Paris deal, which saw 197 countries agree last year to limit global warming to below 2 degrees Celsius (3.6 degrees Fahrenheit) and work toward net zero greenhouse gas emissions, came into force last week after being ratified by almost 100 countries, including the U.S.

While U.S. officials have said it would be difficult for Trump or any other president to walk away from the Paris agreement, it's not impossible for the next administration to unpick it. The U.S. is the richest among the top six polluting nations, and its support for the deal is essential to keep China and other developing economies working for cleaner industry.

China Watching

China's top climate envoy, Xie Zhenhua, last week criticized Trump's climate stance, according to Reuters. A joint pact between the world's two biggest producers of carbon emissions announced a year ago was seen as key to the success of the Paris summit.

The U.S. government has vowed to cut emissions by 26 percent to 28 percent in 2025 from 2005 levels.

Regardless of the election outcome, Renmin University's Zheng said he's confident China will continue its efforts to curb greenhouse gases even without U.S. coordination.

"The U.S. has joined the Paris Agreement and must continue to meet its climate obligations," Kelly Stone, a climate campaigner at ActionAid, said at the UN talks in Marrakesh. "Leaving this important international agreement will damage our credibility and would be a major setback in the fight against climate change."

--With assistance from Chisaki Watanabe and Ewa Krukowska.

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GOP Keeps Senate Majority as Democratic Climate Plans Crumble

Posted November 09, 2016, 0:33 A.M. ET

By Dean Scott

Senate Democrats were certain to add to their margins but were still well short just after midnight of taking the Senate majority and making another run at climate change legislation—or even making incremental progress on the issue in the 115th Congress.

With Republicans starting the night with a 54-46 majority, Democrats needed to pick up at bare

minimum four Senate seats and would then only hold the majority if Hillary Clinton won the presidency. They'd need five if Donald Trump is declared the winner.

Democrats early Nov. 9 were making only minimal progress in picking up climate-friendly senators, with an early setback: the defeat of two Democratic challengers that voted for Senate cap and trade legislation the last time it was on the Senate floor in 2008. Democrats Evan Bayh and Russ Feingold both went down to defeat, conceding early in the night Nov. 8.

There was some good news for Democrats, which came early in Illinois, where Democratic Rep. Tammy Duckworth was the projected winner over incumbent Sen. Mark Kirk (R-Ill.). Kirk was perhaps the most endangered Republican of any of the vulnerable incumbents in recent months.

Democrats also led at midnight in Nevada and trailed slightly—by less than 1 percent of the vote—in Pennsylvania, but they would only be holding a Nevada seat long held by Democratic Majority Leader Harry Reid.

Here's a state-by-state rundown of key races where Republican incumbents were vulnerable in the 2016 race.

• Nevada: Democratic challenger, former Nevada Attorney General Catherine Cortez Masto, was running ahead of Republican Joe Heck, 48.1 percent to to 44.3 percent, with 73 percent of precincts reporting. The Nevada election is to decide the successor to Reid, who is retiring after 30 years in the Senate.

• Pennsylvania: Democratic challenger Katie McGinty was trailing incumbent Republican Sen. Pat Toomey with 91 percent of precincts reporting. Toomey was ahead 48.2 percent to 47.9 percent at 12:20 a.m. McGinty is a strong supporter of climate action and served as chairwoman of the White House Council on Environmental Quality under President Bill Clinton.

Republicans have been putting away other races they need to win to hold the majority. In these key races, particularly Indiana and Wisconsin—and possibly New Hampshire—Democrats once seemed poised to pick off these seats. But Republicans won contested races in Indiana, Florida and Wisconsin and were leading slightly in New Hampshire.

• Indiana: Republican Sen. Todd Young was projected the winner in a contest over Democratic Sen. Evan Bayh, who was seen as the favorite for much of the summer. Bayh voted for the 2008 Senate cap and trade bill, which fell on a procedural vote, the last big climate bill to be brought to the floor.

• Florida: Incumbent Republican Sen. Marco Rubio also was projected to defeat Democratic challenger Patrick Murphy. Rubio was an early target of environmental groups for being skeptical that humans are causing climate change and blasting climate advocates in March for launching a "crusade" that is "just not good public policy."

• Wisconsin: Incumbent Republican Sen. Ron Johnson defeated Democratic challenger Russ Feingold in a rematch of their race six years ago. Johnson, chairman of the Senate Homeland Security and Governmental Affairs Committee, has been an critic of what he considers to be overzealous environmental regulations under the Obama administration. Feingold, like Bayh, had also voted for the 2008 Senate cap and trade bill.

• New Hampshire: Incumbent Republican Sen. Kelly Ayotte (R) had a slight lead over Democratic challenger, Gov. Maggie Hassan (D) as of 12:20 a.m. Ayotte was holding a lead of 48.5 percent to 47.3 for her challenger. The incumbent Republican is considered to be moderate on environment and climate issues, so it's unclear that defeating her would improve the odds for environment and climate bills. Ayotte was the first Republican to back the Environmental Protection Agency's Clean Power Plan. The League of Conservation Voters gives Ayotte a score of 56 percent in the 2015 National Environment Scorecard,

higher than two Senate Democrats: Joe Manchin (W.Va.) and Heidi Heitkamp (N.D.).

Science Committee Subpoena Effort Poised for Repeat: Advocates

Posted November 09, 2016, 03:13 P.M. ET

By Brian Dabbs

A newly established oversight role at the House Science Committee is likely to roll over into the 115th Congress, as Chairman Lamar Smith (R-Texas) remains at the helm for another term, industry and environmental advocates told Bloomberg BNA.

The committee is likely to keep Environmental Protection Agency and Interior Department rulemaking in its cross hairs, environmental advocacy groups said. Another two years of subpoena-heavy investigations into scientific analyses relating to climate change from both federal agencies and advocacy groups is also a distinct possibility, they said.

Science Committee Republicans granted Smith unilateral subpoena power at the outset of the 114th Congress after the full House Republican caucus paved the way for that rule change.

Congress traditionally uses limited subpoena power, often requiring committee majorities to seek approval from the minority side or at least obtain committee consent through a vote. Smith has led the committee with subpoena power exempt from bipartisan consultation.

Science Committee Republicans will stay largely intact, aside from the retirement of Randy Neugebauer (R-Texas).

Industry Heartened

The committee this Congress aimed to ensure that EPA and other regulatory actions reflected the best-available science, American Chemistry Council spokesman Scott Jensen told Bloomberg BNA.

“We hope the committee will continue to focus on promoting the use of credible science in government policy-making,” he said. This can be achieved by “by preventing bad policies, practices or conclusions from other regions, particularly from the [European Union] or from [International Agency for Research on Cancer], from infiltrating U.S. science programs and ensuring that U.S. research funding is dedicated to projects and programs that will have a meaningful impact on public health.”

A committee subpoena in July sought information from New York and Massachusetts attorneys general and eight environmental groups over allegations that Exxon Mobil Corp. willfully obscured climate science. Exxon didn’t respond to a comment request, and the American Petroleum Institute, which represents Exxon, declined comment.

The committee also subpoenaed the National Oceanic and Atmospheric Administration in 2015 over climate communications, prompting the agency to brief the committee. A committee spokeswoman declined to comment to Bloomberg BNA when asked whether Smith will continue to push that level of oversight under an administration led by President-elect Donald Trump.

Climate Change Advocates Brace

The Union of Concerned Scientists (UCS), one of those groups subpoenaed by Smith, is concerned

about a repeat of the committee's oversight emphasis next Congress, Yogin Kothari, a UCS advocate based in Washington, DC, told Bloomberg BNA.

"I anticipate him to focus on regulations and public health protection. That's not our hope," said Kothari. "We do hope that the committee focuses more on science and competitiveness. The Science Committee doesn't need to carry water for industry."

The association of scientists released roughly 1,300 pages of already publicly available documents to the committee in response to the subpoena, said Kothari, noting that the committee hasn't yet responded to that release.

Kothari said Smith is likely to push forward in the 115th Congress with the Secret Science Reform Act, a bill that would add requirements for EPA research disclosures linked to regulatory action, and America Competes reauthorization, which supporters say aims to strengthen energy innovation.

Meanwhile, Aaron Mintzes, an Earthworks advocate, said the committee is poised to investigate the EPA and the Bureau of Land Management hydraulic fracturing policies and research. The committee is also likely to attack the United Nations climate change deal reached in Paris last year, referring to an international pact that Smith has repeatedly criticized.

Top Democrat Skeptical

Despite the concerns articulated by advocates for climate change action, Eddie Bernice Johnson (D-Texas), the Science Committee Ranking Member, said a Trump presidency may lead Smith to shift gears.

"He's primarily been focused on investigating the Obama Administration over the past couple of years, using his expanded subpoena and deposition powers. I would imagine that there will be much less interest on his part in carrying out a similar investigative agenda against a Trump Administration," she told Bloomberg BNA. "I thus am hopeful that the Chairman will return the Committee to a constructive legislative agenda that advances our nation's research, development, and innovation enterprise."

Committee Democrats will lose Reps. Alan Grayson (D-Fla.) and Donna Edwards (D-Md.), both of whom ran unsuccessfully for Senate seats. That will leave vacant top Democratic posts on the Energy and Space subcommittees.

Lawsuits May Be Moot If Water Rule Gutted, Attorneys Say

Posted November 09, 2016, 02:31 P.M. ET

By Amena H. Saiyid

Nearly a dozen challenges to a federal rule clarifying the scope of the Clean Water Act could become moot if the Republican-controlled Congress guts the regulation altogether, attorneys told Bloomberg BNA.

"The easier path for them is to repeal the existing rule and that would make the lawsuits moot," said Julia Anastasio, who is the general counsel and executive director for the Association of Clean Water Administrators that represents state and interstate water officials in Washington, D.C.

Brent Fewell, founder of Earth & Water Law Group LLC, agreed with Anastasio that the existing challenges could be rendered moot if Congress acts right way.

"But that won't happen anytime soon in my opinion," he said. "Early to mid-2017 at the earliest, if it happens at all."

The Republicans not only retained control of the House and Senate on Nov. 8 but also gained control of the White House with the election of Donald Trump. Republicans in Congress have worked to ax the Clean Water Rule, also known as the Waters of the U.S. rule (WOTUS), but faced the threat of a veto by President Barack Obama. With control of the White House soon to be in Republican hands, they may succeed in their repeal efforts because President-elect Trump singled out this rule for rollback during his campaign. They would also need the support of a handful of Senate Democrats to overcome a possible filibuster of repeal legislation.

The Clean Water Rule is currently being challenged by about 32 states and 57 business, industry and property rights groups in the U.S. Court of Appeals for the Sixth Circuit and in a number of district courts. The challengers say the Environmental Protection Agency and the U.S. Army Corps of Engineers ignored U.S. Supreme Court rulings in writing a rule that is too broad and oversteps state authority to regulate their waterways.

Republicans Back Rule Challenges

The challengers are backed by 88 Republican members of Congress who on Nov. 8 filed a friend of the court brief in the Sixth Circuit. These lawmakers included Sen. James Inhofe (R-Okla.), chairman of the Senate Environment and Public Works Committee, and Rep. Bill Shuster, chairman of the House Transportation and Infrastructure Committee, who are expected to resume their chairmanships in the next Congress. Both these lawmakers were instrumental in shepherding bills through their respective chambers that would direct the corps to rewrite the rule following explicit instructions.

House and Senate Republicans agreed on the need to rewrite the rule but differed on how they wanted the rule redrawn.

A Republican aide on the House Transportation and Infrastructure Committee told Bloomberg BNA that the committee will be developing its agenda for the next Congress.

"But, there has been clear, bipartisan opposition to the current WOTUS rule, and significant opposition at the state and local level," the aide said, adding that "Yesterday's amicus brief demonstrated that those concerns and opposition to the rule remain strong. You can expect the next Congress to continue following the ongoing court case and to consider any potential legislative options."

In the meantime, the litigation continues, said Fewell, who served as the deputy assistant administrator for water at the Environmental Protection Agency under President George W. Bush.

"The more realistic scenario is that we get a Sixth Circuit ruling that's appealed to the Supreme Court, and the Court accepts the case, sits on it for a while, and then Congress acts. And that would achieve mootness," Fewell said.

Given the time it would take for transition to a new administration, Fewell said, it would be preferable to have Congress to provide greater clarity on the reach of the Clean Water Act. "And I am hopeful they will. And if they fail to do so, then a Trump EPA should and probably will take another run at the

rule."

Clarify the Clean Water Act First

Richard Stoll, a partner in the Milwaukee and Washington, D.C., offices of Foley & Lardner LLP, cited the late Justice Antonin Scalia, who in a 2012 opinion wrote that the fundamental problem with the Clean Water Act is that it is "notoriously unclear."

"So it seems to me the only way to fix this problem once and for all is for Congress to amend the Act to draw much clearer lines as to the Act's reach—just as the Supreme Court has begged Congress to do. Now that you will soon have the same party controlling both houses of Congress and the White House, hopefully the Act can be amended in a manner that is protective and clear," Stoll said.

Stoll agreed with the other attorneys that the lawsuits against the rule could become moot "If you mean Congress would pass (and President would sign) legislation that said that the current Clean Water Rule is void and of no effect or something like that."

However, such a fix would not resolve the underlying problem with the vagueness of the underlying statute, which cries for reform, he said.

Fierce Opponent of Climate Action to Chair Environment Panel

Posted November 09, 2016, 03:34 P.M. ET

By Dean Scott and Stephanie Beasley

Republicans who nearly ran the table election night and will hold the Senate will likely bring a fierce opponent of President Barack Obama's climate agenda to head its Environment and Public Works Committee: Wyoming Republican Sen. John Barrasso.

Barrasso would succeed current EPW Chairman Jim Inhofe (R-Okla.), who is term-limited under Republican Senate rules. Most expect the same level of opposition to climate change policies and what Republicans argue was overzealous environmental regulations under Obama.

The crucial difference: Barrasso, unlike Inhofe, will hold the gavel with a Republican in the White House and continued Republican control of the House, making it a near certainty that he and other opponents of the Paris climate pact, Obama climate and environmental regulations, and international climate funding will be on the offensive. The committee also is likely to spend much of early 2017 confirming President-elect Donald Trump's (R) nominee to administer the Environmental Protection Agency.

Barrasso also shares Inhofe's skepticism over the links between human activity and climate change. One slight distinction: Inhofe represents an oil state, while Wyoming is a coal state, suggesting more of an emphasis within EPW on the coal industry, which might be welcomed by coal state Republican Sen. Shelley Moore Capito (W. Va.), who is the most senior committee Republican after the new chairman.

"Barrasso is a solid yes as chairman," a Republican EPW committee aide told Bloomberg BNA Nov. 9, adding that the ranking Democrat on the committee is a little less clear.

Asked to elaborate on the prospective chairman's agenda, Barasso's spokeswoman, Laura

Mengelkamp, said Nov. 9 the senator would have no comment "at this time."

Minority Spot Opens for Carper With Sen. Barbara Boxer (D-Calif.) retiring, the top Democratic spot would fall to the most senior Democrat left, Sen. Tom Carper (D-Del.).

But Carper also could opt to stay on as ranking minority member at the Committee on Homeland Security & Governmental Affairs, an arguably less divisive committee.

Carper is still not showing his cards, however. He insists he's focused on work in the lame-duck session—the agenda includes keeping the government open after mid-December—when the House and Senate resumes the 114th Congress after the election.

"I have not yet made a decision and think we have a lot of important work to accomplish in the 114th Congress before we start planning what we will do in the 115th," Carper said in a prepared statement.

A Path for Senator Whitehouse? Democrats could also eye a more combative Democrat for the EPW minority post such as Sen. Sheldon Whitehouse (D-R.I.), a leading Senate advocate of climate action who has taken on Exxon and other fossil fuel companies for their alleged efforts to undercut climate science and low-ball climate risks to the companies from investors and the public.

Whitehouse would have to leapfrog other Democrats with more seniority—Sens. Ben Cardin (D-Md.) and Bernie Sanders (I/D-Vt.) but they also have options for ranking committee slots elsewhere. Whitehouse might have more enthusiastic backing among many environmental groups that see him as more passionate on the climate issue than the more measured Carper.

Continued Cooperation on Infrastructure? Infrastructure investment was one area where Inhofe and Boxer, the departing ranking Democrat, agreed and the peace on that front is unlikely to be disrupted by a change in committee leadership, Jack Schenendorf, former House transportation committee chief of staff, told Bloomberg BNA.

"I'd be quite surprised if things deteriorated in any substantial way," he told Bloomberg BNA.

Jeff Davis, a senior fellow at the Eno Center for Transportation, said Barrasso is unlikely to pursue a dramatically different approach on transportation than Inhofe. Barrasso was a member of the conference committee that negotiated a five-year surface transportation reauthorization law known as the FAST Act and was especially supportive of a provision that created a new formula funding program for freight.

Carper is seen by those tracking infrastructure and transportation as continuing to show strong interest in establishing new funding mechanisms for infrastructure, if he takes the top committee Democratic slot. Last year, Carper voted against the $305 billion FAST Act because he said its non-transportation-related-pay-fors were a "grab bag of budget gimmicks."

Carper, a former governor of Delaware and former chairman of the National Governors Association, previously floated a proposal to raise federal gas and diesel taxes to replenish the Highway Trust Fund that supports federal highway and transit programs.

The Delaware senator told Bloomberg BNA earlier this year that he would be tracking provisions in the FAST Act that provide states with incentives to experiment with different user fee models like vehicle-miles-traveled.

Senate EPW won't have another major transportation reauthorization legislation like the FAST Act on its plate again this Congress. But as with other congressional committees with oversight authority of the Department of Transportation, the environment committee could be pulled into deliberations on any major infrastructure proposal released by the next administration.

President-elect Trump has laid out plans to pursue within the first 100 days of his presidency a $1 trillion infrastructure plan that would give tax breaks to private investors for lending money to states and municipalities launching new projects.

Big Issues, Few Changes Set for House Resources Panel

Posted November 09, 2016, 03:33 P.M. ET

By Alan Kovski

The ranks of the House Natural Resources Committee will change next year after the current members grapple with important issues in the pre-January lame-duck session of Congress.

But the committee changes in the 115th Congress are primarily because of retirements, not the results of the Nov. 8 elections.

At the top, no change is expected. Chairman Rob Bishop (R-Utah) has not signaled any wish to move on, nor has ranking member Raul Grijalva (D-N.M.).

Bishop has pushed for federal regulatory restraint in the control of public land, a subject that comes up again and again in the context of oil and gas development, mining, forest management, ranching, fishing, water rights, rural community development and respect for states' interests.

Grijalva has been the loyal opposition, agreeing with Bishop on virtually nothing.

Reps. Cynthia Lummis (R-Wyo.), Dan Benishek (R-Mich.) and Lois Capps (D-Calif.) will leave the committee because they are retiring. Rep. John Fleming (R-La.) chose to run—unsuccessfully, it turned out—for the seat being vacated by Sen. David Vitter (R-La.) rather than running for re-election to the House.

Lame-Duck Action to Watch

The committee's interests are intertwined in two House-Senate conferences that will attempt to work out compromises on energy and water legislation during the lame-duck session.

The committee's majority members also may contribute support and advocacy for environmental riders in an omnibus appropriations bill and the National Defense Authorization Act for Fiscal Year 2017 (H.R. 4909). The defense bill was passed by the House and awaits Senate action.

A continuing resolution has extended appropriations to Dec. 9. An alternative to action this year on an omnibus spending bill would be another continuing resolution to delay an omnibus until Donald Trump is sworn in as president, reducing the risk of a veto over environmental riders.

Democrats in the next Congress will continue to have enough Senate seats to block cloture motions, the debate-ending motions that can allow the chamber to proceed to a final vote on a bill.

Compromises on the energy and water bill conferences, appropriations and the defense bill before the end of the year might appeal to some lawmakers, especially Democrats, more than delaying legislation for a contest of wills over cloture votes in the next Congress.

Conference Prospects Cloudy

The Energy Policy Modernization Act of 2016 (S. 2012) was passed by the Senate as a deliberately uncontroversial mix of energy provisions, notably for energy efficiency, electric grid security and an expedited federal approval process for liquefied natural gas exports. It did not remain uncontroversial.

House Republicans, frustrated by Senate inaction on House-passed bills, responded by attaching 37 bills to S. 2012—not only energy bills but legislation on forest management and California water resources that originated in the House Natural Resources Committee.

The fate of the energy conference may indicate "how much merit was there to the approach of loading it up" with so many House bills, said Bill Imbergamo, executive director of Federal Forest Resource Coalition.

His group's members would like to see an energy bill or appropriations bill with provisions to revamp wildfire funding and expedite permitting for forest management actions such as timber harvests to thin forests or create fire breaks.

Hopes for Energy Bill Deal

Imbergamo told Bloomberg BNA a successful energy conference bill was looking like a long shot but ought to appeal to Sen. Maria Cantwell (D-Wash.) as an opportunity to reach a deal that she and so many other people in both houses and parties might like on forests and wildfires.

Cantwell, ranking member of the Senate Energy and Natural Resources Committee, joined with Sen. Lisa Murkowski (R-Alaska), chairman of the committee, in shaping the Senate bill. She and other Democrats have their greatest misgivings about any provisions that might expedite projects while limiting or blocking litigation.

Conferees might strip forest management and wildfire funding out of the energy legislation to make compromise easier, but that could delay forest legislation to 2017, in turn delaying regulatory decisions to fiscal year 2018. After several years of stalled action on wildfires and forests, another such delay would be "unconscionable," Imbergamo said, speaking Nov. 8, before Trump's election victory changed the prospects for legislative action in 2017.

Imbergamo's view was that there is a general understanding among many members of Congress that forest health is declining and that two basic issues need to be addressed as soon as possible—a revamp of wildfire funding and expedited action on forest projects.

Water Legislation in the Mix

The conference on energy legislation includes the Western Water and American Food Security Act of 2015 (H.R. 2898), a bill originally introduced by Rep. David Valadao (R-Calif.) in the Natural Resources Committee to address water supply strains in Valadao's drought-plagued home state.

H.R. 2898, or at least some elements of it, might be a better fit in the conference on the Water Resources Development Act of 2016 (S. 2848 and H.R. 5303). The Senate expanded its WRDA bill

from authorizing U.S. Army Corps of Engineers projects into legislation that also addressed a host of Safe Drinking Water Act, Clean Water Act and water supply issues.

Argument over water supply issues, notably drought response, could involve some horse trading between California Republicans in the House and Sens. Dianne Feinstein (D-Calif.) and Barbara Boxer (D-Calif.) during the lame-duck session. That would involve an overlap of the interests of the Natural Resources Committee and the Transportation and Infrastructure Committee, where the House version of WRDA originated.

Debra Calhoun, vice president of the Waterways Council Inc., a diverse association of parties advocating for waterborne commerce, told Bloomberg BNA her group was hopeful about a successful WRDA conference.

Calhoun said her group also wanted to see an omnibus appropriations bill make maximum authorized use of revenues of the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund, the dedicated revenues that help finance so much improvement and extensive rehabilitation of waterways and ports.

Race for Chair of House Energy and Commerce Up in the Air

Posted November 09, 2016, 03:23 P.M. ET

By Rachel Leven and Alex Ruoff

Just when you thought elections were over, there's another key contest to watch—a three-way race to run the House Energy and Commerce Committee starting in 2017.

The race has a front runner—Rep. John Shimkus (R-Ill.); a competitive challenger—Rep. Greg Walden (R-Ore.); and a longshot candidate—Rep. Joe Barton (R-Texas). Of course, this race was expected to play out under the status quo of a Rep. Paul Ryan (R-Wisc.) speakership, but with President-Elect Donald Trump and an emboldened conservative wing in the House, Ryan's future is unclear, as is this race.

Who becomes chairman matters because it translates to different agendas for the committee. And where seniority plays a large role in determining who will lead a given committee, it is the "chairman's prerogative" to choose subcommittee chairs, a committee spokesman told Bloomberg BNA in an e-mail.

The race for chairman will move into the spotlight following the party's successful holding of the lower chamber. Congressman Frank Pallone (D-N.J.) will aim to continue on the committee as ranking member, a Pallone spokesman told Bloomberg BNA.

The seat is opening because Chairman Fred Upton (R-Mich.) hit his six-year term limit and won't request a waiver, the committee spokesman, Sean Bonyun, told Bloomberg BNA in an e-mail. That left three of the next four senior Republicans on the committee vying for the chairmanship.

The Players

Barton is the most senior of the candidates. He served as chairman of the committee for one session in the early 2000's and also has served as ranking member. The House needs someone to step in and act right away, he said, adding that his previous experience guiding bills such as major energy legislation and National Institutes of Health reauthorization through Congress makes him

right for the job.

Among his potential priorities are rescinding the Affordable Care Act and clarifying the limitations of administrative authority under the Clean Air Act, Barton said. Barton would work with House leadership and Trump on their priorities and would consider rescinding the Clean Power Plan legislatively, if needed, he said.

"The American people are rightly going to require real change, real fast," Barton said, calling the Republican sweep a "rare opportunity." "I'm the only one that's actually done it."

Shimkus, the second most senior contender, is widely believed to be the frontrunner. Shimkus has said he wants to reauthorize the Federal Communications Commission, if chosen as chairman. He also has mentioned that the departure of Senate Minority Leader Harry Reid (D-Nev.) provides an opportunity to get the Yucca Mountain nuclear storage site opened as the single U.S. site for nuclear waste.

Meanwhile, Greg Walden wants the leadership job and has kept his name in the running, at least in part because of his time as the chair of the Nation Republican Congressional Committee, a political committee supporting House members. Walden has contributed $500,000 to the Republican congressional committee total, while Shimkus donated about $276,000 total, according to Federal Election Committee filings.

The Presidential Race and the Chair

The race has been ongoing; however, President-Elect Donald Trump (R) may throw a wrench into the mix. As the election results came in Nov. 8, Trump friend and Fox News host Sean Hannity made a bold statement: if Trump's in, House Speaker Ryan is out. House Republicans will nominate the next speaker on Nov. 15.

Chris Vieson, a partner at PSW Inc. and former director of floor operations for former House Majority Leader Eric Cantor (R-Va.), told Bloomberg BNA that while chairmen that are already in place would likely stay in place, this chairmanship which is up in the air could be vulnerable if Trump played that card.

"I think the growing sense is that whoever Ryan wants will become the next chairman," Vieson said of the race. "It would be the same for whoever is speaker."

It doesn't mean that Trump absolutely will seek Ryan's immediate ouster as speaker, Vieson said, adding that it would be "very tone deaf of him and his staff" to start his presidency that way.

Talking Subcommittees

Some subcommittees for the committee could see leadership changes, as well. The chairman will ultimately pick the subcommittee chairs.

Among the subcommittees up for a new chair is the Health Subcommittee, which will have a new chairman because Rep. Joe Pitts (R-Pa.) is retiring. Rep. Brett Guthrie (R-Ky.) is the vice chairman of the subcommittee and likely replacement.

Additionally, the Environment and the Economy Subcommittee may need a new chair, should its current chairman Shimkus move to lead the full committee.

There is still time for some movement on legislation in the committee during the lame duck, as well, under current committee leadership. The committee has broad jurisdiction over drinking water, hazardous waste, mining waste, injection wells, plant security and toxic chemicals.

Room for Action During Lame Duck

For example, Upton has been seeking a deal to enact his landmark legislation, the 21st Century Cures Act (H.R. 6) during the lame duck session. He has support from House leadership but faces opposition from Democrats who want to include new provisions aimed to curb rising drug prices.

The House passed the bill in the summer of 2015, but the legislation has been held up in the Senate over disagreements on its multi-billion-dollar price tag. Further complicating the matter, more than a dozen groups—including the Center for American Progress, the AFL-CIO, and Public Citizen—sent a letter Oct. 26 to Democratic leaders in the House and Senate asking them to delay passing Cures until 2017.

A spokesman for the Democrats on the Energy and Commerce Committee told Bloomberg BNA that any final Cures bill must include some policies that facilitate access to affordable drugs. However, what provisions Democrats will demand is unclear.

Committee members have said they're likely to holding hearings on the ongoing implementation of the Medicare doctor payment system created under the Medicare Access and CHIP Reauthorization Act (MACRA), a 2015 law, and ways to expand Medicare reimbursement for telehealth services.

Coal Resurgent, Renewables in Retreat: Energy with Trump

Posted November 09, 2016, 01:01 P.M. ET

By Javier Blas and Anna Hirtenstein

If you want a snapshot of what the global energy map will look like under President Donald Trump, look no farther than the stock market.

Glencore Plc, the world's top coal trader, surged more than 5 percent on Nov. 9. Vestas Wind Systems A/S, the world's biggest wind-turbine maker, plunged as much as 13 percent. The swing foretells a story of fossil fuels making a comeback, while the fight against climate change—and investment in wind and solar power—languishes.

"De-carbonisation, which has been the organizing principle of Obama's energy policy, came to a screeching halt last night," said Bob McNally, president of consultant Rapidan Group in Washington and a former senior energy official at the White House under Republican President George W. Bush.

In his only major energy policy speech ahead of the elections, Trump said that he would rescind "job destroying" environmental regulations within 100 days of taking office and cancel the climate deal reached last year in Paris.

"A Trump administration will focus on real environmental challenges, not the phony ones we've been looking at," Trump told supporters in May in North Dakota, the birth-place of the U.S. shale revolution.

To be sure, Trump has offered few clues on how he plans to implement his plans. Energy and climate policy has taken a back-seat to immigration, the economy and debate about the candidate's fitness for office. And some of his proposals are contradictory, like his pledge to boost both natural gas and coal, two fuels that compete against each other in the power generation market.

Yet, few doubt who's likely to win and lose, particularly as Trump can rely on supportive lawmakers in Congress to push his agenda.

"The result is undoubtedly a blow for the renewable energy industry," said Matt Loffman, an analyst at energy consultant Douglas-Westwood in Houston. "The historic election result is perhaps welcome news for a hydrocarbon industry that has been on the ropes for over two years."

Coal prices already are enjoying a renaissance after China, the world's largest consumer, cut domestic production, forcing power plants to buy overseas. The cost of thermal coal in the Australian port of Newcastle, a benchmark for Asia, has more than doubled since January to a four-year high of $114.75 a ton.

Shares of big coal miners such as Anglo American Plc, BHP Billiton Plc and Rio Tinto Plc rose between 2 percent and 4 percent on Nov. 9. Wind turbine makers Gamesa Corp. Tecnologica SA and Nordex SE fell. Solar panel makers plunged in New York, led by SunPower Corp., First Solar Inc. and Canadian Solar Inc.

As coal enjoys a comeback, the biggest loser could be the fight against climate change. Under President Barack Obama, the U.S. rescued a two-decade old process the United Nations promoted to rein in pollution, forging a climate change deal last December. Along with China and more than 190 other countries, the so-called Paris agreement accord set out a framework for all nations to cut emissions.

It would be difficult but not impossible for Trump to pull out of the Paris accord. While the Senate never voted on the Paris deal, it's part of the 1992 UN Framework Convention on Climate Change, which the U.S. ratified under Republican President George H.W. Bush. Trump would have to renounce the 1992 treaty and risk bringing down the entire UN process to scrap Paris. The U.S. would have to give three year's notice to withdraw from Paris.

But Trump doesn't need to cancel Paris to derail the process, effectively hampering the growth of renewable energy, analysts and campaigners said.

Yukari Takamura, a professor at Nagoya University in Japan who has followed climate change talks for more than a decade, said the Obama administration took a lead that contributed "enormously" to the Paris deal. "Lack of such leadership might slow down the progress" by unsettling the investors who need to fund renewable developments, she said.

As Trump shapes his energy agenda, the first clue about his priorities could come with his selection for secretary of energy. Obama surrounded himself with policy experts and academics such as Steven Chu and Ernest Moniz. Trump has relied so far on the advice of Harold Hamm, the founder and chief executive officer of Continental Resources Inc., one's of America's largest shale oil producers.

Whoever his choice as energy secretary, the global fossil fuels industry, which over the last four years has been on the defensive with Obama, is likely to find a friend in the White House.

"The oil and gas industry is a clear winner with the new president," said Alexandre Andlauer, head of oil at research firm Alphavalue in Paris. "U.S. Oil companies have a better future today than yesterday."

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No Change Expected to Senate Energy Committee Leadership

Posted November 09, 2016, 02:48 P.M. ET

By Rachel Leven

Sen. Lisa Murkowski (R-Alaska) is set to continue her leadership of the Senate Energy and Natural Resources Committee, following Democrats' failure to win the Senate in the election.

The major energy bill currently in conference remains a priority on all sides to get to the president's desk in the lame duck, former and current Senate energy committee aides and observers told Bloomberg BNA.

But under a Murkowski chairmanship, some issues from the bill could be revisited in another energy bill in 2017.

"Sen. Murkowski feels like this was certainly a good step forward," Kaleb Froehlich, former senior counsel to Murkowski on the Senate energy committee and now vice president at Cassidy & Associates in Washington, told Bloomberg BNA, referring to the energy bill (S. 2012). "This shouldn't be a once-in-a-decade exercise." As of midday Nov. 9, Republicans kept the Senate by a 51-47 margin and, less surprisingly, preserved their majority in the House in the Nov. 8 election. A spokeswoman for Sen. Maria Cantwell (D-Wash.) told Bloomberg BNA in an e-mail the senator hopes to retain her position as ranking member on the Senate energy committee.

Energy Bill to Be Completed The energy bill, which the Senate and House are currently working on in conference, is still a top priority for the current chairman and ranking member to get to the president's desk this session, Froelich and a Cantwell spokeswoman told Bloomberg BNA.

Chris Vieson, partner at Public Strategies Washington Inc. who served as director of floor operations for former House Majority Leader Eric Cantor (R-Va.), told Bloomberg BNA there appears to be a good chance of getting it done in the lame duck.

Given the incentive to finish the bill and what is largely status quo in Congress after the election, the bill likely won't be significantly reopened or shifted, Froelich said. Vieson agreed.

Froelich said areas where Murkowski sees room for improvement or some major issues such as permitting reform in the energy bill, could be revisited in 2017.

Other areas Murkowski sought to address, such as getting a 20-mile gravel road through Izembek National Wildlife Refuge in southwestern Alaska built, could remain on her agenda depending on whether an omnibus funding package is put together by the Dec. 8 deadline or if another continuing resolution is sent to President Barack Obama's desk.

Murkowski may also look to focus on additional priorities more intensely in 2017. Western water

issues, oil development in the Arctic National Wildlife Refuge and a funding fix for firefighting are all also possibilities for her agenda, Froelich said.

Presidential Dynamics? Who is president matters, as well, Froelich said. However, it isn't clear how well Murkowski will work with Donald Trump. Murkowski in October came out against the then-Republican presidential nominee following the release of a video in which Trump made comments objectifying and degrading women.

However, nominees that must go through the Senate energy committee could face a tougher vetting by Murkowski in 2017.

She will likely be securing firmer commitments from Interior Department and Energy Department officials up for confirmation, after having major disagreements with Interior Secretary Sally Jewell's handling of Western issues such as King Cove road issues, Froelich said.

"She sort of didn't feel the reciprocation from this administration at times," Froelich said, adding the ideal nominees will know Western issues and Alaska or be "willing to learn."

Solar Win in Florida Overshadowed by Trump's Fossil Pledge

Posted November 09, 2016, 01:28 P.M. ET

By Mark Chediak and Christopher Martin

A solar power victory in the Sunshine State may be overshadowed by Republican president-elect Donald Trump's pledge to promote coal and other fossil fuels.

Florida voters rejected a controversial ballot initiative critics say was designed to slow the growth of solar power by making it easier to impose fees on rooftop systems. Duke Energy Corp., NextEra Energy Inc., Southern Co. and Emera Inc. spent about $20 million backing the measure, which failed to win the 60 percent of votes needed for passage Nov. 8, according to the Florida Divisions of Elections website. Opponents of the measure spent about $1.6 million.

Solar providers and utilities are battling across the U.S. over a market that is shifting under new rules for power plant pollution and a sharp decline in the cost of renewable power. The scales may tip against wind and solar on concern that policies favoring renewables will be reversed under a Trump presidency. SunRun Inc. and other solar energy companies' stock plunged in New York.

"Donald trump has expressed skepticism on global warming, and support for fossil generation," Praful Mehta, an analyst for Citigroup Global Markets Inc., wrote in a note. "While we don't think he can reverse the trend of increasing renewables or the challenges for coal, he surely can slow down renewables penetration."

Shares of clean energy companies sank following the Nov. 8 vote, pushing the WilderHill New Energy Global Innovation Index down the most intraday in more than four months. SunPower Corp., the second-biggest U.S. panel maker, plunged as much as 18 percent in intraday trading to $6 while Vestas Wind Systems A/S, the world's biggest wind turbine supplier, fell as much as 14 percent in Copenhagen.

Still, tax incentives for renewable projects that were extended last year by Congress and state renewable energy mandates will continue to support wind and solar developers.

“We think that the fundamentals for the alternative energy sector remain intact regardless of the short-term sentiment,” Guggenheim said in a research note.

In Florida, supporters said the initiative would protect customers that don’t opt for home solar systems. Solar advocate—including the Sierra Club and Floridians For Solar Choice—made a last-ditch appeal to disqualify the measure arguing it was misleading to voters. The Florida Supreme Court on Nov. 4 rejected their bid paving the way for the Nov. 8 vote.

At a rally for Hillary Clinton in October, former vice president Al Gore called the measure “a phony-baloney initiative that sounds like it protects solar.”

The result won’t have an immediate impact on the state’s solar industry. Utilities must seek approval from state regulators for any billing changes related to solar rooftops.

“Utilities typically want regulators to approve fees on a rooftop solar owner’s electricity bill, but the added costs reduce the value proposition of rooftop solar,” Cheryl Wilson, energy policy analyst at Bloomberg Intelligence, said Nov. 8 before the votes were counted. “Regulators could add those costs to Florida solar owners’ bills, which could stifle development—and preserve market share for utilities.”

In other energy-related votes:

Washington state voters rejected a tax on carbon dioxide emissions from oil, natural gas and coal that was opposed by utilities including Berkshire Hathaway Energy subsidiary PacifiCorp, the billionaire Koch brothers and energy consumers such as Kaiser Aluminum Corp. and Nucor Corp.In Nevada, voters approved a measure that would allow consumers to choose their electricity supplier. The initiative was backed by large users including casinos and Tesla Motors Inc.

The electric carmaker’s Chief Executive Officer Elon Musk has called for an end to NV Energy Inc.’s electric monopoly in the state. NV Energy is a unit of Warren Buffett’s Berkshire Hathaway Inc. In Arizona, Republicans Robert Burns, Andy Tobin and Boyd Dunn won election to the Arizona Corporation Commission, the board weighing rooftop solar policy. Pinnacle West Capital Corp., owner of the state’s largest utility, spent about $2 million to support the Republicans, according to campaign financial disclosures. SolarCity Corp., a supplier of rooftop systems, backed Burns, as well as Democrats Tom Chabin and William Mundell.

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California Sticks With Plastic Bag Ban, Legalizes Marijuana

Posted November 09, 2016, 10:44 A.M. ET

By Carolyn Whetzel

California voters rejected the plastic bag industry’s effort to repeal state legislation banning the single-use carry-out bags used by retailers, but voted down the measure to redirect the bag fee to environmental programs.

The two ballot measures, Propositions 65 and 67, were among four initiatives on the Nov. 8 statewide ballot with environmental implications.

Preliminary election results showed 52 percent of the electorate said yes to Proposition 67, preserving the 2014 plastic bag law (S.B. 270) and 55.4 percent voted against Proposition 65, a related measure that sought to redirect a 10 cent bag fee the law allows retailers to keep to environmental programs managed by the California Wildlife Conservation fund.

Proposition 64, a measure to legalize recreational use of marijuana that includes standards to guard against environmental harms from growing cannabis, sailed to victory with 56.1 percent of the vote. The measure also means that 20 percent of the revenue derived from taxing the sale and cultivation of marijuana will help fund the cleanup and prevention of environmental damage stemming from illegal marijuana crops, including illegal water use and diversion and pesticide pollution.

Voters rejected a proposed constitutional amendment, Proposition 53, that sought to require voter approval for any single project with a state revenue bond over $2 billion. Proposition 53, which opponents including California Governor Jerry Brown's (D) said could interfere with state and local water projects, failed with only 48.5 percent of the vote.

Rhode Island Voters Opt to Grow State's Green Economy

Posted November 09, 2016, 11:40 A.M. ET

By Martha Kessler

Rhode Islanders opted to invest in the state's green economy Nov. 8 as voters approved a $35 million bond measure that will provide funding for stormwater pollution prevention projects and brownfield cleanups, as well as open space and recreational programs.

Voters approved the bond measure (Question 6) by a vote of 67.4 percent to 32.6 percent, according to unofficial results issued by the Secretary of State.

The bond measure will provide $5 million to continue the state's efforts to cleanup former industrial or commercial sites that may be contaminated by hazardous waste or pollution. And it will provide up to 80 percent matching grants to public, private and/or nonprofit entities for brownfield remediation projects.

A coalition of organizations that supported the measure said that Rhode Island is home to an estimated 12,000 brownfield sites.

An additional $3 million will be provided to renew funding to an existing stormwater pollution prevention program that provides up to 75 percent matching grants for public, private and nonprofit entities for projects that reduce stormwater pollution.

The bond measure will also provide $18 million for open space, parks and bikeways, and $9 million for local recreation and green space expansion and protection.

The bond measure, known as the Green Economy Bond is backed by Gov. Gina Raimondo (D) and the state's Department of Environmental Management. The program to fund the investments is expected to commence in fiscal year 2018 and to be completed by fiscal 2022, according to the state.

The passage of the 2016 bond measure is a continuation of state efforts to provide funding for

environmental efforts. As a result of a bond authorization in 2014, the state invested $3.7 million in brownfields cleanup, allowing the state to leverage more than $418 million in additional investment, the state Department of Environmental Management told Bloomberg BNA Nov. 9.

Washington Voters Just Say No to First-in-Nation Carbon Tax

Posted November 09, 2016, 11:01 A.M. ET

By Paul Shukovsky

Washington voters rejected what would have been the nation's first direct carbon tax in early election returns in this vote-by-mail state.

Initiative 732 would have imposed a carbon emission tax on fossil fuels while simultaneously reducing both sales and business and occupation taxes. Late election night returns showed 58.5 percent of the ballots marked no and 41.5 percent yes. About 1.9 million votes had been counted of the 4.3 million registered voters in the state.

The tax would have been levied on the carbon content of fossil fuels sold or used in the state and on the carbon content of electricity consumed in Washington, including power imported into the state.

Yoram Bauman, founder and co-chair of the initiative campaign, conceded defeat Tuesday night.

"While we did not pass the nation's first carbon tax, many states around the country are looking at I-732 as a model and we expect a nationwide movement to take root in the years ahead," he said.

'Awakened a Sleeping Giant.'

Bauman told Bloomberg BNA in October that he had sought to avoid ideological arguments over whether the carbon tax would expand government by crafting a law intended to be revenue neutral. It would have phased in a one percentage point cut in the state sales tax and implemented a partial sales tax exemption for low-income families to address inherent regressivity—all paid for by a phased-in tax on carbon emissions.

But the approach fractured the state's environmental movement. Many joined with organized labor and minority-rights organizations in advocating for an approach that would use revenue from a carbon tax to create a clean-energy economy.

At an election night union rally in Seattle, Washington State Labor Council Secretary-Treasurer Lynne Dodson told Bloomberg BNA that the defeat of I-732 provides an opportunity to find climate change solutions.

"They identified the right problem, just not the right solution," Dodson said. "We have to be investing in clean-energy solutions—in solar, in wind. We also have to make sure that whatever solution we have, that we are not leaving behind workers and communities of color that have already been most impacted by climate change."

Audubon Washington, the state office of the National Audubon Society, was the only major conservation organization to support the initiative.

"While tonight's outcome is disappointing, Audubon members and supporters all across Washington

rose to the occasion and said yes to a cleaner, better future," Gail Gatton, executive director of Audubon Washington, told Bloomberg BNA in an election night e-mail. "We have awakened a sleeping giant, and we look forward to continuing the fight for commonsense climate solutions for birds and for people."

Investing in Post-Carbon Economy. The Sierra Club also didn't support the measure.

"Voters of Washington State rejected a measure that would have put a price on carbon, known as Initiative I-732, because it lacked direct investments in climate mitigation, green jobs and communities hardest hit by climate change," the group said in an e-mailed statement. "We must learn from this experience and work together to deliver solutions that invest directly into climate mitigation, clean energy jobs and communities long exploited by the fossil fuel industry."

Conservation groups working through a coalition called The Alliance for Jobs and Clean Energy are discussing such a solution for proposal to the state Legislature in the upcoming session that would not only put a price on carbon, but also invest in a post-carbon economy.

Nevadans Vote for Choice in Where to Buy Their Power

Posted November 09, 2016, 9:19 A.M. ET

By William H. Carlile

Nevada voters want to choose where to buy their electricity.

On Nov. 8, they voted 3–1 to change their state constitution to allow Nevada's energy market to be opened to competition, thereby giving consumers a choice in where to buy power.

The vote on Question 3 is not the final word on the matter. Since it proposes a change the Nevada Constitution, the measure must come before voters in two years before it can take effect. It could take longer, once regulatory and legislative revisions are made, before a new energy market could come online.

Question 3, referred to as the Energy Choice Initiative, would allow for an open energy market in the state. Supporters say that would end the energy monopoly held by public utility NV Energy.

The effective date of the constitutional amendment is July 1, 2023.

Stronger Voter Support

The Energy Choice Initiative had strong voter support throughout the campaign. It was funded by a group calling itself Nevadans for Affordable Clean Energy Choices and qualified for the ballot with funding almost exclusively from casino and resorts developer Las Vegas Sands Corp.

Proponents argued that under Question 3, the safety, reliability and quality of Nevada's energy would continue to be regulated by the Nevada legislature, the Public Utilities Commission of Nevada and the federal government.

According to language of a financial impact statement that Nevada's secretary of state's office issued, "To ensure that protections are established that entitle customers to safe, reliable, and competitively priced electricity, the law must also include, but is not limited to, provisions that reduce costs to customers, protect against service disconnections and unfair practices, and prohibit the grant of monopolies and exclusive franchises for the generation of electricity."

Opposition to the measure came from, among others, the 50,000-member Nevada AFL-CIO members and Culinary Local 226, with more than 57,000 members.

Colorado Passes Measure Making It Harder to Amend Constitution

Posted November 09, 2016, 10:31 A.M. ET

By Tripp Baltz

Colorado voters approved Amendment 71, a ballot measure greatly favored by the oil and gas industry that will make it harder for citizens to amend the state constitution.

The citizens' initiative was approved with 57 percent of the vote, according to unofficial numbers reported Nov. 9 by the Colorado secretary of state. It places new restrictions on proposals designed to amend the Colorado Constitution.

The Raise the Bar amendment was promoted by Protect Colorado, a group formed by the state's oil and gas industry to fight proposed constitutional amendments in 2014, 2015 and 2016 imposing restrictions on hydraulic fracturing and other drilling activities.

PODCAST: Trump Won, Now What?

Posted November 09, 2016, 10:07 A.M. ET

By David Schultz

The results are in. Donald Trump is going to be our next president, and Republicans will maintain control of both chambers of Congress.

What will this mean for environmental policy? Right now, we have more questions than answers:

Who will Trump choose to lead the Environmental Protection Agency? Will there be any shakeups in key environmental committees on Capitol Hill? And will Republicans now have the power to nullify or at least mitigate many of the Obama administration's signature environmental initiatives such as the Clean Power Plan, the Waters of the U.S. rule and the Paris climate agreement?

To tackle these questions, we tossed our usual podcast format. Bloomberg BNA political reporters Brian Dabbs and Rachel Leven join me for a special live edition of our biweekly environmental podcast, Parts Per Billion, recorded just hours after the presidential race ended early Wednesday morning. You can listen to the podcast here: https://soundcloud.com/partsperbillion/election.

For much, much more on the still-unfolding impact of last night's election for environmental policy, follow on us on Twitter. You also can read more of our reporting on politics and lots of other topics at our blog and in our publication Daily Environment Report. If you like what you hear in the podcast, sign up for a free trial.

Follow this blog for upcoming biweekly episodes of Parts Per Billion. You also can subscribe via iTunes, Stitcher, TuneIn or on SoundCloud.

Change in Yukon Government to Bring Fracking Moratorium

Posted November 09, 2016, 01:23 P.M. ET

By Jeremy Hainsworth

A government change in Canada's Yukon Territory is expected to bring a moratorium on hydraulic fracturing and support for carbon pricing in Canada's vast northwest.

The territorial Liberal Party defeated the incumbent Yukon Party Nov. 7, winning 11 of the legislative assembly's 19 seats.

The Liberals ran on a platform pledging to ban fracking in the territory and to support Prime Minister Justin Trudeau's mandate that provinces and territories adopt their own carbon price by 2018, or accept a federal carbon price.

The previous government, led by the Yukon Party, had opposed a carbon tax, and had approved fracking in the Liard Basin, which is about 2 percent of the territory, and had been preparing to expand fracking to the Eagle Plain basin.

The Liberals also pledged a return to the original Peel Watershed Regional Planning Commission plan to protect 80 percent of the sprawling Peel Watershed. The defeated Yukon Party had unilaterally changed the plan to protect only 29 percent of the land in question.

EU Restarts Clock on Dow-Dupont Probe After Demanding Info

Posted November 09, 2016, 02:58 P.M. ET

By Stephanie Bodoni

European Union merger watchdogs restarted the clock in their probe of plans by Dow Chemical Co. and DuPont Co. to create the world's biggest chemical company after taking time out to demand more details about the $59 billion tie-up.

The European Commission set a new deadline of Feb. 28, according to a website filing on Nov. 9—less than a week after saying it lacked "an important piece of information" about the deal.

Dow-DuPont, the first of a trio of mega-deals reshaping the agrochemicals industry, is embroiled in an extended probe by the EU over concerns that the combination may reduce competition for crop protection, seeds and some petrochemicals. The EU is separately examining China National Chemical Corp.'s bid for Switzerland's Syngenta AG.

"We have received the missing information and the clock has been re-started," said Ricardo Cardoso, a spokesman for the Brussels-based EU authority.

The EU move was a re-run of a previous suspension that already held up the regulator's Dow-DuPont probe by nearly a month. The extra delay led analysts at Sanford C. Bernstein & Co. to lower the probability of the deal closing from 85 percent to 75 percent.

"The suspension was a procedural matter of document production, which was complied with quickly," Dow said in a Nov. 9 e-mail. "We are continuing to work constructively with the European Commission to address their questions and to obtain clearance for the merger. We continue to expect the merger to close in the first quarter of 2017."

Dow Chief Executive Officer Andrew Liveris said last month that the merger may be delayed until February from a planned closing late this year, as European antitrust officials take more time to consider potential competition issues in pesticides and crop seeds. Liveris said the value created by the deal made the wait worthwhile.

Regulators hit the pause button on their probe on Oct. 13 and officials said last week that the clock would only restart once the data was supplied.

EU Competition Commissioner Margrethe Vestager has raised concerns that the agrochemicals industry is "quite concentrated already" and she'll ensure that farmers have affordable prices and a choice of providers. EU lawmakers and environmental campaigners have been calling on her to block Bayer AG's bid for Monsanto Co.

Regulators twice stopped the clock on their review of Halliburton Co.'s bid to buy oil-services rival Baker Hughes Inc. earlier this year, saying they needed more information from the companies. The firms abandoned the deal in May as the companies struggled to overcome antitrust concerns from the U.S., the EU and other regulators.

With assistance from Aoife White.

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European Commission's Ecodesign Criteria Set for Publication

Posted November 09, 2016, 03:32 P.M. ET

By Stephen Gardner

The European Commission will publish at the end of November a delayed ecodesign work program, under which energy use and recyclability standards are set for products that consume energy or have an impact on energy consumption, the commission told Bloomberg BNA Nov. 8.

The plan will help define binding European Union standards for six categories of product: electric kettles, hand dryers, lifts, refrigerated containers used for transportation, solar panels and automated systems that control heating, cooling and lighting in buildings.

Speaking at a seminar organized by a European Union consumer group, commission Vice President Frans Timmermans said the six groups were chosen because they were the "products with the most savings potential" and would give the "highest yield" in energy-use reductions.

Commission spokeswoman Anna-Kaisa Itkonen told Bloomberg BNA that the draft ecodesign work program will be published Nov. 30 "as part of the bigger energy package that is coming up." That package will include proposals on renewable energy and broader energy efficiency measures.

Third Work Program

The ecodesign work program will be the third the commission published under the EU Ecodesign Directive (2009/125/EC). Under previous plans, which covered 2009–2011 and 2012–2014, supplementary regulations were adopted setting energy consumption standards for 23 categories of appliances and equipment, including computers, dishwashers, heaters, refrigerators, vacuum cleaners and televisions.

The third plan should have set out the standard-setting agenda for 2015–2017, but was delayed while the commission prepared a "circular economy" strategy that was published in December 2015. The commission said in the circular economy strategy that it would include standards on repairability, durability and recyclability—as well as on energy consumption—in future ecodesign specifications.

EU ecodesign rules have been credited with significantly improving the energy efficiency of products sold on the EU market. The commission said measures taken under the Ecodesign Directive would generate by 2020 energy savings "equivalent to Italy's annual primary energy consumption."

Jack Hunter, a spokesman for Coolproducts, a platform of EU campaign groups calling for greener appliances, told Bloomberg BNA Nov. 8 that there was "not a lot to dislike" about the Ecodesign Directive and the commission should include more than six product groups in the forthcoming work program.

The assessment of product groups under the work program did not have to result in binding ecodesign standards, but also could lead to application of ecolabels to inform consumers about the least and most energy-consuming products, Hunter said.

Japan Clears More Reactors for Restart, Amid Opposition

Posted November 09, 2016, 9:39 A.M. ET

By Stephen Stapczynski and Emi Urabe

Japan's nuclear regulator cleared another pair of reactors on the southernmost island of Kyushu for restart despite a growing chorus of opponents who object to any resumption of nuclear operations.

The Nuclear Regulation Authority approved a preliminary report on Nov. 8 that says Kyushu Electric Power Co.'s Genkai No. 3 and 4 reactors meet post-Fukushima safety rules, one of the biggest hurdles an operator must clear. A 30-day comment period must be held before any final approval.

Genkai's approval is another small step for Prime Minister Shinzo Abe, who has backed a policy of restarting the nation's reactors in order to lower electricity rates, shore up the economy and boost global competitiveness. However, the looming threat of legal action and local opposition has put the fate of the entire restart process in doubt. Japan aims to have nuclear power account for as much as 22 percent of its energy mix by 2030, compared with more than a quarter before Fukushima and a little more than 1 percent now.

"This news will provide a boost for Japan's nuclear industry, but progress to restart reactors still lags behind the initial hopes of incumbent utilities," James Taverner, an energy analyst at IHS Markit Ltd., said by e-mail. "Japan's policymakers and regulators continue to have a challenge to carefully balance industry needs and public safety concerns."

Last year, Kyushu Electric restarted the No. 1 and No. 2 reactors at its Sendai station, becoming the first utility to bring a reactor back online since new safety rules were brought in following the Fukushima disaster.

Almost 51 percent of the citizens of Saga prefecture, where the Genkai plant is located, oppose its restart, while 39.3 percent approve, according to a regional newspaper poll conducted between Sept. 30 and Oct. 2. The same poll last year showed that 45.3 percent of respondents were against the restart, while 46.8 percent approved.

Restarting both units would boost net income by 12 billion yen ($117 million) a month, Naoko Iguchi, Tokyo-based spokeswoman for the utility, said by phone. The Sendai No. 1 and No. 2 reactors provided a 33 billion yen boost to net income for the six months ended Sept. 30, Masakatsu Tanaka, an official in Kyushu Electric's Tokyo office, said last month.

Local Approval Needed

The Genkai reactors, with a combined capacity of 2.36 gigawatts, are expected to restart in the fiscal year ending March 2018, the Nikkei reported last month, citing President Michiaki Uriu. The company would consider lowering power rates once four units are online, Tokyo-based Kenji Kawabata, the company's deputy regional director, said last year.

Almost all the country's reactors remain shut because of the new safety regulations and public opposition following the 2011 Fukushima disaster. Only two of Japan's 42 operable reactors are producing power commercially as of Oct. 6, when Kyushu Electric shut its Sendai No. 1 unit for maintenance.

Sendai's return to service may be delayed due to the recent election of a new governor in Kagoshima who strongly opposes its operation. Local government approval -- including endorsement from the governor—is traditionally sought by Japanese utilities before returning plants to service.

Tokyo Electric Power Co. Holdings Inc. fell the most in almost four months on Oct. 17 after Ryuichi Yoneyama was elected governor of Niigata the previous day. Yoneyama opposes Tokyo Electric's plan to restart its Kashiwazaki-Kariwa nuclear facility located in his prefecture.

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India Approves 20 New Insecticides for Manufacture, Import

Posted November 09, 2016, 12:58 P.M. ET

By Madhur Singh

India's Ministry of Agriculture and Farmers Welfare approved 20 new insecticides for manufacture, import and use in the country.

These include the broad-spectrum foliar fungicide benzovindiflupyr, sold by the Swiss agrichemicals company Syngenta; spirodiclofen, a pesticide that kills arachnids such as ticks and mites, sold by Germany-based Bayer CropScience, among others; and the fungicide fluoxastrobin also produced by Bayer CropScience.

The list also includes the highly toxic nitrobenzene used in insecticides and pesticides, although pentachloronitrobenzene, which is derived from nitrobenzene is not approved (as per the list of approved insecticides on the Central Insecticide Board and Review Committee website).

Other insecticides included in the Schedule to the Insecticides Act of 1968:

• tribasic copper sulfate used on grapes, melons and several varieties of berries, manufactured by several Indian and foreign companies (fungicide);

• pyriofenone (fungicide);

• prothioconazole (fungicide);

• copper calcium sulfate/calcium copper sulfate (fungicide);

• isofetamid (fungicide);

• oxine copper, made by numerous Indian manufacturers as a wood preservative (fungicide);

• tiadinil, a novel fungicide believed to activate a plant's own disease resistance;

• propisochlor, used on a range of food crops to control annual grasses and broad-leafed weeds (herbicide);

• trifludimoxazin (herbicide);

• fluroxypyr-meptyl (herbicide);

• broflanilide, which works against chewing pests;

• - n-methylene phosphonic chitosan, used against bacteria and fungi on standing and harvested crops;

• tefluthrin (pesticide);

• tetraniliprole (insecticide);

• meperfluthrin, used for household and public hygiene purposes to control mosquitoes, cockroaches, bedbugs and similar pests; and

• arachnid target acequinocyl used on ornamental plants and top fruit.

The approval is part of a periodic addition to the schedule that the ministry routinely carries out in consultation with the Central Insecticides Board and Registration Committee, which approves or prohibits insecticides for use on the farm, in households and for large-scale public health purposes.

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Daily Environment Report for EPA

To: ORD-ALL Feds[ORDALL_Feds@epa.gov]
From: ORD-Job-Opportunity
Sent: Wed 11/9/2016 9:27:21 PM
Subject: ORD Job Opportunity - Supervisory Budget Analyst, GS-0560-15 - ORD/OARS/BED

OARS *Information You Need to Know* ORD

The following job opportunity is being announced within the Office of Research and Development's (ORD) **Office of Administrative and Research Support (OARS), Budget Execution Division (BED)**

To view the specifics of this announcement, please click on the link below:

Merit Promotion (MP) – Internal Candidates: RTP-ORD-MP-2017-0013

Title	**Supervisory Budget Analyst**
Series/Grades Announced	GS-0560-15
Full Performance Level	15
Location(s) of the Position	Washington, DC; Durham, NC; and Cincinnati, OH;
Area of Consideration	MP- Current permanent EPA employees in ORD with competitive status and CTAP eligibles
Opening Date	Tuesday, November 08, 2016
Closing Date	**MP: Tuesday, November 29, 2016**
# of Vacancies	1

To be considered for this position, applicants must apply on-line at the USAJOBS.gov website by the closing date of the announcement and follow the vacancy announcement instructions for providing any applicable supplemental information.

Please share this announcement with anyone that you feel may be interested and meets the eligibility requirements.

Please do not respond to this email. For questions regarding this job opportunity, please contact **Tabitha J. Codrington** at (919) 541-3160 or codrington.tabitha@epa.gov.

To see a list of all job opportunities currently open within ORD visit: http://intranet.ord.epa.gov/administrative/hr/employment.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: EPA Mass Mailer
Sent: Wed 11/9/2016 9:41:21 PM
Subject: Reminder - Open Season Health Fair Tomorrow/Thursday, November 10, 2016

This year's Federal Benefits Open Season is November 14 through December 12, 2016. On **Thursday, November 10, 2016**, get to know your benefits options by participating in the *2016 Open Season Health Fair* in the Polaris Ballroom and Meridian Suite on the Concourse Level of the Ronald Reagan Building. The annual event runs from **9:30 a.m. to 2:30 p.m.** and is free and open to all federal employees.

Learn about which health benefit services are right for you and enjoy health and wellness screenings, assessments and other offerings. Benefits providers and wellness experts will be on hand to discuss health topics, as well as insurance and retirement options.

To learn more about the *2016 Open Season Health Fair*, visit the EPA Intranet.

If you have questions, contact Shuan Barbour-Swann at barbour-swann.shuan@epa.gov, or the Facilities Management & Services Division (FMSD) HQ Building Services Desk at (202) 564-2100.

To: Otto, Martha[Otto.Martha@epa.gov]
From: Grifo, Francesca
Sent: Wed 11/9/2016 9:44:23 PM
Subject: Fwd: Request For review of scientific integrity issues

Sent from my iPhone

Begin forwarded message:

From: [redacted] Ex. 6
Date: November 9, 2016 at 1:45:23 PM EST
To: "Grifo, Francesca" <Grifo.Francesca@epa.gov>
Cc: "Braverman, Carole" <braverman.carole@epa.gov>
Subject: RE: Request For review of scientific integrity issues

Francesca, have you had a chance to look at this?

Thank you,
Ex. 6

-----Original Message-----
From: Ex. 6
Sent: Tuesday, September 13, 2016 8:08 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Request For review of scientific integrity issues

Hello Francesca,

Attached is a memo and supporting documents requesting a review of several scientific integrity issues in Region 5 air monitoring.
I included the memo and supporting documents in one file, the memo itself is only 3 pages long.

I have tried as much as possible to address these issues in the region and have made no headway. [redacted] Ex. 6 [redacted]

I wanted to provide examples for more of the issues, [redacted] Ex. 6 [redacted], but that has delayed getting this memo out too long and I don't have access to all the documents. If you would like additional documentation I'll do my best to provide it.

Thank you,

Ex. 6

To: Anand Mudambi[Mudambi.Anand@epa.gov]; Bender, Michael[Bender.Michael@epa.gov]; Brewer, Beth[Brewer.Beth@epa.gov]; Brewington, Reba[Brewington.Reba@epa.gov]; Broder, Michael[Broder.Michael@epa.gov]; Cassidy, Kristin[Cassidy.Kristin@epa.gov]; Christian, Megan[Christian.Megan@epa.gov]; Clarke, Robin[Clarke.Robin@epa.gov]; Downing, Jim[Downing.Jim@epa.gov]; Fitzpatrick, Julie[Fitzpatrick.Julie@epa.gov]; Gormley, Melinda[Gormley.Melinda@epa.gov]; Greene, Mary[greene.mary@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Kleibacker, Lu-Ann[Kleibacker.Lu-Ann@epa.gov]; Martin, Lawrence[Martin.Lawrence@epa.gov]; Martinez, Barbara[Martinez.Barbara@epa.gov]; McIntosh-Kastrinsky, Rachel[McIntosh-Kastrinsky.Rachel@epa.gov]; McIntyre, Nathanael[McIntyre.Nathanael@epa.gov]; Mebane, Sheryl[Mebane.Sheryl@epa.gov]; Nagy, Julia[Nagy.Julia@epa.gov]; O'Farrell, Thomas[OFarrell.Thomas@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]; Phelps, Lara[Phelps.Lara@epa.gov]; Redfern, Amanda[Redfern.Amanda@epa.gov]; Russell, Marie[Russell.Marie@epa.gov]; Schonfeld, Toby[Schonfeld.Toby@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Susanke, Greg[Susanke.Greg@epa.gov]
Cc: Sinks, Tom[Sinks.Tom@epa.gov]
From: Sinks, Tom
Sent: Wed 11/9/2016 10:01:08 PM
Subject: continuing to move ahead

Last night the election results came as a surprise. But having experienced presidential elections for [too] many years, this was not the first time. Hanging chads and actor/governors had come before this. And, this was not the first time I've witnessed a change in administration while working within the executive branch of the government. Today I've been thinking about what it means and what to expect going forward. I've also thought about OSA and all of you.

There are several things I don't know …

Who will be the political leaders for EPA? Who will become the next Science Advisor? What will be their agenda?.

There are some things I do know. With every challenge there is opportunity. A new administration presents a new challenge for OSA.

The new leadership will not know us and will need our help to understand what we do, why we do it, and what value we bring to the public and the Agency. We have been preparing to do this and will continue to do so. Good ideas are welcome.

The transition process is the epitome of change. Change causes anxiety. We can decrease anxiety by increasing transparency and looking out for one another. Relationships matter and

supporting one another matters. One specific piece of advice to our younger members – Working for the public as a government employee or government contractor is a privilege to be embraced and encouraged – even in hard times. Keep your chins up and your attitudes positive for helping others.

Regarding transparency – here is what I know:

Transition has begun. A landing team representing the new administration has, or will, occupy space in the Clinton East building. EPA career staff have developed numerous short briefing papers on dozens of high impact issues. Briefings begin next week. No OSA specific briefings are on the agenda at this point. ORD will be present for 3 briefings by program offices on science issues ORD has been deeply involved in. The transition team will not be government employees and will not have access to the intranet. If you are contacted by the transition team directly (you should not be) please let me know so I can inform IOAA.

Thanks for all of your support this past year and I look forward to working with you on this next adventure.

Thomas Sinks, Ph.D.

Director, Office of the Science Advisor

Environmental Protection Agency

1200 Pennsylvania Ave NW

Room 41251 RRB, MC 8105 R

Washington DC, 20460

office: (202) 564-6811 mobile: (404) 226-6288

email: sinks.tom@epa.gov

To: Barone, Stan[Barone.Stan@epa.gov]
From: Grifo, Francesca
Sent: Wed 11/9/2016 10:32:11 PM
Subject: Catch Up

Hi there – So sorry I was not able to call – I was out yesterday and today went by like a flash and I moved offices. So tomorrow I will be in early afternoon? Monday? If you want to put something on our calendars – mine is up to date in Outlook. Happy to walk over and chat.

Thanks!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Grifo, Francesca
Location: FTG's office
Importance: Normal
Subject: Declined: draft language for Communications Stylebook
Start Date/Time: Wed 11/9/2016 9:00:00 PM
End Date/Time: Wed 11/9/2016 9:30:00 PM

From: Barone, Stan
Location: my office EPA East 4124A
Importance: Normal
Subject: discuss science integrity
Start Date/Time: Mon 11/14/2016 6:00:00 PM
End Date/Time: Mon 11/14/2016 6:30:00 PM

From: Grifo, Francesca
Location: my office
Importance: Normal
Subject: Accepted: discuss science integrity
Start Date/Time: Mon 11/14/2016 6:00:00 PM
End Date/Time: Mon 11/14/2016 6:30:00 PM

Great - room number?

From: Grifo, Francesca
Importance: Normal
Subject: Inauguration Day
Start Date/Time: Fri 1/20/2017 5:00:00 AM
End Date/Time: Sat 1/21/2017 5:00:00 AM

From: Barone, Stan
Location: my office EPA East 4124A
Importance: Normal
Subject: discuss science integrity
Start Date/Time: Mon 11/14/2016 6:00:00 PM
End Date/Time: Mon 11/14/2016 6:30:00 PM

To: MassMailer[massmailer@epa.gov]
From: MassMailer
Sent: Wed 11/9/2016 10:51:00 PM
Subject: Deadline for Scheduling 2016 "Use or Lose" Leave

Message from: Donna J. Vizian, Acting Assistant Administrator, Office of Administration and Resources Management

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I am writing to share important information and deadlines for scheduling “use or lose” leave for the remainder of the 2016 leave year.

Most employees may carry over to the new leave year a maximum of 240 hours of annual leave. Any “use or lose” leave not taken before the end of the leave year will be forfeited. I strongly encourage all employees to submit leave requests to their supervisor and obtain approval in writing for any leave they plan to take during the remainder of the leave year, so that forfeiture can be avoided. Here are the deadlines to keep in mind to avoid forfeiting annual leave:

- The leave year for 2016 ends at midnight on Jan. 7, 2017, and any "use or lose" annual leave not taken before Jan. 8, 2017 will be forfeited.
- The deadline for scheduling the “use or lose” leave for restoration eligibility and obtaining supervisor approval is **Nov. 26, 2016**. Under federal leave regulations, forfeited annual leave can be restored only when that annual leave was scheduled and approved in writing before the start of the third biweekly pay period prior to the end of the leave year.

There are limited circumstances under which any forfeited leave may be restored, including:

- Exigency of the public business (urgent need for the employee to be at work). Please keep in mind that supervisors have discretionary authority to disapprove or cancel previously approved leave based on organizational circumstances,
- Administrative error, or
- Emergency illness or injury of the employee.

Employees are encouraged to consider donating annual leave to the Voluntary Leave Transfer Program (VLTP) or to the Leave Bank.

- Employees who wish to donate annual leave to the Leave Bank must complete form EPA 3160-6, "Leave Bank Election Form." An employee must already be a member of the Leave Bank in order to donate annual leave to the Leave Bank.
- Employees who wish to donate annual leave to a VLTP recipient must use OPM Form 630 A, "Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program," if donating to an EPA employee; or OPM Form 630B, if donating to an employee at another federal agency. For more information, please see http://intranet.epa.gov/ohr/benefits/leavebank/.

Please direct your questions on leave scheduling and leave forfeiture to the human resources shared service center that services your organization (http://intranet.epa.gov/ssc/assignments.htm). Please direct questions regarding the VLTP or Leave Bank to your Leave Bank Coordinator.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Thur 11/10/2016 4:02:59 AM
Subject: Nov. 10 -- BNA, Inc. Daily Environment Report

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Thursday, November 10, 2016 · Number 218

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NEWS

Air Pollution
VW Accused of Concealing Emissions Cheating in Audi Gas Cars
Volkswagen AG's plot to cheat emissions tests by installing so-called defeat devices in its vehicles wasn't limited to diesel cars, but also included at least six models of Audi 3.0-liter gasoline engines, according...

Chemicals
EU Panel Closes in on Final Endocrine Disruptor Criteria
A regulatory committee of European Union country representatives could clear the way in mid-November for the European Commission to adopt criteria that will enable the legal identification of substances that disrupt the endocrine—or...

Chemicals
EU Restarts Clock on Dow-Dupont Probe After Demanding Info
European Union merger watchdogs restarted the clock in their probe of plans by Dow Chemical Co. and DuPont Co. to create the world's biggest chemical company after taking time out to demand more details about the $59 billion tie-up....

Chemicals
European Union Agency Opens Consultations on Chemicals
The European Chemicals Agency published calls for comments or evidence on proposed or potential regulatory measures that could affect companies that use chromium compounds, diarsenic trioxide, diarsenic pentaoxide or recycled rubber...

Climate Change
Ontario Offers Funding From Cap-and-Trade to Help Businesses
Ontario is offering businesses up to C$200,000 ($149,000) each from the proceeds of its cap-and-

trade program to help them buy energy-efficient equipment and initiate improvements that reduce their greenhouse gas emissions. ...

Climate Change
Trump's Victory Throws Cold Water on UN Climate Talks
Less than a year after they celebrated the Paris Agreement, climate negotiators from nearly 200 countries meeting again—this time in Marrakech, Morocco—awoke Nov. 9 to the reality of trying to wage a global fight against climate...

Climate Policy
States See Same Climate Paths After Trump Election
States already controlling greenhouse gas emissions will continue unabated despite Donald Trump's presidential victory, but his election could offer a reprieve for those states that had resisted action....

Climate Regulation
Fate of Obama's Climate Regulations Now in Trump's Hands
President Barack Obama's signature domestic effort on climate change is in significant jeopardy after the Nov. 8 victory of President-elect Donald Trump....

Congress
Big Issues, Few Changes Set for House Resources Panel
The ranks of the House Natural Resources Committee will change next year after the current members grapple with important issues in the pre-January lame-duck session of Congress....

Congress
Changes in House Transportation, Infrastructure Priorities Unlikely
Several House Transportation and Infrastructure Committee members are retiring, and the top Republican on the water resources and environment subpanel has reached his term limit. But with current Chairman Bill Shuster (R-Pa.) and ranking...

Congress
No Change Expected to Senate Energy Committee Leadership
Sen. Lisa Murkowski (R-Alaska) is set to continue her leadership of the Senate Energy and Natural Resources Committee, following Democrats' failure to win the Senate in the election....

Congress
Race for Chair of House Energy and Commerce Up in the Air
Just when you thought elections were over, there's another key contest to watch—a three-way race to run the House Energy and Commerce Committee starting in 2017....

Congress
Rare Energy Policy Window for Republicans After Election Sweep
Republicans have a rare opportunity to dictate energy and environment policy starting in 2017—if they choose to do so—following their electoral sweep. ...

Congress
Science Committee Subpoena Effort Poised for Repeat: Advocates
A newly established oversight role at the House Science Committee is likely to roll over into the 115th Congress, as Chairman Lamar Smith (R-Texas) remains at the helm for another term, industry and environmental advocates told Bloomberg...

Elections
California Sticks With Plastic Bag Ban, Legalizes Marijuana

California voters rejected the plastic bag industry's effort to repeal state legislation banning the single-use carry-out bags used by retailers, but voted down a measure to redirect a bag fee to environmental programs....

Elections
Coal Resurgent, Renewables in Retreat: Energy With Trump
If you want a snapshot of what the global energy map will look like under President Donald Trump, look no farther than the stock market....

Elections
Fierce Opponent of Climate Action to Chair Environment Panel
Republicans who nearly ran the table election night and will hold the Senate will likely bring a fierce opponent of President Barack Obama's climate agenda to head its Environment and Public Works Committee: Wyoming Republican Sen....

Elections
GOP Holds Senate Majority as Democrats' Climate Plan Crumbles
Senate Democrats will spend at least the next two years playing defense against Republican-led attacks on Obama administration environmental and climate policies after falling well short of taking the Senate majority....

Elections
Nevadans Vote for Choice in Where to Buy Their Power
Nevada voters want to choose where to buy their electricity. ...

Elections
PODCAST: Trump Won, Now What?
The results are in. Donald Trump is going to be our next president, and Republicans will maintain control of both chambers of Congress. ...

Elections
Rhode Island Voters Opt to Grow State's Green Economy
Rhode Islanders opted to invest in the state's green economy Nov. 8 as voters approved a $35 million bond measure that will provide funding for stormwater pollution prevention projects and brownfield cleanups, as well as open space...

Elections
Trump Pledge Means Cuts Ahead on Environmental Regulation
President-elect Donald Trump is expected to fulfill a key campaign promise to American industries to eliminate a wide range of environmental regulations....

Elections
Trump Win Revives Keystone Hopes, Boosts Dakota Access Outlook
Donald Trump's U.S. presidential election victory came as a positive surprise for pipeline proponents....

Elections
Voters Reject Washington Carbon Tax Proposal
Washington voters definitively rejected what would have been the nation's first direct carbon tax, according to early election returns in this vote-by-mail state....

Elections
West Virginia Coal Welcomes Jim Justice Election as Governor
The coal industry is pleased with the election of coal baron Jim Justice (D) as the new governor-

elect of West Virginia, while environmentalists oppose his pro-mining stance....

Energy
European Commission's Ecodesign Criteria Set for Publication
The European Commission will publish at the end of November a delayed ecodesign work program, under which energy use and recyclability standards are set for products that consume energy or have an impact on energy consumption, the commission...

Hazardous Waste
Cleanup of Contaminated Sites High on China's Agenda
China's Ministry of Environmental Protection signaled that cleaning up contaminated soil sites throughout the country will be one of its top agenda items next year....

Hydraulic Fracturing
Change in Yukon Government to Bring Fracking Moratorium
A government change in Canada's Yukon Territory is expected to bring a moratorium on hydraulic fracturing and support for carbon pricing in Canada's vast northwest....

International Climate
Australian Treaty Panel Supports Paris Pact; Urges Joining
A parliamentary committee recommended that Australia ratify the Paris Agreement, clearing the way for the government to sign on to the climate pact....

International Climate
Senate Republicans See Multiple Options to Target Paris Deal
President-elect Donald Trump's win Nov. 8 has Republicans mulling an array of options to dismantle U.S. participation in the Paris Agreement, any one of which could deal a devastating and perhaps mortal blow to the first truly global...

Oil & Gas
Colorado Passes Measure Making It Harder to Amend Constitution
Colorado voters approved Amendment 71, a ballot measure greatly favored by the oil and gas industry that will make it harder for citizens to amend the state constitution. ...

Oil & Gas
Energy Transfer Says It Will Keep Up Pace of Dakota Access Work
Energy Transfer Partners LP said it's not slowing construction on the controversial Dakota Access Pipeline, dismissing as a mistake the U.S. Army Corps of Engineers statement that said it would....

Oil & Gas
Trump Policies Expected to Help Oil, Gas Industry
Oil and gas industry officials welcomed the election of Donald Trump as a prelude to allowing more development of domestic fossil fuels and the rollback of some regulations....

Pesticides
India Approves 20 New Insecticides for Manufacture, Import
India's Ministry of Agriculture and Farmers Welfare approved 20 new insecticides for manufacture, import and use in the country....

Renewable Energy
Solar Win in Florida Overshadowed by Trump's Fossil Pledge
A solar power victory in the Sunshine State may be overshadowed by Republican president-elect Donald Trump's pledge to promote coal and other fossil fuels....

Renewable Energy
Trump's Win Worries Plunging Renewable Energy Sector
Donald Trump's surprise election victory is turning into a bad day for clean energy investors....

Risk Assessment
New Use Rules for 57 Chemicals, Many Nanotubes, Issued by EPA
New use rules for 57 chemicals, including many nanotubes and some perfluorinated compounds, were issued Nov. 9 by the Environmental Protection Agency....

Water Pollution
Another Water Rule Suit Punted Pending Sixth Circuit Action
Another federal district court has decided to defer to the U.S. Court of Appeals for the Sixth Circuit regarding challenges to a rule that would clarify the scope of Clean Water Act jurisdiction (Wash. Cattlemen's Ass'n v. EPA...

Water Pollution
Lawsuits May Be Moot If Water Rule Gutted, Attorneys Say
Nearly a dozen challenges to a federal rule clarifying the scope of the Clean Water Act could become moot if the Republican-controlled Congress guts the regulation altogether, attorneys told Bloomberg BNA....

Asbestos Multiple Exposure Cases: When Words Really Matter
Causation continues to be one of the most heavily litigated issues in asbestos suits, especially when more than one source of exposure to cancer-causing substances is involved. ...

REGULATORY AGENDA

Comment Deadlines

NOVEMBER 10 FEDERAL REGISTER

NOVEMBER 9 FEDERAL REGISTER

Daily Environment Report
[illegible]
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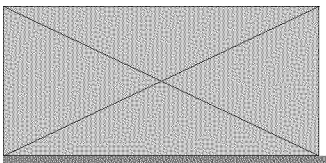
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Fri 1/20/2017 9:18:54 AM
Subject: In The Polarized Era Of Trump, BigLaw Searches For Balance



ENVIRONMENTAL

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Friday, January 20, 2017

INAUGURATION

Feature

In The Polarized Era Of Trump, BigLaw Searches For Balance

The alignment of law firms with or against the new administration in legal battles to come could open rifts among attorneys and clients. But the publicity earned for taking on a potentially unpopular case could ultimately be worth any public fallout.

Feature

The Lawyer Who Will Shape Trump's Presidency

Jones Day's Donald McGahn is stepping into the role of White House counsel, a powerful but little-understood position that has a strong history of impacting the president's authority.

News Analysis

Most Influential Judges On Trump's Supreme Court Short List

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Berkowi Oliver

A new look at the potential U.S. Supreme Court nominees' rulings reveals a ranking of judicial influence with some surprises at the top — and at the bottom.

Feature

Rolling Back Regulation In The Age Of Trump

The incoming president's plans to rein in the power of federal agencies will lead to uncertainty for lawyers and their clients as pending investigations and rulemaking are stopped in their tracks.

TOP NEWS

Brazilian Mining Co. Has Plan To Settle $47.5B Dam Claim

A Brazilian mining company and shareholders BHP Billiton Ltd. and Vale SA announced Thursday that they've agreed on a path for resolving a $47.5 billion civil claim by Brazilian federal prosecutors seeking social, environmental and economic compensation for a dam collapse that killed 19 people and devastated the countryside.

Magellan Pipeline Agrees To $18M Settlement For Oil Spills

Magellan Pipeline Co. LP agreed to an $18 million deal that will resolve charges that the company spilled more than 5,000 barrels of oil in pipeline incidents in Texas, Nebraska and Kansas, the U.S. Environmental Protection Agency said Thursday.

4th Circ. Backs Ex-Massey CEO's Conspiracy Conviction

The Fourth Circuit on Thursday upheld former Massey Energy Co. CEO Don Blankenship's conviction for conspiring to violate mine safety laws before a 2010 coal mine explosion that claimed 29 lives, finding no mistakes by the lower court to warrant a reversal.

$5B Wyo. Wind Farm Gets Thumbs Up From Interior Dept.

The U.S. Department of the Interior on Wednesday gave two key federal approvals to a $5 billion wind farm being built in Wyoming by a subsidiary of The Anschutz Corp. that is the largest proposed onshore wind project in the U.S.

EPA Defends Mercury Cost Analysis At DC Circ.

The U.S. Environmental Protection Agency has told the D.C. Circuit that the agency's U.S. Supreme Court-ordered analysis of the costs and benefits of a rule limiting mercury and other toxic emissions from coal-fired power plants reasonably interpreted ambiguous language in the Clean Air Act.

POLICY & REGULATION

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EPA Stands Firm On 2016 Biofuel Volume Obligations

The U.S. Environmental Protection Agency on Tuesday struck down a petition by petroleum refiners to have the agency lower their obligations to buy cellulosic biofuels under the agency's Renewable Fuel Standards program, saying that waiving the 2016 obligations could undermine the program.

Report On Trump's Planned DOE Cuts Takes Perry By Surprise

U.S. Secretary of Energy nominee Rick Perry pledged to back the agency's energy technology research and development efforts at his confirmation hearing Thursday but appeared in the dark about a news report that President-elect Donald J. Trump plans to make massive cuts at the department.

Calif. Leads In Executing Clean Car Tech, Study Says

California is leading the U.S. in greenhouse gas reduction and in implementing zero-emissions vehicle technologies, even surpassing the national standards put in place by the federal government, according to a report released Wednesday by the California Air Resources Board.

Pa. DEP Won't Change Rules For Drilling Through Coal Mines

Pennsylvania environmental regulators said Thursday that concerns over protecting miner safety had led them to reject proposed changes to half-century-old guidelines regarding intersections between coal extraction operations and natural gas wells.

ENFORCEMENT

Tauber Oil Co. Settles EPA Allegations For $700K

Tauber Oil Co. will pay a $700,000 civil penalty to settle claims it violated the Clean Air Act by selling an unregistered fuel additive, the U.S. Environmental Protection Agency said Wednesday.

LITIGATION

'Downwind' States Defend Cross-State Air Pollution Regs

New York and five other "downwind" states urged the D.C. Circuit on Thursday to let them help defend the U.S. Environmental Protection Agency's cross-state air pollution regulations from suits brought by upwind states and the energy industry, saying the quality of their air depends on making sure the rule isn't delayed.

Enviros, Bureau of Reclamation Settle Dam Pollution Suit

The U.S. Bureau of Reclamation has reached a settlement with an environmental group that resolves allegations the agency illegally allowed oil, grease and other pollutants to spill into

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Clyde Snow

Covingto & Burling

Cowan DeBaets

Cravath Swaine

the Columbia River from a Washington hydroelectric plant, according to documents filed Thursday in federal court.

Road-Fixing But No Gold-Digging, Judge Tells Mining Co.

A mining company that unsuccessfully tried to reopen its search for gold in a protected wilderness area nabbed a partial concession Thursday, when an Idaho federal judge allowed the company to do work on two roads outside the wilderness area.

Monsanto Can't Keep Ex-Atty Out Of Syngenta MDL

A Kansas federal magistrate judge shot down Monsanto's "implied request" to exclude its former longtime in-house attorney from serving as a witness in multidistrict litigation over Syngenta's allegedly false promotion of genetically modified corn, holding Thursday that the deposition will go forward, but the company's counsel can attend to object or advise the ex-employee.

DC Circ. Tosses, Remands Standing Rock's Injunction Appeal

The D.C. Circuit on Wednesday tossed the Standing Rock Sioux Tribe's challenge of a decision rejecting its bid to block construction on the controversial $3.8 billion Dakota Access pipeline, finding the appeal moot, but telling a lower court to consider vacating the disputed decision.

Texas Court Says Injection Well Suits Can Be Heard Statewide

A Texas appellate court on Wednesday held that courts outside of Austin have jurisdiction to block companies from developing and using injection wells, even if they have a valid permit, if an opponent claims the well would cause immediate and irreparable injury.

Travelers Can't Escape NJ Pollution Cleanup Coverage Battle

Travelers Indemnity Co. on Thursday narrowly lost its bid to slip a lawsuit over coverage for a chemical company's environmental pollution cleanup costs, as a New Jersey federal judge said that scant indirect evidence of decades-old policies coupled with expert testimony are "barely sufficient" to keep the case alive.

Tribal Group Asks 9th Circ. To Undo Gov't Highway Win

The Gila River Indian Community on Wednesday filed an opening brief with the Ninth Circuit asking the appeals court to overturn a ruling that federal and state agencies took no shortcuts on environmental reviews when approving a Phoenix-area highway project, alleging the agencies violated the National Environmental Policy Act.

Calif. Tribes Press To Block Feds' Control Of Water Project

Two California tribes again urged a federal judge Wednesday to halt the U.S. Bureau of Reclamation's operation of an irrigation project, saying that allowing the agency to maintain control could cause irreparable harm to salmon that are vital to the tribes.

PEOPLE

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Environmental Group Of The Year: Squire Patton Boggs

Helping Murray Energy Co. secure a stay from the U.S. Supreme Court to the U.S. Environmental Protection Agency's Clean Power Plan underscores Squire Patton Boggs LLP's ability to pursue precedent-setting environmental litigation, which helped earn the firm a spot among Law360's Practice Groups of the Year.

Stone Pigman Comes To Houston, Adds 5 Cogan Energy Attys

Louisiana-based Stone Pigman Walther Wittmann LLC announced Wednesday that it has merged with Houston-based commercial transactions and energy boutique firm Cogan & Partners LLP, expanding Stone Pigman's energy and industrial practices and establishing its Houston presence.

EXPERT ANALYSIS

Trump's EPA: Be Careful What You Wish For

Trying to prognosticate what President-elect Donald Trump will do is very difficult. But assuming he does seek to implement change at the U.S. Environmental Protection Agency, if it's perceived as backing off of environmental enforcement, private parties will step in and cases will likely be even more expensive, more problematic and more unreasonable than those brought by the EPA and the states, says Mitchell Klein of Snell & Wilmer LLP.

A Look At The Next 4 Years In Indian Affairs

The three previous Republican administrations can be characterized by negative views about federal public lands and federal trust responsibility to Indians and tribes. If more of the same can be expected from the new administration, Indian tribes will have to play defense against federal interventions in their affairs, says Matthew Fletcher of Michigan State University College of Law.

Attracting And Retaining The Millennial Lawyer

Instead of trying to change the new workforce to follow a law firm's existing processes and procedures, perhaps it's time for firms to start changing their processes and procedures to better accommodate the mentality of this next generation of lawyers, says Christopher Imperiale, a law firm adviser with Berdon LLP.

LEGAL INDUSTRY

Dentons Apologizes to Client CNN For Story Retraction Ask

Dentons US LLP sent a letter of apology Thursday to CNN for requesting a story retraction on behalf of the Trump administration's proposed health secretary, noting that the law firm also represents the media network.

DLA's 2005 Benefits Plan 'Galactically Stupid,' Judge Says

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Cravath Swaine

A California federal judge drilled DLA Piper on its 2005 employee benefits plan that's at the center of a former associate's disability lawsuit, saying during a hearing Thursday on DLA's motion to end the suit that the fact the plan didn't account for associate attorneys was "galactically stupid."

Jones Day Atty Leaves Firm For Possible Gig At SG's Office

A Jones Day partner revealed somewhat furtively on Wednesday that he is leaving the firm, setting off rumors that the conservative legal star will be named to a top position in the U.S. Solicitor General's office by the incoming Trump administration.

Cybersecurity, Cross-Border Data Weigh Heavily On GCs

Corporate counsel participate more frequently in company cybersecurity efforts and are increasingly challenged by the interplay of international privacy and security laws in cross-border e-discovery, according to a survey published Wednesday.

When A Startup Needs A Lawyer The Most

It can be hard for lawyers to get a foot in a startup's door, partly because the company may not yet have the resources to recruit counsel. Here's how you can adjust to accommodate entrepreneurs' needs and help them through three potential legal minefields.

Law360's Weekly Verdict: Legal Lions & Lambs

Cleary Gottlieb Steen & Hamilton LLP has snagged the title of this week's top legal lion for its work advising eye glass maker Essilor on a newly inked $49 billion merger with the owner of Ray-Ban while King & Wood Mallesons LLP found its way onto the legal lambs list after the law firm's financial woes forced it to file for administration.

'Antiquated' NY Law Harms Legal Profession, ACC Says

An "antiquated" and "protectionist" New York law that requires attorneys practicing in-state to maintain offices there prevents clients from hiring the attorneys of their choice and conflicts with the global, interstate nature of law practice today, according to an Association of Corporate Counsel brief submitted Wednesday to the U.S. Supreme Court.

IP Firm Niro Law To Dissolve After Founder's Death

Niro Law Ltd., the Chicago-based IP boutique founded by noted patent litigator Raymond Niro, is in the process of dissolving, while a small group of partners prepare to launch a new firm and break away from the model of representing nonpracticing entities that became synonymous with Niro Law.

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Wildlife
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Food
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GOVERNMENT AGENCIES
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U.S. Department of the Interior

U.S. Senate

Army Corps of Engineers

Bureau of Reclamation

Federal Election Commission

Fish and Wildlife Service

New York Attorney General's Office

U.S. Department of Energy

Arizona Department of Transportation

Bureau of Land Management

California Environmental Protection Agency

Centers for Medicare & Medicaid Services

Central Intelligence Agency

Cheyenne River Sioux Tribe

Consumer Financial Protection Bureau

Executive Office of the President

Federal Bureau of Investigation

Federal Highway Administration

Federal Reserve System

Federal Trade Commission

Financial Stability Oversight Council

Food and Drug Administration

Gila River Indian Community

Government Accountability Office

Hoopa Valley Tribe

National Labor Relations Board

National Marine Fisheries Service

Securities and Exchange Commission

Social Security Administration

Standing Rock Sioux Tribe

U.S. Army

U.S. Attorney's Office

U.S. Census Bureau

U.S. Department of Education

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U.S. Department of Transportation

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Fri 1/20/2017 12:15:41 PM
Subject: The Morning Headlines from InsideEPA.com -- January 20, 2017

The critical environmental policy-making news you need as you begin your day

January 20, 2017

Latest News

Supreme Court Deference Case Poses Threat To CWA Jurisdiction Suits

A conservative legal group is urging the Supreme Court to use a pending case testing agencies' deference as a vehicle for significantly narrowing deference, which it says could help prevent EPA and the Army Corps of Engineers' Clean Water Act (CWA) jurisdictional findings getting mere “rubber stamps” of approval from courts.

EPA Defends Revised Utility MACT Cost Finding From Industry's Criticisms

EPA in a new legal brief is defending its revised cost assessment for its contested utility air toxics rule from the power sector's attacks, defending its freedom under the Clean Air Act to determine whether the costs are reasonable from industry's criticisms that the assessment has major flaws including relying on “co-benefit” emissions cuts.

Departing EPA Research Chief Optimistic On Future Of IRIS, CompTox

EPA's departing research chief Tom Burke is optimistic about the future of the agency's research program, its collaboration with other agency programs, including the toxics office responsible for implementing the new Toxic Substances Control Act (TSCA) and even the controversial Integrated Risk Information System (IRIS) program.

EPA Clarifies Duty For 'Upfront' CBI Substantiation Under Revised TSCA

EPA is clarifying when companies must substantiate confidential business information (CBI) claims under the revised Toxic Substances Control Act (TSCA) by saying the substantiation is due “upfront” at the time the information claimed as CBI is submitted, after industry expressed confusion about how the agency is applying the new CBI requirements.

EPA Issues ESA Pesticide Reviews But Postpones Major Process Updates

EPA has finalized the first risk assessments using a new federal process for weighing pesticides' risks to endangered species, adjusting certain modeling and species ranges in response to public input but postponing broader changes to the process

until reviews of other pesticides, noting pressing legal deadlines.

Pruitt Seeks To Blunt Democrats' Climate Concern But Offers Vague Pledges

EPA Administrator nominee Scott Pruitt during his Senate confirmation hearing moved to blunt Democrats' concerns over his prior opposition to greenhouse gas controls -- declaring climate change is not a hoax and acknowledging the agency's landmark GHG risk finding as the “law of the land” -- but his vague statements on the issue preserve possible new limits on the agency's GHG activities.

EPA Sets PCB, Transparency Mandates In New CWA Construction Permit

EPA's final Clean Water Act (CWA) general permit for stormwater runoff from construction sites adds new transparency mandates for facilities' compliance plans and sets additional requirements to combat contamination from polychlorinated biphenyls (PCBs), but drops a proposal that would have tightened inspection deadlines on many sites.

CARB Vows To Retain Vehicle GHG Limits In Face Of Planned Trump Review

California air board officials are proposing to retain the state's current greenhouse gas tailpipe standards for model year (MY) 2022-25 vehicles -- in line with existing national rules and EPA's recent final mid-term review determination -- even if the incoming Trump administration seeks to soften the rules amid a pledged review of the recent determination.

EPA Opposes Petition To Force Update Of Lead Dust, Soil Hazard Levels

EPA is opposing a petition by environmental groups that seeks a federal appellate court order to force the agency to update its lead hazard standards for dust and soil, which advocates and Democrats have long contended are too lax and expose children to potential lead poisoning.

Daily Feed

Fuels: EPA launches rulemaking to streamline fuels regulations

EPA's 'Action Initiation List' says the agency plans to issue the fuels proposal within 12 months.

Quote-unquote: focus on the next EPA

Trump nominees on climate change, energy and more.

Budget: Trump said to eye 'deep cuts' for environment programs

The Trump transition is eying major cuts to environmental, climate and other EPA programs.

Water: 10th Circuit stays suit over CWA jurisdiction rule

The court's decision puts litigation over the contested water rule on hold until the Supreme Court issues a ruling in the dispute over lawsuit venues.

Transition: Trump team's plan to scrub EPA's climate measures

Another look at the Trump transition team's plan to scrub reams of climate data from EPA's website.

Toxics: EPA plans meeting on first 10 TSCA chemical risk reviews

Input at the upcoming meeting will help guide EPA as it launches assessments of asbestos and nine other substances.

Ewire: A daily news roundup

Complete coverage of the Pruitt confirmation hearing. Plus: Pruitt's plans for air toxics and ozone and Rick Perry's "learning curve" at DOE.

Read all the latest EPA news, analysis and documents →

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Fri 1/20/2017 12:52:42 PM
Subject: January 20 -- Energywire is ready

Read today's Energywire on the web

AN E&E NEWS PUBLICATION

ENERGYWIRE — Fri., January 20, 2017

READ FULL EDITION

1.POLITICS:

On Inauguration Day, Trump's energy agenda starts to unfold

A cavalcade of limousines and marchers is ready to usher Donald Trump to 1600 Pennsylvania Ave. this afternoon as the 45th president, in a highly secured procession where every minute detail has been scoped and scripted. But the currents of energy and economic actions that will follow Trump's inauguration won't resemble today's clockwork plans, based on the new president's guerilla campaign tactics and the unpredictability of energy markets and politics, policy analysts say.

2.PUBLIC LANDS:

7 states with the most at stake on development

Change is coming to America's Western landscape as incoming President Trump seeks to reverse eight years of Obama administration land preservation policy. Some of the most dramatic changes could come in seven Western states that have been the focus of contentious preservation battles.

TOP STORIES

3.TRANSITION:

Perry recants on abolishing DOE, ponders climate action

4.REGULATION:

DOT rule probes value of 'real-time' oil train data

OIL AND GAS

5.ALASKA:

Governor warns of 'gravest fiscal crisis in state history'

6.DISCLOSURE:

Lawsuit challenges Mont. rule on fracking chemicals

7.OIL MARKETS:

OPEC chief applauds momentum of deal to cut production

ELECTRICITY

8.PEOPLE:

TVA taps new chairwoman

9.TECHNOLOGY:

How green are your consumer choices?

10.ELECTRICITY:

New Orleans residents speak out against proposed power plant

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Fri 1/20/2017 1:25:49 PM
Subject: Morning Consult Energy: Court Requires Former Massey Energy CEO to Serve Out Sentence

By Jack Fitzpatrick

Washington Brief

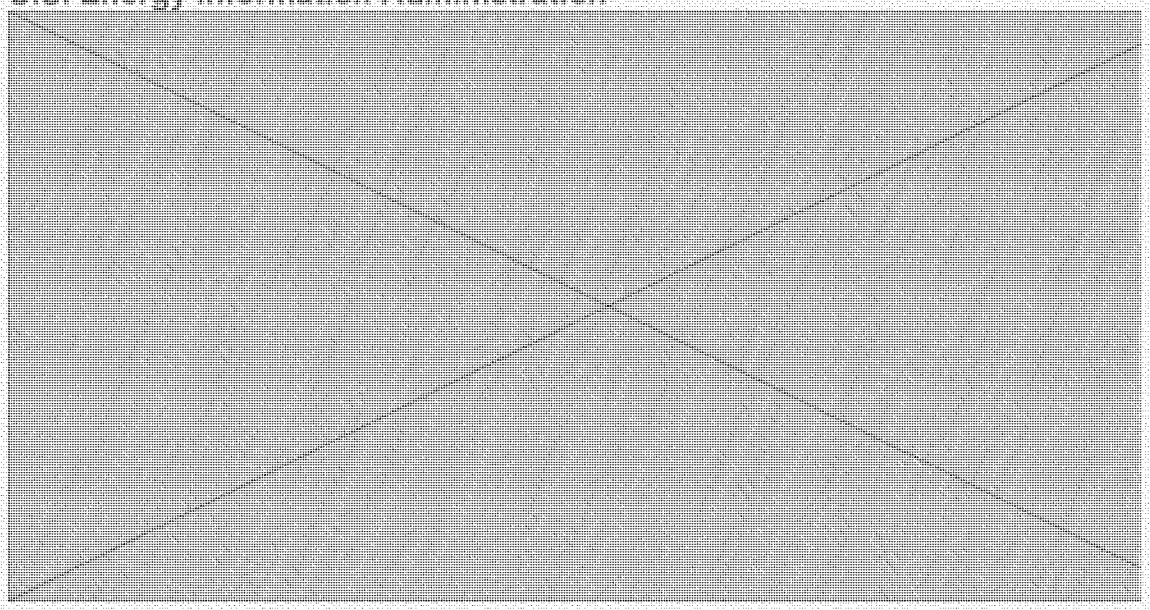
- Donald Trump takes the oath of office to become the nation's 45th president just before noon today.
- Rick Perry said he regretted his 2012 presidential campaign promise to eliminate the Department of Energy. (NBC News)
- Sen. Lindsey Graham (R-S.C.) said he will vote to confirm Scott Pruitt as administrator of the Environmental Protection Agency. (The Hill)
- A federal appeals court reinstated a 2008 Environmental Protection Agency rule, which had been blocked in a lawsuit brought by environmentalists. The rule waived the need for a Clean Water Act permit for water transferred from one body to another. (Greenwire)

Business Brief

- A federal appeals panel said former Massey Energy CEO Don Blankenship will have to serve the rest of his one-year sentence on a misdemeanor conspiracy charge after a 2010 explosion killed 29 workers. (WV MetroNews)
- Republicans are hopeful President-elect Donald Trump will support drilling in the Arctic National Wildlife Refuge in Alaska, but no one knows exactly how much oil is there, or how much oil producers would care about it as they produce cheaper oil elsewhere. (Bloomberg News)
- An International Energy Agency report indicated the global oversupply of oil is easing, leading prices to rise on Thursday. (The Wall Street Journal)

Chart Review

Power sector carbon dioxide emissions fall below transportation sector emissions
U.S. Energy Information Administration



Events Calendar (All Times Local)

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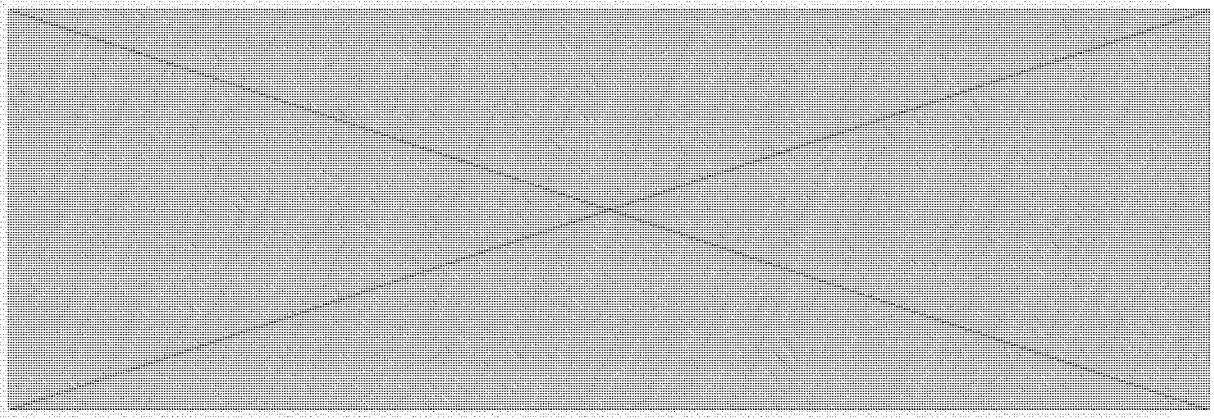
Inauguration Day



General

Energy Department Sec. Nomin[illegible]y: 'I Regret' Calls to Nix Agency
Emma Margolin, NBC News

Gov. Rick Perry told lawmakers Thursday that he regretted calling for the elimination of the Department of Energy, an agency he once famously forgot on a presidential debate stage and that he is now set to oversee if confirmed as its secretary. "My past statements made over five years ago about abolishing the Department of Energy do not reflect my current thinking," said Perry in his opening remarks before the Senate Committee on Energy and Natural Resources.

Graham to vote for Trump's EPA
Timothy Cama, The Hill

Sen. Lindsey Graham (R-S.C.) said he'll vote to confirm President-elect Donald Trump's pick to lead the Environmental Protection Agency (EPA). Graham's decision to support Scott Pruitt, announced Thursday in a Facebook video, came despite Graham's place as one of a handful of GOP senators to support policies to fight climate change.

Court revives Bush-era 'transfe[illegible]rprise win for EPA
Jeremy P. Jacobs, Greenwire

A federal appeals court yesterday reinstated U.S. EPA's controversial "water transfers" rule, reversing a lower court ruling that struck down the George W. Bush-era regulation. EPA in 2008 formalized its long-standing position that water transferred from one body of water to another via a canal, channel or pumping station did not require a Clean Water Act discharge permit as long as there wasn't an industrial, municipal or commercial use along the way.

Perry 'can't answer' whether Tru[illegible]OE cuts
Timothy Cama, The Hill

Energy Secretary nominee Rick Perry wouldn't say Thursday whether President-elect Donald Trump is planning large cuts to the Department of Energy (DOE). Two Democratic members of the Senate Energy and Natural Resources Committee asked Perry at his confirmation hearing to confirm a report that morning in The Hill regarding cuts to physics, computing, energy efficiency, fossil energy and more at DOE.

Trump transition members saw [illegible]IA suits
Kevin Bogardus, Greenwire

Members of President-elect Donald Trump's transition team critical of U.S. EPA

have also been successful litigants against the agency, winning thousands of dollars in legal expenses. An E&E News review of court records and EPA data show that Christopher Horner and David Schnare - both members of Trump's EPA landing team - have helped win substantial funds off the agency from at least a half-dozen lawsuits.

U.S. Futures, Dollar Advance Be Sworn In
Natasha Doff and Adam Haigh, News

U.S. futures climbed with the dollar and Treasuries fell as investors await the start of Donald Trump's presidency. The Stoxx Europe 600 Index was poised for its worst week since early December while the pound slid after a report showed U.K. retail sales fell at the fastest pace in almost five years last month.

Oil and Natural Gas

Big Oil May Finally Get to Drill i But Is It Worth It?
Alex Nussbaum, Bloomberg Ne

Far above the Arctic Circle, one of the longest-running controversies in U.S. oil drilling is about to reignite. Bouyed by Donald Trump's election, Republicans are pushing to allow oil exploration in the Arctic National Wildlife Refuge, the frigid wilderness in northern Alaska that's been a political battleground for drillers and conservationists for decades.

Oil Settles Higher After IEA Say s on Track
Timothy Puko, The Wall Street J

Oil prices rose Thursday after the International Energy Agency's monthly report suggested global oversupply is easing. The Paris-based IEA said production from the Organization of the Petroleum Exporting Countries was falling and inventories in big consumer countries have been draining.

Mexico gas pipeline flaw impede rom US
Argus Media

An apparent flaw in one of Mexico´s new natural gas pipelines is partially impeding imports from the US and buttressing the role of LNG in the Mexican market. The 291km Los Ramones Phase 2 South gas pipeline, designed to supply central Mexico, is operating significantly below its nameplate capacity of 1.4bn ft3/d because of an apparent design defect, an industry official with technical expertise tells Argus.

Potter Township Green Lights S[redacted]ne Cracker
Reid Frazier, The Allegheny Fro[redacted]

Shell moved another step closer toward building its massive chemical plant near Pittsburgh Wednesday night. Supervisors in Potter Township approved the company's conditional use permit to build an ethane cracker on the site of a former zinc smelter.

Utilities and Infrastructure

Energy bills have 'no reason' to [redacted]fgem
Nathalie Thomas, Financial Tim[redacted]

There is no "obvious" reason why household energy bills should climb in the coming months, Britain's energy regulator said, despite recent rises in wholesale gas and electricity prices. Ofgem said most of the big suppliers buy energy for households that are on standard fuel tariffs well in advance - sometimes more than two years ahead - and are therefore protected against the price rise.

LG&E power plants slash toxic-[redacted]
James Bruggers, Louisville Cou[redacted]l

Louisville's two largest power plants have dramatically cut air pollution through tighter smokestack controls at one site and converting another from coal-powered to natural gas, according to the latest numbers from the U.S. Environmental Protection Agency and local air officials. The pollution reductions follow enforcement of the Clean Air Act during the eight years of the Obama administration.

Renewables

India May Be a Bright Spot for G[redacted] Markets This Year
Anindya Upadhyay, Bloomberg [redacted]

India may be a bright spot for global solar markets this year as it adds capacity at a record pace, becoming one of the top regions for panel producers struggling with rock-bottom prices. India is expected to add nearly twice as much new solar as last year, outpacing once-booming Japan, according to

forecasts by Bloomberg New Energy Finance.

Hawaii considers 100 percent re[illegible]ergy goal for transportation
CBS News

Hawaii has the most aggressive renewable energy targets in the nation, aiming for its utilities to get 100 percent of their electricity from renewable sources by 2045. Now advocates want to extend that goal to the transportation sector to urge all forms of ground transportation to fuel up using renewable sources by 2045.

Kenya's Lake Turkana wind pow[illegible]readying for production by end June
George Obulutsa, Reuters

Africa's biggest wind power scheme, the Lake Turkana Wind Power project in Kenya, should be fully connected to the national electricity grid and producing power by the end of June, a director at the consortium building the project said on Wednesday. The scheme had faced a series of setbacks, mostly due to problems securing financing which delayed construction.

Ross Solar Group acquired by C[illegible]Solutions
Chris Bosak, CT Post

Ross Solar Group, a local company that jumped into the renewable energy business early in the game has been acquired by ConEdison Solutions, the companies announced Thursday. Ross Solar Group, founded in 2007 in Danbury, installs solar systems for residential, commercial and municipal customers throughout the region.

2016 shines as Wisconsin's bric[illegible]for solar
Thomas Content, Milwaukee Jou[illegible]el

Buoyed by a major investment in solar by Dairyland Power Cooperative, other utilities and Target Stores Inc. as well as projects around the state, Wisconsin solar industry saw its most active year of development, new data show. Across the state, which had 25 megawatts of solar power installed at the start of the year, projects exceeding 30 megawatts started construction last year.

Coal

Don Blankenship must serve re[illegible]ar sentence after federal

appeals court ruling
Brad McElhinny, WV MetroNews

Former Massey Energy CEO Don Blankenship, who was sentenced to one year in prison on a misdemeanor conspiracy charge after the 2010 explosion at the Upper Big Branch mine killed 29 workers, must serve out the remaining months of his sentence. That's because a federal appeals panel upheld the conviction handed down in U.S. District Court in 2015.

Holiday on ice as coal mines ge to beat Beijing curbs
Meng Meng and Josephine Mas

Chinese coal miners are so determined to cash in on a window of high prices that many are slashing holiday leave for workers and raising pay through the Lunar New Year celebrations before government introduces limits on output again. Prices in China, the world's biggest coal user, have slipped back 16 percent from their two-year peak of 610 yuan ($88.83) per tonne two months ago, but they are still profitably high after a couple of barren years for miners.

Nuclear

Perry vows solution to Yucca M passe
John Siciliano, Washington Exa

President-elect Trump's nominee to lead the Energy Department told a Senate committee Thursday that he is committed to finding a solution to the fight over whether to use Yucca Mountain as a nuclear waste dump, and said he would look at alternative sites that are "outside of what we have historically looked at before." Former Republican Texas Gov. Rick Perry addressed Yucca Mountain at his first confirmation hearing held one day before Trump is sworn in as the 45th president.

Former Adviser: Perry Understa Role, Underestimated Nuclear Challenges
Jack Fitzpatrick, Morning Consu

Rick Perry, selected by President-elect Donald Trump to run the Department of Energy, understood the responsibilities of the job when he was picked, but he did not understand the severity of the challenges the department faces on nuclear infrastructure, a former transition team member told Morning Consult on Thursday. Mike McKenna, an energy lobbyist who led Trump's DOE transition team until November 2016 and advised Perry during his 2016 presidential campaign, sought to clarify Perry's understanding of the job after

The New York Times reported on Wednesday that Perry "misunderstood" its responsibilities.

Climate

Climate change will hurt crops r helps them, study suggests
Chelsea Harvey, The Washingto

Out of the many consequences of climate change, from melting glaciers to changing weather patterns, its effect on agriculture has emerged as one of the most complex issues for scientists to investigate. It's also among the most globally significant.

Al Gore's 'An Inconvenient Seq es to Standing Ovation at Sundance
James Rainey, Variety

"An Inconvenient Sequel: Truth to Power" kicked off the 2017 Sundance Film Festival Thursday night, bringing a strongly positive response from an audience of 1,200 at the Eccles Center Theater. Though Al Gore announced in "An Inconvenient Sequel" that he is a recovered politician, the audience at the Sundance Film Festival reacted to the follow-up to 2006's "Inconvenient Truth" like they wish he would get back in the game.

Wisconsin state agencies are de of human-caused climate change from their websites
Chelsea Harvey, The Washingto

Information on the science of human-caused climate change has begun to disappear from Wisconsin state government websites. According to local news reports, both the Wisconsin Department of Natural Resources and the Public Service Commission have either altered or removed web pages devoted to global warming in recent months. And some of these changes suggest the existence of a scientific debate about the causes of climate change.

Opinions, Editorials and Perspectives

There's a revolution happening y. Utilities need to keep up.
David Roberts, Vox

Electric utilities increasingly find themselves at war with their own customers. Homeowners and commercial building owners have all sorts of new choices for how to generate, store, and manage their own electricity - solar panels, home batteries, electric vehicles, smart thermostats and appliances, and more gizmos coming along every day.

Research Reports

Regional and global sea-surface [illegible]res during the last interglaciation
James S. Hoffman, et al., Scienc[illegible]

Understanding how warm intervals affected sea level in the past is vital for projecting how human activities will affect it in the future. Hoffman et al. compiled estimates of sea surface temperatures during the last interglacial period, which lasted from about 129,000 to 116,000 years ago.

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AN E&E NEWS PUBLICATION

CLIMATEWIRE — Fri., January 20, 2017

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1.POLITICS:

Obama's climate legacy: 8 years of troubles and triumphs

Many consider President Obama, with his stated commitment to climate action, the first U.S. leader to elevate climate change to the upper ranks of national policy. Over the last eight years, U.S. greenhouse gas emissions have dropped 9 percent, according to the White House, and policies are in place to make deeper cuts in the power and transportation sectors. But for all the credit that Obama gets, he has critics, too.

TOP STORIES

2.DOE:

Dancing with the Senate, Perry glides around climate questions

3.MONTANA:

Colstrip operators contemplate early shutdown

TRUMP TRANSITION

4.STATE DEPARTMENT:

Democrats to oppose Tillerson nomination on climate grounds

5.EPA:

Scientists are 'soul-searching' with Pruitt poised to lead

6.TRANSITION:

Obama climate team tweets, Instagrams its farewells

STATES

7.CITIES:

U.S. mayors to Trump on climate: 'Don't get in our way'

8.AGRICULTURE:

U.S. crop harvests to 'suffer' with climate change

9.HAWAII:

Bill aims for 100% renewable transportation by 2045

10.ELECTRIC VEHICLES:

Utah plans for larger charging station network

11.WISCONSIN:

Solar power activity skyrocketed in 2016

INTERNATIONAL

12.POLLUTION:

Beijing investing billions to clean its air

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stay abreast of this sprawling, complex issue.

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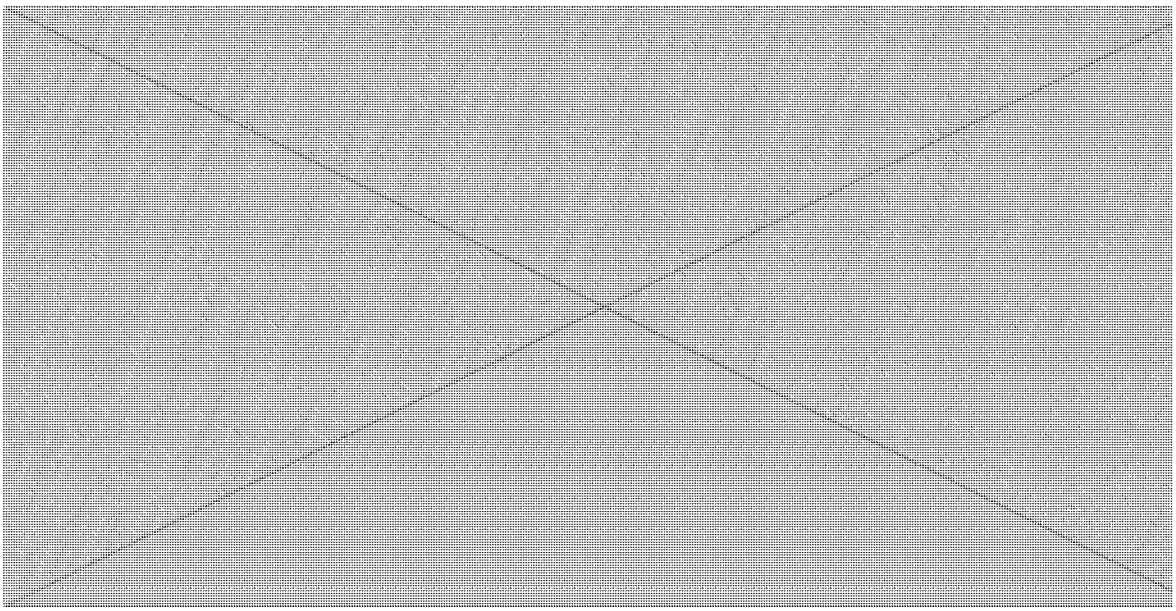

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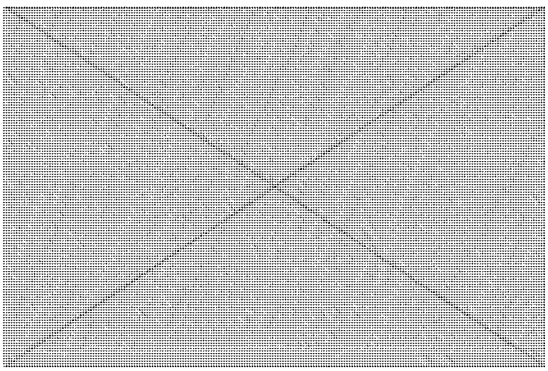

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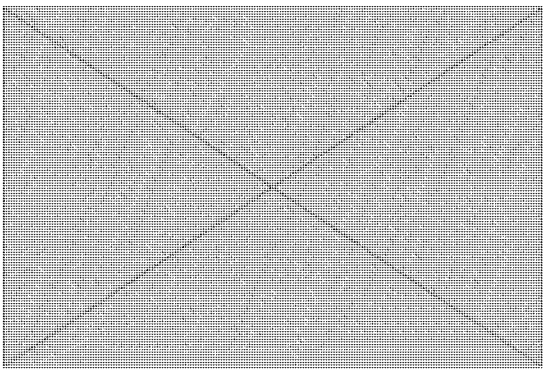

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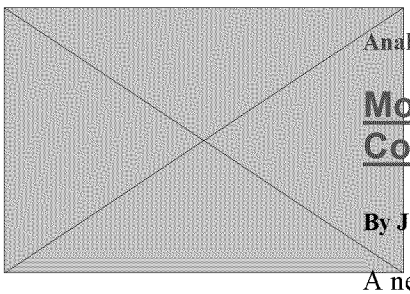

Analysis

Most Influential Judges On Trump's Supreme Court Short List

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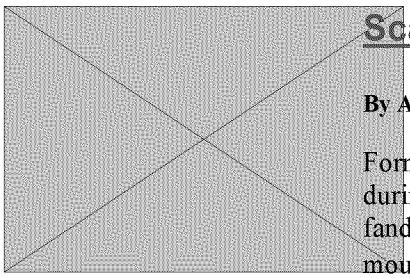
Sidebar

Gregory Garre On Chicago Sports And



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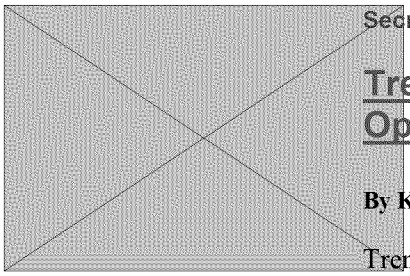

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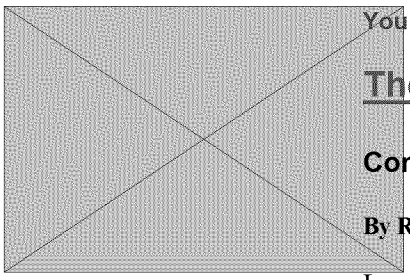

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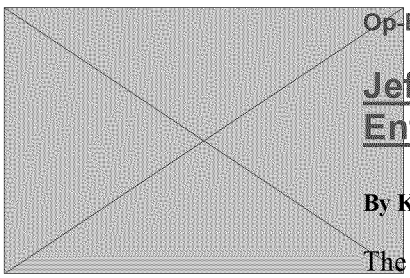

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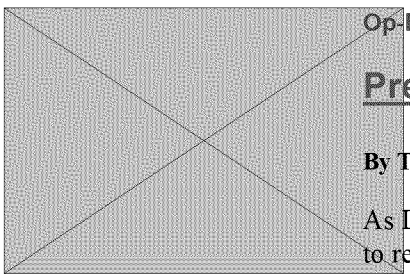

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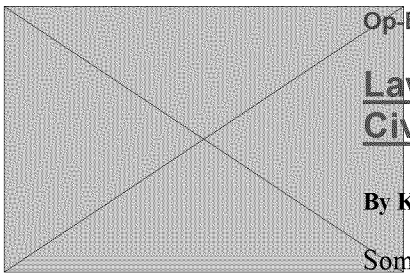

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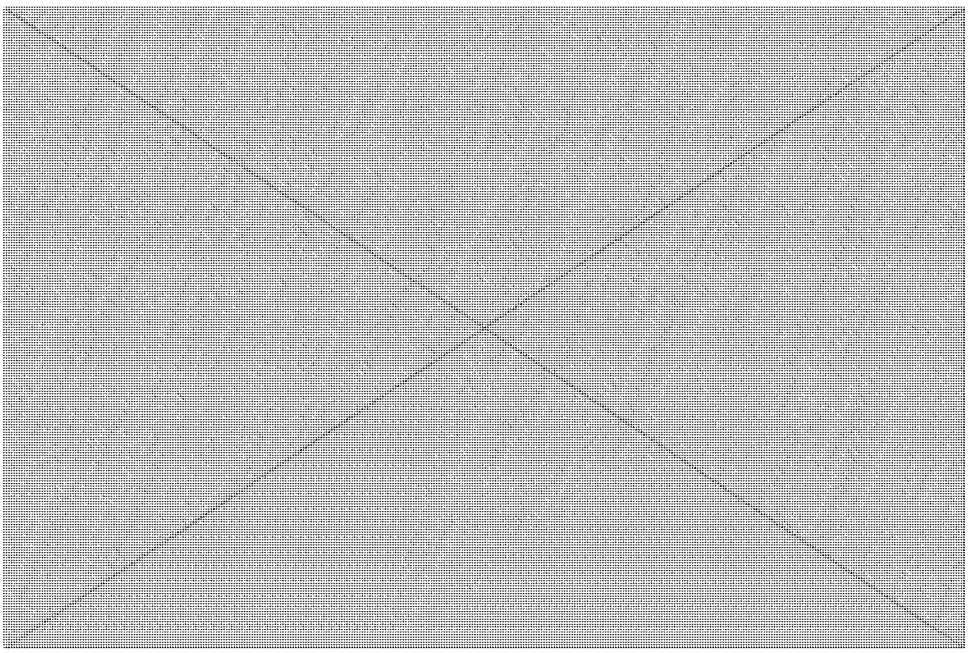

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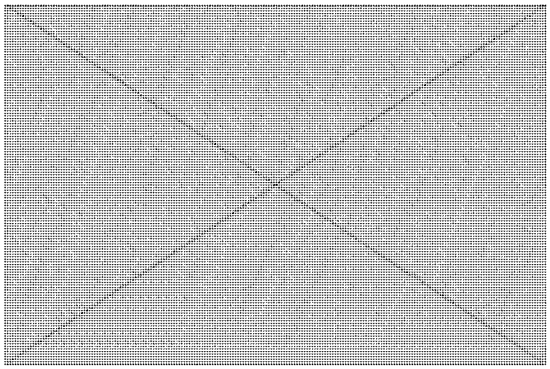
Feature 

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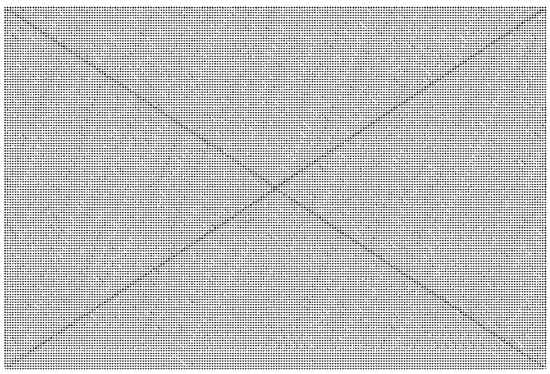
Feature 

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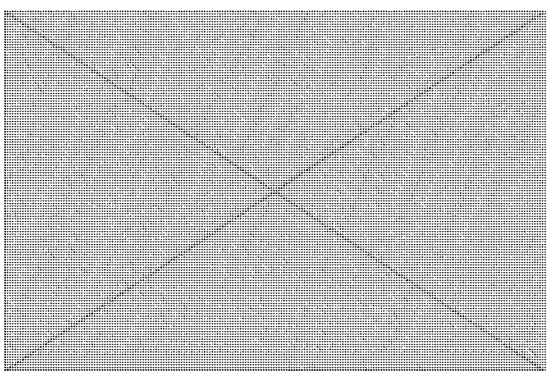
Analysis 

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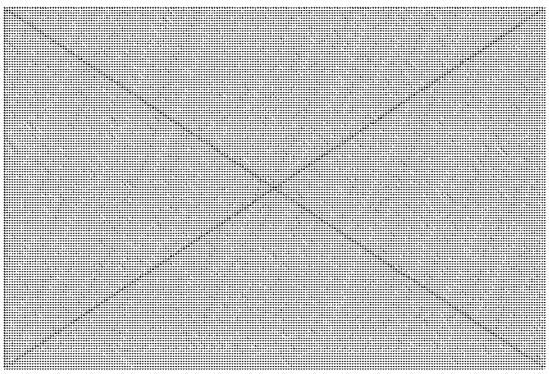

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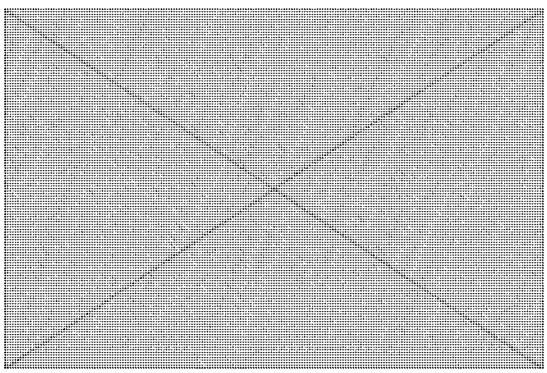

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GREENWIRE — Fri., January 20, 2017

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Trump takes reins, lays out energy plan

President Trump painted a grim portrait of the United States today during his inaugural speech as he pledged to "start winning again" and insisted, "I will never, ever let you down."

TOP STORIES

2.CLIMATE:

Dusting for Trump fingerprints on agency websites

3.MISSISSIPPI RIVER:

Exiting Obama hamstrings hot-button flood project

4.TRANSMISSION:

BLM approves massive project's route despite Idaho objections

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5.WHITE HOUSE:

Obama's farewell: 'You made me a better man'

6.CONGRESS:

Senate Democrats somberly attend inauguration

7.ADVOCACY:

Climate activists block inaugural gate for hours

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8.LAW:

Clean Water Act guru, WOTUS defender retiring

9.RENEWABLE ENERGY:

Trump Treasury pick backs wind credit — for now

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10.Q&A:

Clinton confidante Granholm isn't moving to Canada

11.FORESTRY:

Pruitt 'very concerned' about sustainable lumber policy

12.CLIMATE:

Gore pushes action at Sundance documentary premiere

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13.FISH AND WILDLIFE:

Ashe goes to zoo, aquarium group; Kurth named acting chief

14.COAL:

Pizarchik laments 'pure propaganda' against Obama regs

15.BLM:

Kornze urges staff to keep engaged despite 'pendulum' swings

16.NATIONAL MONUMENTS:

Battle over Ore. lands winds down, for now

17.WILDLIFE:

Conservation groups sue feds over farming in waterfowl refuge

18.WILDLIFE:
Circus shutdown raises concern for animals' future
19.SCIENCE:
Researchers enter dome to simulate living on Mars
20.OBITUARY:
Woman who battled river development dies at 94

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21.AIR POLLUTION:
EPA offers 2-pronged legal attack on MACT rule critics
22.YELLOWSTONE:
Jail time, fines for pranksters who trespassed on hot spring
23.WILDLIFE:
Forest Service, Idaho illegally collected environmental data
24.WATER POLLUTION:
Reclamation settles over Columbia River oil discharges
25.PUBLIC LANDS:
Man admits making meth after BLM rangers find waste

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26.PIPELINES:
PHMSA rules to speed up spill-response time

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27.EPA:
Deputy looks to next generation of environmental leaders
28.EPA:
Exiting enforcement chief defends 'new generation' strategy

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29.AIR POLLUTION:
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30.COLORADO RIVER:
Ariz. cities could face severe cuts without deal — report
31.GULF OF MEXICO:
Feds attempt to stem leaking La. pipeline

CHEMICALS

32.CHEMICALS:
EPA limits companies' ability to keep trade secrets
33.CHEMICALS:
Legacy of pesticide testing taints Apache reservation

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34.OREGON:
Study finds gaps in DEQ transparency
35.TEXAS:
San Antonio joins endangered species habitat plan

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36.ITALY:
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Trump Vows to Put 'Only America First' in Inaugural Speech

Posted January 20, 2017, 01:38 P.M. ET

By Cheryl Bolen

Newly sworn-in President Donald Trump in his 16-minute inaugural address took a nationalist tone, pledging to put America first to make the country strong, wealthy, safe and great again.

"From this day forward, a new vision will govern our land," Trump said. "From this day forward, it's going to be only America first."

U.S. citizens are now joined in a great national effort to rebuild the country and restore its promise for all its people, Trump said.

"Together, we will determine the course of America and the world for many, many years to come," he said from the steps of the Capitol building.

Bringing Money Home

For many decades, the U.S. has enriched foreign industry at the expense of American industry, Trump said. "And spent trillions and trillions of dollars overseas while America's infrastructure has fallen into disrepair and decay," he said.

The U.S. has made other countries rich while the wealth, strength and confidence of this country has dissipated over the horizon, Trump said.

"One by one, the factories shuttered and left our shores, with not even a thought about the millions and millions of American workers that were left behind," he said.

A New Decree

Every decision on trade, taxes, immigration and foreign affairs will be made to benefit American workers and American families, Trump said.

The U.S. must protect its borders from the ravages of other countries making its products, stealing its companies and destroying U.S. jobs, Trump said.

"Protection will lead to great prosperity and strength," he said.

Bringing Back Jobs

Trump pledged to bring back U.S. jobs, borders, wealth and dreams.

"We will build new roads and highways and bridges and airports and tunnels and railways all across our wonderful nation," Trump said.

The new president said he would get people off of welfare and put them back to work, rebuilding the country with American hands and labor.

"We will follow two simple rules," he said. "'Buy American' and 'Hire American.'"

Trump Aides Said to Ready List of First Days Changes on Energy

Posted January 20, 2017, 11:31 A.M. ET

By Jennifer A. Dlouhy

Donald Trump's advisers have prepared a short list of energy and environmental policy changes he can take within hours of being sworn in, including steps to limit the role that climate change plays in government decisions.

The list includes nullifying President Barack Obama's guidelines that federal agencies weigh climate change when approving pipelines, deciding what areas to open for drilling or taking other major actions, two people familiar with Trump's transition planning say.

Trump also is being counseled to suspend the government's use of a metric known as the social cost of carbon until it can be reviewed and recalculated, and to rescind a 49-year-old executive order that put the State Department in charge of permitting border-crossing oil pipelines.

Trump is still working through the timing of executive actions, press secretary Sean Spicer told reporters Jan. 19. He is "committed" to change not just on the first day, but the second day and beyond, Spicer said, declining to specify whether Trump will issue specific orders immediately after taking office Jan. 20.

Conservatives are urging Trump to act quickly.

"President Obama used a pen and phone to load up the Federal Register with harmful regulations, but Donald Trump has an eraser—and he should use it," said Andy Koenig, vice president of policy at Freedom Partners, the donor organization tied to billionaires Charles and David Koch. "While all of this won't be resolved overnight, quick action is a positive first step for the new administration to demonstrate its commitment to addressing barriers to economic growth and opportunity for all Americans."

Campaign Pledges

On the campaign trail, Trump pledged to use his first day in office to roll back a suite of Obama administration actions on climate, including rescinding the Environmental Protection Agency's Clean Power Plan limiting greenhouse gas emissions from power plants. The timeline for some of those reversals might slip, although Trump can put the changes in motion right away by directing agencies to take action.

For instance, Trump is set to direct the Interior Department to lift an Obama-era moratorium on selling federal coal-mining rights. Interior Secretary Sally Jewell imposed the halt on new lease sales to allow time for a broad environmental review. That analysis is still underway and could continue even after the moratorium is lifted. But any new coal sales could be challenged in court.

Social Cost

Two of Trump's targets have especially symbolic significance, because the Obama administration used them to elevate the role of climate change in government actions. The social cost of carbon, a calculation reflecting the potential economic damage from climate change, serves as the linchpin for many of the Obama administration's environmental rules, from appliance efficiency requirements to limits on how much methane can leak from oil wells. Critics say the number—now nearly $40 for every metric ton of carbon dioxide emitted into the atmosphere—gives artificial precision to uncertain conditions nearly 300 years in the future.

Trump could use an executive order or guidance from his Office of Management and Budget to suspend the social cost of carbon, allowing time for the metric to be freshly analyzed and recalculated. Conservatives at the Competitive Enterprise Institute, American Energy Alliance and Heritage Foundation have offered blueprints for change that could serve to lower the number, including making it reflect projected climate costs solely in the U.S., rather than globally.

NEPA Analysis

Trump also can effectively nullify guidance from Obama's Council on Environmental Quality that climate change should be factored into government agencies' formal environmental reviews. The guidelines were meant to influence analysis of proposed agency actions under the National Environmental Policy Act. A new approach can be developed later.

The president will have wide latitude to rescind executive orders from Obama and past predecessors in the White House. One target: a 49-year-old directive from former President Lyndon B. Johnson that assigned the State Department responsibility for determining whether proposed cross-border energy projects serve the "national interest." That 1968 order paved the way for the State Department's scrutiny of TransCanada Corp.'s proposed Keystone XL pipeline, ultimately rejected by Obama.

TransCanada has not said it would reapply for permission to build the pipeline, but the day after Trump's election, the Calgary-based company said it was looking for ways to convince the incoming administration of the project's benefits to the U.S. economy. Spokesman Mark Cooper said by phone he was not prepared to discuss its next steps, but emphasized that the company remains "committed to Keystone XL."

While campaigning for president, Trump said he would approve the project but would insist on a "better deal" for Americans.

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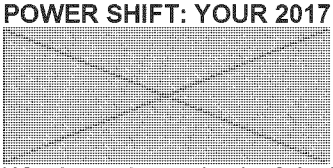

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1.WHITE HOUSE:

Trump, Dems trade playful barbs over nominees

President Trump's first official signing ceremony got a little awkward. As one of his first presidential acts, Trump signed documents today officially nominating his slate of Cabinet picks. As he handed out the pens to members of Congress, Democratic leaders made it clear they'd prefer certain pens over others.

THIS AFTERNOON'S STORIES

2.WHITE HOUSE:
Trump erases climate, CEQ from website

3.CONGRESS:
GOP open to Trump's plan to put 'only America first'

4.NOMINATIONS:
Zinke, Perry to wait for confirmation

5.MISSISSIPPI RIVER:
Will Mo. flood project survive Obama's parting shot?

6.AIR POLLUTION:
Study substantiates cross-state contamination concerns

7.EPA:
Gina McCarthy heads to Harvard

8.EPA:
Ex-Region 2 chief gets law school post

UPCOMING HEARINGS AND MARKUPS

9.CALENDAR:
Activity for January 16 - January 22, 2017

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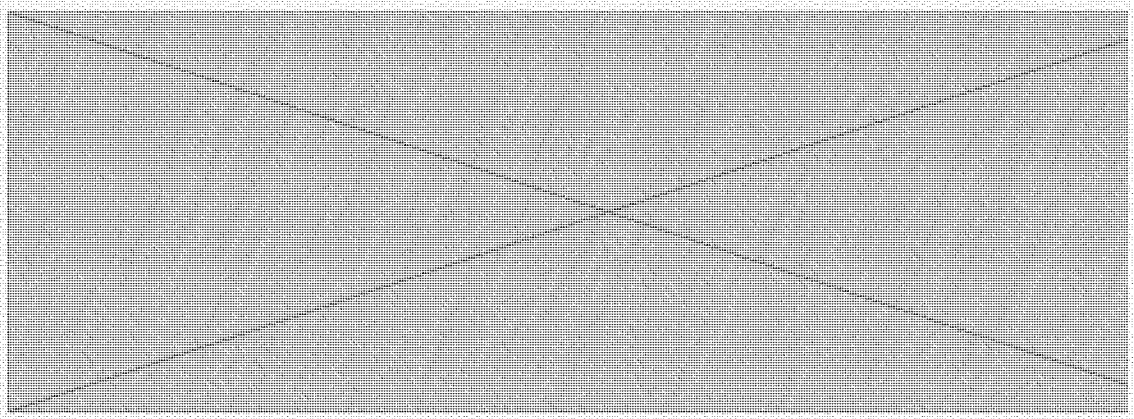
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Fri 1/20/2017 9:57:45 PM
Subject: Energy News Ticker: Trump Administration Posts Energy Agenda

Trump Speech Quiet on Energy, But White House Promises to End Regulations

1/20/17 1:18 PM

President Donald Trump's inauguration speech did not mention specific policies for energy or the environment, but the new administration posted an "America First Energy Plan" on WhiteHouse.gov immediately after the 45th president was sworn in.



More from Morning Consult

Trump's Inaugural Speech Hits on Voters' Top Priorities

1/20/17 2:20 PM

Reprising the themes of his campaign, President Donald Trump on Friday promised to bring more jobs to the United States, delivering on voters' top priority for the speech.

Trump Pitches 'America First' Economic Agenda

1/20/17 1:28 PM

In his inaugural speech on Friday, President Donald Trump laid out the two prongs of his administration's economic agenda: "Buy American and hire American."

In Inaugural Speech, Trump Silent on Health Care

1/20/17 1:19 PM

President Donald Trump did not mention health care in his inaugural address Friday, and the new administration's website did not have any immediate details on its health policy.

H-1B Advocates Caution Against Revamping High-Skill Visa Program

1/19/17 4:30 PM

Replacing the visa lottery system frequently used by the tech industry to hire high-skilled foreign workers would reduce the ability of U.S. companies to innovate and create jobs, according to a report published Thursday by the National Foundation for American Policy.

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Subject: Jan. 20 -- Daily Environment Report - Breaking News

Daily Environment Report

Breaking News

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Trump's Vow to Break from OPEC Oil Imports Echoes Old Refrain

Posted January 20, 2017, 06:22 P.M. ET

By Bailey Lipschultz and Mark Shenk

President Donald Trump's pledge to make America independent from OPEC isn't a new refrain in Washington.

His "America First Energy Plan" posted on the White House website Jan. 20 doesn't just echo his own campaign pledges but also President George W. Bush's vow to cut imports from the Middle East when he famously said the nation was "addicted to oil." Shipments from OPEC rose 10 percent during Bush's time in office.

It's not an easy task. It would mean replacing about 3 million barrels a day of imports. That's about three times as much as East Coast refineries consume.

Saudi Arabia and Venezuela lead the pack of OPEC suppliers to the U.S. They account for more than half of U.S. imports from the 13-nation group.

Bush said he would put the country on course to reduce oil imports from the Middle East by more than 75 percent by 2025. His bold statement evoked a reaction from leaders of the Organization of Petroleum Exporting Countries.

"We do believe that energy issues cannot be handled in a unilateral way," said Edmund Daukoru, then-Nigerian minister of energy and secretary general of OPEC. "We all have to work together towards global energy security."

President Trump's goal may not be completely unobtainable as U.S. oil production has been on the rise and signs point toward possible energy independence. To achieve that, though, the country may need to reconsider a push for exports that was supported by Republicans. Since scrapping restriction on sales to countries other than Canada at the end of 2015, U.S. crude exports have risen to more than 700,000 barrels a day.

"He will take steps to increase energy output," Michael Lynch, president of Strategic Energy &

Economic Research in Winchester, Massachusetts, said by phone. "Regardless of what he does, we are getting closer to energy independence."

Trump and Bush aren't alone.

"Every president since Richard Nixon has promised to work for energy independence but most have done nothing," Lynch said.

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As Trump Vows to Kill Climate Plan, California Pushes Back

Posted January 20, 2017, 05:08 P.M. ET

By Joe Ryan

California plans to reduce oil-refinery emissions 20 percent by 2030, providing more details about its effort to impose the nation's strictest air-quality rules just as President Donald Trump takes office vowing to roll back federal climate policies.

The refinery rules announced by the California Air Resources Board Jan. 20 are part of its previously announced plan to cut overall emissions in California by 40 percent from 1990 levels. The agency also proposed continuing the state's cap-and-trade program beyond 2020.

The initiative is the latest state-level push to bolster environmental policies moves since Trump was elected, and comes as efforts to curb global warming wane in Washington. Gov. Andrew Cuomo of New York this month called for wind farms off the coast of Long Island. And Ohio, Illinois and Michigan have enacted laws to expand clean energy development.

"Climate change is impacting California now, and we need to continue to take bold and effective action," Air Resources Board Chair Mary D. Nichols said in a statement.

Trump, who once called global warming a hoax perpetrated by the Chinese, announced his "America First Energy Plan" after his inauguration. It called for reviving the coal industry and eliminating "harmful and unnecessary" policies, including outgoing President Barack Obama's Climate Action Plan.

California plans to release a final version of its climate plan in late March, and the board will vote whether to approve it in late April.

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Trump Scrubs White House Website Clean of Climate Mentions

Posted January 20, 2017, 03:59 P.M. ET

By Dean Scott

The Trump administration quickly scrubbed the White House website of all references to fighting climate change, one of President Barack Obama's priorities.

Until noon on Inauguration Day, the whitehouse.gov site highlighted Obama's "climate and energy" accomplishments among five broad subject areas that also included sections on health care and American leadership. All were removed.

Also deleted was a reference to climate change as a top issue, along with others such as civil rights and the economy, listed on the home page.

As revamped by the Trump administration, the new White House site includes its own list of "top issues" but makes no mention of climate change. The six top issues on the Trump administration's site include a new "America First Energy Plan" followed by policy areas ranging from "America First Foreign Policy" to "Trade Deals Working For All Americans."

Climate, Waters Rule in Crosshairs

The America First Energy Plan—a page on the reconfigured White House site—puts two of Obama's environmental initiatives in the crosshairs: his climate action plan and a Clean Water Act rule that industry and many states see as jurisdictional creep over small streams and waterways. "President Trump is committed to eliminating harmful and unnecessary policies such as the Climate Action Plan and the Waters of the U.S. rule," the new White House website said. Rolling back the climate agenda and water rule together would boost wages by more than $30 billion over the next seven years, it said. The waters of the U.S. jurisdictional rule was issued by the EPA, along with the U.S. Army Corps of Engineers, in 2015.

Obama's 2013 climate action plan—essentially his go-it-alone strategy given congressional inaction on climate issues—outlined policies from ending U.S. support to overseas coal-fired power plants to domestic climate regulations.

The climate regulations included more stringent vehicle efficiency standards and Environmental Protection Agency power plant carbon pollution limits. The plan also pledged continued U.S. leadership to secure the global climate deal nearly 200 nations reached in Paris in 2015; Trump has vowed to pull the U.S. out of the climate deal. The now-deleted Obama climate and energy section of the White House website included items such as Obama's use of executive authority to protect national monuments and other natural resources. "President Obama has protected more natural resources than any other president," the now-deleted section said.

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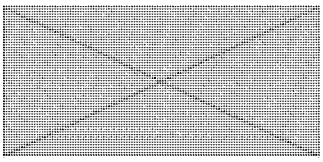
Daily Environment Report for EPA

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Mon 1/30/2017 8:42:59 AM
Subject: Flush With Cash, Enviro Groups Gird For War With Trump



ENVIRONMENTAL

Monday, January 30, 2017

TOP NEWS

Analysis

Flush With Cash, Enviro Groups Gird For War With Trump

Top lawyers at the Sierra Club, Earthjustice and other green groups say donors have been flooding their coffers and private attorneys are volunteering their services in record numbers since President Donald Trump's election, strengthening them as they gear up for court battles with the new administration over any rollback of environmental protections.

Analysis

Chairman's Hasty Exit Threatens To Cripple FERC

The fast-approaching departure of Norman Bay will leave the Federal Energy Regulatory Commission with just two commissioners, an unprecedented situation for the agency that will prevent it from taking any major actions, such as approving natural gas pipelines, imposing enforcement penalties and ruling on electricity rate and tariff fights.

2nd Circ. Won't Revive Northrop's Cleanup Coverage Bid

The Second Circuit on Friday upheld a lower court's rulings that Northrop Grumman Corp. is not entitled to coverage for certain environmental cleanup costs under a series of Travelers Indemnity Co. and Century Indemnity Co. policies, holding that the aerospace giant provided either inadequate or untimely notice of the pollution claims.

Chevron Loses Bid To Make PacifiCorp Pay $3M For Utah Spill

A Utah federal judge on Friday ruled that Chevron Pipeline Co. can't go after a PacifiCorp unit to get back $3 million it paid to state and local authorities over two pipeline spills, finding that the fine was a civil penalty that can't be recovered.

Idaho Tribe, Feds Reach Deal To Block 'Megaload' Shipments

The Nez Perce Tribe and an environmental group reached a deal with the U.S. Forest Service that was approved by an Idaho federal judge Friday, resolving claims that the

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agency flouted its own rules by allowing energy companies to haul massive loads of equipment through a protected river corridor.

LITIGATION

EPA Air Rule Vital For Health, Thoracic Society Tells DC Circ.

The American Thoracic Society defended the U.S. Environmental Protection Agency's cost-benefit analysis of a Clean Air Act rule this week at the D.C. Circuit, saying the standards limiting mercury and other toxic emissions from coal-fired power plants have lessened cancer, asthma and other health risks.

Tahoe Faces Canada Suit Over Alleged Abuses In Guatemala

A British Columbia appeals court ruled Thursday that mining company Tahoe Resources Inc. can be sued in Canada over injuries suffered by protestors at a Tahoe-owned mine in Guatemala, saying the protesters bringing the suit made a strong enough showing that the Guatemalan court system might be stacked against them.

Strata Energy Defends Wyoming Mine Project At DC Circ.

Strata Energy Inc. has pushed back before the D.C. Circuit in litigation by two environmental groups challenging a Wyoming-based uranium mining project, saying the U.S. Nuclear Regulatory Commission's final supplemental environmental assessment for the project adequately addressed groundwater issues.

States Battle Over Review Of Clean Power Plan In DC Circ.

A group of states want the Clean Power Plan dead, and on the first full business day of President Donald Trump's term in office, they asked the D.C. Circuit to review the U.S. Environmental Protection Agency's denial of petitions to reconsider or delay the rule that aims to regulate carbon dioxide emissions from existing power plants.

Aussie Court Rejects Appeal Over Solar Panel Claim Row

The Federal Court of Australia has left intact a ruling that an Australian solar panel company could serve its claim over an allegedly botched purchase agreement to a company in the U.S., even while related arbitration proceedings in New York were ongoing.

Laguna Beach Slams FAA Review Of New SoCal Flight Paths

Laguna Beach, California, told the D.C. Circuit Friday that the Federal Aviation Administration failed to adequately assess noise, air pollution and other environmental impacts in developing its plan to implement new flight paths for Southern California airports as part of its ongoing modernization of the nation's air traffic control system.

SunEdison Gets OK For $15M Asset Sale To Mitsui Unit

A New York bankruptcy judge on Thursday gave clean energy giant SunEdison Inc. the green light to sell its commercial and industrial business development line to a unit of

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Japanese conglomerate Mitsui & Co. in a private deal for $15 million.

Casino, Foes Spar Over Jurisdiction As Judgment Looms

An activist group challenging the construction of a tribe's $400 million casino near San Diego on Thursday sought to stave off final judgment in the case, saying its appeal of the district court's ruling that had tossed most of its claims was still pending in the Ninth Circuit.

EXPERT ANALYSIS

Regulating Unprotected Texas Groundwater: The Final Frontier

During a time of unparalleled pressure on groundwater resources across Texas, the lack of groundwater protection in some areas of the state is undermining important areas of law and policy. However, while a lack of groundwater regulation causes a number of inequities and management dilemmas, existing state regulations have their own share of controversies as well, says water and conservation law attorney Vanessa Puig-Williams.

The State Of The Litigation Finance Industry In 2017

In the United States, the number of lawyers whose firms have used litigation finance has quadrupled since 2013. Even so, too many remain poorly informed, leaving them at a competitive disadvantage and prone to oddly persistent "alternative facts" about litigation finance, says Christopher Bogart, CEO of Burford Capital.

LEGAL INDUSTRY

Ex-Chrysler GC Offers 4 Tips For Weathering A Crisis

After an eventful 15 years in-house in the auto industry, Marjorie Loeb, who led Chrysler's legal department through its merger with Fiat, has weathered sweeping transformations and crises set against the backdrop of an industry in flux. Here, she shares her best advice for legal department leaders in the best of times and the worst of times.

Venable Atty Gets $250 From Rival Lawyer In Coffee Clash

An attorney who spilled — or perhaps threw — a cup of iced coffee on a Venable LLP lawyer during a deposition must pay him $250 to cover his damages, according to a California federal judge who on Thursday scolded both attorneys for their behavior in a contentious trade secrets case.

Jury Selection Drags On For Dewey Execs In Round 2

The first week of jury selection wrapped up on Friday for the second trial of two former top executives of Dewey & LeBoeuf LLP, who are charged with orchestrating a scheme to defraud the onetime megafirm's lenders and investors out of tens of millions of dollars before it collapsed.

E-Discovery Still A Challenge For Attorneys, Judges Say

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Federal judges believe the average attorney does not always have what it takes to properly guide clients through the e-discovery process, but overall attorney competency in these matters continues to steadily improve, according to a new study released Thursday.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The U.S. Environmental Protection Agency hits pause on 30 pending regulations, federal judges say most lawyers lack e-discovery chops, and a California federal court calls for class plaintiffs to disclose whether any third parties are funding the claims. Those stories top this past week's corporate legal news you may have missed.

Ill. Likely Set Trend For New Professional Conduct Training

Lawyers can look forward to having more practice management training tied to their bar license requirements as other states follow in Illinois' footsteps and force lawyers to spot bad habits before they turn into a complaint or malpractice suit, experts say.

In Case You Missed It: Hottest Firms and Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

Call For Participants: Law360's 2017 Editorial Advisory Boards

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Mississi Public Service Commis

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Sent: Mon 1/30/2017 12:15:31 PM
Subject: The Morning Headlines from InsideEPA.com -- January 30, 2017

The critical environmental policy-making news you need as you begin your day

January 30, 2017

Latest News

Consumer Products Group Defends EPA's Safer Choice In Letter To Trump

A consumer products trade association is urging the Trump administration to maintain and expand EPA's Safer Choice program, a voluntary program the Obama administration championed and sought to expand but which some Trump administration advisors have targeted for elimination.

Obama EPA's Call For State Changes On Civil Rights Draws Mixed Reaction

Environmentalists are providing a mixed reaction to findings EPA's civil rights office issued in the waning days of the Obama administration that call for three state environmental agencies to remedy discriminatory practices, or allegations of such practices, saying the action is welcome but does not go far enough.

Judge Defers To Corps' Administrative Review In CWA 'Jurisdiction' Case

In a potential first-time test of the Supreme Court's landmark 2016 ruling allowing property owners to challenge regulators' Clean Water Act (CWA) findings, a district court judge has thrown out one such finding because the Army Corps of Engineers failed to strengthen its research as an administrative review required.

New Trump EPA Adviser Aggressively Downplays Climate Change Threat

David Kreutzer, an aggressive opponent of climate change policy formerly with the Heritage Foundation, is now working as a special adviser for the Trump EPA and is expressing major doubts that climate change poses a threat to humans, calling the prospect of mild global warming “not hysterically worrisome.”

Hoping To Undercut Trump, Democrats Tout $1 Trillion Infrastructure Plan

Senate Democrats are pushing a $1 trillion infrastructure package that would include massive boosts to federal funding for construction and maintenance on drinking water, wastewater, resiliency and clean energy projects, in hopes of countering expected plans from President Trump and the GOP that would instead rely on tax credits and expanding public-private partnerships.

EPA Defends Revised Utility MACT Cost Finding From Industry's Criticisms

EPA in a new legal brief is defending its revised cost assessment for its contested utility air toxics rule from the power sector's attacks, defending its freedom under the Clean Air Act to determine whether the costs are reasonable from industry criticisms that the assessment has major flaws, including relying on "co-benefit" emissions cuts.

Daily Feed

Water: NACEPT continues to debate 'waters' rule despite Trump pledge

An EPA advisory panel continues to debate whether guidance to the agency over how states can assume 404 permitting authority should consider a water rule the Trump EPA is likely to scrap.

Transition: EPA staff launch 'alternate' Twitter account

The account includes a series of Tweets, known as "Voices from the EPA," which lists the number years the staffer who submitted the Tweet has been with the agency.

Congress: Sen. Udall seeks explanation for EPA contract freeze

Udall cites case law to support his argument that the executive branch cannot withhold or delay funding appropriated by Congress.

Biofuels: Ethanol supporters ask EPA to correct alleged air quality bias

The requesters charge that the oil industry heavily influenced the study's design, and as a result it overestimates air pollution from ethanol use.

Congress: Pruitt's responses to EPW draw fire

Democrats did not like Pruitt's answers but they likely remove a hurdle to his eventual confirmation.

Ewire: A daily news roundup

Administration requires review of EPA scientists' work. Plus: Possible legal arguments against rule delays and EPA officials say grant freeze will be shorter than expected.

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ENERGYWIRE — Mon., January 30, 2017

READ FULL EDITION

1.TECHNOLOGY:

The curious partnership of Elon Musk and Donald Trump

The country's top businesspeople are building relationships with President Trump, but nobody speaks for the future of technology quite like Elon Musk.

TOP STORIES

2.SECURITY:

Draft Trump order would review U.S. cyberdefenses

3.METHANE:

GOP lawmakers move to block BLM rule

4.MARCELLUS SHALE:

Trump's election complicates gas politics in Pa.

5.LAW:

Oil prices, Trump cause energy practices to staff up

ELECTRICITY

6.SECURITY:

Calif. cyber incident underscores 'routine' threat

7.UTILITIES:

NextEra talks tax reform amid record renewables growth

8.UTILITIES:

TVA heads to federal court over coal ash

9.PEOPLE:

Utility lobbyist, Clean Power Plan foe nabs top DOJ slot

10.COAL:

Judge approves Peabody Energy Corp.'s reorganization plan

11.UTILITIES:

PG&E fined $3M for deadly 2010 pipeline explosion

OIL AND GAS

12.LAW:

Shell wins court victory on Nigerian pollution claims

E&E'S POWER PLAN HUB

13.POWER PLAN HUB:

Where will Clean Power Plan organizers refocus their efforts?

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Energywire is written and produced by the staff of E&E News. Energywire is designed to bring readers deep, broad

and insightful coverage of the transformation of the energy sector. Energywire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. Energywire publishes daily at 9:00 a.m.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Mon 1/30/2017 12:52:26 PM
Subject: January 30 -- Climatewire is ready

Read today's Climatewire on the web

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Mon., January 30, 2017

READ FULL EDITION

1.DOE:

Mounting anxiety for climate research at national labs

Scientists are concerned that climate change research may be in the crosshairs at the Department of Energy under the Trump administration. Reports that agencies like U.S. EPA and the Department of Agriculture are facing communications restrictions, along with recent proposals from the Trump transition team for drastic cuts in environmental science in federal agencies, have some researchers at DOE's venerable national laboratories worried that they might be next.

TOP STORIES

2.CABINET:

Dems poised to accept failure at blocking Pruitt

3.OIL AND GAS:

As House moves to kill methane regs, Colo. asks why

TRUMP TRANSITION

4.EPA:

Transition chaos is 'abnormal' but 'not unprecedented'

5.PEOPLE:

Utility lobbyist, Clean Power Plan foe nabs top DOJ slot

6.REX TILLERSON:

DOJ: Former Exxon CEO should not be deposed in climate case

7.WHITE HOUSE:

French leader urges Trump to support global climate pact

STATES

8.OBITUARY:

'Godfather of energy efficiency' dies at 90

9.COMMUNICATION:

Faith groups make tip sheet for climate advocacy

10.COAL:

Liz Cheney criticizes clean coal technology

11.SOLAR:

Hawaii utility nearly fossil fuel-free

INTERNATIONAL

12.MIDDLE EAST:

Lebanon garbage crisis affecting birds, airport authorities

E&E'S POWER PLAN HUB

13.POWER PLAN HUB:

Where will Clean Power Plan organizers refocus their efforts?

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ABOUT CLIMATEWIRE – Policy. Science. Business.

Climatewire is written and produced by the staff of E&E News. It is designed to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, Climatewire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Mon 1/30/2017 1:13:56 PM
Subject: Morning Consult Energy: Auto Deals Want Trump to Ease Emissions Regulations

By Jack Fitzpatrick

Washington Brief

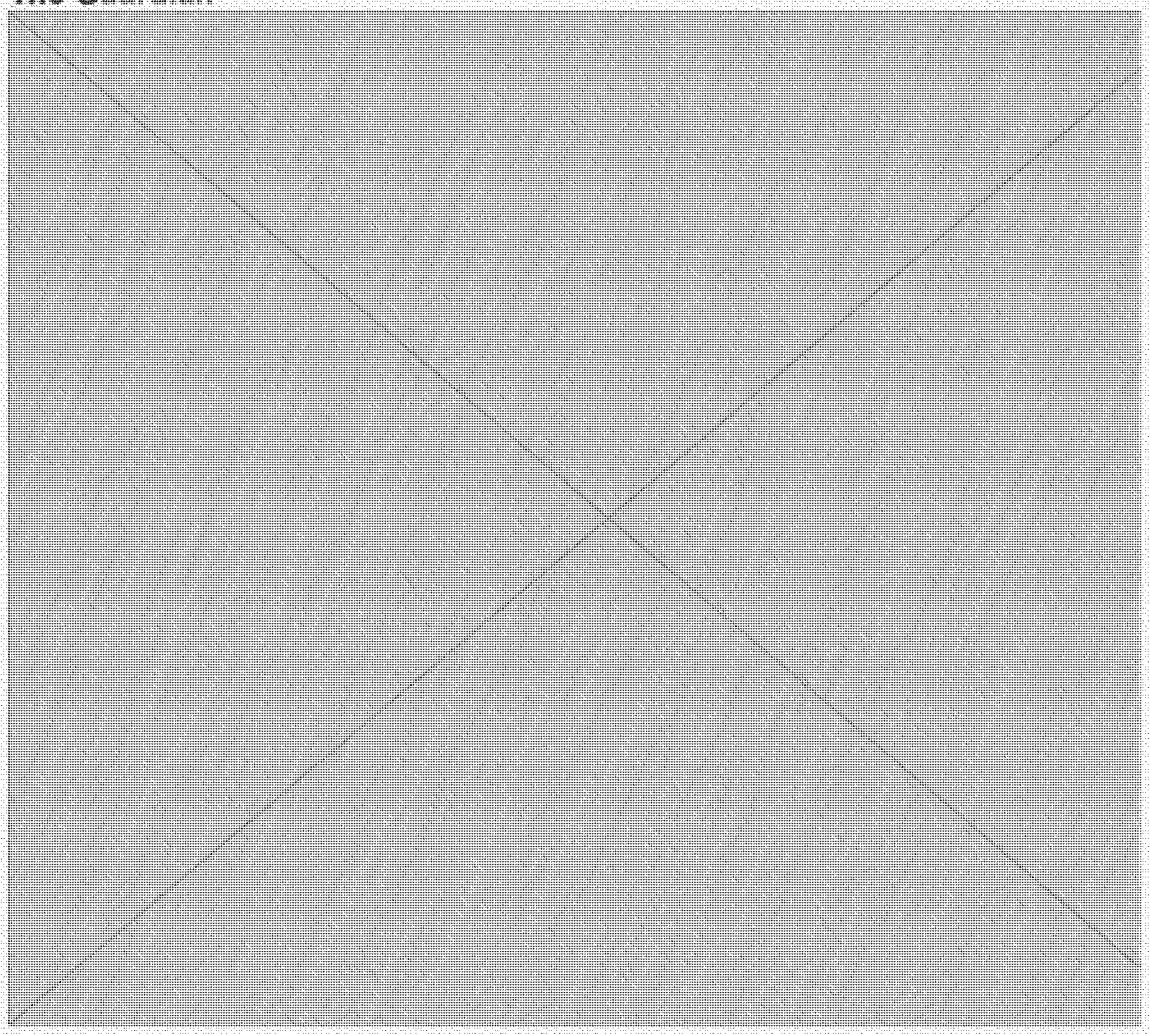
- President Donald Trump is reluctant to meet with Prince Charles during an eventual visit to London out of concern he will receive a "lecture" on climate change. (The Times of London)
  - When asked if he expected coal jobs to increase during Trump's time in office, Senate Majority Leader Mitch McConnell (R-Ky.) responded, "Who knows?" (Morning Consult)
  - The Senate Environment and Public Works Committee will vote on Scott Pruitt's nomination to lead the Environmental Protection Agency on Wednesday, amid complaints from Democrats that his answers to their questions were inadequate. The Senate Energy and Natural Resources Committee will vote Tuesday on Rep. Ryan Zinke's and Rick Perry's nominations. (Washington Examiner)

Business Brief

- Auto dealers gathered at their annual convention said they want Trump to ease vehicle-emission standards. (Reuters)
  - Saudi Aramco, the Saudi Arabian state-owned oil company, is considering investing up to $5 billion in renewable energy as part of plans to diversify from crude oil. (Bloomberg News)
  - Chevron posted its second consecutive quarterly profit, 22 cents per share, but badly missed expectations of about 64 cents per share. (CNBC)

Chart Review

Australia's state renewable energy targets 'will be vital to meet emissions goals'
The Guardian



Events Calendar (All Times Local)

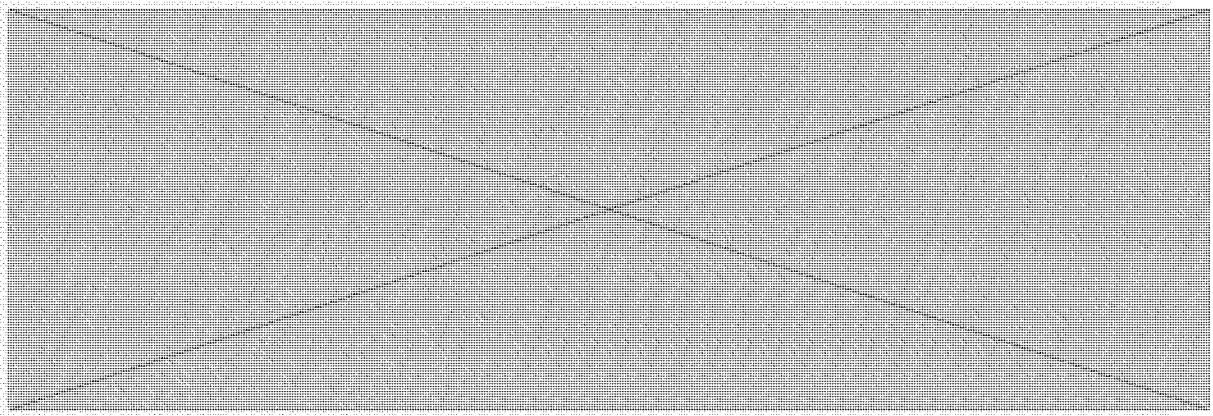
Monday

No events scheduled

Tuesday

Senate Energy and Natural Resources Committee votes on Zinke, Perry nominations	9:30 a.m.
House Transportation and Infrastructure Committee organizational meeting	10 a.m.

Atlantic Council discussion on Transatlantic energy cooperation	
CSIS discussion on deep decarbonization efforts	10 a.m.
Wednesday Association State of the Energy Industry Forum	10:30 a.m.
BP energy outlook	9:30 a.m.
House Energy and Commerce subcommittee hearing on grid security	10:15 a.m.
Senate Environment and Public Works Committee votes on Pruitt confirmation	10:45 a.m.
Thursday	
No events scheduled	
Friday	
Journalists' guide to energy and environment	3 p.m.



General

Vote set for Trump's EPA nominee amid Democratic opposition
John Siciliano, Washington Examiner

President Trump's nominee to lead the Environmental Protection Agency will face his first confirmation vote next week amid heightened Democratic opposition. Senate Environment and Public Works Committee Chairman John Barrasso, R-Wyo., announced Friday that the vote on the nomination of Oklahoma Attorney General Scott Pruitt will be held Feb. 1.

GOP lines up resolutions to undo coal, methane rules
Devin Henry, The Hill

House Republicans are preparing to vote next week on two resolutions undoing pollution rules issued in the closing months of the Obama administration. Two Interior Department rules - one protecting streams from coal mining waste and another to cut methane emissions at oil and natural gas drilling sites - are the targets of Congressional Review Act resolutions due up in the House next week.

Trump is eager to undo sacred t ment, says Orrin Hatch
Juliet Eilperin, The Washington

President Trump is "eager to work with" Republican lawmakers on undoing new federal protections for Bears Ears, a sacred tribal site in Utah, according to Sen. Orrin Hatch (R-Utah.). Former president Barack Obama designated the 1.35 million-acre area, which includes artifacts and rock drawings from ancestral Pueblos, as a national monument in late December.

Tom Steyer seeks to counter Tr ating mirror EPA website
John Siciliano, Washington Exa

Billionaire environmental activist Tom Steyer is looking to save the Environmental Protection Agency's climate change data before President Trump erases it, Steyer's group NextGen Climate announced Friday. The group announced the launch of a mirror website called SaveOurEPA.com that looks to preserve the EPA's "public-facing climate change website, which the Trump administration threatens to erase," NextGen said.

Malia Obama joins Dakota Acce protest at Sundance
Tony Hicks, San Jose Mercury N

Malia Obama joined a protest against the Dakota Access Pipeline on Monday. The 18-year-old daughter of recent President Obama was praised by fellow protester, Shailene Woodley, who also attended the event at the Sundance Film Festival in Park City, Utah.

Shell to install chargers for elec European forecourts
Andrew Ward, Financial Times

Royal Dutch Shell is preparing to introduce battery charging points at some European petrol stations and Total is working on a similar move as the region's biggest oil groups react to rising sales of electric vehicles. A selection of Shell's filling stations in Britain and the Netherlands - the Anglo-Dutch group's home markets - will be the first to offer the service later this year, according to John Abbott, its director of downstream business.

European Bonds Hit by Inflation Retreat
Eddie Van Der Walt and Natasha mberg News

European bonds fell on signs inflation was quickening in Germany and equities retreated. The dollar weakened earlier as Donald Trump's order halting some immigration reverberated around the world.

Oil and Natural Gas

Chevron shares drop as oil gian ses profit forecasts
Tom DiChristopher, CNBC

Shares of Chevron gave up about 2 percent of their value in pre-market trading Friday as the oil giant turned in quarterly results that badly missed estimates. Chevron executives pointed to lower margins in its refining business and tax charges as drags on earnings during a conference call.

US rig count increases 18 this w Texas up 9
The Associated Press

The number of rigs exploring for oil and natural gas in the U.S. increased by 18 this week to 712. A year ago, 619 rigs were active.

Shell set to sell $3 billion North to Chrysaor
Ron Bousso and Clara Denina,

Royal Dutch Shell is nearing the sale of a large part of its North Sea oil and gas assets to private equity-backed Chrysaor for $3 billion, banking sources said, marking a milestone in its drive to reduce debt after buying BG Group. Chrysaor, a North Sea-focused oil company backed by private equity fund EIG Partners, will acquire from Shell a mix of older fields, new developments and infrastructure in a move analysts say could breathe new life into one of the world's oldest offshore basins where production has been in a steady decline since the late 1990s.

U.S. Shale Won't Pilfer OPEC, R kets, Former Energy Minister Says
Dan Molinski, The Wall Street Jo

A former Russian energy minister on Friday dismissed concerns U.S. shale oil companies may try to use production cuts by Russia and nations in the Middle East to swoop in and steal market share, saying the Americans know there are some no-go zones. Igor Yusufov, Russia's energy minister from 2001 to 2004, said U.S. shale producers wouldn't attempt to enter core OPEC and Russia markets where prices are too low for them to compete.

Utilities and Infrastructure

Murkowski: Nation's grid watch s
John Siciliano, Washington Exa

Sen. Lisa Murkowski, the Republican chairwoman of the energy committee, warned Friday of a crisis at the nation's energy watchdog, the Federal Energy Regulatory Commission. The problem is the five-member commission will be rendered ineffective by the end of next week after former President Barack Obama's agency chairman, Norman Bay, decided to jump ship instead of staying on as commissioner through the 2018 end of his five-year term.

Energy auction blamed for surv power plants
Nathalie Thomas, Financial Tim

One of the UK's main energy policies has been criticised for enabling old and polluting coal-fired power stations to stay open. On Tuesday the government will hold its latest subsidy auction, which is designed to ensure Britain has enough energy over the winter of 2017-18.

Renewables

Saudi Aramco Said to Weigh Up n Renewable Deals
Matthew Martin, Bloomberg Nev

Saudi Aramco, the world's largest oil company, is considering as much as $5 billion of investments in renewable energy firms as part of plans to diversify from crude production, according to people with knowledge of the matter. Banks including HSBC Holdings Plc, JPMorgan Chase & Co. and Credit Suisse Group AG have been invited to pitch for a role helping Aramco identify potential acquisition targets and advising on deals, the people said, asking not to be identified as the information is private.

Why a red state is the No. 1 win oducer in America
Charlie Wood, Christian Scienc

Wind capacity in America has swung sharply upward since 2000, and the latest boost came this Wednesday: New York continued the wind bonanza with Gov. Andrew Cuomo's announcement that Long Island will soon host America's

biggest offshore wind farm. But despite the governor's ambitious plans for the blue state to get half of its energy from renewables by 2030, it still lags, at least in wind, far behind America's unexpected leader. Everything's bigger in Texas.

Australia's state renewable ener will be vital to meet emissions goals'
Michael Slezak, The Guardian

State-based renewable energy targets are becoming essential drivers of Australia's carbon reduction framework and, based on current policy settings, will be vital for Australia to meet its 2030 emissions targets, according to a report by the energy consultancy RepuTex. The finding comes amid attacks on state-based renewable energy targets by the prime minister, Malcolm Turnbull, and his ministers, who have called for them to be scrapped.

Coal

McConnell: No Guarantee on 'Im eturn' of Coal Jobs
Cameron Easley et al., Morning

Asked whether jobs in the coal industry would increase or decrease during Trump's presidency, Senate Majority Leader Mitch McConnell said: "Who knows?" "I can't guarantee you have an immediate return of coal jobs," he said.

Peabody to Put Restructuring P tor Vote
Jacqueline Palank, The Wall Str

Coal miner Peabody Energy Corp. won bankruptcy-court approval to put its restructuring plan to a creditor vote in hopes of exiting chapter 11 protection in the coming months.

The dangers of writing coal's ob
Neil Hume, Financial Times

Unfashionable, unloved and unpopular, but still one of the best performing commodities of the past 12 months. Thermal coal, used to generate electricity in power stations, roared back to life last year after the Chinese government imposed production curbs in an attempt to lift the profitability of heavily-indebted domestic miners.

Nuclear

Toshiba pulling out of overseas [redacted]ctor construction
Asahi Shimbun

Toshiba Corp. has decided to withdraw from the business of constructing nuclear reactors overseas after forecasting a huge deficit for its U.S. subsidiary in the business year ending in March. The Tokyo-based electronics appliance maker said Jan. 27 the decision was taken to prevent business deficits from rising sharply again in the future.

Climate

Trump and Charles in climate ro[redacted]
Tim Shipman and Roya Nikkhah[redacted]s of London

Donald Trump is engaged in an extraordinary diplomatic row with the Prince of Wales over climate change that threatens to disrupt his state visit to the UK. The new president is reluctant to meet the prince when he comes to Britain in June because of their violently divergent views on global warming.

U.S. auto dealers look to Trump [redacted]hicle emissions rules
Nick Carey, Reuters

U.S. auto dealers gathered for their annual convention in New Orleans said they want President Donald Trump to ease federal regulation of vehicle emissions and consumer lending, reversing action taken by his predecessor. Former President Barack Obama enacted rules requiring automakers to roughly double the average fuel efficiency of their U.S. car and truck fleets to 54.5 miles per gallon by 2025.

Mongolians Demonstrate in Cap[redacted]ding Action on Smog
The Associated Press

Thousands of Mongolians stood in frigid weather on Saturday for the second time this winter to demand that the government strengthen its response to the smog that routinely blankets Ulan Bator, the capital. About 7,000 people, many in air masks and gas masks under thick winter hats, braved temperatures below minus 4 Fahrenheit.

In America's Heartland, Discuss[redacted] Change Without Saying

'Climate Change'
Hiroko Tabuchi, The New York T

In north-central Kansas, America's breadbasket and conservative heartland, the economic realities of agriculture make climate change a critical business issue. At the same time, politics and social pressure make frank discussion complicated.

Opinions, Editorials and Perspectives

Congress shouldn't butcher fed e rules
The Editorial Board, The Denver

Congress is getting ready to use an ax where it needs a scalpel by attempting to repeal federal methane rules that took years to develop and could be destroyed in mere weeks. The Bureau of Land Management issued rules in November limiting the amount of natural gas, mostly methane, that can be vented or flared into the atmosphere instead of being captured and sent to a processing plant to become part of our nation's fossil fuel production chain.

Drilling and Dirty Air in Los Ang
The Editorial Board, The New Y

The air in much of Wilmington, at the southern tip of Los Angeles, has a fetid, tarry scent, but Giselle Cabrera can't smell it anymore. Sixteen years old, she's lived in the neighborhood her whole life, and she no longer notices the stench of pollutants from hundreds of oil wells.

U.S. Senators Should Learn to L
Julian Lee, Bloomberg Gadfly

OPEC's oil-market management and in particular its repeated attempts to raise prices have done more than any other single factor to boost U.S. oil production and set America on the road to some sort of energy independence, whatever that might be. Far from vilifying OPEC, U.S. senators should be erecting statues to the 13 men who are helping to "make America great again."

Research Reports

Photosensitized, energy transfe organometallic catalysis through electronically excited n
Eric R. Welin et al., Science

Traditional organic photochemistry often relies on sensitizers, molecules that efficiently absorb light and then transfer the energy to other compounds to spur reactivity. Welin et al. leveraged this approach to stimulate an organometallic nickel catalyst.

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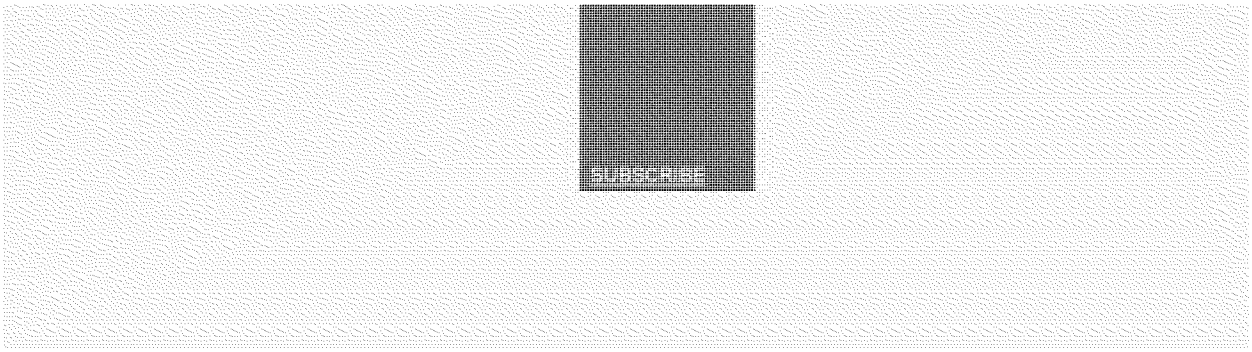
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From: Cox, Taylor
Sent: Mon 1/30/2017 1:31:22 PM
Subject: OSA Weekly Report Announcement Request - Due COB Tuesday

Good morning OSA,

Please note that the new deadline for submissions will be COB Tuesday. Submissions for this week are due by COB Tuesday, January 31.

Dr. Kavlock is interested in highlighting more of OSA's activities in his Weekly Report to the Administrator. When constructing your announcements, please consider the following guidelines:

Structure:

- **"What"** is it?
- **"Why"** is this significant?
- **"So what"** is/will be the impact?

Reporting Criteria:

- High level announcements and activities including those managed or led by OSA or announcements where OSA personnel are representing EPA, chairing a session, or presenting at a meeting.
- Meetings and site visits with other EPA offices or National, Federal, State, or

International partners (outreach, presenting, seeking input).

•□□□□□□□□ Trainings sponsored or conducted by OSA.

•□□□□□□□□ Completed documents and publications, awards received, and notable completions should be reported.

•□□□□□□□□ ~100 words per announcement.

Other travel and attendance at conferences/meetings **do not** need to be reported.

Categories:

•□□□□□□□□ RECENT HIGHLIGHTS

•□□□□□□□□ UPCOMING EVENTS

Submission deadline: **COB Tuesday, January 31**.

Best,

Taylor

Taylor Cox

Office of the Science Advisor

ORAU for U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20460

W: (202) 564-5406

cox.taylor@epa.gov

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From: Bender, Michael
Sent: Mon 1/30/2017 2:26:45 PM
Subject: FW: People Plus - Enter Time by COB Wednesday 02/01

To OSA,

Time and Attendance.

From: Walters, Brandon
Sent: Monday, January 30, 2017 7:21 AM
To: Osaka, Anna <Osaka.Anna@epa.gov>; Kavlock, Robert <Kavlock.Robert@epa.gov>; Gwinn, Maureen <gwinn.maureen@epa.gov>; Katz, Stacey <Katz.Stacey@epa.gov>; Robarge, Gail <Robarge.Gail@epa.gov>; Teichman, Kevin <Teichman.Kevin@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Enriquez, Julius <enriquez.julius@epa.gov>; Fay, Bernadette <Fay.Bernadette@epa.gov>; Harten, Teresa <Harten.Teresa@epa.gov>; Haught, Roy <Haught.Roy@epa.gov>; Theroux, Maggie <Theroux.Maggie@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Anley-Mills, Melissa <Anley-Mills.Melissa@epa.gov>; Brown, Ann <Brown.Ann@epa.gov>; Ferster, Aaron <Ferster.Aaron@epa.gov>; Gibbons, Dayna <Gibbons.Dayna@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Linnenbrink, Monica <Linnenbrink.Monica@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>; McGuinness, Moira <McGuinness.Moira@epa.gov>; Benforado, Jay <Benforado.Jay@epa.gov>; Shaw, Denice <Shaw.Denice@epa.gov>; Costa, Dan <Costa.Dan@epa.gov>; Slimak, Michael <Slimak.Michael@epa.gov>; Mazur, Sarah <Mazur.Sarah@epa.gov>; vanDrunick, Suzanne <vanDrunick.Suzanne@epa.gov>; Williams, Joe <Williams.Joe@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Johnson, Jim <Johnson.Jim@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Hauchman, Fred <hauchman.fred@epa.gov>; Sonich-Mullin, Cynthia <Sonich-Mullin.Cynthia@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Benson, William <Benson.William@epa.gov>; Blancato, Jerry <Blancato.Jerry@epa.gov>; Battaglia, Amy <Battaglia.Amy@epa.gov>; Plotkin, Viktoriya <Plotkin.Viktoriya@epa.gov>; Roberts, Suzanne <Roberts.Suzanne@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Sinks, Tom <Sinks.Tom@epa.gov>; Hubbell, Bryan <Hubbell.Bryan@epa.gov>; Weiss, Sherry <Weiss.Sherry@epa.gov>; Franzosa, Jill

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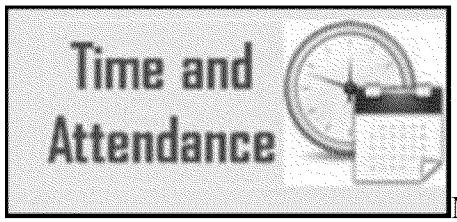
Cc: McGhee, Patricia <Mcghee.Patricia@epa.gov>; Matney, Rachel <Matney.Rachel@epa.gov>; Bender, Michael <Bender.Michael@epa.gov>; Branch, Danielle <branch.danielle@epa.gov>
Subject: People Plus - Enter Time by COB Wednesday 02/01



Make sure you get paid on time! Employees will receive pay only after they and their supervisors approve their timecards in People Plus.

If a timecard is not approved by the deadlines, an employee's pay may be impacted or delayed for two to four days after the time that the employee and approving official submit an approved timecard in People Plus.

For the pay period ending Saturday, Feb. 4, the deadlines for entering and approving time are as follows:

- Employees are required to input, "attest and submit", and "save" their time and attendance information in People Plus by 10 p.m. Wednesday, **Feb/01**.

•□□□□□□□□ All managers should have timecards approved by close of business or no later than 9:00 PM EST on Thursday, Feb/02.

If you are teleworking, please ensure that you report these hours on your timecard with the correct codes:

Episodic Telework – TWEHR

Regular Telework – TREGW

Medical Telework – TMREG

Remember that it is your responsibility to accurately reflect your time on your timecard!

<u>People Plus FAQs</u>

1. I'm trying to edit my timecard, but my timecard is locked.

Timecards don't unlock until the first Wednesday of the pay period.

2. How do I edit a timecard from a previous pay period?

There are two methods:

- Self Service > Report Time > Timesheet > > Select different pay period
- Self Service > Report Time> Timesheet > Search > Previous Pay Period

3. Why isn't my leave request automatically populating in my timecard?

Approved leave for the current pay period is posted to each employee's timecard by the morning of the second Wednesday of the pay period. If employees "attest and submit" their timecard prior to this time, the auto-posting of approved leave will not overwrite the previously attested time. You can always manually input leave if necessary.

4. Why are People Plus and Employee Express showing two different leave balances?

Your leave balances in People Plus and Employee Express are the same, though the two systems show leave differently. For example, 3 hours and 45 minutes of leave will show as 3.75 in People Plus and 3.45 in Employee Express. If you have other questions about your leave balance, remember that your most recent Leave and Earnings Statement in Employee Express is the most accurate reflection of your leave balance.

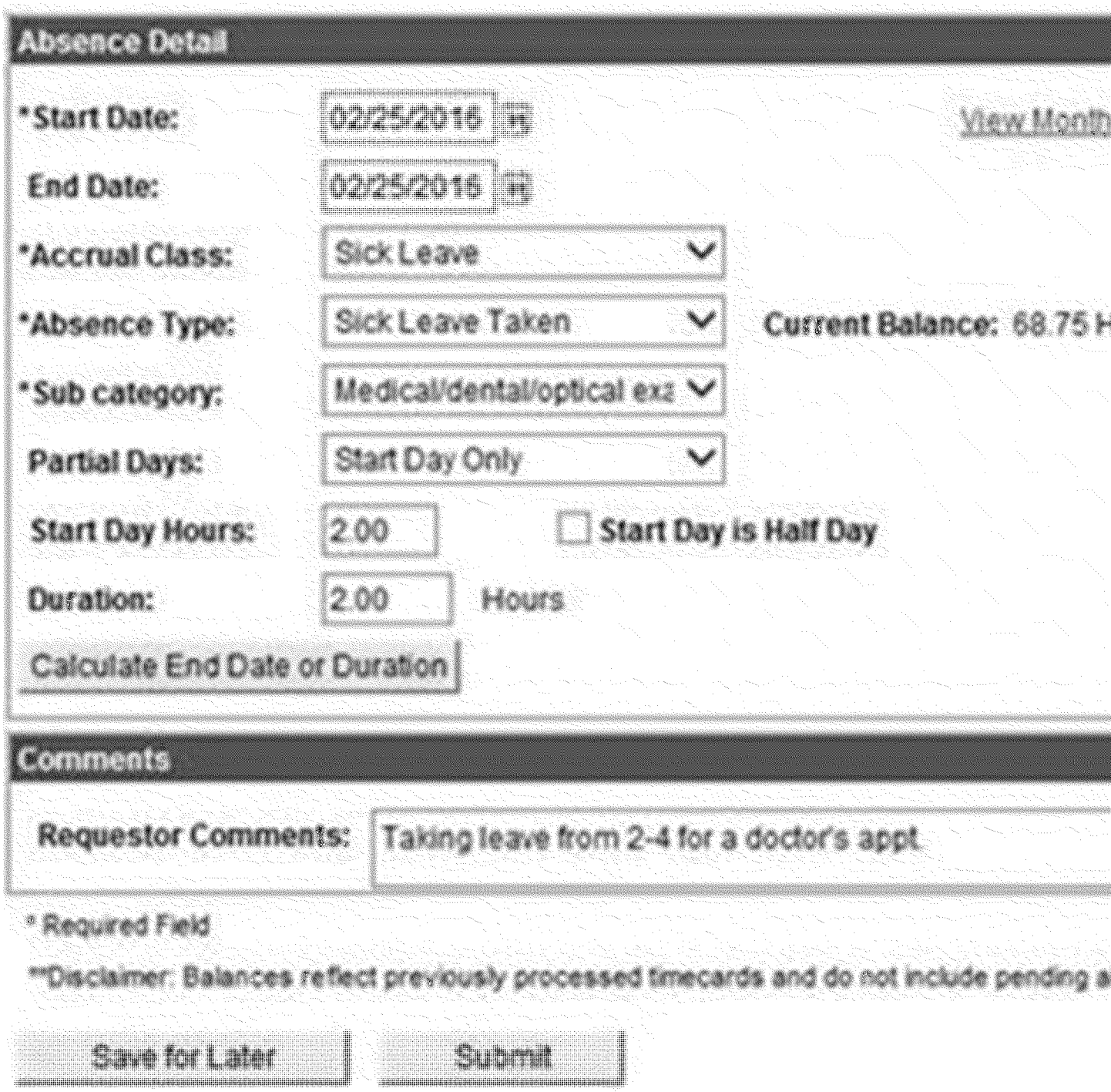
5. How do I request episodic telework (flexiplace)?

To request episodic telework, you must have an episodic telework agreement in place and receive approval in advance of each time you wish to telework. If you have this agreement in place, then complete the Episodic Flexiplace request form found in Webforms and electronically route it to your supervisor for approval, who will then route it to your timekeeper or coordinator for completion. Remember that forms need to be completely filled out, including a description of the work that is to be completed. Timecards also need to reflect your episodic telework hours with the code TWEHR, which also applies to regular telework (TREGW) and medical flexiplace (TMREG).

6. How do I create a leave request for only a part of the day?

A leave request for only a part of the day will look something like the example below. Under the "partial days" drop down menu, select the option that best suits what you need. In most cases, you will probably select "start day only", which you would use for times when you need to leave early for an appointment, for example. Once you make your selection, a new box will appear where you fill in how many hours of leave you will take. Be sure to leave the "duration" box

empty, and to go back to fill in the “end date” box. Next, hit “calculate”, and the hours in “duration” and “start day hours” should match. If they don’t, go back and try again.



Thanks,

Brandon Walters

U.S. EPA Office of Research and Development

Immediate Office of the Assistant Administrator

202.564.1662 | walters.brandon@epa.gov

To: Cox, Taylor[cox.taylor@epa.gov]
Cc: Sinks, Tom[Sinks.Tom@epa.gov]; Greene, Mary[greene.mary@epa.gov]; Anand Mudambi[Mudambi.Anand@epa.gov]; Phelps, Lara[Phelps.Lara@epa.gov]; Benforado, Jay[Benforado.Jay@epa.gov]
From: Grifo, Francesca
Sent: Mon 1/30/2017 3:02:54 PM
Subject: Re: My experience with the new CC line: 2025646493

Would be great to have one for scientific integrity.
Thanks
Francesca

Sent from my iPhone

On Jan 27, 2017, at 3:07 PM, Cox, Taylor <cox.taylor@epa.gov> wrote:

Hi Tom,

A few revisions to this list. Here is the updated one:

Jay: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Denice: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Stacey/Gail: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Kevin: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Anand: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Main Office Line: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Lara: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Lara: [redacted] Ex. 2 ; code: [redacted] Ex. 2

Thanks,

Taylor

From: Cox, Taylor
Sent: Friday, January 27, 2017 9:06 AM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Cc: Greene, Mary <greene.mary@epa.gov>; Anand Mudambi <Mudambi.Anand@epa.gov>; Phelps, Lara <Phelps.Lara@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Benforado, Jay <Benforado.Jay@epa.gov>
Subject: RE: My experience with the new CC line: 2025646493

Hi Tom,

All the conference lines are: 1-866-299-3188. Below are all the participant codes and leader pins the office has along with who they are assigned to.

Jay: [redacted] Ex. 2; code: [redacted] Ex. 2

Denice: [redacted] Ex. 2; code: [redacted] Ex. 2

Stacey/Gail: [redacted] Ex. 2; code: [redacted] Ex. 2

Kevin: [redacted] Ex. 2; code: [redacted] Ex. 2

Anand: [redacted] Ex. 2; code: [redacted] Ex. 2

Main Office Line: [redacted] Ex. 2; code: [redacted] Ex. 2

From: Sinks, Tom
Sent: Friday, January 27, 2017 8:28 AM
To: Cox, Taylor <cox.taylor@epa.gov>
Cc: Greene, Mary <greene.mary@epa.gov>; Anand Mudambi <Mudambi.Anand@epa.gov>; Phelps, Lara <Phelps.Lara@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Benforado, Jay <Benforado.Jay@epa.gov>
Subject: FW: My experience with the new CC line: 2025646493

Hi Taylor – Can you track down all the conference lines, participant and leader codes, and who they are assigned to. Then we can review how they are distributed and determine if we need to make any adjustments.

From: Clarke, Robin
Sent: Thursday, January 26, 2017 9:38 PM
To: Downing, Jim <Downing.Jim@epa.gov>
Cc: Sinks, Tom <Sinks.Tom@epa.gov>; Greene, Mary <greene.mary@epa.gov>; Snowden, Christine <Snowden.Christine@epa.gov>; Nagy, Julia <Nagy.Julia@epa.gov>
Subject: Re: My experience with the new CC line: 2025646493

I Jim. There is another line already established and Taylor has it unfortunately lu ann number could not because the line is no longer in service

Sent from my iPhone

On Jan 26, 2017, at 6:25 PM, Downing, Jim <Downing.Jim@epa.gov> wrote:

<image001.gif>

We, the HSRB used the new CC line for OSA ([redacted]). Christine was having difficulty gaining the new Leader pin prior to the start of the meeting, so on a whim I tried opening the line and used Lu-Ann's old PIN ([redacted]) and it worked! Later, I had to reestablish the line, this time using the new Leader PIN that Christine got ([redacted]), but interestingly enough, it did not work. So, I used Lu-Ann's PIN ([redacted]. Strange.

At any rate, my meeting is now concluded successfully using the 6493 line, which I understand will be deactivated tomorrow. So, perhaps before our next meeting, March 17 we can get the new line established with the correct Leader PIN.

Thanks,

Jim Downing

Designated Federal Official

Human Studies Review Board

Office of the Science Advisor

US Environmental Protection Agency

1200 Pennsylvania Ave., NW 8105R

Washington, DC 20460

202-564-2468

www.epa.gov/osa/human-studies-review-board

To: Anand Mudambi[Mudambi.Anand@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Phelps, Lara[Phelps.Lara@epa.gov]; Nelson, Daniel K.[Nelson.Daniel@epa.gov]; Benforado, Jay[Benforado.Jay@epa.gov]
From: Cox, Taylor
Sent: Mon 1/30/2017 3:04:18 PM
Subject: Agenda Request for Sinks Weekly with Kavlock

Hi All,

Tom has a weekly meeting with Bob Kavlock on Thursday. He is working on putting together an agenda and was wondering if any of you have critical issues you would like him to raise with Bob.

If so, please send them to me.

Thanks,
Taylor

Taylor Cox

Office of the Science Advisor

ORAU for U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20460

W: (202) 564-5406

cox.taylor@epa.gov

To: ORD-DC Feds and NonFeds[ORDDCFedsandNonFeds@epa.gov]
From: Knudsen, Keeley
Sent: Mon 1/30/2017 3:07:16 PM
Subject: FW: Informational Notification: Voicemail Migration - FRIDAY, Jan. 27

FYI…

Keeley Knudsen

Customer Support Representative/ Local Information Security Officer (LISO)

ORD/OSIM/CSD

Office - (202)-566-2461

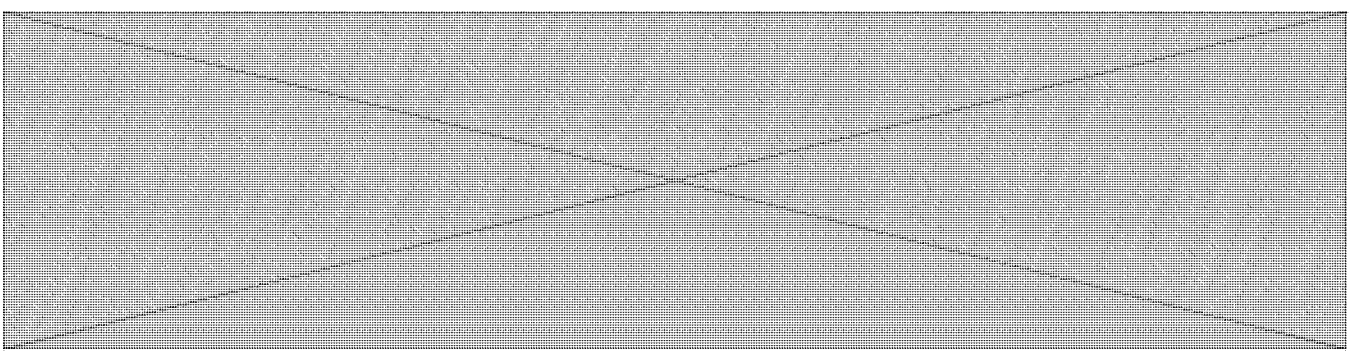
Cell – (202)495-8897

For more detailed information about OSIM Services, see our:

IT Resources, How to Submit Tickets, and/or OSIM IT Tips.

Please conserve paper and think before you print. The trees thank you.

From: OEI-MassMailer-Mailbox
Sent: Tuesday, January 24, 2017 5:29 PM
Subject: Informational Notification: Voicemail Migration - FRIDAY, Jan. 27



Please do not respond to this message. Thank you.

The voicemail migration that was previously scheduled for Friday, January 13th, has been rescheduled for this **Friday, January 27th**.

Employees do NOT need to leave their respective office spaces unlocked.

What You Need to Do

Migration Parameters

Before **COB Friday, January 27h**, employees need to review their existing voicemail box and messages to ensure the following parameters are met:

- All voicemail messages must be newer than 45 days old.
- No voicemail message can be longer than 5 minutes.
- Total length of voicemails in an employee's voicemail box cannot exceed 35 minutes.
- All employees' voicemail passwords must meet increased security requirements, i.e., password must be 4-15 digits in length and no special characters (the * or # symbol) can be used in the password.

For additional information, please review the document: Quick Highlights Aura Messaging – Actions Required before Migration. If you need additional assistance identifying if your voicemail box meets these parameters, please contact EZ Tech at EZTech@epa.gov or call 1-866-411-4372 (option 3).

If your voicemail does not meet the migration requirements before your scheduled migration, your voicemail box will not transfer and you'll need to request a new voicemail through your Local Help Desk.

After the Migration

Headquarter employees' desktop phones should continue to operate as normal after the migration process, including voicemail messages saved during the migration. If you experience issues with your phone or voicemail after the migration, please contact EZ Tech at EZTech@epa.gov or call 1-866-411-4372 (option 3).

More Information

Learn more about Avaya Aura Messaging at OEI's Voice Services intranet page.
Contact EZ Tech at EZTech@epa.gov or call 1-866-411-4372 (option 3).

To: This Week @ EPA[epanews@epa.gov]
From: This Week @ EPA
Sent: Mon 1/30/2017 3:12:20 PM
Subject: This Week @ EPA - January 30, 2017

Senior Leadership Message

In case you missed them, there were two important messages from Acting Administrator Catherine McCabe last week:

- Mass mailer message from the Acting Administrator providing a transition update to include information about the hiring freeze, pause on external communications and engagements, a review of EPA grants and contracts information, and more.

- Video message from the Acting Administrator also providing an update about the transition.

Visit the EPA Transition site to keep up to date on planning for the Presidential transition.

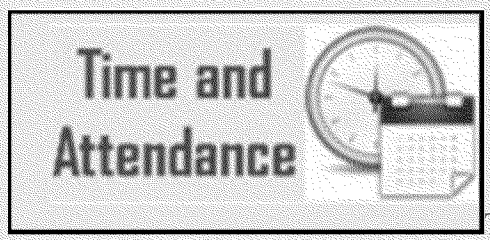
Hot Topics

OPM's Federal Work-Life Survey

Some of you have received a federal work-life survey from the U.S. Office of Personnel Management. This is a legitimate survey to a nationwide sample of approximately 190,000 federal employees, including about 1,700 EPA employees. Recipients will have six weeks to complete this voluntary and confidential survey.

The survey results help OPM and other federal agencies promote work-life programs and policies. OPM will send out weekly reminders to survey recipients and monitor agency response rates. To learn more about the survey, including frequently asked questions, visit the Federal Work-Life Survey website.

Early time and attendance entry for pay period ending Feb. 18



The upcoming Presidents' Day holiday requires early time and attendance submission and payroll close-out.

Make sure you get paid on time! Employees will receive pay only after they and their supervisors approve their timecards in People Plus. If a timecard is not approved by the deadlines, an employee's pay may be impacted or delayed for two to four days after the time that the employee and approving official submit an approved timecard in People Plus.

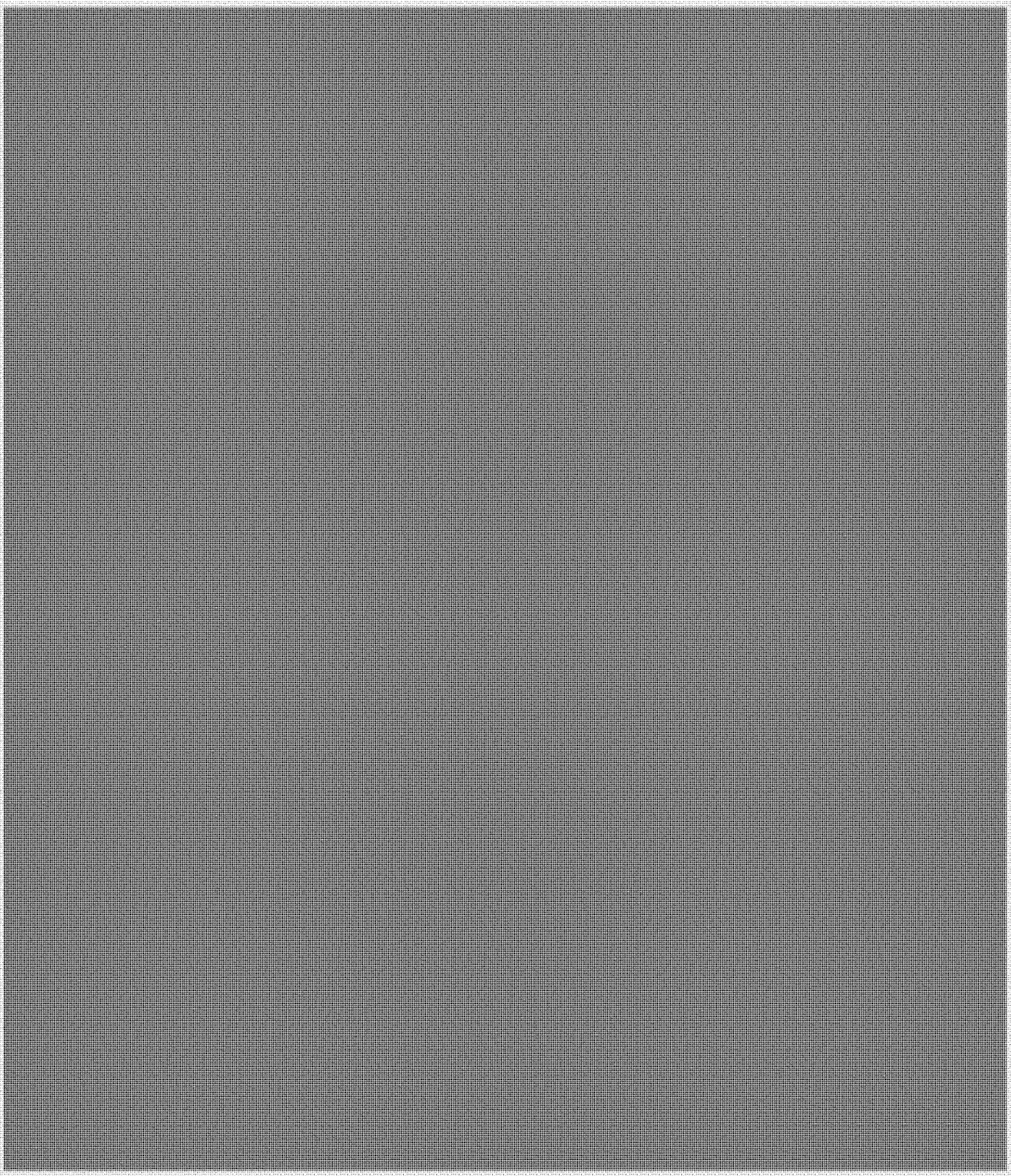
For the pay period ending Feb. 18, the deadlines for entering and approving time are as follows:

- Employees are required to input, "attest and submit" and "save" their time and attendance information in People Plus by 10 p.m. EST Feb. 15.
- All managers and supervisors with time approval responsibilities must complete their approvals of submitted time cards by 10 p.m. EST Feb. 16.

Submitting and approving timecards in accordance with these deadlines will help minimize impacts on pay, allotments, and reduce delays in leave adjustments being reflected on employee Leave and Earnings Statements.

If you have questions regarding this schedule, please contact the OneStop Customer Service Help Desk by calling (202) 564-OCFO (6236) or emailing HRPAYHELP@epa.gov.

SharePoint site.



Find more information about women and heart disease at HHS's Health and Wellness Heart Health site or The Heart Truth website, or call the NHLBI Health Information Center at 301-592-8573.

please contact Michelle Gebhart (gebhart.michelle@epa.gov).

We would love to hear your feedback about this newsletter.
Please contact us at: **internalcomms@epa.gov**
http://intranet.epa.gov/intcmpdcomms

Looking for previous editions of the Newsletter? Go to the
Newsletter Archive

Banner image credit: Dante Rodriguez / Region 9 Tahoe at
Washoe County, NV

To: Dalton, Deborah[Dalton.Deborah@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Mon 1/30/2017 3:39:59 PM
Subject: Scheduling tomorrow's TO-080 TD001 interviews!

Hi, Deb,

Where should we conduct tomorrow's interviews?

Francesca, I notice that you have a 12-1 appointment. Should we host the interviews in our space?

Also, Deb, do you have some interview questions to share with us?

Thank you,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Dalton, Deborah
Sent: Tuesday, January 24, 2017 11:26 AM
To: Otto, Martha <Otto.Martha@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: TO-080 TD001 Interviews

In person is fine if both can be interviewed in person at no cost to the government.

Deb

Deborah S. Dalton

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-2913 (O) | (202) 573-6963 (M)
http://intranet.epa.gov/adr or http://www.epa.gov/adr

From: Otto, Martha
Sent: Tuesday, January 24, 2017 8:44 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: FW: TO-080 TD001 Interviews

Hi, All,

Do you have a preference regarding whether we hold in-person vs. phone interviews of the two candidates for facilitator?

Thanks,

Marti

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 24, 2017 8:19 AM
To: Otto, Martha <Otto.Martha@epa.gov>; Dalton, Deborah <Dalton.Deborah@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Martha,

I thought we decided on in-person interviews since both candidates would be in town on January 31. If you want these to be phone interviews, please confirm so I can inform the candidates. There is likely additional availability if the interviews will be via phone instead of in person.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Tuesday, January 24, 2017 8:17 AM
To: Tracy, Lee-Ann; Dalton, Deborah; Grifo, Francesca; Ross, Margaret
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

I thought that these would be phone interviews.

Assuming that Deb, Francesca, and Margaret agree, I can provide a call-in number.

Thanks,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 24, 2017 6:55 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Martha,

What is the physical address for the interview and is there anything else I should let the interviewees know?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Monday, January 23, 2017 2:43 PM
To: Tracy, Lee-Ann
Cc: Grifo, Francesca; Dalton, Deborah; Ross, Margaret
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

I am still trying to identify an EPA employee that would represent the opposing view to Ex. 6 Ex. 6 position. At Ex. 6 suggestion, I reached out to Ex. 6, who Ex. 6 said was the most outspokenly opposed to his suggestions. But, Ex. 6 is no longer at EPA. So, I am now waiting to hear back from Office of Water with a recommendation of a person with the opposing viewpoint.

Meanwhile, Ex. 6 said that he is interested in listening in on the interviews and provided some questions:

Some questions: How familiar are you with the concept of lipid normalization? Do you have an opinion on lipid normalization's validity/applicability? What type of alternative resolution would you envision for this dispute?

Can you imagine a major reworking of EPA methods which use lipid normalization should my thesis be supported?

I have not yet talked with Deb and Margaret about their ideas for questions.

At this point, I think that we should go ahead and set up the two interviews for the following times:

1. 1/31: 11 am – 12 noon
2. 1/31: 1 pm – 2 pm

Please let me know if you have any questions.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Monday, January 23, 2017 12:36 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Any update on the interview schedule?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Tracy, Lee-Ann
Sent: Tuesday, January 17, 2017 11:10 AM
To: 'Otto, Martha'; Dalton, Deborah
Subject: RE: TO-080 TD001 Interviews

Thanks for the prompt response. Yes, Ex. 6 would participate in the interview with Ex. 6. I'll wait until you confirm the times before I notify the two candidates.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Tuesday, January 17, 2017 11:01 AM
To: Tracy, Lee-Ann; Dalton, Deborah
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

Margaret Ross would also like to participate in the interviews. Looking at my calendar, as well as Deb's, Francesca's, and Margaret's electronic calendars, it seems that on 1/31, we have only two available time slots: 11 am -12 noon and 1-2 pm. But, I am waiting for confirmation from Francesca, Deb, and Margaret on that.

Would Ex. 6 also participate in the interview with Ex. 6?

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 17, 2017 10:44 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>
Cc: Otto, Martha <Otto.Martha@epa.gov>
Subject: TO-080 TD001 Interviews

I received an update on availability from Ex. 6 and Ex. 6.

Ex. 6 may be in DC Tuesday, January 31. She will confirm this week.

Ex. 6 is not available on the dates noted earlier. He is now available for an in-person interview Monday and Tuesday, January 30 and 31, with a preference for the 31st.

Sounds like the 31st is the best date for both interviews. Can you find a time that everyone can meet?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Tracy, Lee-Ann
Sent: Monday, January 16, 2017 7:21 AM
To: 'Dalton, Deborah'
Cc: otto.martha@epa.gov
Subject: RE: TO-080 TD001 Circulation Notice Responses

Deb,

Ex. 6 won't be in town for her other project this month. I assume that means phone interviews for each of the candidates. Please let me know what dates and times you and Martha decide for the two phone interviews.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Dalton, Deborah [mailto:Dalton.Deborah@epa.gov]
Sent: Friday, January 13, 2017 2:45 PM
To: Tracy, Lee-Ann
Subject: Re: TO-080 TD001 Circulation Notice Responses

Since Ex. 6 is on a current project to TO 2. If she were in town during that period we could be fair and do both in person.

Sent from my iPhone

On Jan 13, 2017, at 2:17 PM, Tracy, Lee-Ann <Lee-Ann.Tracy@csra.com> wrote:

Thanks for confirming Ex. 6 is allowed to work for EPA.

I told Ex. 6 that you probably wanted a phone interview, but I said I would ask. I'm pretty sure he meant that both of them would be in town.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Dalton, Deborah [mailto:Dalton.Deborah@epa.gov]
Sent: Friday, January 13, 2017 1:43 PM
To: Tracy, Lee-Ann
Cc: Otto, Martha; Ross, Margaret; Grifo, Francesca
Subject: Re: TO-080 TD001 Circulation Notice Responses

Ex. 6 is legally allowed to work as a neutral. We usually like to have in all candidates have the same kind of interview - either in person or phone just to be fair. Are you saying Ex. 6 will be in DC in addition to Ex. 6 or just Ex. 6 ?

Sent from my iPhone

On Jan 13, 2017, at 1:29 PM, Tracy, Lee-Ann <Lee-Ann.Tracy@csra.com> wrote:

Martha,

I asked Ex. 6 and Ex. 6 to let me know when they were available on January 23, 24, 30, and 31 for an interview.

Ex. 6 is available for an interview anytime on Tuesday January 24 and Monday January 30 any time after 11:00 am

Ex. 6 is available at 10 am or 1 pm on Tuesday January 24. He requested an in-person interview and would like to include his colleague Ex. 6 of AlterEcho, who he will team with on this effort. I assume you will deal with the issue of Ex. 6 as a former EPA employee and if he is eligible to accept EPA work at this time.

Please let me know what times you decide for the interviews and I will inform the two candidates.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]

Sent: Wednesday, January 11, 2017 4:37 PM
To: Tracy, Lee-Ann
Cc: Dalton, Deborah; Ross, Margaret; Grifo, Francesca
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

So, just to reiterate, I'm hoping to hear back from Ex. 6 in the next day or so to see if he wants to be involved in the interview process.

Meanwhile, I looked at electronic calendars for Francesca, Deb, Margaret, and me. Based on our calendars, we could try to schedule the interviews for:

- The week of January 23rd, but we have a big meeting on the afternoon of the 25th, so our best day would be Thursday, January 26th (though that day is not good for Margaret) or Friday, January 27th (which is my compressed day off, but I could call in). We might also be able to schedule them for Monday or Tuesday of that week.

- The week of January 30th looks fairly good for all four of us.

I understand that Deb has some possible interview questions to share with us.

Thanks,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Otto, Martha
Sent: Wednesday, January 11, 2017 2:18 PM
To: 'Tracy, Lee-Ann' <Lee-Ann.Tracy@csra.com>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

Francesca Grifo, Deb Dalton, Margaret Ross, and I reviewed the 5 proposals from potential facilitators. We each ranked the candidates. As it turned out, we all agreed on the top two candidates and even had them in the same order. The other three candidates finished in varying places within the 3rd, 4th, and 5th positions within our individual rankings.

Our top two candidates, in order, are:

1. Ex. 6
2. Ex. 6

I am reaching out to Ex. 6 (the person who made the allegation about the issue concerning lipid normalization and fish tissue analysis) to see if he would like to be involved in helping us to select a facilitator. I also asked Ex. 6 if he could recommend someone else (with the opposing view/position on the issue) who might want to be involved in helping us to select a candidate. I will let you know when I hear back from Ex. 6.

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Wednesday, January 04, 2017 8:05 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: RE: TO-080 TD001 Circulation Notice Responses

Thanks for letting me know. I'll just inform those who responded. I'll tell them we'll make a decision the week of January 16.

Thanks,

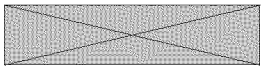
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017



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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Wednesday, January 04, 2017 8:04 AM
To: Tracy, Lee-Ann
Cc: Dalton, Deborah
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

Deb and I are meeting on Thursday, 1/12, to discuss the proposals for facilitator. This was the earliest that we were able to schedule the meeting. I am sorry that it's making our schedule slip.

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Wednesday, January 04, 2017 7:12 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: FW: TO-080 TD001 Circulation Notice Responses

Martha and Deb,

Do you have any input to the facilitator selection for the Fish Tissue Analysis project (TD-1)? In the circulation notice, I indicated we would make our selection this week. Let me know if you need additional information or would like to set up interviews.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Tracy, Lee-Ann
Sent: Tuesday, December 27, 2016 8:38 AM
To: otto.martha@epa.gov
Cc: dalton.deborah@epa.gov
Subject: TO-080 TD001 Circulation Notice Responses

Martha and Deb,

I've attached the responses to the circulation notice. All of them have significant experience with the three main criteria:

1. Technical background or experience in facilitating issues of scientific methodology

2. Experience facilitating or mediating scientific disagreements

3. Experience handling complex competing environmental methodologies in the course of negotiations

Unless there is a strong preference based on specific cases a candidate facilitated or other reasons, the deciding factor may be location. I've listed the candidates below in my order of preference based on location.

1. Ex. 6
2. Ex. 6
3. Ex. 6
4. Ex. 6
5. Ex. 6

Ex. 4

Ex. 4

[redacted]

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave: Friday December 23 and 30, 2016.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Fraud Risk Management in Government Training Workshop
Sent: Mon 1/30/2017 4:52:00 PM
Subject: How to Training: Implementing the Fraud Reduction and Data Analytics Act

All Executive Department Employees Must Comply with the Fraud Reduction Act Please Review and Forward to Your Government Executives, Managers and Staff Who Have the New Responsibility for Fraud Reduction, Risk Management or OMB Circular A-123

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Fraud Risk Management in Government Training Workshop

What you need to know to comply with the requirements of the Fraud Reduction and Data Analytics Act

Date: March 22, 2017

The Fraud Reduction and Data Analytics Act (Signed by the President June 30, 2016)

The Law requires:
The financial and administrative controls shall include:

Conducting an evaluation of fraud risks and using a risk-based approach to design and implement financial and administrative control activities to mitigate identified fraud risks; collecting and analyzing data from reporting mechanisms on detected fraud to monitor fraud trends and using that data and information to continuously improve fraud prevention controls; and using the results of monitoring, evaluation, audits, and investigations to improve fraud prevention, detection, and response.

Each agency shall submit as part of its annual financial report a report on its progress in:

Implementing such financial and administrative controls, the fraud risk principle in the Standards for Internal Control in the Federal Government, and OMB Circular A-123 leading practices for managing fraud risk; identifying risks and vulnerabilities to fraud; and establishing steps to curb fraud.

Please Review and Forward to Your Government Executives, Managers and Staff Who Have the New Responsibility for Fraud, Enterprise Risk Management/Internal Controls (Revised OMB A-123)

Potomac Forum Training Workshop

Fraud Risk Management in Government Training Workshop

What you need to know to comply with the requirements of the Fraud Reduction and Data Analytics Act

Date: Wednesday, March 22, 2017

Sponsored by:

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(703) 683-1613
info@PotomacForum.org

Location of Workshop:
Willard InterContinental Hotel
Washington, D.C.

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Press and Industry is Not Permitted to Encourage Candid Discussion in our Learning Environment

Special Keynote Speaker
Gene Dodaro
Comptroller General of the United States

Additional Government Guest Speakers

Scott Dahl
Inspector General
Department of Labor
(invited)

Marcus Howard

Program Director
Pension Benefit Guaranty Corporation (PBGC)

Caryn Kauffman
Deputy CFO
Securities and Exchange Commission (SEC)

Robert Novy
Deputy Assistant Director
U.S. Secret Service Office of Investigations

AGA Guest Speaker
Helena Sims
Director of Intergovernmental Relations
AGA

Additional government speakers awaiting agency confirmation

Overview:

Fraud in government programs is a significant financial and reputational concern. For example, in Medicaid and Medicare alone, federal authorities recovered roughly $2.3 billion in fraud against the federal government in 2014. According to the Association of Certified Fraud Examiners (ACFE), the typical organization loses 5 percent of its revenue to fraud each year. Even when detected, 40 to 50 percent of the organizations that fall prey don't recover their losses. According to ACFE, government and public administration are among the industries most likely to be victims of fraud.

While eliminating fraud is infeasible, a risk-based approach can help agencies both prevent fraud and detect it earlier. In June 2015, the Government Accountability Office (GAO) released guidance for government agencies to develop risk-based, proactive anti-fraud programs. The Framework for Managing Fraud Risks in Federal Programs describes practices agencies can take to develop an anti-fraud culture, conduct fraud risk assessments, and map those assessments to their existing controls to identify and mitigate gaps.

On June 30, 2016, the president signed into law The Fraud Reduction and Data Analytics Act (FRDAA). Both the FRDAA and OMB Circular A-123 require agencies to adhere to the practices outlined in GAO's Framework for Managing Fraud Risks in Federal Programs. The FRDAA requires agencies to report on their progress as part of their AFR beginning in FY 2017 and every year for the next three years

This workshop is designed for the managers and senior executives in the offices which perform many of the core programmatic and operational components of an organization to better understand GAO's Fraud Risk Management guide and the fraud risk management requirements contained in the FRDAA.

Participants will also gain an understanding of the types of fraud agencies in the federal government encounter, practical tips for conducting a fraud risk assessment, how data analytics can be practically and cost-effectively applied to detect and prevent fraud, and ways to begin implementing the new requirements.

What You Will Learn:

- **The requirements of the new Fraud Reduction and Data Analytics Act of 2015 (Signed June 30, 2016)**
- **The key elements of GAO's Fraud Risk Management Framework**
- **How to leverage data analytics capabilities to detect and prevent fraud**
- **What types of fraud are common in different areas of government and how to identify it**
- **How to conduct an effective fraud risk assessment**
- **How to develop an effective fraud risk management program at your agency**

Why You Should Attend:

- **To learn about what the new Fraud Reduction and Data Analytics Act requires**
- **What OMB A-123 requires with regard to fraud**
- **How to implement GAO's Fraud Risk Management Framework**
- **How to incorporate data analytics into a successful fraud risk management program**

Who Should Attend:

- Financial and Non-financial management professionals responsible for Fraud Management, Implementing the Fraud Prevention Act, Risk Management/Internal Controls
- Fraud Management, Risk Management and Internal controls program managers and team members
- Program management professionals with responsibilities in Managing Fraud Reduction
- Auditors

- Risk Management and Internal controls steering committee members
- Inspectors General and Staff
- Chief Financial Officers and Staff
- Chief Information Officers and Staff
- Chief Procurement and Acquisition Officers and Staff
- Risk Management Staff
- Chief Human Capital Officers, HR Managers and Staff
- Managers, Directors and Senior Officials who have fiduciary/financial and/or risk management responsibilities
- **Program managers and others who are or will be responsible for or involved in creating, overseeing and implementing fraud risk activities, including those responsible for implementing OMB A-123 requirements, and those responsible for risk management within their agencies.**

CEUs Awarded Upon Workshop Completion

Workshop for Government Employees ONLY
to Permit Candid Discussion
Press is NOT Invited to Register or Attend

"Send-A-Team" Registration Fees

This Training is for Government Only
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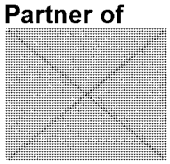

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400 North Washington Street , Alexandria , Virginia, 22314 , USA

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To: ORD-OSA[ord-osa@epa.gov]
From: Sinks, Tom
Sent: Mon 1/30/2017 4:57:54 PM
Subject: FW: ORD Weekly Update

FYI

From: Blackburn, Elizabeth
Sent: Saturday, January 28, 2017 4:12 PM
To: ORD-Exec-Council-Directors <Execcouncildirectors@epa.gov>; ORD-Mgmt-Council <ORDMgmtCouncil@epa.gov>; ORD-IOAA-Front Office Support <ORDIOAASUPPORT@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; Maloney, Kelsey <Maloney.Kelsey@epa.gov>; Gibbons, Dayna <Gibbons.Dayna@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>
Subject: Fwd: ORD Weekly Update

Dear all

Please see Bob's note below to the acting Administrator.

Hope you are enjoying your weekend.

Liz

Liz Blackburn

Chief of Staff

EPA Office of Research and Development

202-564-2192

Cell 202-436-2453

Sent from my iPhone

Begin forwarded message:

From: "Kavlock, Robert" <Kavlock.Robert@epa.gov>
Date: January 28, 2017 at 12:03:37 PM EST
To: "Mccabe, Catherine" <McCabe.Catherine@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Reeder, John" <Reeder.John@epa.gov>, "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "Heard, Anne" <Heard.Anne@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>, "Shapiro, Mike" <Shapiro.Mike@epa.gov>
Cc: "Hubbard, Carolyn" <Hubbard.Carolyn@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>, "Gwinn, Maureen" <gwinn.maureen@epa.gov>, "Rodan, Bruce" <rodan.bruce@epa.gov>, "Radzikowski, Mary Ellen" <Radzikowski.Maryellen@epa.gov>, "Robbins, Chris" <Robbins.Chris@epa.gov>
Subject: ORD Weekly Update

Acting Administrator McCabe

In addition to providing summaries of important work with our Program Offices and Regions in this week's update on ORD, I am including information on several upcoming external communications that staff from ORD or the Office of the Science Advisor will be participating in. Should you need any additional information on any of these, please let me know.

We look forward to briefing you and the beachhead team next week on our overall program.

Bob Kavlock

Field Studies to Support Cleanup at Delatte Metals Superfund Site in Region 6, Ponchatoula, LA

From January 31-February 3, ORD, working with R6 and the State of Louisiana, will conduct field studies on an organic permeable reactive barrier installed to remediate groundwater contamination at the Delatte Metals Superfund Site and investigate the impact on groundwater flow. The site was formerly a facility where spent lead-acid batteries were processed and smelted into ingots, resulting in soil, sediment, surface water, and groundwater contamination.

ORD Providing Data to Assist CDC's *Shigella* Investigation in Flint

Last week ORD participated on a CDC call to answer questions about water use data and water age predictions from the Flint hydraulic model. The CDC has been investigating a *Shigella* outbreak in Flint (about 60 cases between March 2016 and October 2016). To date, the investigation has not shown evidence linking the outbreak to water. To complete the investigation, CDC will conduct a geospatial analysis of the data to include ORD's water use data, the model water age predictions, chlorine residual sampling data, and chlorine residual model predictions from Flint. CDC is planning to compare these factors at the homes of those affected by the outbreak and compare them to control homes throughout the city.

Interagency Interim Planning Guidance for the Handling of Contaminated Solid Waste Contaminated

The 2014 Ebola outbreak and subsequent cases that were treated at health care facilities in the US generated large quantities of medical waste potentially contaminated with the Ebola virus. Management of this waste was exceedingly difficult. Rigorous Department of Transportation packaging requirements, coupled with an unwillingness of many waste treatment and disposal facilities to accept the waste, highlighted the need for a guidance. OSHA led an interagency effort with EPA, DOT, CDC and the Assistant Secretary for Preparedness and Response to develop Federal guidance. ORD provided scientific support for EPA's contributions to the guidance.

TSCA Support

ORD continues to provide significant scientific support for a number of TSCA-related activities:

•□□□□□□□□ Asbestos – This is one of the first ten chemicals to be evaluated under TSCA. ORD is supporting the OPPT asbestos workgroup in the preparation of the Use Dossier and Scoping Documents. ORD's current focus is on the characterization of hazard and dose-response.

•□□□□□□□□ Procedures for Chemical Risk Evaluation under the Amended Toxic Substances Control Act

•□□□□□□□□ Regulation of Certain Uses under TSCA Section 6: Methylene chloride, N-methylpyrrolidone, and Trichloroethylene

Tox21 Partner Meeting

Jan 26: NCCT Director Russell Thomas and Deputy Director Kevin Crofton hosted a Toxicology in the 21st Century (Tox21) Partner meeting that for the past 10 years has been advancing the use of computational toxicology for chemical safety evaluation. The meeting included representatives from the other Federal Agency collaborators including NIEHS/NTP, NCATS and FDA. They discussed the final version of the Tox21 strategy document and next steps for implementing the new strategy.

Upcoming Events and Webinars

Small Systems Webinar January 31st

ORD will hold its monthly small drinking water systems webinar on January 31st. The webinar will cover the history of distribution system chlorine monitoring siting, overview the diversity in state regulations/guidance, and present a case study demonstrating an evaluation of chlorine monitoring locations in a distribution system. It will also discuss residual disinfectant concentration vs. coliform/*E. coli* data from the Agency's recently released third Six-Year Review. OW will describe how to develop a monitoring plan that is representative of the overall distribution system, collect samples to accurately characterize water quality, and understand interferences and limitations of commonly used field methods.

Scientific Integrity Official Speaking at AAAS

Francesca Grifo, EPA's Scientific Integrity Official, is scheduled to speak at the American Association for the Advancement of Science Annual Meeting in Boston in mid-February. She has been asked to speak about "Scientific Integrity at the EPA". The presentation will include an overview of EPA's Scientific Integrity Policy and progress in its implementation.

New Partners for Smart Growth Conference

A number of EPA staff including ORD will participate in the New Partners for Smart Growth Conference in St. Louis, MO, February 2 - 4, 2017. It is the nation's largest smart growth and sustainability event underscoring an emphasis on implementation tools and strategies and new technologies that will help communities achieve economic development in an environmentally sustainable fashion. This year's theme "Practical Tools and Innovative Strategies for Creating Great Communities," is a great opportunity for ORD to demonstrate our community-based tools for linking human well-being to environmental quality.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Harvard Kennedy School
Sent: Mon 1/30/2017 5:11:30 PM
Subject: Approaching Deadlines for Spring Programs | Apply Now

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Harvard Kennedy School | Executive Education
79 JFK Street Cambridge, Massachusetts 02138

This message was sent to grifo.francesca@epa.gov from:

Harvard Kennedy School | ee_admissions@hks.harvard.edu | HKS Executive Education | 79 JFK Street | Cambridge, MA 02138
Unsubscribe

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Christine Snowden
Sent: Mon 1/30/2017 5:48:11 PM
Subject: A Authorization, Agreement and Certification of Training has been prepared for you by Christine Snowden

A Authorization, Agreement and Certification of Training has been prepared for you by Christine Snowden

Click on this link to access this form:
https://webforms.epa.gov/webforms/webformsadmin.nsf/formOpen?OpenAgent&UNID=C6E061F6151830B1852580B8006

To: MassMailer[massmailer@epa.gov]
From: MassMailer
Sent: Mon 1/30/2017 5:57:52 PM
Subject: Message from the Senior White House Advisor

After one week on the job leading the transition team, I would like to say thank you to the many career professionals here at the EPA who have been working with me, White House Liaison Charles Munoz, and the transition team. I have served many roles in my life in both the private sector and in government. I want the EPA team to know that the people I have worked with here are among the best I have ever had the opportunity to work with.

We all know that political transitions are never easy. Carter to Reagan in 1981, Bush to Clinton in 1993, Clinton to Bush, and then Bush to Obama have all been unique and possessed their own challenges. We are now working our way through the transition from President Obama to President Trump.

Due to the important nature of the work that is done here at EPA, we are falling under a greater media microscope than most agencies.

I, like many of you, am surprised each morning by what I read in the newspaper and see on TV news shows, because much of what we see is just not accurate.

In addition, many news outlets are quoting individuals who are no longer serving on the EPA transition team. I am not able to validate or reject the statements made by these individuals, since I am not directly working with them, and I have not seen many of the documents referenced in the stories.

I cannot tell you today what the final decisions from the White House, from our new Administrator, and from the Congress will be. I can tell you that despite what you read and see on TV, no final decisions have been made with regard to the EPA.

Changes will likely come, and when they do, we will work together to implement them.

One thing I am certain of is that the transition team is committed to working with you to carry out the core mission of the EPA – To Protect Human Health and the Environment.

Don Benton

Senior White House Advisor

To: ORD-DC Feds and NonFeds[ORDDCFedsandNonFeds@epa.gov]
Cc: Noel, Glenda[Noel.Glenda@epa.gov]; Hargrove, Syreeta[Hargrove.Syreeta@epa.gov]; Kress, Jay[Kress.Jay@epa.gov]; Sykes, John[Sykes.John@epa.gov]
From: Knudsen, Keeley
Sent: Mon 1/30/2017 6:15:41 PM
Subject: OSIM Open House
ORD Open House_DC.PDF
ORD Open House_Potomac Yards.pdf

All:

OSIM is planning an Open House on Tuesday, February 7th in Washington, DC (RRB and PYD) to provide an overview of OSIM Services and discuss Information Technology/Information Management topics with ORD personnel. We have set up time at both locations (see below for our anticipated schedule). **Please see attached flyer announcing the Open House at each location.**

Ronald Regan Building (Room 41107-1 and 41107-2)

9 am – 10 am – Poster Session, Meet and Greet and Answer Questions

10 am – 11 am – Round Table Discussion – Videoconference with OSIM Director and OSIM Experts to provide information on OSIM Services

11 am – 11:30 am – Continued Poster Session and Answer Questions

Potomac Yards (Room PYS-11252)

1 pm – 2 pm – Poster Session, Meet and Greet and Answer Questions

2 pm – 3 pm – Round Table Discussion – Videoconference with OSIM Director and OSIM Experts to provide information on OSIM Services

3 pm – 3:30 pm – Continued Poster Session and Answer Questions

We want to make sure that we have the correct OSIM personnel available for the Round Table Discussions. In order for us to do this, we ask that you provide us with a list of any questions/concerns you may wish to discuss at this sessions as we want to make sure we have the experts available to respond to your questions. Please provide us with any specific topics you would like to discuss January 30th, if possible. You can send those comments to: sykes.john@epa.gov and/or Knudsen.keeley@epa.gov We also will reach out to the Washington, DC IT/IM User Group and ORD personnel at both sites to inform them or this event.

We also realize that staff may be working remotely and may wish to call in to these sessions. We can arrange for an Adobe Connect session if needed.

Thanking you in advance and looking forward to seeing you real soon.

Keeley Knudsen

Customer Support Representative/ Local Information Security Officer (LISO)

ORD/OSIM/CSD

Office - (202)-566-2461

Cell – (202)495-8897

For more detailed information about OSIM Services, see our:

IT Resources, How to Submit Tickets, and/or OSIM IT Tips.

Please conserve paper and think before you print. The trees thank you.

OSIM

Office of Science Information Management

OPEN HOUSE

Location: Ronald Reagan Building (Room 41107-1 and 41107-2)

Time: 9am-11:30am **Date:** Tuesday, February 7, 2017

Join us to learn about techniques and technologies that can help make your job easier

- VIVO
- OneDrive
- Infrastructure
- Support of Developing and Existing Applications
- Security
- Remote Access
- CSR Table
- Collaboration Tools

And Much More!

Please feel free to bring your electronic devices and any questions you may have.

OSIM

Office of Science Information Management

OPEN HOUSE

Location: Potomac Yards (Room PYS-11252)

Time: 1pm-3:30pm **Date:** Tuesday, February 7, 2017

Join us to learn about techniques and technologies that can help make your job easier

- VIVO
- OneDrive
- Infrastructure
- Support of Developing and Existing Applications
- Security
- Remote Access
- CSR Table
- Collaboration Tools

And Much More!

Please feel free to bring your electronic devices and any questions you may have.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Mon 1/30/2017 6:47:19 PM
Subject: January 30 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION

GREENWIRE — Mon., January 30, 2017

READ FULL EDITION

1.REGULATIONS:

Industry celebrates as Trump inks 'one in, two out' order

President Trump today signed an executive order requiring two federal regulations be revoked for every new one. "The American Dream is back," he said.

TOP STORIES

2.INTERIOR:

Bush-era official seen as front-runner for No. 2 slot

3.SUPREME COURT:

Scalia's take on EPA rule could haunt Trump's border plan

4.COLORADO RIVER:

Trump-Mexico clash seen as threat to critical water talks

TRANSITION

5.SUPREME COURT:

Trump's top choices guarantee bruising Senate battle

6.INTERIOR:

Zinke details ethics, energy, public lands positions

7.STATE DEPARTMENT:

Tillerson faces tumultuous ride at Foggy Bottom

8.DOE:

Trump boots department from National Security Council

9.DEFENSE:

Watchdog urges scrutiny of Air Force pick's ties to labs

POLITICS

10.EPA:

Dem leader to vote against Pruitt

11.ENERGY POLICY:

Koch network to Trump: 'We're not looking for a fight'

12.SCIENCE:

Climate researchers, professors join immigration protests

13.WHITE HOUSE:

Trump screening of 'Finding Dory' stokes protests

14.DAKOTA ACCESS:

Malia Obama attends pipeline protest

CONGRESS

15.REGULATIONS:

Clean Air Act rules likely targets in 2017 — CRS

16.NOMINATIONS:

Senate panels set to vote on OMB pick

NATURAL RESOURCES

17.NATIONAL PARKS:

Journalist ran rogue Crater Lake Twitter account

18. OREGON STANDOFF:
Hundreds, including freed Malheur occupiers, honor Finicum
19. NATIONAL PARKS:
'WoofieLeaks' escalates fight over dogs in Golden Gate
20. FORESTS:
Timber payout expires, leaving Ore. counties hamstrung
21. INVASIVE SPECIES:
Grass carp take hold in Great Lakes

LAW

22. PESTICIDES:
Monsanto to fight Calif. court ruling on Roundup labeling
23. WATER POLLUTION:
Utility can't win damages in Iowa nitrate case — court
24. OREGON STANDOFF:
Judge, not jury to hear next round of misdemeanor cases

ENERGY

25. DAKOTA ACCESS:
Army officials meeting today on pipeline
26. DEFENSE:
Navy mismanaged energy savings contracts — IG

FEDERAL AGENCIES

27. FEDERAL AGENCIES:
NTSB chief moves to Chemical Safety Board
28. PEOPLE:
Former NOAA admin honored with top academy medal

TRANSPORTATION

29. AUTOS:
VW passes Toyota in 2016 global sales

AIR AND WATER

30. WATER POLLUTION:
Enviros, tribe threaten to sue Navy over hull scraping

PUBLIC HEALTH

31. ASBESTOS:
EPA may take 3 years to issue warning

STATES

32. WEST VIRGINIA:
New DEP chief fires top environmental advocate
33. OHIO:
State didn't investigate most lead poisonings in kids
34. WASHINGTON:
Competing bills tackle court's rural water decision
35. WASHINGTON:
Officials wrangle funding to fight invasive mussels

INTERNATIONAL

36. JAPAN:
Fukushima operator makes possible cleanup breakthrough

E&E'S POWER PLAN HUB

37. POWER PLAN HUB:
Where will Clean Power Plan organizers refocus their efforts?

Get all of the stories in today's Greenwire, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at http://www.greenwire.com.
Forgot your passcodes? Call us at 202-628-6500 now and we'll set you up instantly.
To send a press release, fax 202-737-5299 or email editorial@eenews.net.
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From: Otto, Martha
Location: DCRoomRRB41213/ORD
Importance: Normal
Subject: interview #1 for facilitator for TO-080
Start Date/Time: Tue 1/31/2017 4:00:00 PM
End Date/Time: Tue 1/31/2017 5:00:00 PM

Hi, All,

The purpose of this meeting is to interview candidate #1 for the position of facilitator under TO-080.

This interview will be held in the Ronald Reagan Building, 4th floor, in the EPA space, in conference room RRB 41213.

Detailed instructions on finding and entering the building can be found at:

https://www.epa.gov/aboutepa/visiting-epa-headquarters

Call-in Information:

1-866-299-3188

Code [redacted] Ex. 2

Please let me know if you have questions.

Martha

202-564-2872

Otto.martha@epa.gov

From: Otto, Martha
Location: DCRoomRRB41213/ORD
Importance: Normal
Subject: interview #2 for facilitator for TO-080
Start Date/Time: Tue 1/31/2017 6:00:00 PM
End Date/Time: Tue 1/31/2017 7:00:00 PM

Hi, All,

This interview will be held in the Ronald Reagan Building, 4th floor, in the EPA space, in conference room RRB 41213.

Detailed instructions on finding and entering the building can be found at:

https://www.epa.gov/aboutepa/visiting-epa-headquarters

When you get to the guard desk at the entry to the EPA space within the building, a visitor can call Martha at 202-564-2782 for entry into the EPA space.

If you are not in the Washington, DC, area, you can use the following conference call-in information:

1-866-299-3188

Code [redacted] Ex. 2

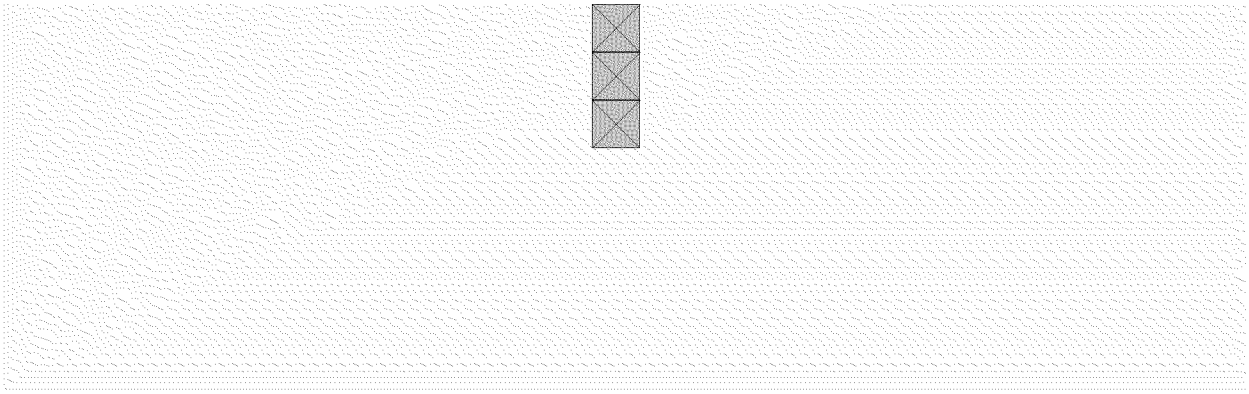
Please let me know if you have questions.

Martha

202-564-2872

Otto.martha@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: PLEN
Sent: Mon 1/30/2017 7:23:27 PM
Subject: You're Invited! PLEN Alumnae Networking Launch and Receptions



To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Hagan, Ann (NIH/NIGMS) [E]
Sent: Mon 1/30/2017 7:50:13 PM
Subject: RE: Interagency Working Group on Scientific Integrity/ Research Integrity

Please delete me from this list. Drs. Sally Amero and Patricia Valdez represent the NIH on this group. Thank you.

Regards,

Ann A. Hagan, Ph.D.

Associate Director for Extramural Activities

NIGMS, NIH

Natcher Building, Room 2AN.24B

45 Center Drive, MSC 6200

Bethesda, MD 20892-6200

hagana@nigms.nih.gov

(301) 594-4499; FAX (301) 480-1852

From: Parkinson, Lorna [mailto:parkinson.lorna@epa.gov] **On Behalf Of** Grifo, Francesca
Sent: Tuesday, January 24, 2017 2:52 PM
To: Amero, Sally (NIH/OD) [E] <ameros@mail.nih.gov>; Green, Kim - OSEC <Kim.Green@osec.usda.gov>; henry.wixon@nist.gov; richard.cavanagh@nist.gov; cynthia.decker@noaa.gov; jeff.dillen@noaa.gov; evelyn.kent@osd.mil; stephen.maleson@us.army.mil; christopher.skinner1@navy.mil; jay.winchester1@us.army.mil; patrick.glynn@science.doe.gov; diane.cutler@oig.hhs.gov; Valdez, Patricia (NIH/OD) [E] <patricia.valdez@nih.gov>; dana.reynolds@oig.hhs.gov; brad.blythe@boem.gov; Gabriel.lohr@sol.doi.gov; earmani@usbr.gov; draff@usbr.gov; sharon.buffington@bsee.gov; tiffany.parson@bsee.gov; racoleman@usgs.gov; sfelch@osmre.gov; lgundersen@usgs.gov; lbruegge@blm.gov; hhadley@blm.gov; sean.hart@bia.gov; nbaumgartner@usgs.gov; suzette_kimball@usgs.gov; gary_machlis@nps.gov; eangus@lmi.org; flarocca@nasa.gov; jkroll@nsf.gov; Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>; Ulmer, Craig <Ulmer.Craig@epa.gov>; Malone, Elton (OIG/OI) <Elton.Malone@oig.hhs.gov>; jennifer.nist@nist.gov; Pfaender, Kathleen (FDA/CVM)

<Kathleen.Pfaender@fda.hhs.gov>; Garfinkel, Susan J (HHS/OASH) <Susan.Garfinkel@hhs.gov>; Hammatt, Zoe (OS/ORI) <Zoe.Hammatt@hhs.gov>; Runko, Alex (HHS/OASH) <Alexander.Runko@hhs.gov>; Trenkle, William (OS/OASH) <William.Trenkle@hhs.gov>; evelyn.w.kent.civ@mail.mil; Degrasse, Jeffrey (FDA/OC) <jeffrey.degrasse@fda.hhs.gov>; Colbert, Melissa (NIH/OD) [E] <colbertmc@od.nih.gov>; Cono, Joanne (CDC/OD/OADS) <bzc6@CDC.GOV>; Warren, Matthew (FDA/OC) <Matthew.Warren@fda.hhs.gov>; George, David (NIH/NIBIB) [E] <georged@mail.nih.gov>; Grieder, Franziska (NIH/OD) [E] <GriederF@mail.nih.gov>; Hagan, Ann (NIH/NIGMS) [E] <HaganA@nigms.nih.gov>; Kabak, Shara (HHS/OASH) <Shara.Kabak@hhs.gov>; Liberman, Ellen (NIH/NEI) [E] <ellenliberman@nei.nih.gov>; Moen, Laura (NIH/NIAMS) [E] <moenl@mail.nih.gov>; Stanfield, Brent (NIH/NIDDK) [E] <stanfibr@niddk.nih.gov>; Noronha, Jean (NIH/NIMH) [E] <jnoronha@mail.nih.gov>; Plude, Dana (NIH/NIA/ERP) [E] <dana.plude@nih.gov>; bshumate@usgs.gov; erunko@nsf.gov; RKOTRA@USGS.GOV; Bannerman, Douglas - OSEC <Douglas.Bannerman@osec.usda.gov>
Cc: Parkinson, Lorna <parkinson.lorna@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Interagency Working Group on Scientific Integrity/ Research Integrity

Sent on behalf of Francesca T. Grifo, EPA Scientific Integrity Official

Dear Colleagues,

The U.S. Environmental Protection Agency (EPA) would like to host the next meeting of the Interagency Working Group on Scientific Integrity / Research Integrity in February 2017. The meeting will take place at U.S. EPA Headquarters at Federal Triangle (in Washington, D.C.). The focus of the meeting will be to share expertise on training. We will share our whiteboard videos on scientific integrity and would like to put time on the agenda for you all to share any trainings that you have. Please let us know.

To accommodate everyone's busy schedules, we've created a doodle poll of possible dates for the meeting to take place. Please take a moment to let us know your availability as soon as possible:

Link to Doodle Poll for the Interagency Working Group February 2017 Meeting

Thank you,

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/scientificintegrity

To: Otto, Martha[Otto.Martha@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Parkinson, Lorna
Sent: Mon 1/30/2017 8:01:27 PM
Subject: PR for Tombstones
PR for Scl Displays.pdf

Hi Marti,

Attached is the PR for the "tombstone" displays. Anthony Hood informed me that there are 9 of this in HQ and RRB, and the print shop said they were $30 each.

Please let me know if you need anything! Hopefully we can get these ASAP!

Thanks!

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

Select an Option

United States Environmental Protection Agency

PRINTING, DISTRIBUTION, AND INVENTORY

Form Control Number	1. Product Number EPA -

2. Originator Name	Phone	Mail Code	AA/RAship
Martha Otto	(703) 603-8853		ORD/OAA/OSA

3. Date Submitted	4. Date Required	5. Format	6. Length
01/30/17	02/09/17	Poster	---

7. Title Scientific Integrity Outreach Display

8. Issuance
- [X] Initial
- [ ] Periodical – Frequency will be _____ issues per _____
- [ ] Reprint – Date last printed _____
- [ ] Revision of existing product – Title: _____ Number: _____

9. Source
- [ ] Public Information Center
- [X] Program
- [ ] NCEPI – Cincinnati
- [ ] Other (specify-38)
- [ ] National Technical Information

10. Audience(s)
- [ ] Personal
- [ ] Students/Teachers
- [ ] Interest Groups
- [X] Governmental
- [ ] Business & Industry
- [ ] Other _____
- [ ] Scientific/Technical

11. Catalog Description (narrative of topics covered and points made)

These are posters for the glass displays located in EPA HQ and Ronald Reagan Building. These posters will be advertised the week of February 13 - 15 to spread awareness of scientific integrity at EPA..

18"x43" color poster (full bleed), priced at $30/unit

12. Size	14. Estimated Cost to Print	15. Is Overtime Authorized?	16. Pieces Submitted	17. Inspections
18"x43"	$270.00	[ ] Yes [X] No	Camera Copy _____	[ ] Blue Lines
13. Quantity 9			Negatives _____	[ ] Chromalins
			Other (specify-38) PDF File	[ ] Press Visit

18. Paper	19. Ink Color	20. Run	21. Binding	22. Punch
Text _____	Text _____	[ ] One-sided	[ ] Side [ ] Corner	[ ] Top Left
Cover _____	Cover _____	[ ] Head to Head	[ ] Saddle [ ] Perfectbind	[ ] 3-Ring binder
		[ ] Other (specify-38)	[ ] Other (specify-38)	[ ] Perforate/Score

23. Printing Completed	24. Number of items per Mailing Piece	25. Envelopes or Self-mailer Envelope Size: _____ Permit imprint? Yes No	26. Dist. Completed

27. Distribute To (name of mailing list, OR quantity of labels attached, OR source of labels)
Posters to be displayed in HQ and Ronald Reagan Buildings

28. Other Addressees/Quantity:
Originator/ _____ NCEPI/ _____ PIC/ _____
Other/ _____

29. Mail Class: First Third Fourth Special Fourth UPS Bulk Rate Overnight Custom Design (pouch) Internal

30. Est. Postage Cost	31. Distribution/Mail Plan Approved (Signature and Date)	32. Mailing Completed

33. Funding Numbers (Printing)

Click to Update Accounting Data | Click to Lookup Accounting Data

Line	DCN (Max 7)	Budget/FYs (Max 4)	Appropriation Code (Max 6)	Budget Org/Code (Max 7)	Program Results Code (Max 9)	Object Class (Max 4)	SFO (Max 2)
1							
2							

	Amount (Dollars)	(Cents)	Site/Project (Max 8)	Cost Org/Code (Max 7)
1				
2				

34. Commitment Clerk (Funds are available for printing)
Name: Monica Brooks Signature: Date:

35. Additional Approval
Name: Mary Greene Signature: Date:

36. Product Review Officer (Certification of compliance. See reverse)
Name: Martha Otto Signature: Date:

37. Inventory Control – PRC, OCEPA Signature: Date

OR, Exempt due to: [ ] <1000 [ ] <6 months [ ] Fed Reg [ ] Press [ ] Testimony [ ] Memos [ ] Internal A/V [ ] I.G./CERI

38. Comments & Special Instructions

Guidance For Completing EPA Form 2200-9

This form serves three functions: (1) ordering printing for all EPA publications and other printed items; (2) ordering distribu tion services for all publications, software, videos, and audiovisual packages; and (3) to ensure that all public-information products—including software, videos, exhibits, posters, etc.—are listed in Agency catalogs and databases as appropriate. This form replaces EPA forms 2340-1 and 2200-5. For most publications, all unshaded blocks should be completed (shaded blocks will be completed by the units processing the form) If all copies of the product are to be returned to the originator, so indicate in block 29 and do not fill in blocks 25 and 28. For non-print products, leave blocks 15 through 23 empty. If a product is exempt from the inventory system (see qualifications below) then blocks 9 through 12 and block 37 may be ignored. The qualifications for exemption to the inventory system are: (a) printing runs of less than 1000 copies; (b) items that will be out-of-date within six months; (c) *Federal Register* notices; (d) press releases from an authorized public affairs office; (e) Congressional and hearing testimony; (f) documents published by C.E.R.I.; (g) internal correspondence, memoranda, and audiovisual aids; and (h) products from the Office of Inspector General. Claims for exemptions under these qualifications should be made in block 38.

What Goes In Each Block

1. Numbers for all EPA products are assigned by the EPA Publications and Information Center in Cincinnati. Call 513-569-7980.

4. The desired date for completion of distribution/mailing.

5. Use one of the following format terms. **"Flyer"** (a single sheet of paper with type placed without regard for any folds), **"Leaflet"** (a single, folded sheet with type placed in columns between the folds, **"Pamphlet"** (two or more bound—usually stapled—sheets without a separate cover), **"Booklet"** (any number of bound sheets with a cover made of paper different in weight, finish, or color from the inside pages), **"Poster"** (a single sheet intended for wall-mounting or similar public display), **"Slides"** (sets of mounted 35mm transparencies, with or without scripts and soundtracks), **"VuGraphs"** (sets of overhead transparencies), **"Videotape"** (used for tapes alone and for packages that include videotapes), **"Audiotape"** (may or may not be accompanied by a script or publication), **"Film"** (movies), **"CD-ROM"** (Compact Disk-Read Only Memory), **"CD-I"** (Interactive Compact Disk), **"Microfilm," "Micorfiche," "Floppy Disk,"** or **"Exhibit."** If none of these items seems to fit, call 260-6663 for assistance.

6. For publications, length equals the number of pages. For tapes and film, length is time. For transparencies and microfilm/fiche this is number in package. For computer disks, give length in bytes. For exhibits, give width and depth.

9. The box(es) checked under source will tell your potential audience where to obtain your product. If your source isn't listed, give details in item 38.

10. Describe the intended audience in terms of educational level (i.e., children, average citizen, or college graduate), degree of subject knowledge (i.e. none, general, or skilled), and involvement (i.e. business/financial, special-interest group, governmental, or personal).

11. Describe the product in a concise paragraph using full sentences that clearly give a catalog reader enough information to decide whether to order or seek out the product.

12. Four to six terms to help categorize the product.

13. For publications, size is the dimensions of the folded product. For leaflets, size typically will be 4" x 9". Pamphlets and booklets may be 4" x 9", 5-5/8" x 8-3/4", or 8-1/2" x 11". For videotapes, size is type: VHS, ¾", 1", etc. For audiotapes size means cassette, reel, etc. For film: 16mm, 8mm, etc. For computer disks: 3-1/2" or 5-1/4". For an exhibit, size is either table-top or free-standing.

14. Number of individual units to be produced. For exhibits, indicate expected number of showings per year and useful life in years.

15. "Camera Copy" refers to the quantity of physically separate boards or pages of mechanicals. "Other" may include photographs or illustrations not attached to the mechanicals.

16. Do not include the color of the paper stock. For example, black ink on blue paper is a one-color process. If color photos are to be printed naturally, write "four-color."

17. Give the weight, color, and grade of the text paper and, if different, of the cover stock. **"Weight"** is a measure of paper's thickness or density expressed as the weight of 500 sheets. [Note: Since cover stock is manufactured in smaller sheets than text stock, 50-lb cover paper is thicker than 50-lb text paper.] The typical leaflet is printed on 40-lb, offset. If using in house printing, simply specify "bond." The typical booklet cover is 50-lb vellum. Available Paper **"colors"** are limited by GPO specifications and contracts and exact matches are often impossible. Therefore, if an exact color is desired as a backdrop to a title, it must be ordered as an ink color painted over white paper. Otherwise, keep the orders simple, such as "light blue." Paper **"grade"** is an indication of a paper's strength and finish (i.e., offset or vellum). A typical entry might be: "60lb/white/offset."

18. "Clue lines" are prints (blue color on white) made from the prepared negatives that can be returned from the printing plant for your inspection. "Chromalins" (a.k.a. "Colorkeys") can be prepared to show an approximation of the color saturation and balance of photographs as they will be printed. "Press Inspections" require your presence at the printing plant when the first sheets come off the presses. Any of these steps might affect the time and cost to print.

19. The items under "Run" are not exclusive; check as many as apply. "Head-to-head" means both sides of the page are oriented in the same direction (as in almost all publications).

20. Stitching uses staples, either twice along the left edge ("side stitch"), once in the upper left ("corner stitch") or through the middle fold ("saddle stitch"). Thick publications are often "perfect bound" on the edge with glue.

21. Punches are self-explanatory. Perforations/scores must be carefully explained in block 38 or on a separate sheet.

22. For estimated cost, consult with Printing Management. No cost if job is printed in-house without overtime.

23. Overtime can as much as triple the printing cost.

28. If labels will be delivered separately, give source's name and telephone number.

29. Should account for all units (from #14) not listed in #28.

34. & 35. Funding information is not needed if the job will be printed in-house. Mailing is funded through a separate, charge-back system.

36. The Product Review Officer (PRO) is the person in each program/regional office who has been designated by the AA/RA to handle the EPA Product-Review process. By signing in this space, the PRO is certifying that the following are true:

- x The content of the publication or other information product is accurate and conforms to Agency policy, and the expenditure of resources for its production has been approved by Program/Regional management.
- x When appropriate, the item has undergone Product Review.
- x The product is being produced in accordance with all applicable and pertinent Agency rules and guidelines.

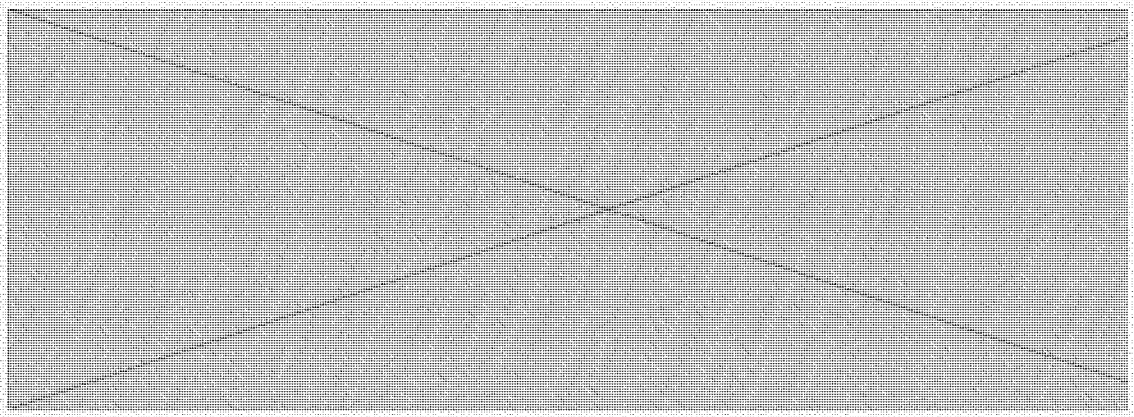
Except for exempt cases (see first paragraph) **this form** (not the product) **shall be sent by the Product Review Officer** to the Publication Review Coordinator for signature prior to production. To speed the printing process, the PRC may establish a system that allows regional Printing Control Officers to accept this form from non-HQ PROs without the PRC's signature.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Mon 1/30/2017 8:40:46 PM
Subject: Energy News Ticker: Scientists, Lobbyists Fret Over EPA Climate Change Data

Scientists, Lobbyists Fret Over EPA Climate Change Data Under Trump

1/30/17 12:16 PM

Scientists and energy industry lobbyists are concerned they won't be able to access key data from the Environmental Protection Agency after political appointees are done reviewing the agency's website.



Best of Today's Morning Consult

Millennials Were Most Skeptical That Trump Would Implement Muslim Ban

1/30/17 1:43 PM

President Donald Trump's executive order on Friday that halts immigration from seven Muslim-majority countries contains provisions consistent with a campaign pledge to temporarily ban Muslims from entering the United States. Last month, voters, especially millennials, were skeptical he would act on that kind of plan.

Approval Ratings for Obamacare Jump With Law on Chopping Block

1/30/17 6:00 AM

President Donald Trump came into office with a clear message: He would do away with his predecessor's health care law. But a growing number of U.S. voters may not be on board with that plan, according to Morning Consult/POLITICO survey data.

This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

Manage your email preferences

SUBSCRIBE

From: Brantner, Emily K.
Location: DCRoomRRB41213/ORD
Importance: Normal
Subject: Coordination Meeting OIG - Quarterly
Start Date/Time: Wed 2/1/2017 6:00:00 PM
End Date/Time: Wed 2/1/2017 7:00:00 PM

From: DCRoomRRB41213/ORD
Location: DCRoomRRB41213/ORD
Importance: Normal
Subject: Accepted: Coordination Meeting OIG - Quarterly
Start Date/Time: Wed 2/1/2017 6:00:00 PM
End Date/Time: Wed 2/1/2017 7:00:00 PM

Your request was accepted.

Sent by Microsoft Exchange Server 2016

From: Brantner, Emily K.
Location: FTG's Office
Importance: Normal
Subject: Tombstone meeting
Start Date/Time: Mon 1/30/2017 9:45:00 PM
End Date/Time: Mon 1/30/2017 10:00:00 PM

From: Brantner, Emily K.
Location: FTG's Office
Importance: Normal
Subject: Tombstone meeting
Start Date/Time: Mon 1/30/2017 9:45:00 PM
End Date/Time: Mon 1/30/2017 10:00:00 PM

From: Brown, Clay
Location: DCRoomRRB41213/ORD
Importance: Normal
Subject: Accepted: Coordination Meeting OIG - Quarterly
Start Date/Time: Wed 2/1/2017 6:00:00 PM
End Date/Time: Wed 2/1/2017 7:00:00 PM

From: Copper, Carolyn
Location: DCRoomRRB41213/ORD
Importance: Normal
Subject: Accepted: Coordination Meeting OIG - Quarterly
Start Date/Time: Wed 2/1/2017 6:00:00 PM
End Date/Time: Wed 2/1/2017 7:00:00 PM

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Mon 1/30/2017 9:20:53 PM
Subject: January 30 -- E&E News PM is ready

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Trump team to staff: 'Changes will likely come'

The leader of the Trump administration's political team at U.S. EPA advised staff today to expect some alterations.

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Bishop pushes back on executive orders, tweets

3.BLM:

Agent got tickets, access for family at Burning Man — IG

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LaFleur tries to reassure employees, companies

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UPCOMING HEARINGS AND MARKUPS

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Cc: Greene, Mary[greene.mary@epa.gov]
From: Snowden, Christine
Sent: Mon 1/30/2017 9:28:44 PM
Subject: OSA Supplies

Good Afternoon OSA Staff:

Can you please send me a list of supplies you may need, I would like to consolidate an order for the staff. Please send your request no later than **Friday, February 3rd** so the order can be placed. Thanks.

Christine T. Snowden

Budget Analyst

DC Services Branch

OARS/ORD

202-564-0617

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Mon 1/30/2017 9:36:56 PM
Subject: Jan. 30 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Trump Bid to Slash Regulations Faces Bureaucratic Road Blocks

Posted January 30, 2017, 02:07 P.M. ET

By Todd Shields and Jennifer A. Dlouhy

President Donald Trump set a daunting goal for government agencies bound by complex procedures, ordering his department heads to kill two regulations for each new one they issue.

The two-for-one order is "a big one," Trump said as he signed the directive Jan. 30 while surrounded by small-business executives in the Oval Office. Fulfilling the promise, which he made shortly after his election, may prove more difficult than signing an order.

"It's going to be hard to implement, just because changing rules involves going through detailed administrative processes and soliciting public comment," said Darrell West, director of governance studies at the Brookings Institution in Washington. "So it's not a situation where an agency head can come in and kill a regulation overnight."

Eliminating a regulation is itself a regulatory process, one that involves months of work that can include vetting multiple rule drafts and reacting to thousands or even millions of comments from industries, trade groups and individuals. The process generally takes months, and can be challenged with a lawsuit by aggrieved parties.

Monday's action is another example of how the White House under Trump seeks to upend standard Washington practice in areas as diverse as immigration, lobbying, border security and the structure of the national security apparatus. Trump also said he's determined to go after the 2010 Dodd-Frank banking overhaul law because he believes it has made it extremely difficult for businesses to get loans.

"The president's order is a good first step on the long road toward eliminating ball-and-chain regulations so small businesses can create jobs and expand the economy,' said Juanita Duggan, president of the National Federation of Independent Business. "The extraordinary costs and complexity of regulations fall hardest on America's small and independent businesses."

Under the executive order signed Jan. 30, for each new rule created, federal agencies must identify at least two to be repealed, and the total incremental cost of all new regulations needs to be zero, according to the directive. The order doesn't apply to military, national security, and foreign affairs functions.

Much is left undecided. The directive tasks Trump's yet-to-be-named Office of Management and Budget director with deciding what constitutes a regulation, whether more exemptions should be made and even if it should be phased in.

Budget Director

Federal agencies and departments will identify the regulatory targets for proposed elimination under their jurisdiction, and the White House will have the final say, according to senior administration officials who spoke on condition of anonymity.

"Particularly in the environmental area, you can't just make a change," West said. "You have to demonstrate that the costs outweigh the benefits if you want to kill something, so that involves looking at health risks and the economic impact of regulations."

To carry out the president's intent, agencies would need to write a regulation that kills two rules, said Jeff Holmstead, a partner at Bracewell LLP who is a former assistant administrator at the Environmental Protection Agency.

Holmstead said he believes that over time "they'll figure out an implementation strategy that makes some sense of these."

"President Trump's executive order helps bring the nation's regulatory regime into the 21st century by putting regulators on a budget, and addressing the costs agencies can impose each year," House Speaker Paul Ryan said in an e-mailed statement.

Canada, the United Kingdom and Australia offset new regulations by removing old ones, Marcus Peacock, a distinguished research professor at the George Washington University Regulatory Studies Center, wrote in a December research paper. Those schemes are one element of broader initiatives, such as assessing the hardship imposed by each rule.

"Unlike just counting the number of regulations, using the cost of additional paperwork at least measures some of the burden regulations impose on the economy," Peacock wrote.

James Gattuso, a senior fellow in regulatory policy at the Heritage Foundation, a Washington-based group that favors limited government, said Trump's rule doesn't obviate the need for wider action.

"It wouldn't hurt. It certainly sends a message," Gattuso said. "I worry that this is a bit of a gimmick instead real change."

He said it could be hard to find a rule with a cost of $1 billion that can be killed, to offset a major new rule with a similar cost.

Higher Barriers

Higher barriers to implement new rules, and periodically culling old rules may be effective, Gattuso

said.

The Federal Aviation Administration enacts dozens of regulations a month to require critical repairs on aircraft. While Trump's directive permits the budget director to exempt a category of rule from the two-for-one requirement, it's not clear what would apply to the FAA's safety actions.

"Are we really going to prohibit the FAA from putting out urgently needed rules for flight safety, which is their mandate?" said Steven Wallace, a former agency official who oversaw accident investigations and helped draft some regulations.

'Radical'

Amit Narang, regulatory policy advocate for the consumer advocacy group Public Citizen, called Trump's order "radical and unworkable."

"There are a lot of very important regulations that still need to come out from the Trump administration," such as tightened standards for lead content in drinking water expected from the EPA this year, Narang said. "That looks like it is going to have to be shelved unless they can find two rules to get rid of—and it's not clear what those rules would be."

"It's just going to lead to a new era of deregulation and corporate self-regulation. We saw how badly that worked out for the public with the financial crash, the BP oil spill, chemical spills and explosions across the country," Narang said. "That is a preview of what we expect to happen again under the impacts of this effective."

Cass Sunstein, former administrator of the White House Office of Information and Regulatory Affairs under President Barack Obama, in a November article said the idea of "one in, two out has rhetorical appeal, but it's going to extremely hard to pull off." Writing for Bloomberg View in November, Sunstein said a blunt, government-wide approach would not recognize the distinctions among agencies, some of which are writing rules with big benefits, and some of which have chaff to cut.

The regulatory overhaul is more effective if it focuses on the cost of new mandates, Sunstein said. "If you're imposing $1 billion in costs but eliminating two regulations whose total cost is $10,000, you get 'one massive rule in, two tiny rules out'—hardly what Trump has in mind," Sunstein said. "What most matters is the cost of rules, not the number."

—With assistance from Christopher Flavelle, Alan Levin, Ben Bain and Margaret Talev.

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Trump Set to End U.S. Free Market for Oil: Industry Analyst

Posted January 30, 2017, 03:19 P.M. ET

By Mark Shenk

The U.S. free market for oil that was ushered in by President Ronald Reagan in 1981 will come to an end under President Donald Trump, Philip Verleger, president of PKVerleger LLC, said.

The Trump administration may impose a border tax or fee on imported oil to protect domestic

producers, which has reduced the risk of investing, he said. Increasing drilling could send U.S. crude production surging to 11 million barrels a day by the end of 2017, Verleger said in a Jan. 30 report from his industry consulting firm dated Jan. 30. The oil-market analyst served as director of the Office of Energy Policy in President Jimmy Carter's administration.

U.S. energy companies will be sheltered, although the form this protection will take is unclear, he said. Nonetheless, the promised protection is already changing the behavior of energy companies and investors. Exploration spending is increasing and speculators have boosted open interest in crude, Verleger said.

"The inauguration of Donald Trump as president will return controls," Verleger said in the report. "They are coming soon, although they have yet to be announced."

As the price of oil remains above $50 a barrel, oil output in the U.S. may climb to between 9.3 million and 9.5 million barrels a day by the end of the year, Scott Sheffield, chairman of Pioneer Natural Resources, said in an interview in Florence, Italy. If West Texas Intermediate (WTI) crude climbs to $55 a barrel, U.S. production would rise by about 1 million barrels a day, according to Sheffield.

WTI for March delivery fell to $52.75 a barrel at 1:51 p.m. on the New York Mercantile Exchange. Futures touched $55.24 on Jan. 3, the highest since July 2015.

U.S. crude production climbed to 8.96 million barrels a day in the week ended Jan. 20, the highest since April, according to the Energy Information Administration. That is already closing in on the EIA's latest 2017 output forecast of 9 million barrels a day that was issued Jan. 10.

—With assistance from Rakteem Katakey.

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FERC Seeks to Give Staff Bigger Role While Waiting for Nominees

Posted January 30, 2017, 02:31 P.M. ET

By Jonathan N. Crawford and Rebecca Kern

The Federal Energy Regulatory Commission looks to provide staff more authority in the event the agency lacks the quorum needed to approve certain transactions, Cheryl LaFleur, acting chairman of the agency, said in a podcast recording on the agency's website.

"We're very focused on the next week and trying to get as much work done while we have a quorum," LaFleur said on the podcast posted Jan. 30. She said the agency will work in the coming days to expand staff delegation of authorities for staff to act during the non-quorum period based on past commission orders on the subject.

FERC will no longer have quorum of three commissioners following the departure of Commissioner Norman Bay on Feb. 3. Bay, the agency's former chairman, said he would resign after President Donald Trump appointed LaFleur as acting chairman. The commission will be down to two Democratic commissioners—LaFleur and Colette Honorable—and will not have a quorum of at least three commissioners to hold votes.

During non-quorum, the two remaining FERC commissioners can still review and consider pending filings; proceed with environmental review of projects; hold commission meetings, technical conferences and workshops; and prepare orders for future voting. All of the existing staff delegations that will continue during the period of no quorum include hydropower inspections, liquefied natural gas safety reviews and audits, LaFleur said.

She added that five times as many orders are issued in a year by staff than by the commissioners.

Trump will be able to appoint three Republican commissioners to fill the remaining three spots to bring the commission to a full five-member panel. The White House can appoint up to three commissioners from the party in power.

Priorities, No Regulatory Freeze

While chairman, LaFleur said her priorities continue to be reliability, grid security, transmission and ensuring a clean and diverse energy supply.

"The issue that's going to be prominent is trying to adapt competitive markets to some of the state initiatives we're seeing," she added.

Also, LaFleur said she completed a review of new or pending regulations listed in the Trump administration's 60-day regulatory freeze memorandum, and she concluded that FERC will continue to send to the Federal Register items that have been previously voted by the commission and need to be published. She also said previously set comment deadlines for regulations will remain unchanged.

As for the Trump administration's 90-day hiring freeze for federal agencies, she said this does apply to FERC. But she noted, "There is an exemption for work of significance to national security, and that could possibly cover some part of our work."

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GM, Honda Set Up $85 Million Joint Venture for Fuel Cell Cars

Posted January 30, 2017, 11:18 A.M. ET

By Ma Jie, Yuki Hagiwara and David Welch

General Motors Co. and Honda Motor Co. will jointly manufacture fuel cell systems starting around 2020, strengthening a partnership formed more than three years ago to develop technology that eliminates tailpipe emissions.

The two automakers will split an $85 million investment and operate within GM's existing battery pack manufacturing site in Brownstown, Mich., according to a joint statement. The fuel cell systems will be used in future vehicles from both automakers.

GM and Honda are among global carmakers touting fuel cell vehicles' advantages in getting rid of emissions while offering range and refueling times similar to internal-combustion engines. Challenges will include higher costs, sparse hydrogen fill-up stations and uncertain regulatory policy. President Donald Trump called environmental regulations "out of control" before meeting with GM Chief Executive Officer Mary Barra and her peers last week.

Honda and GM will seek to reduce costs by trimming use of platinum and other costly precious metals and boosting scale and common sourcing. The companies are working with governments to set up more hydrogen refueling infrastructure that'll be needed for consumers to accept fuel-cell vehicles.

"Precious metals have been reduced dramatically and a fully cross-functional team is developing advanced manufacturing processes simultaneously with advances in the design," Charlie Freese, executive director of GM's global fuel cell business, said in the statement. "The result is a lower-cost system that is a fraction of the size and mass."

Continued Partnership

Honda and GM teamed up in 2013 seeking cheaper fuel cells and hydrogen tanks by 2020. The two have until now developed their own hydrogen cars for limited production. Honda began sales of its Clarity Fuel Cell sedan in Japan and the U.S. last year, while GM has produced a Chevrolet Colorado ZH2 fuel cell pickup for military testing.

The two automakers have more than 2,220 fuel cell patents between them, according to the Clean Energy Patent Growth Index. GM and Honda rank Nos. 1 and No. 3, respectively, in total fuel cell patents filed from 2002 to 2015, the companies said.

The joint venture will create almost 100 jobs and operate with a board of directors staffed by three executives from each company. The carmakers received $2 million in incentives from the state of Michigan to help train workers, according to a transcript of prepared remarks.

Ford Motor Co., Daimler AG and Nissan Motor Co. also announced plans in 2013 to collaborate on hydrogen-vehicle research to introduce vehicles that run on the alternative fuel by 2017. BMW is developing fuel cells with Japanese partner Toyota Motor Corp., which sells its Mirai model in Japan and the U.S.

Infrastructure Needs

Fuel cells have provided spacecraft with power since the 1960s and produce electricity using a reaction between hydrogen and air. They enable longer travel than vehicles powered solely by batteries while emitting only water vapor.

To facilitate infrastructure build-out, Toyota and four of its biggest carmaking peers, including Honda, have joined oil and gas giants including Royal Dutch Shell Plc and Total SA with plans to invest a combined 10 billion euros ($10.7 billion) in hydrogen-related products within five years.

"They're not a science project anymore," Mark Reuss, GM's executive vice president for global product development, purchasing and supply chain, said in the transcript of prepared remarks. "They're a mainstream alternative energy choice."

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Target Tightens Grip Over Chemicals to Make Goods Safer

Posted January 30, 2017, 12:16 P.M. ET

By Lauren Coleman-Lochner and Andrew Martin

Target Corp. introduced a sweeping new policy governing chemicals in products, a move that will push hundreds of suppliers to list ingredients in everything from fragrances to floor cleaner.

The guidelines include removing perfluorinated chemicals and flame retardants from textiles in the next five years, as well as eventually disclosing ingredients in all products.

Target's new rules come amid growing consumer demand for green goods—whether it's organic food, natural cosmetics or cleaning products—that have fewer controversial ingredients.

Sales of the retailer's Made to Matter line, which touts "cleaner" ingredients, rose 30 percent last fiscal year. The move follows a similar effort by Wal-Mart Stores Inc. in July, when the world's largest retailer moved toward banning eight chemical groups, including formaldehyde and triclosan.

Customers "are increasingly concerned about those chemicals in the products that they use," said Jennifer Silberman, Target's chief sustainability officer. That's prompted them to demand greater transparency and access to greener products, she said.

In 2015, Target began encouraging manufacturers to list ingredients and remove hundreds of what it calls "unwanted chemicals," such as bisphenol A.

The company is relying on a sustainable product index, which awards points to greener items, to judge vendors' wares. The new policy sets a goal of full ingredient disclosure by 2020 in categories consumers encounter most closely: beauty, baby, personal care and cleaning goods. The ultimate aim is disclosure of all ingredients in all products.

Protecting Employees.

The retailer also vowed to reformulate products by 2020 without certain chemicals, such as formaldehyde and phthalates. The plan encompasses substances used in the manufacturing process and in and around stores—like landscaping materials—to protect workers as well, Silberman said.

Yet, finding safer ingredients isn't always easy or cheap. In some cases, there may be no alternative, forcing the industry to invent new ingredients. Target plans to invest as much as $5 million to develop products through green chemistry.

Retailers have plenty of reason to change. In a June report, research firm Mintel found that 66 percent of consumers it surveyed said it was important to use environmentally friendly cleaning products, and 63 percent believed ingredients in many cleaning products are unhealthy.

"Target's new chemical policy commitment and goals will go a long way in driving harmful chemicals out of consumer products," Mike Schade, of Safer Chemicals, Healthy Families, said in an e-mail.

Schade, who runs the group's retail campaign, co-wrote a November report ranking the 11 largest U.S. retailers on their chemical-disclosure policies. Target ranked second-highest, just behind Wal-Mart. Schade said his group will update its ranking later this year.

Veena Singla, a scientist at the Natural Resources Defense Council, said Target's plan is a move in the right direction.

"Transparency is a key element of the Target policy because you can't address what you don't know," Singla said. "Identifying and removing harmful chemicals is just the first step."

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Trump Likely to Keep Pledge to Exit from Paris Pact, Ebell Says

Posted January 30, 2017, 10:18 A.M. ET

By Jessica Shankleman and Joe Ryan

President Donald Trump is likely to pull the U.S. out of the landmark Paris climate pact, according to a former adviser.

Myron Ebell, who headed Trump's Environmental Protection Agency transition team, told reporters in London that the president had made a number of "clear black and white" promises on climate and energy during his campaign. That includes exiting the climate deal, defunding programs that advance environmental programs and withdrawing or repealing Obama Administratin rules regarding the Clean Power Plan.

"President Trump made it clear he would withdraw from the deal," Ebell said during the press conference.

Leaders in China, Europe and elsewhere have cautioned Trump that withdrawing could imperil international cooperation on security, trade and other fronts.

Environmental groups have warned that withdrawing from the global accord would have significant consequences. As the richest nation and the second-largest polluter, U.S. efforts are central to keeping climate change from hitting an irreversible tipping point, unleashing catastrophic floods, droughts and storms, according to researchers.

The accord, brokered in December 2015 by more than 190 countries, is broader than any previous climate agreement. It calls for reducing pollution in hopes of limiting global warming to 2 degrees Celsius (3.6 degrees Fahrenheit) above temperatures at the outset of the industrial revolution.

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Some Companies Must Join Pollution Tracking System This Year, China Says

Posted January 30, 2017, 12:56 P.M. ET

By Michael Standaert

Businesses in more than 20 industries in China must join a new pollution registration system during the next 11 months that will let officials track and ultimately tax a company for excess air and water pollution, the government announced.

The system will cover power plants, pesticides producers, food processors and a slew of other businesses this year. A second wave of deadlines in 2020 will include coal producers, automobile manufacturers and electronics companies.

The new registration system will ultimately apply to any company listed on a national, provincial or city-level “critical monitoring catalog” of businesses required to report pollution and in some cases pay pollution fees.

China announced the broad outline of the plan to replace the “critical monitoring catalog” system in November. But on Jan. 23, the environment ministry unveiled a list of industries whose businesses must apply for registrations as early as this year.

2017 Roster

Industries and companies that need to apply for the licenses by the end of this year are:

• power plants not incinerating residential garbage, hazardous waste, biomass, waste dirt or ash;

• meat processing companies that annually slaughter more than 15,000 pigs, 10,000 cows or 10 million chickens;

• seafood processors annually handling more than 10,000 metric tons of food;

• food or animal feed processors;

• pure vegetable oil producers;

• raw sugar processors;

• corn meal processors;

• cement producers;

• pesticide producers;

• cotton, wool, hemp dyeing and finishing and chemical fiber weaving, dyeing and finishing companies;

• companies that use procedures for electronic polishing;

• leather and fur tanners;

• pulp makers;

• paper makers;

• paper product producers;

• petroleum refiners;

• basic organic chemical processors;

• coking companies;

• pharmaceutical raw material manufacturers;

• plain glass makers; and

• most ferrous and non-ferrous metals processors;

2020 Roster

Companies in these industries need to apply by the end of 2020:

• coal production;

• automobile manufacturing;

• computer, communications and electronic equipment manufacturing;

• drinking water production, and wastewater treatment of more than 100,000 metric tons per day;

• power production using residential garbage, hazardous waste, biomass, or waste dirt or ash;

• rail, ship building, aerospace and other transport equipment manufacturing;

• public facilities;

• general and industrial waste landfills, and any companies utilizing hazardous waste;

• wood furniture making, including bamboo and rattan;

• companies with boilers or stoves with a 20 metric ton per hour capacity;

• companies with industrial kilns;

• companies that handle wastewater and other liquid waste;

• dairy producers above 200,000 metric tons annually;

• condiments and fermented products;

• food processors that involve refining processes;

• wine and liquor producers;

• woven garments and other apparel manufacturing;

• fur makers that don't involve tanning;

• shoe making;

• lumber production above 200,000 cubic meters annually;

• furniture finishing with electronic polishing, spray paint or oil paint using over 10 metric tons of finishing product annually or any lumber processing using adhesives;

• dissolved wood pulp processing;

• chemical fiber production;

• rubber and plastics manufacturing;

• non-metal mineral products manufacturing;

• electrical equipment and machinery manufacturing;

• waste resource utilization;

• catering;

• vehicle, electronic and household appliance repair; and

• hospitals.

In addition, companies that are not listed under these categories, but emit sulfur dioxide, nitrogen oxide, smoke or dust, or volatile organic compounds above 30 metric tons annually each will also be required to register. Any company with annual emissions of wastewater with certain levels of chemical oxygen demand and ammonia nitrogen over 30 cubic meters annually also will have to register..

The catalog is available for public comment through Feb. 20.

Tesla's Battery Revolution Just Reached Critical Mass

Posted January 30, 2017, 12:42 P.M. ET

By Tom Randall

Tesla Motors Inc. is making a huge bet that millions of small batteries can be strung together to help kick fossil fuels off the grid. The idea is a powerful one—one that's been used to help justify the company's $5 billion factory near Reno, Nev.—but batteries have so far only appeared in a handful of true, grid-scale pilot projects.

That changes this week.

Three massive battery storage plants—built by Tesla, AES Corp., and Altagas Ltd.—are all officially going live in southern California at about the same time. Any one of these projects would have been the largest battery storage facility ever built. Combined, they amount to 15 percent of the battery storage installed planet-wide last year.

Ribbons will be cut and executives will take their bows. But this is a revolution that's just getting started, Tesla Chief Technology Officer J.B. Straubel said in an interview Jan. 27. "It's sort of hard to comprehend sometimes the speed all this is going at," he said. "Our storage is growing as fast as we can humanly scale it."

A Fossil-Fuel Disaster

The new battery projects were commissioned in response to a fossil-fuel disaster—the natural gas leak at Aliso Canyon, near the Los Angeles neighborhood of Porter Ranch. It released thousands of tons of methane into the air before it was sealed last February.

In its wake, Southern California Electric (SCE) rushed to deploy energy storage deals to alleviate the risk of winter blackouts. There wasn't any time to waste: All of the projects rolling out this week

were completed within six months, an unprecedented feat. Tesla moved particularly nimbly, completing in just three months a project that in the past would have taken years.

"There were teams working out there 24 hours a day, living in construction trailers and doing the commissioning work at two in the morning," Straubel said. "It feels like the kind of pace that we need to change the world."

A Question of Price

The battery storage industry—a key part of the plan if wind and solar power are to ever dominate the grid—is less than a decade old and still relatively small. Until recently, batteries were many times more expensive than natural gas "peaker" plants that fire up to meet surging demand in the evening and morning hours.

But prices for lithium-ion batteries have fallen fast—by almost half just since 2014. Electric cars are largely responsible, increasing demand and requiring a new scale of manufacturing for the same battery cells used in grid storage. California is mandating that its utilities begin testing batteries by adding more than 1.32 gigawatts by 2020. For context, consider this: In 2016, the global market for storage was less than a gigawatt.

California's goal is considerable, but it's dwarfed by Tesla's ambition to single-handedly deliver 15 gigawatt hours of battery storage a year by the 2020s—enough to provide several nuclear power plants–worth of electricity to the grid during peak hours of demand. Not everyone, however, is that optimistic.

"I'm not convinced," said Yayoi Sekine, a Bloomberg New Energy Finance analyst who covers battery technology. The market is "moving faster than ever, but it's not on the gigawatt scale yet."

Battery costs and profitability for utilities are difficult to evaluate. Companies are reluctant to give up their pricing data, and the expense is highly variable. Nevertheless, battery plants take up a much smaller footprint than gas-powered plants, they don't pollute, and their instant response can provide valuable services better than any other technology. In a small but increasing number of scenarios, batteries are already the most economical option.

But for the most part, according to a BNEF analysis, the costs of new projects would need to drop by half in order to be profitable on a wider scale in California, and that's not likely to happen for another decade. The total installed cost of a battery plant would need to fall to about $275 per kilowatt hour. While Tesla declined to provide its pricing data, the similarly sized Altagas project was expected to cost at least $40 million, or $500 per kilowatt hour.

It is still early days, even with this week's announcements. It will probably be a few years before Tesla's battery-storage sales are material enough to break out separately from automotive sales on quarterly filings, Straubel said.

The End of the Gas Peaker

But the battery's day is coming, while those of natural gas peaker plants are numbered. That's the prediction of John Zahurancik, AES's president of battery storage. Zahurancik is one of the pioneers of energy storage, having cobbled together profitable edge-case storage projects since 2008, when battery prices were 10 times higher than they are today.

AES has completed installation and is doing final testing of a 30 megawatt/120 megawatt hour

plant that's even bigger than Tesla's 20 MW/80 MWh. AES is also working on a longer-term project that will be five times the size of Tesla's project when complete by 2021. That's a scale that would have been unimaginable a decade ago.

"This is my fifth time doing the largest project in the world for energy storage, and each time people tell me, 'well this is the test, this is really the test'" Zahurancik said in an interview Friday. "The next big test is how do we scale this up broadly."

The biggest thing that sets Tesla and AES apart is that Tesla is building the components of its storage units itself at the company's Gigafactory in Reno, including battery cells, modules, and inverters. Tesla says this vertical integration will help reduce costs and make a seamless system. AES says that dealing with a diverse supply chain allows it to seek the cheapest price and the best technology on the market. That's the same debate going on in the electric-car business, where Tesla is doing an unprecedented amount parts manufacturing in-house.

For now, gas peaker plants still win out on price for projects that aren't constrained by space, emissions, or urgency, said Ron Nichols, President of SCE, the California utility responsible for most of the biggest battery storage contracts. But that may change in the next five years, he said.

"Long term, will large amounts of batteries be able to take over?" Nichols asked. "We'll need to get some hours under our belts to know for sure."

Tesla's goal and California's goal employ different measuring standards. California's is measured in gigawatts (the amount of electricity that can be provided in a single instant), while Tesla does its accounting in gigawatt hours (the amount of electricity that can be provided over time). For a direct comparison, most new storage projects deploy 4 gigawatt hours for every gigawatt of power.

The size of this week's biggest projects:

• Tesla: 20 GW/80 GWh

• Altagas: 20 GW/80 GWh

• AES: 30 GW/120 GWh, plus a separate 7 GW project

• AES 2021: 100 GW/400 GWh

The AES projects being completed this week are for San Diego Gas & Electric.

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World Hits Carbon Brake, but Emissions Don't Slow Fast Enough

Posted January 30, 2017, 11:26 A.M. ET

By Anna Hirtenstein

The growth of carbon dioxide concentrating in the Earth's atmosphere is slowing but not fast enough to avert potentially-catastrophic climate change, according to new research.

A slowdown in coal use since 2011, particularly in China and the U.S., and increased energy efficiency have slowed the rise of carbon dioxide levels in the atmosphere, according to a report

from the University of East Anglia and the Global Carbon Project. Exponential growth of wind and solar power also contributed. Emissions from fossil fuels and industry are projected to be at similar levels as in 2015, or about 36 gigatons.

The Paris deal on global warming agreed between almost 200 nations in 2015 aims to keep temperature rises "well below" 2 degrees Celsius (3.6 degrees Fahrenheit). It is also seeking to spur a transition to a net-zero emissions global economy by the middle of this century.

"The global transition to a low-carbon economy powered by low-carbon energy is underway," said Corinne Le Quere, director of the Tyndall Centre at the University of East Anglia and one of the authors of the report. "But the momentum will not last unless we accelerate efforts to deploy new technologies."

Some key indicators, such as a drop in carbon intensity in the global energy sector, are on pace to meet the goals outlined in Paris. By other measures, such as lack of progress toward large-scale carbon capture and energy storage, will make meeting 2030 emissions targets and net-zero emissions difficult, the researchers said.

"The rapid and continued deployment of wind and solar is welcome, but the real challenge now is to develop technologies and behaviors that shift the entire global energy system to be carbon neutral by mid-century," said Glen Peters, senior researcher at the Center for International Climate and Environmental Research.

Emissions from China, the world's largest polluter, increased by 10 percent annually from 2000 before stabilizing after 2013, according to the report. In the U.S., they declined about 2 percent per year between 2007 and 2012 and flattened in the five years since.

The decline in the U.S. figures was likely because of the shift to gas from coal, a sluggish economy following the financial crisis and growth in renewable energy.

Emissions could rebound if the changes were due to lingering economic weakness or other short-term factors, the researchers said. U.S. President Donald Trump's promise to revive the U.S.'s coal industry may also reverse progress.

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GOP Drive to Deregulate Risks Turning Gas Sniffers to Roadkill

Posted January 30, 2017, 8:50 A.M. ET

By Jennifer A. Dlouhy

House Republicans are poised to give oil companies a big win by repealing a regulation that requires them to keep a lid on methane, but it comes at the expense of a burgeoning industry that sells the tools to find and plug leaks.

"These sorts of federal rollbacks could stunt the growth of an emerging, heavily small-business

industry at exactly the wrong time," said Ben Ratner, director of EDF+Business, a program of the Environmental Defense Fund. "Regulatory rollbacks would pull the rug out from under the feet of American workers in this space."

The move by Congress is part of a broader deregulation agenda, with the Republican-led House of Representatives planning to invoke a little-used procedure to begin the process of repealing five Obama-era mandates this week.

The lawmakers are relying on the Congressional Review Act, a law passed 21 years ago that provides an expedited procedure for canceling rules issued in the final months of an administration. It's been used successfully only once, but top GOP lawmakers are pledging to put it to work in coming months. President Donald Trump says he wants to eliminate as many as 75 percent of regulations affecting businesses.

Stream Protection, Disclosure Rules

Other House targets this week include an Interior Department rule designed to protect streams from coal-mining pollution and a regulation originally compelled by the Dodd-Frank financial law that forces oil companies to disclose what they pay foreign nations in exchange for mineral rights.

But the rush to deregulate is not an unqualified victory for all companies, as illustrated by the methane mitigation industry that could see sales vanish along with the rules mandating its technology.

More than 70 companies headquartered in the U.S. provide either services or equipment to identify natural gas and methane leaking from pipelines, processing equipment and wells. Their products include detectors that can pinpoint leaks 100 feet away, monitors that can sniff out methane and laser beams to precisely locate rogue gas.

The technology has come into greater demand as state and federal regulations compel energy companies to keep an estimated $2 billion worth of methane from escaping into the atmosphere or being burned as a less-profitable byproduct of crude from oil wells.

Patrick Von Bargen, executive director of the Center for Methane Emissions Solutions, an industry group that was created after Obama announced a nationwide plan to slash releases of the potent greenhouse gas, said the repeal will inject uncertainty into the marketplace.

Optical Imaging

"This is a new industry—it has great potential for growth," Von Bargen said.

The technology can save time and money, said Craig O'Neill, business development manager for optical gas imaging at FLIR Systems Inc., a $4.83 billion company that sells hand-held cameras to detect gas invisible to the naked eye.

"Using optical gas imaging is allowing you to go out to a site and look for failures and look for environmental issues without blindfolds on," O'Neill said.

Other companies in the field include Crane Engineering, Ametek Inc.,Emerson Electric Co. and Dover Corp.

The Bureau of Land Management rule Republicans have targeted for repeal requires energy companies to capture 98 percent of the gas that flows out of wells on federal and tribal land by 2026. The businesses also are forced to hunt down gas leaks.

State Regulations

The requirements mirror existing state policies in Colorado and Wyoming, and dovetail with an earlier EPA rule unveiled in May that imposes limits on methane emissions from new wells drilled on private land. That one is not subject to the Congressional Review Act because it was finalized too long ago, though the Trump administration is expected to undertake a new rulemaking to change it—a process that could take several years.

Supporters say the mandates are essential to encouraging companies to spend more to detect and repair leaks because those investments may not immediately pay off amid low gas prices. Methane is also an especially pernicious greenhouse gas, capable of warming the atmosphere 84 times more than carbon dioxide when measured over two decades.

But oil industry critics of the rule say the bureau overstepped its authority to impose unnecessary requirements that carry a government-estimated price tag of at least $279 million per year over the next decade.

“We’re reducing emissions, and we’re doing it with technological innovation—not with red tape that’s extremely costly, inefficient, counterproductive to the goal of reducing waste of natural gas and will actually lead to waste of oil and natural gas resources as wells are shut in,” said Kathleen Sgamma, president of the Western Energy Alliance.

Rep. Rob Bishop (R-Utah), who is sponsoring the regulation to roll back the BLM rule, called the regulation an example of “abusive executive overreach” that must be checked.

“There’s consensus that federal bureaucracy has been hijacked for the purpose of ideological aims rather than responsible regulation,” Bishop told reporters on a conference call.

The Congressional Review Act is more like a sledgehammer than a scalpel, allowing Congress to kill off a regulation in one fell swoop, but not allowing lawmakers to pick and choose provisions. In the case of the methane rule, Congress would also be obliterating a provision that gives the government authority to boost royalty rates to make sure taxpayers are getting fair market value for oil and gas extracted on public lands.

Because the Congressional Review Act bars agencies from rewriting a “substantially similar” rule, it’s unclear whether the bureau could revisit the royalty issue.

“It’s an undefined term and no one’s ever tested it,” said Adam Finkel, executive director of the University of Pennsylvania Program on Regulation. But, he said, if agencies were able to devise a regulation that achieved the same objectives with a lower price tag, that might be considered permissible, without violating the “substantially similar” prohibition.

Allison Sawyer, CEO of Rebellion Photonics, which supplies hyperspectral video cameras to oil companies to hunt down fugitive emissions, said the repeal campaign conflicts with Trump’s push to revive the U.S. manufacturing sector.

“If you’re trying to create good, blue-collar manufacturing jobs that can never be exported this seems like a home run,” Sawyer said. “I’m extremely confused why it would be repealed.“

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Kept in the Dark: Modi Power Plans Are Slow to Light Rural India

Posted January 30, 2017, 01:50 P.M. ET

By Rajesh Kumar Singh and Saket Sundria

Screams alerted Dadasaheb Vidhate to the fire trapping three of his children in the family's thatched-roof hut in rural India.

"Neighbors rushed to help douse the fire, but we couldn't save anyone," Vidhate, 45, said of the blaze four years ago, which he blames on an overturned kerosene lamp. "My children were burned alive before my eyes."

With no electricity, the one-room mud shelter on a farm 240 kilometers (150 miles) east of Mumbai had only the lamp for light—common in India, where power remains unaffordable, inadequate or simply non-existent for 240 million people. If their hut had been connected to the power grid, Vidhate believes it may never have caught fire, killing Aakash, 15, Manisha, 13, and 11-year-old Vikas, he said.

When Prime Minister Narendra Modi pledged to bring reliable power to all citizens during the campaign that propelled him into office in 2014, the same year the World Bank pegged India as home to the world's largest un-electrified population. While his government has made progress meeting its 2019 deadline, many families are still missing out, holding back some of India's poorest, most-vulnerable citizens and preventing the country from achieving its development ambitions.

In the year after Modi's election, an audit identified 18,452 villages without electricity. Since then, that number has fallen by about two-thirds, leaving only 1 percent of the country's total villages to be electrified, the data show. But a closer look at what constitutes "electrified" reveals how much further India has to go.

About 250 kilometers east of New Delhi in the village of Fateh Nagla in Uttar Pradesh, India's most-populated state and one of its poorest, the dairy shop runs on a combination of solar power and a battery, while its three flour mills use diesel generators. In the afternoons, men wait their turn to charge their mobile phones off a wire rigged up to an electric water pump, according to village head Susheel Kumar.

Though only 15 of its roughly 170 homes are connected to the power grid, the government lists Fateh Nagla as electrified, Kumar said. That's because the village barely meets the central government's definition: the basic infrastructure is in place; power is being supplied to schools, health centers and other public places; and at least 10 percent of households are receiving electricity.

In winter, when the sun sets at around 5:30 p.m., only a few solar-powered lights or kerosene lamps break the darkness. And even homes with a power connection are bereft of light as it switches on only after 10 p.m. and back off early in the morning, according to Kumar. That makes it difficult for children to do their homework, stunting education in a village where about 90 percent drop out of school by eighth grade, he said.

Throughout Uttar Pradesh and neighboring Bihar—with combined populations approaching the size of the U.S.—fewer than half of rural households have power connections, according to data from the central government. But, by its definition of electrified, the same data as of Monday showed only 13 villages in Uttar Pradesh and 598 in Bihar lacked power.

"The government's definition of an electrified village doesn't make sense," said Aruna Kumarakandath, who leads renewable energy research at New Delhi-based Centre for Science and Environment, a non-profit public advocacy organization. "How can we say a village is electrified if 90 percent of homes don't get power?"

The power ministry's top bureaucrat, Pradeep Kumar Pujari, sees building infrastructure to power villages as just the first step toward full electrification.

"By creating the infrastructure, we are creating demand from rural households," Pujari, the secretary of the ministry, said this week. "There are challenges involved in this and this will not happen overnight. But it will happen slowly."

Modi's political fortunes ride on reaching his "power for all" goal, said Sandeep Shastri, a political scientist and pro-vice chancellor at Jain University in Bengaluru.

"It addresses the underprivileged sections of society and defies accusations that his government works only for the rich," Shastri said. "The success of the program can have a big, positive impact on Modi's political fortunes, while a failure can boomerang badly and bolster allegations that this government's promises are more of rhetoric and less of action."

Power shortages cost India the equivalent of about 7 percent of gross domestic product, the World Bank said in 2010, when the country witnessed supply deficits of almost 15 percent. The government said the gap narrowed to less than 1 percent as of November, although that deficit only measures supplies to customers already connected to the grid.

The power problems in India, which in 2012 suffered one of the worst blackouts in history and still has some 50 million rural households without electricity, are hardly about building more power plants or access to fuel. The country uses only half its generation capacity and its state-run coal miner is the world's largest.

Power plants, as well as installing poles and wires for distribution, is only a small part of the challenge ensuring reliable supply to poor households, said Ashwini Chitnis, a senior research associate at Prayas, a non-profit advocacy group that focuses on energy, health and education. "While efforts toward putting in place infrastructure for electrification are absolutely necessary, they are not sufficient," Chitnis said.

Some state-run power retailers consider supplying rural homes as an unattractive business proposition because of thin usage and below-cost tariffs, according to Dinesh Arora, chief executive officer at REC Power Distribution Co., a unit of state-run Rural Electrification Corp., which oversees the village electrification efforts.

Power distributed to farmers and households under the poverty line is sold at below-market rates, the subsidies for which state governments are slow to repay.

In addition, electricity retailers lose about one-quarter of the electricity they have for sale through technical and commercial losses—the industry term for power theft. A federal government-led program aims to lower that to an average of 15 percent by 2019 with technology that tracks theft

and improves metering, billing and revenue collection.

"The root cause of the poor financial health of the distribution companies is organized theft of power," said Padamjit Singh, a board member of Transparency International India and a member of the All India Power Engineers Federation, who believes the companies distributing electricity are sometimes complicit in the theft. "Unless that is fixed, I see no hope for the people who don't have electricity."

Even when the distribution company is willing to connect a house, some owners will balk at the upfront fees of 2,000 rupees to 3,000 rupees ($29 to $44), said Deepak Gupta, senior program manager at New Delhi-based Shakti Sustainable Energy Foundation. "Many households don't have that kind of money."

India's expanding economy and population put it on the track to be the biggest driver of global energy demand through 2040, the Paris-based International Energy Agency said in a report on the country in 2015. Its grid connections are growing by 5 percent a year, a development that, along with rising incomes, means its power system needs to quadruple in size by 2040 just to to keep pace. The IEA noted "a spiral of poor performance" by state distributors and described their financial dilemma as "a key structural weakness" for the energy sector.

"The distribution companies have no incentive to supply power to rural areas because they don't get paid," Gupta said. "People don't pay because they have no incentive to pay, because they don't get quality power. It keeps on going like that."

Earlier this month on the outskirts of Shirdi, a village in the western state of Maharashtra's poorest districts, Vidhate showed a visitor the spot where he lost his children in the fire and explained how he and his wife, Anita, survived because they had been sleeping outside to guard their cow and goats.

"This can happen to any home that burns kerosene lamps," he said.

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Japan's 'Unresolved' Disaster Sways Atomic Opposition Symbol

Posted January 30, 2017, 12:05 P.M. ET

By Stephen Stapczynski and Emi Urabe

The man blocking the world's largest nuclear plant says he grew opposed to atomic energy the same way some people fall in love.

Previously an advocate for nuclear power in Japan, Ryuichi Yoneyama campaigned against the restart of the facility as part of his successful gubernatorial race last year in Niigata. He attributes his political U-turn to the "unresolved" 2011 Fukushima Dai-Ichi disaster and the lack of preparedness at the larger facility in his own prefecture, both owned by Tokyo Electric Power Co. Holdings Inc.

"Changing my opinion wasn't an instant realization," Yoneyama said in an interview. "It was gradual. As people say, you don't know the exact moment you've fallen in love."

Yoneyama won't support the restart of the Kashiwazaki-Kariwa plant in Niigata until an investigation

is complete into the chain of events that resulted in the triple meltdown at Fukushima, which he plans to visit Feb. 1. While utilities don't need approval of local authorities to restart plants, Japanese power companies are tradition-bound not to move ahead until they get their consent.

Local Opposition

Yoneyama, a 49-year-old doctor and native of Niigata, is one of the highest-profile local opponents pitted against a political establishment led by Prime Minister Shinzo Abe, which sees nuclear power as crucial for the country's long-term energy security and environmental goals. Regulations and public opinion are keeping nearly all of Japan's atomic stations shut almost six years after the accident at Fukushima, where the search has barely begun for fuel that burned through to the bottom of the reactors.

"If the local governor remains firmly opposed to the restart, it will be very difficult for the reactors to come back online," said James Taverner, an analyst at IHS Markit Ltd. "In addition to the local government, building the support and trust of local residents is key."

A Kyodo News poll on the day of Yoneyama's October election showed about 64 percent of Niigata voters opposed the restart of Kashiwazaki-Kariwa, known popularly as KK. The restart of the facility was one of the key issues in the race to replace Governor Hirohiko Izumida, who was famous for his tough stance on Tokyo Electric. He unexpectedly announced in August that he wouldn't seek a fourth term.

To the residents of the prefecture, Yoneyama was the candidate who would make nuclear safety a priority, while his main opponent gave off the vibe that he was a member of the nuclear restarts camp, the former governor said by e-mail.

Switching Sides

In last year's gubernatorial race for the southern prefecture of Kagoshima, where Kyushu Electric Power Co. operates the Sendai nuclear plant, a three-term incumbent was defeated by an opponent campaigning to temporarily close the reactors. A district court last year barred Kansai Electric Power Co. from running two reactors at its Takahama station in western Japan only weeks after they'd been turned back on.

Yoneyama supported bringing back online Japan's reactors during his unsuccessful bid in 2012 for a seat in Japan's lower house. The country was being forced to spend more on fossil fuel imports after the disaster, so restarting the plants was needed to help the economy recover, he said at the time.

Though Yoneyama's position switch helped secure his first electoral victory after four failed campaigns for the country's legislature, nuclear opponents see him driven by more than political opportunism.

"I had my reservations about Yoneyama," said Takehiko Igarashi, an official at the Niigata division of the anti-nuclear group Nakusou Genpatsu. "But after he was vetted and endorsed by the Japanese Communist Party and other smaller parties that have an anti-nuclear slant, I knew that I could trust him."

Tokyo Electric and Abe's government see restarting KK as one way for Japan's biggest utility to boost profits and help manage its nearly 16 trillion yen ($139 billion) share of the Fukushima cleanup. Resuming reactors No. 6 and No. 7 will boost annual profits by as much as 240 billion, the

utility has said.

The economic argument, however, is beginning to hold less sway, with Yoneyama saying the benefits to the local economy are 'overstated.' While the prefecture risks missing out on 1.1 billion yen a year in government support without the restart, that represents a small slice of the prefecture's budget, which tops 1 trillion yen, according to Yoneyama.

Abe, a strong backer of atomic power, leads a government aiming for nuclear to account for as much as 22 percent of Japan's energy mix by 2030, compared with a little more than 1 percent now.

While restart opponents like Yoneyama demand the government guarantee the safety of the reactors, they've also criticized evacuation and emergency response plans as inadequate.

In his first meeting with Tokyo Electric executives since taking office, Yoneyama earlier this month told Chairman Fumio Sudo and President Naomi Hirose that he won't support KK's restart until a new evacuation plan is drawn up using the results of a Fukushima investigation. Tepco will fully cooperate with the probe and stay in communication with the governor, the company said in response to a request for comment.

"Once I realized that the Fukushima disaster couldn't be easily resolved, of course my opinion changed," Yoneyama said. "If another accident occurs, overseas tourism will become a distant dream. Even Japanese may flee the country."

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Spain Strengthens National Air Pollution Monitoring

Posted January 30, 2017, 9:11 A.M. ET

By Brett Allan King

Spain will develop a standardized National Air Quality Index and make real-time air quality data available to citizens and to European Commission bodies, under a royal decree that took effect Jan. 29 to modify existing air quality regulations.

The new rules will adopt EU air quality standards by modifying criteria such as the methodology for measuring pollution and the placement of measuring points, as well as updating data quality objectives so as to reflect seasonal conditions and human impact.

Spain's 17 autonomous communities, with their diverse standards and information streams, will see unified national criteria and coordination on the creation of a European-standard national index, which the government said will help guarantee adequate air quality evaluation.

Royal Decree 39/2017 alters royal decree 102/2011 on air quality.

BCPG of Thailand to Invest in Wind Power in Philippines

Posted January 30, 2017, 8:30 A.M. ET

By Chisaki Watanabe

BCPG Pcl plans to invest in wind power in the Philippines as part of the Thai company's plan to expand in clean energy.

BCPG has agreed to acquire the entire interest in CapAsia ASEAN Wind Holdings Cooperatief U.A. from CAIF III Pte, BCPG said in a statement Monday. No financial terms were disclosed.

CapAsia holds a 40 percent stake in PetroWind Energy Inc., which owns and operates a 36-megawatt wind-power station in the Philippines, according to the statement.

The transaction is subject to the signing of a share-purchase agreement between BCPG and CAIF, BCPG said in the statement.

BCPG is a subsidiary of Bangchak Petroleum Pcl and has solar projects in Thailand and Japan. Last year, BCPG signed an agreement with SunEdison International and SunEdison Energy Holding Pte to buy their entire solar power business in Japan.

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Saudi Aramco Said to Weigh Up to $5 Billion of Renewable Deals

Posted January 30, 2017, 8:09 A.M. ET

By Matthew Martin

Saudi Aramco, the world's largest oil company, is considering as much as $5 billion of investments in renewable energy firms as part of plans to diversify from crude production, according to people with knowledge of the matter.

Banks including HSBC Holdings Plc, JPMorgan Chase & Co. and Credit Suisse Group AG have been invited to pitch for a role helping Aramco identify potential acquisition targets and advising on deals, the people said, asking not to be identified as the information is private. The energy company is seeking to bring foreign expertise in renewable energy into the kingdom, the people said, adding that first investments under the plan could occur this year.

Saudi Arabia is planning to produce 10 gigawatts of power from renewable energy sources including solar, wind and nuclear by 2023 and transform Aramco into a diversified energy company. The kingdom also plans to develop a renewable energy research and manufacturing industry as part of an economic transformation plan announced by Deputy Crown Prince Mohammed bin Salman in April.

Saudi Aramco, HSBC, Credit Suisse and JPMorgan declined to comment.

The kingdom intends to become a global "powerhouse" of renewable energy including solar, wind and nuclear power, the country's Energy Minister and chairman of Aramco, Khalid Al-Falih, said at the World Economic Forum in Davos, Switzerland. By 2030, the kingdom wants to produce 30 percent of its power from renewable energy sources.

Energy Program

OPEC's biggest crude producer is embarking on a domestic renewable-energy program costing $30 billion to $50 billion. The country's only solar plant in operation, aside from a limited pilot project, is a

10-megawatt facility on top of a parking lot at Saudi Aramco's headquarters. The national utility, Saudi Electricity Co., is seeking bids for two solar plants to generate a combined 100 megawatts.

Saudi Arabia previously had longer-term targets for renewable power when crude prices were about double current levels. Its earlier solar program forecast more than $100 billion of investment in projects to produce 41 gigawatts of power by 2040. The government delayed the deadline for meeting that capacity goal by nearly a decade in January 2015, saying it needed more time to assess the relevant technologies.

—With assistance from Wael Mahdi.

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Rio Unit Born in Death Valley Is Retooled to Supply Battery Boom

Posted January 30, 2017, 03:19 P.M. ET

By David Stringer

During the financial crisis, Rio Tinto Group needed cash and tried to unload its oldest mining business—one that began in 1872 hauling borates salts by mule from Death Valley to make U.S. laundry soap. The company gave up on a sale because no one would pay the asking price. A decade later, the business is poised to be one of Rio's most promising.

That's partly because a borates deposit Rio discovered in the hills of Serbia contains a huge amount of another mineral that is becoming a hot commodity for the 21st century—lithium—used to make batteries that run electric cars and all sorts of mobile devices. London-based Rio, already a major producer of coal, aluminum, iron ore and copper, says the Jadar project could supply about 10 percent of global demand for the metal.

With sales expected to triple by 2025 to about $6 billion annually, lithium may exceed the size of the market for tin, a metal used widely in cans and steel. Jadar is so rich in lithium that it could make Rio a top-three producer while also providing a low-cost supply of borates, which have expanded their usefulness well beyond soap to parts for nuclear reactors and smartphones. Borates already deliver better profit margins than aluminum and coal.

"They would need to ensure that they could sell all the lithium they could make at Jadar, and then they would increase their profit in selling the co-produced borates," said Jon Hykawy, president of Toronto-based consultant Stormcrow Capital Ltd. "Jadar could be their lowest-cost source of borate chemicals."

The borate project in Serbia comes amid forecasts of rising global demand for the mineral with a market valued at about $4.9 billion annually, according to researcher IndexBox Marketing Ltd. And Rio, already the second-biggest producer, would stand to benefit if political turmoil disrupts exports from Turkey, the largest supplier, Stormcrow's Hykawy said.

Expanding Rio's share of the borates and lithium markets will have some appeal for investors, especially with the recent rebound in commodity prices, according to Jeremy Sussman, an analyst with Clarksons Platou Securities Inc. in New York.

Diversified Assets

"Heading into last year, the theme was hunkering down and concentrating on what you did best," Sussman said. "There's an increased investor appetite out there for diversification."

Profit margins on Rio's borates unit were 34 percent in 2015, better than aluminum and coal operations and in line with returns from copper, company financial data show.

"Some of our assets may be smaller, but they are valuable and highly cash generative," Chief Executive Officer Jean-Sebastien Jacques told investors at a Dec. 6 London seminar. "A good example is our borates business. We are happy to keep this broader perspective."

Rio still has work to do before Jadar produces anything. The company says it will complete a feasibility study later this year. That includes a way of processing the Serbian deposit, which was discovered in 2004 about 140 kilometers (87 miles) west of Belgrade.

Jadar's combination of borates and lithium is unique to geology, prompting scientists to give the ore a name—jadarite. The mineral has an almost identical chemical composition as the one given to kryptonite, the fictional material that weakens America's first comic book super hero, Superman. Construction has begun on a pilot plant at Rio's innovation center in Melbourne that'll test technology needed to produce boric acid and lithium carbonate from the site's ore.

Lithium prices in China are as much as three times higher than they were at the start of 2015, fueled by increased demand from battery makers, Galaxy Resources Ltd. Managing Director Anthony Tse said last month in an interview. Battery-grade lithium carbonate will reach $9,800 a metric ton on average by 2025, a gain of about 24 percent, according to Roskill Consulting Group Ltd.

Asia Growth

Demand for borates is also poised for growth, driven by agricultural, ceramic and glass markets in Asia and South America, according to the U.S. Geological Survey. Rio, which has exported borates to China for more than a century, increased output by 6 percent in 2016, the producer said in a Jan. 17 filing. Boric-acid prices may rise 10 percent from last year to $762 a ton by 2023, Stormcrow Capital estimated in a 2015 report.

"We believe that we are in the bottom of the price cycle," said David Hall, business development manager at Orocobre Ltd., which produces borates from its Borax Argentina unit, acquired from Rio in 2012. "There are some good opportunities in agriculture globally and in the industrial sector," including to make glass used in consumer electronics, he said. Rio's Jadar is among the industry's key growth projects, Hall said.

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Norway's $1.8 Billion Pipeline Lawsuit Moves to Appeals Court

Posted January 30, 2017, 10:31 A.M. ET

By Mikael Holter

Offshore gas-pipeline owners will face off again with Norway in an Oslo court Jan. 31 in an appeal trial over tariff cuts that investors claim will cost them about $1.8 billion in income.

The plaintiffs, companies owned by investors including Allianz SE, Abu Dhabi's sovereign wealth fund and Canadian pension funds, are seeking to overturn a 2015 ruling that the government had acted lawfully in cutting fees for transporting gas through pipelines from Norway to the U.K. and continental Europe.

The investors, who in 2011 and 2012 collectively spent about 32 billion kroner ($3.8 billion) buying a 44 percent stake in pipeline-owner Gassled, were stunned in 2013 when the government decided to cut tariffs by as much as 90 percent for future gas volumes, reducing projected cash flows.

The four plaintiffs—Solveig Gas Norway AS, Njord Gas Infrastructure AS, Silex Gas Norway AS and Infragas Norge AS—said in documents filed to the Borgarting Court of Appeal that the cuts will reduce their income by as much as 15 billion kroner from 2016 to 2028. The companies bought their stakes from oil companies including Norway's state-controlled Statoil ASA and Exxon Mobil Corp.

While two consecutive governments have justified the move by the need to stimulate offshore exploration and make gas discoveries more profitable, the international investors have said the tariff cut has hurt Norway's reputation as a stable and predictable environment for business.

The Oslo District Court in September 2015 ruled that the government had every right to change the tariffs. But it also ordered the parties to each pay their own legal fees, giving the government some of the blame for the dispute arising. Total costs of $11 million for the first trial made the case one of the costliest ever in Norway.

Norway owns 46 percent of Gassled through Petoro AS, while Statoil, owned 67 percent by the state, still holds 5 percent of the pipeline network. Solveig Gas, which is held by the Canada Pension Plan Investment Board, Allianz Capital Partners and Abu Dhabi's wealth fund, is Gassled's second-biggest owner with 25 percent of the shares, followed by Njord with 8 percent.

The Petroleum and Energy Ministry declined to comment, as did one lawyer representing the plaintiffs. Another lawyer didn't immediately reply to a phone call.

The appeal proceedings are planned to last until April 7. The case has the official docket number 16-005707ASD-BORG/01.

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Daily Environment Report for EPA

To: Otto, Martha[Otto.Martha@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Dalton, Deborah
Sent: Mon 1/30/2017 9:46:54 PM
Subject: RE: Questions for TO-080 TD001 interviews?

I can facilitate if you'd like. We do it all the time. Rarely in person, so this should be more fun than usual.

Deb

Deborah S. Dalton

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-2913 (O) | (202) 573-6963 (M)
http://intranet.epa.gov/adr or http://www.epa.gov/adr

From: Otto, Martha
Sent: Monday, January 30, 2017 4:46 PM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Questions for TO-080 TD001 interviews?

Hi, Deb,

Thank you. This sounds great. Who should lead the meeting?

- Marti

From: Dalton, Deborah
Sent: Monday, January 30, 2017 4:40 PM

To: Otto, Martha <Otto.Martha@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Questions for TO-080 TD001 interviews?

You should be warned that the chances that these mediators have any information what so ever regarding lipid normalization is vanishingly small…….. ☺. From the point of view of an ADR process this is actually good news because it leaves the discussion in the hands of the experts who are convened to have the in-depth discussions. Just so no one is unduly disappointed that someone who knows all about mediation would know anything about lipid normalization.

What is important is that the mediators be able to listen, not be afraid to ask questions, to be able to guide the participants through discussions that deal with – what in our discussions is agreement in different words, and when we differ, what is the focus of the disagreement and what do we need to educate each other about to see if there is a chance of agreeing. It does take a person who is smart, is not afraid of the details of scientific method, is not afraid to ask for clarification, who can frame questions in a way that makes it comfortable for both sides to answer them.

An agenda for interviews would go something like this:

1. Introductions of everyone in the room, and what their role in the project is.

2. Background description of the issue – I would think that discussion of the Scientific Integrity Policy and this pilot project to use ADR to resolve particularly thorny issues would set things into the bigger context. Followed by a brief, 30,000 foot level description of the issue at hand regarding these methods and how we got to this point.

3. Then ask the interviewee for what particularly interested them about proposing for this project and what experience or background they have that might be particularly relevant to this matter.

4. What steps would they take to get started with an assessment and design of an appropriate process. Who would they need to talk with, what information would they need before talking with the parties, what kind of information would they hope to elicit from the parties.

5. What range of processes might be in their "tool box" that could be relevant to making forward progress on this issue?

6. For the Concur/Ex. 4 team, how would they see the two working together, what role

would each play? For Ex. 4, would she need to bring on additional support, and if so, how?

Deb

Deborah S. Dalton

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-2913 (O) | (202) 573-6963 (M)
http://intranet.epa.gov/adr or http://www.epa.gov/adr

From: Otto, Martha
Sent: Monday, January 30, 2017 4:29 PM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Questions for TO-080 TD001 interviews?
Importance: High

Hi, Deb, Margaret,

Do either of you have examples of questions that you've used in this type of interview?

Ex. 6 had suggested:

Some questions:

•□□□□□□□□ How familiar are you with the concept of lipid normalization?

•□□□□□□□□ Do you have an opinion on lipid normalization's validity/applicability?

•□□□□□□□□ What type of alternative resolution would you envision for this dispute?

•□□□□□□□□ Can you imagine a major reworking of EPA methods which use lipid normalization should Ex. 6 thesis be supported?

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Otto, Martha
Sent: Monday, January 30, 2017 10:40 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Scheduling tomorrow's TO-080 TD001 interviews!
Importance: High

Hi, Deb,

Where should we conduct tomorrow's interviews?

Francesca, I notice that you have a 12-1 appointment. Should we host the interviews in our space?

Also, Deb, do you have some interview questions to share with us?

Thank you,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Dalton, Deborah
Sent: Tuesday, January 24, 2017 11:26 AM
To: Otto, Martha <Otto.Martha@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: TO-080 TD001 Interviews

In person is fine if both can be interviewed in person at no cost to the government.

Deb

Deborah S. Dalton

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-2913 (O) | (202) 573-6963 (M)
http://intranet.epa.gov/adr or http://www.epa.gov/adr

From: Otto, Martha
Sent: Tuesday, January 24, 2017 8:44 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: FW: TO-080 TD001 Interviews

Hi, All,

Do you have a preference regarding whether we hold in-person vs. phone interviews of the two candidates for facilitator?

Thanks,

Marti

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 24, 2017 8:19 AM
To: Otto, Martha <Otto.Martha@epa.gov>; Dalton, Deborah <Dalton.Deborah@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Martha,

I thought we decided on in-person interviews since both candidates would be in town on January 31. If you want these to be phone interviews, please confirm so I can inform the candidates. There is likely additional availability if the interviews will be via phone instead of in person.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Tuesday, January 24, 2017 8:17 AM
To: Tracy, Lee-Ann; Dalton, Deborah; Grifo, Francesca; Ross, Margaret
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

I thought that these would be phone interviews.

Assuming that Deb, Francesca, and Margaret agree, I can provide a call-in number.

Thanks,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 24, 2017 6:55 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Martha,

What is the physical address for the interview and is there anything else I should let the interviewees know?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Monday, January 23, 2017 2:43 PM
To: Tracy, Lee-Ann

Cc: Grifo, Francesca; Dalton, Deborah; Ross, Margaret
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

I am still trying to identify an EPA employee that would represent the opposing view to Ex. 6 [redacted] position. At Ex. 6 suggestion, I reached out to Ex. 6 who Ex. 6 said was the most outspokenly opposed to his suggestions. But, Ex. 6 is no longer at EPA. So, I am now waiting to hear back from Office of Water with a recommendation of a person with the opposing viewpoint.

Meanwhile, Ex. 6 said that he is interested in listening in on the interviews and provided some questions:

Some questions: How familiar are you with the concept of lipid normalization? Do you have an opinion on lipid normalization's validity/applicability? What type of alternative resolution would you envision for this dispute?

Can you imagine a major reworking of EPA methods which use lipid normalization should my thesis be supported?

I have not yet talked with Deb and Margaret about their ideas for questions.

At this point, I think that we should go ahead and set up the two interviews for the following times:

1. 1/31: 11 am – 12 noon

2. 1/31: 1 pm – 2 pm

Please let me know if you have any questions.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Monday, January 23, 2017 12:36 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Any update on the interview schedule?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Tracy, Lee-Ann
Sent: Tuesday, January 17, 2017 11:10 AM
To: 'Otto, Martha'; Dalton, Deborah
Subject: RE: TO-080 TD001 Interviews

Thanks for the prompt response. Yes, Ex. 6 would participate in the interview with Ex. 6. I'll wait until you confirm the times before I notify the two candidates.

Thanks,

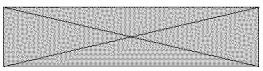
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017



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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Tuesday, January 17, 2017 11:01 AM
To: Tracy, Lee-Ann; Dalton, Deborah
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

Margaret Ross would also like to participate in the interviews. Looking at my calendar, as well as Deb's, Francesca's, and Margaret's electronic calendars, it seems that on 1/31, we have only two available time slots: 11 am -12 noon and 1-2 pm. But, I am waiting for confirmation from Francesca, Deb, and Margaret on that.

Would Ex. 6 also participate in the interview with Ex. 6?

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 17, 2017 10:44 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>
Cc: Otto, Martha <Otto.Martha@epa.gov>
Subject: TO-080 TD001 Interviews

I received an update on availability from Ex. 6 and Ex. 6.

Ex. 6 may be in DC Tuesday, January 31. She will confirm this week.

Ex. 6 is not available on the dates noted earlier. He is now available for an in-person interview Monday and Tuesday, January 30 and 31, with a preference for the 31st.

Sounds like the 31st is the best date for both interviews. Can you find a time that everyone can meet?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Tracy, Lee-Ann
Sent: Monday, January 16, 2017 7:21 AM

To: 'Dalton, Deborah'
Cc: otto.martha@epa.gov
Subject: RE: TO-080 TD001 Circulation Notice Responses

Deb,

Ex. 6 won't be in town for her other project this month. I assume that means phone interviews for each of the candidates. Please let me know what dates and times you and Martha decide for the two phone interviews.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Dalton, Deborah [mailto:Dalton.Deborah@epa.gov]
Sent: Friday, January 13, 2017 2:45 PM
To: Tracy, Lee-Ann
Subject: Re: TO-080 TD001 Circulation Notice Responses

Since Ex. 6 is on a current project to TO 2. If she were in town during that period we could be fair and do both in person.

Sent from my iPhone

On Jan 13, 2017, at 2:17 PM, Tracy, Lee-Ann <Lee-Ann.Tracy@csra.com> wrote:

Thanks for confirming Ex. 6 is allowed to work for EPA.

I told Ex. 6 that you probably wanted a phone interview, but I said I would ask. I'm pretty sure he meant that both of them would be in town.

Thanks,

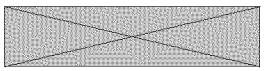
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017



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From: Dalton, Deborah [mailto:Dalton.Deborah@epa.gov]
Sent: Friday, January 13, 2017 1:43 PM
To: Tracy, Lee-Ann
Cc: Otto, Martha; Ross, Margaret; Grifo, Francesca
Subject: Re: TO-080 TD001 Circulation Notice Responses

Ex. 6 is legally allowed to work as a neutral. We usually like to have in all candidates have the same kind of interview - either in person or phone just to be fair. Are you saying Ex. 6 will be in DC in addition to Ex. 6 or just Ex. 6

Sent from my iPhone

On Jan 13, 2017, at 1:29 PM, Tracy, Lee-Ann <Lee-Ann.Tracy@csra.com> wrote:

Martha,

I asked Ex. 6 and Ex. 6 to let me know when they were available on January 23, 24, 30, and 31 for an interview.

Ex. 6 is available for an interview anytime on Tuesday January 24 and Monday January 30 any time after 11:00 am

Ex. 6 is available at 10 am or 1 pm on Tuesday January 24. He requested an in-person interview and would like to include his colleague Ex. 6 of AlterEcho, who he will team with on this effort. I assume you will deal with the issue of Ex. 6 as a former EPA employee and if he is eligible to accept EPA work at this time.

Please let me know what times you decide for the interviews and I will inform the two candidates.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Wednesday, January 11, 2017 4:37 PM
To: Tracy, Lee-Ann
Cc: Dalton, Deborah; Ross, Margaret; Grifo, Francesca
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

So, just to reiterate, I'm hoping to hear back from Ex. 6 in the next day or so to see if he wants to be involved in the interview process.

Meanwhile, I looked at electronic calendars for Francesca, Deb, Margaret, and me. Based on our calendars, we could try to schedule the interviews for:

- The week of January 23rd, but we have a big meeting on the afternoon of the 25th, so our best day would be Thursday, January 26th (though that day is not good for Margaret) or Friday, January 27th (which is my compressed day off, but I could call in). We might also be able to schedule them for Monday or Tuesday of that week.

- The week of January 30th looks fairly good for all four of us.

I understand that Deb has some possible interview questions to share with us.

Thanks,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Otto, Martha
Sent: Wednesday, January 11, 2017 2:18 PM
To: 'Tracy, Lee-Ann' <Lee-Ann.Tracy@csra.com>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

Francesca Grifo, Deb Dalton, Margaret Ross, and I reviewed the 5 proposals from potential facilitators. We each ranked the candidates. As it turned out, we all agreed on the top two candidates and even had them in the same order. The other three candidates finished in varying places within the 3rd, 4th, and 5th positions within our individual rankings.

Our top two candidates, in order, are:

1. Ex. 6
2. Ex. 6

I am reaching out to Ex. 6 (the person who made the allegation about the issue concerning lipid normalization and fish tissue analysis) to see if he would like to be involved in helping us to select a facilitator. I also asked Ex. 6 if he could recommend someone else (with the opposing view/position on the issue) who might want to be involved in helping us to select a candidate. I will let you know when I hear back from Ex. 6.

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Wednesday, January 04, 2017 8:05 AM
To: Otto, Martha <Otto.Martha@epa.gov>

Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: RE: TO-080 TD001 Circulation Notice Responses

Thanks for letting me know. I'll just inform those who responded. I'll tell them we'll make a decision the week of January 16.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Wednesday, January 04, 2017 8:04 AM
To: Tracy, Lee-Ann
Cc: Dalton, Deborah
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

Deb and I are meeting on Thursday, 1/12, to discuss the proposals for facilitator. This was the earliest that we were able to schedule the meeting. I am sorry that it's making our schedule slip.

Martha Otto
Office of the Science Advisor
mail code 8105R

tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Wednesday, January 04, 2017 7:12 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: FW: TO-080 TD001 Circulation Notice Responses

Martha and Deb,

Do you have any input to the facilitator selection for the Fish Tissue Analysis project (TD-1)? In the circulation notice, I indicated we would make our selection this week. Let me know if you need additional information or would like to set up interviews.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Tracy, Lee-Ann
Sent: Tuesday, December 27, 2016 8:38 AM
To: otto.martha@epa.gov
Cc: dalton.deborah@epa.gov
Subject: TO-080 TD001 Circulation Notice Responses

Martha and Deb,

I've attached the responses to the circulation notice. All of them have significant experience with the three main criteria:

1. Technical background or experience in facilitating issues of scientific methodology

2. Experience facilitating or mediating scientific disagreements

3. Experience handling complex competing environmental methodologies in the course of negotiations

Unless there is a strong preference based on specific cases a candidate facilitated or other reasons, the deciding factor may be location. I've listed the candidates below in my order of preference based on location.

1. Ex. 6
2. Ex. 6
3. Ex. 6
4. Ex. 6
5. Ex. 6

Ex. 6

Ex. 6

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave: Friday December 23 and 30, 2016.

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To: Dalton, Deborah[Dalton.Deborah@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Mon 1/30/2017 9:52:37 PM
Subject: RE: Questions for TO-080 TD001 interviews?

Thanks, Deb! I assume that Francesca or I would cover the background of the issue (Scientific Integrity Policy and the pilot project to resolve a differing scientific opinion using ADR).

From: Dalton, Deborah
Sent: Monday, January 30, 2017 4:47 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Questions for TO-080 TD001 interviews?

I can facilitate if you'd like. We do it all the time. Rarely in person, so this should be more fun than usual.

Deb

Deborah S. Dalton

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-2913 (O) | (202) 573-6963 (M)
http://intranet.epa.gov/adr or http://www.epa.gov/adr

From: Otto, Martha
Sent: Monday, January 30, 2017 4:46 PM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Questions for TO-080 TD001 interviews?

Hi, Deb,

Thank you. This sounds great. Who should lead the meeting?

- Marti

From: Dalton, Deborah
Sent: Monday, January 30, 2017 4:40 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Questions for TO-080 TD001 interviews?

You should be warned that the chances that these mediators have any information what so ever regarding lipid normalization is vanishingly small…….. ☺. From the point of view of an ADR process this is actually good news because it leaves the discussion in the hands of the experts who are convened to have the in-depth discussions. Just so no one is unduly disappointed that someone who knows all about mediation would know anything about lipid normalization.

What is important is that the mediators be able to listen, not be afraid to ask questions, to be able to guide the participants through discussions that deal with – what in our discussions is agreement in different words, and when we differ, what is the focus of the disagreement and what do we need to educate each other about to see if there is a chance of agreeing. It does take a person who is smart, is not afraid of the details of scientific method, is not afraid to ask for clarification, who can frame questions in a way that makes it comfortable for both sides to answer them.

An agenda for interviews would go something like this:

1. Introductions of everyone in the room, and what their role in the project is.

2. Background description of the issue – I would think that discussion of the Scientific Integrity Policy and this pilot project to use ADR to resolve particularly thorny issues would set things into the bigger context. Followed by a brief, 30,000 foot level description of the issue at hand regarding these methods and how we got to this point.

3. Then ask the interviewee for what particularly interested them about proposing for this project and what experience or background they have that might be particularly relevant to this matter.

4. What steps would they take to get started with an assessment and design of an appropriate process. Who would they need to talk with, what information would they need before talking with the parties, what kind of information would they hope to elicit from the parties.

5. What range of processes might be in their "tool box" that could be relevant to making forward progress on this issue?

6. For the Concur/[redacted] Ex. 4 team, how would they see the two working together, what role would each play? For [redacted] Ex. 4, would she need to bring on additional support, and if so, how?

Deb

Deborah S. Dalton

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-2913 (O) | (202) 573-6963 (M)
http://intranet.epa.gov/adr or http://www.epa.gov/adr

From: Otto, Martha
Sent: Monday, January 30, 2017 4:29 PM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Questions for TO-080 TD001 interviews?
Importance: High

Hi, Deb, Margaret,

Do either of you have examples of questions that you've used in this type of interview?

Ex. 6 had suggested:

Some questions:

•□□□□□□□ How familiar are you with the concept of lipid normalization?

•□□□□□□□ Do you have an opinion on lipid normalization's validity/applicability?

•□□□□□□□ What type of alternative resolution would you envision for this dispute?

•□□□□□□□ Can you imagine a major reworking of EPA methods which use lipid normalization should Ex. 6 thesis be supported?

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Otto, Martha
Sent: Monday, January 30, 2017 10:40 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Scheduling tomorrow's TO-080 TD001 interviews!
Importance: High

Hi, Deb,

Where should we conduct tomorrow's interviews?

Francesca, I notice that you have a 12-1 appointment. Should we host the interviews in our space?

Also, Deb, do you have some interview questions to share with us?

Thank you,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Dalton, Deborah
Sent: Tuesday, January 24, 2017 11:26 AM
To: Otto, Martha <Otto.Martha@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: TO-080 TD001 Interviews

In person is fine if both can be interviewed in person at no cost to the government.

Deb

Deborah S. Dalton

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-2913 (O) | (202) 573-6963 (M)
http://intranet.epa.gov/adr or http://www.epa.gov/adr

From: Otto, Martha
Sent: Tuesday, January 24, 2017 8:44 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: FW: TO-080 TD001 Interviews

Hi, All,

Do you have a preference regarding whether we hold in-person vs. phone interviews of the two candidates for facilitator?

Thanks,

Marti

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 24, 2017 8:19 AM
To: Otto, Martha <Otto.Martha@epa.gov>; Dalton, Deborah <Dalton.Deborah@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Martha,

I thought we decided on in-person interviews since both candidates would be in town on January 31. If you want these to be phone interviews, please confirm so I can inform the candidates. There is likely additional availability if the interviews will be via phone instead of in person.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Tuesday, January 24, 2017 8:17 AM
To: Tracy, Lee-Ann; Dalton, Deborah; Grifo, Francesca; Ross, Margaret
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

I thought that these would be phone interviews.

Assuming that Deb, Francesca, and Margaret agree, I can provide a call-in number.

Thanks,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 24, 2017 6:55 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Martha,

What is the physical address for the interview and is there anything else I should let the interviewees know?

Thanks,

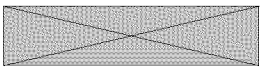
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017



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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Monday, January 23, 2017 2:43 PM
To: Tracy, Lee-Ann
Cc: Grifo, Francesca; Dalton, Deborah; Ross, Margaret
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

I am still trying to identify an EPA employee that would represent the opposing view to Ex. 6 Ex. 6 position. At Ex. 6 suggestion, I reached out to Ex. 6, who Ex. 6 said was the most outspokenly opposed to his suggestions. But, Ex. 6 is no longer at EPA. So, I am now waiting to hear back from Office of Water with a recommendation of a person with the opposing viewpoint.

Meanwhile, Ex. 6 said that he is interested in listening in on the interviews and provided some questions:

Some questions: How familiar are you with the concept of lipid normalization? Do you have an opinion on lipid normalization's validity/applicability? What type of alternative resolution would you envision for this dispute?

Can you imagine a major reworking of EPA methods which use lipid normalization should my thesis be supported?

I have not yet talked with Deb and Margaret about their ideas for questions.

At this point, I think that we should go ahead and set up the two interviews for the following times:

1. 1/31: 11 am – 12 noon

2. 1/31: 1 pm – 2 pm

Please let me know if you have any questions.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Monday, January 23, 2017 12:36 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: RE: TO-080 TD001 Interviews

Any update on the interview schedule?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

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From: Tracy, Lee-Ann
Sent: Tuesday, January 17, 2017 11:10 AM
To: 'Otto, Martha'; Dalton, Deborah
Subject: RE: TO-080 TD001 Interviews

Thanks for the prompt response. Yes, Ex. 6 would participate in the interview with Ex. 6. I'll wait until you confirm the times before I notify the two candidates.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Tuesday, January 17, 2017 11:01 AM
To: Tracy, Lee-Ann; Dalton, Deborah
Subject: RE: TO-080 TD001 Interviews

Hi, Lee-Ann,

Margaret Ross would also like to participate in the interviews. Looking at my calendar, as well as Deb's, Francesca's, and Margaret's electronic calendars, it seems that on 1/31, we have only two available time slots: 11 am -12 noon and 1-2 pm. But, I am waiting for confirmation from Francesca, Deb, and Margaret on that.

Would Ex. 6 also participate in the interview with Ex. 6?

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Tuesday, January 17, 2017 10:44 AM
To: Dalton, Deborah <Dalton.Deborah@epa.gov>
Cc: Otto, Martha <Otto.Martha@epa.gov>
Subject: TO-080 TD001 Interviews

I received an update on availability from Ex. 6 and Ex. 6.

Ex. 6 may be in DC Tuesday, January 31. She will confirm this week.

Ex. 6 is not available on the dates noted earlier. He is now available for an in-person interview Monday and Tuesday, January 30 and 31, with a preference for the 31st.

Sounds like the 31st is the best date for both interviews. Can you find a time that everyone can meet?

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Tracy, Lee-Ann
Sent: Monday, January 16, 2017 7:21 AM
To: 'Dalton, Deborah'
Cc: otto.martha@epa.gov
Subject: RE: TO-080 TD001 Circulation Notice Responses

Deb,

Ex. 6 won't be in town for her other project this month. I assume that means phone interviews for each of the candidates. Please let me know what dates and times you and Martha decide for the two phone interviews.

Thanks,

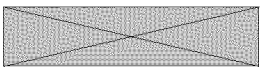
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017



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From: Dalton, Deborah [mailto:Dalton.Deborah@epa.gov]
Sent: Friday, January 13, 2017 2:45 PM
To: Tracy, Lee-Ann
Subject: Re: TO-080 TD001 Circulation Notice Responses

Since Ex. 6 is on a current project to TO 2. If she were in town during that period we could be fair and do both in person.

Sent from my iPhone

On Jan 13, 2017, at 2:17 PM, Tracy, Lee-Ann <Lee-Ann.Tracy@csra.com> wrote:

Thanks for confirming Ex. 6 is allowed to work for EPA.

I told Ex. 6 that you probably wanted a phone interview, but I said I would ask. I'm pretty sure he meant that both of them would be in town.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Dalton, Deborah [mailto:Dalton.Deborah@epa.gov]
Sent: Friday, January 13, 2017 1:43 PM
To: Tracy, Lee-Ann
Cc: Otto, Martha; Ross, Margaret; Grifo, Francesca
Subject: Re: TO-080 TD001 Circulation Notice Responses

Ex. 6 is legally allowed to work as a neutral. We usually like to have in all candidates have the same kind of interview - either in person or phone just to be fair. Are you saying Ex. 6 will be in DC in addition to Ex. 6 or just Ex. 6?

Sent from my iPhone

On Jan 13, 2017, at 1:29 PM, Tracy, Lee-Ann <Lee-Ann.Tracy@csra.com> wrote:

Martha,

I asked Ex. 6 and Ex. 6 to let me know when they were available on January 23, 24, 30, and 31 for an interview.

Ex. 6 is available for an interview anytime on Tuesday January 24 and Monday January 30 any time after 11:00 am

Ex. 6 is available at 10 am or 1 pm on Tuesday January 24. He requested an in-person interview and would like to include his colleague Ex. 6 of AlterEcho, who he will team with on this effort. I assume you will deal with the issue of Ex. 6 as a former EPA employee and if he is eligible to accept EPA work at this time.

Please let me know what times you decide for the interviews and I will inform the two candidates.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Wednesday, January 11, 2017 4:37 PM
To: Tracy, Lee-Ann
Cc: Dalton, Deborah; Ross, Margaret; Grifo, Francesca
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

So, just to reiterate, I'm hoping to hear back from [redacted] in the next day or so to see if he wants to be involved in the interview process.

Meanwhile, I looked at electronic calendars for Francesca, Deb, Margaret, and me. Based on our calendars, we could try to schedule the interviews for:

- The week of January 23rd, but we have a big meeting on the afternoon of the 25th, so our best day would be Thursday, January 26th (though that day is not good for Margaret) or Friday, January 27th (which is my compressed day off, but I could call in). We might also be able to schedule them for Monday or Tuesday of that week.

- The week of January 30th looks fairly good for all four of us.

I understand that Deb has some possible interview questions to share with us.

Thanks,

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Otto, Martha
Sent: Wednesday, January 11, 2017 2:18 PM
To: 'Tracy, Lee-Ann' <Lee-Ann.Tracy@csra.com>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

Francesca Grifo, Deb Dalton, Margaret Ross, and I reviewed the 5 proposals from potential facilitators. We each ranked the candidates. As it turned out, we all agreed on the top two candidates and even had them in the same order. The other three candidates finished in varying places within the 3rd, 4th, and 5th positions within our individual rankings.

Our top two candidates, in order, are:

1. Ex. 6
2. Ex. 6

I am reaching out to Ex. 6 (the person who made the allegation about the issue concerning lipid normalization and fish tissue analysis) to see if he would like to be involved in helping us to select a facilitator. I also asked Ex. 6 if he could recommend someone else (with the opposing view/position on the issue) who might want to be involved in helping us to select a candidate. I will let you know when I hear back from Ex. 6.

Thanks,

Martha

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Wednesday, January 04, 2017 8:05 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: RE: TO-080 TD001 Circulation Notice Responses

Thanks for letting me know. I'll just inform those who responded. I'll tell them we'll make a decision the week of January 16.

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017

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From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Wednesday, January 04, 2017 8:04 AM
To: Tracy, Lee-Ann
Cc: Dalton, Deborah
Subject: RE: TO-080 TD001 Circulation Notice Responses

Hi, Lee-Ann,

Deb and I are meeting on Thursday, 1/12, to discuss the proposals for facilitator. This was the earliest that we were able to schedule the meeting. I am sorry that it's making our schedule slip.

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Tracy, Lee-Ann [mailto:Lee-Ann.Tracy@csra.com]
Sent: Wednesday, January 04, 2017 7:12 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Dalton, Deborah <Dalton.Deborah@epa.gov>
Subject: FW: TO-080 TD001 Circulation Notice Responses

Martha and Deb,

Do you have any input to the facilitator selection for the Fish Tissue Analysis project (TD-1)? In the circulation notice, I indicated we would make our selection this week. Let me know if you need additional information or would like to set up interviews.

Thanks,

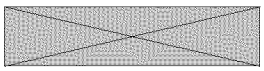
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave:

Friday February 10, 2017

Monday, February 13, 2017



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From: Tracy, Lee-Ann
Sent: Tuesday, December 27, 2016 8:38 AM
To: otto.martha@epa.gov
Cc: dalton.deborah@epa.gov
Subject: TO-080 TD001 Circulation Notice Responses

Martha and Deb,

I've attached the responses to the circulation notice. All of them have significant experience with the three main criteria:

1. Technical background or experience in facilitating issues of scientific methodology

2. Experience facilitating or mediating scientific disagreements

3. Experience handling complex competing environmental methodologies in the course of negotiations

Unless there is a strong preference based on specific cases a candidate facilitated or other reasons, the deciding factor may be location. I've listed the candidates below in my order of preference based on location.

1. Ex. 6
2. Ex. 6
3. Ex. 6
4. Ex. 6
5. Ex. 6

Ex. 4

Ex. 4

Thanks,

Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm

Planned leave: Friday December 23 and 30, 2016.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Kohler, James[Kohler.James@epa.gov]; Barnes-Weaver, Erin[Barnes-Weaver.Erin@epa.gov]; Adrian, Raul[Adrian.Raul@epa.gov]; Brady, Claire[brady.claire@epa.gov]; Gilbride, Patrick[Gilbride.Patrick@epa.gov]
From: Brym, Monica
Sent: Mon 1/30/2017 9:57:53 PM
Subject: OIG coordination request
Notification of OIG of research regarding a hotline complaint - C-FERST.pdf

Greetings Dr. Grifo,

I was part of Carolyn Copper's team in OIG's Office of Program Evaluation that met with you last year in DC to obtain a better understanding of the coordination role between the OIG and ScIO. Thank you again for taking the time to meet with us. It was helpful to our review. Our work on that project, reviewing the internal controls for fraud prevention in EPA's Contract Laboratory Program, is wrapping up and our final report should be issued in the next few weeks.

[redacted] Ex. 2 [redacted] You may already be aware of this initiative via your coordination meetings with our office. However, given that this hotline complaint involves, in part, the availability of science for an ORD tool, our team felt it was important to coordinate with you directly about this inquiry. We would like to learn if you have received any similar complaints about C-FERST and if you might also be examining aspects of this tool.

Some of the concerns raised by the anonymous hotline received by OIG in August 2016 are with the usability of the tool and that it does not contain adequate science for exposure risk screening. Attached is an email that was sent to ORD providing notification of our work. This email identifies the areas of concerns we are examining. You may also contact our Project Manager, Erin Barnes-Weaver, directly if you'd like to discuss the details of this hotline inquiry in greater detail. (barnes-weaver.erin@epa.gov or 303-312-6871). Erin and/or our team is available to meet with you to discuss further. We look forward to hearing from you.

Thank you.

Respectfully,

Monica Brym

Monica Brym | US EPA Office of Inspector General | 1595 Wynkoop St. 4th floor, Denver CO 80202 | (303) 312-6516

From:	Gilbride, Patrick
To:	Slimak, Michael; Orme-Zavaleta, Jennifer
Cc:	Hingeley, Maureen; Cursio, Heather; Copper, Carolyn; El-Zoghbi, Christine; Grzegozewski, Nicholas; Barnes-Weaver, Erin; Brym, Monica; Adrian, Raul; Kohler, James
Subject:	Notification of OIG of research regarding a hotline complaint - C-FERST
Date:	Monday, January 09, 2017 7:35:13 AM

Michael and Jennifer,

In response to a hotline complaint, our office plans to being research to review the EPA's Community-Focused Exposure and Risk Screening Tool (C-FERST). Our objective is to identify how ORD planned, developed and implemented C-FERST. It will include an examination of: the processes ORD's Sustainable and Health Communities (SHC) Research Program and National Exposure Research Laboratory (NERL) followed; evaluations conducted of community needs; existing EPA tools that perform similar functions; peer reviews conducted; funding justifications and cost analysis; and how the performance of the tool is monitored (e.g., extent to which C-FERST is being used, meets its intended purpose, and meets user needs).

This email serves as notice of our initiating this research. We plan to begin contacting staff, managers and/or contractors to set up interviews and obtain documents.

We are planning to visit your offices in RTP the week of January 23, 2017. We would like to hold a kick-off meeting with you and your team (preferably on January 24, 2017) to discuss this hotline complaint and our research objective. We would like a demonstration of the C-FESRT tool during this week, and we plan to hold separate, individual meetings with relevant NERL and SHC personnel located in RTP (listed below). In addition to our meetings with you and any others you identify we should meet with in RTP, we request your assistance in setting up any needed additional meetings during our visit. Please arrange for a small team/conference room for our use during our visit (or let us know if we should use OIG space in RTP).

- Tim Watkins, NERL Deputy Director
- Michael McDonald, Branch Chief, NERL/SED/EHCAB

- Bruce Mintz, project lead C-FERST
- Andrew Geller, Deputy National Program Director, SHC
- David Kryak (to discuss coordination role of moving C-FERST to rest of agency)

Erin Barnes-Weaver will be the Project Manager. If you or your staff have any questions, please contact me at me at (303) 312-6969 or gilbride.patrick@epa.gov or Erin at (303) 312-6871 or barnes-weaver.erin@epa.gov.

Thank you,
Pat

Patrick Gilbride
Director, Environmental Research Programs
U.S. Environmental Protection Agency
Office of Inspector General
Office of Program Evaluation
1595 Wynkoop St.
Denver, CO 80202
303-312-6969

To: Otto, Martha[Otto.Martha@epa.gov]
From: Grifo, Francesca
Sent: Mon 1/30/2017 10:30:11 PM
Subject: Please

Put a thing on my calendar for your leave dates.
Thanks!

Sent from my iPhone

To: Clarke, Robin[Clarke.Robin@epa.gov]; Snowden, Christine[Snowden.Christine@epa.gov]
From: Grifo, Francesca
Sent: Mon 1/30/2017 11:15:58 PM
Subject: Travel

Hi there – The travel office won't start on the TA or other arrangements until they get the travel form -SF- 182. When can I tell them they will get it?

Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Hill, Randy[Hill.Randy@epa.gov]
From: Grifo, Francesca
Sent: Mon 1/30/2017 11:16:43 PM
Subject: Thank you!

Very interesting reading!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Grifo, Francesca
Importance: Normal
Subject: Accepted: lunch
Start Date/Time: Tue 1/31/2017 5:00:00 PM
End Date/Time: Tue 1/31/2017 6:00:00 PM

To: Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]
From: Grifo, Francesca
Sent: Mon 1/30/2017 11:13:05 PM
Subject: Questions for the Record
Questions for the record.pdf

Just making sure you saw these. Page 41 – questions 21 to 31 pertain directly to science.

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

Senate Environment and Public Works Committee
Hearing entitled, "Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency"
January 18, 2017
Questions for the Record for the Honorable E. Scott Pruitt

Senator Booker:

1.For many years I have worked with the EPA on the Passaic River superfund clean-up project in my home city of Newark. In 2016, the EPA announced an historic plan to remediate the Passaic River from toxic chemicals, PCBs, and other contaminants that resulted from the production of Agent Orange. The project will remove 3.5 million cubic yards of toxic sediment from the lower eight miles of the Passaic River in New Jersey—the largest environmental dredging project in the history of the federal Superfund program.
a.If confirmed do you commit to make implementation of the Passaic River cleanup project a priority?
b.If confirmed do you commit to carrying out the EPA Region II March 3, 2016 "Record of Decision" for the Lower 8.3 miles of the Lower Passaic River in a timely and efficient manner?

I am not familiar with the details of the remedy that has been selected for the Passaic River Superfund site, but if confirmed, I expect to make clean up of contaminated sites one of my priorities and will seek input from Congress and relevant stakeholders before taking action in this matter.

2.As the former Mayor of Newark, I have seen how low-income and minority communities living in close proximity to the port of Newark are exposed to high levels of air pollution resulting in serious health problems. Across the nation 13 million people—3.5 million of whom are children—live near major marine ports or rail yards. What is your plan to address the pressing environmental justice concerns regarding poor air quality near major seaports and other congested nodes in our nation's freight network? I have been a champion of the bipartisan Diesel Emissions Reduction Act (DERA) Program that helps replace diesel engines and helps make major sea ports and inland transportation hubs cleaner and more efficient. If confirmed can you commit to supporting the DERA program?

As I committed to you during the meeting in your office, I understand there are wide ranging variety of environmental justice issues affecting urban and rural America. In fact, as you will recall, I've committed to work with your office and visit impacted areas with you. I am also aware that the Diesel Emissions Reduction Act Program has received bipartisan support from

ED_001292A_00000164-00001

members of the Environment and Public Works Committee. If confirmed, I would like to work with members of Congress to best direct resources to bipartisan initiatives.

3.Climate change is one of the most pressing issues currently facing the planet. Rising sea levels and extreme weather are currently threatening the safety and security of my constituents in New Jersey. Lower income and vulnerable communities are disproportionately impacted by the extreme heat and flooding events that are becoming more common and more severe. Given the immediate and increasing threat to my constituents and to people everywhere, what is your plan to address climate change?

If confirmed, I will work to achieve the objectives of EPA-administered laws consistent with the process and framework established by Congress. I will work closely with the states in establishing and implementing regulatory standards to ensure a meaningful and effective advancement of these objectives.

4. In 2016, troubling reports of lead contamination in school drinking water in New Jersey and other areas of the country made clear the urgent need to test school drinking water and remediate school drinking water infrastructure that is contaminating the water our children drink.
a. What is your plan to prioritize and expedite the EPA's efforts to eliminate lead contamination in school drinking water?

If confirmed, I will fully carry out EPA's authorities, including its authorities under the Safe Drinking Water Act. I note that in the WIIN Act, Congress amended the Safe Drinking Water Act to authorize funding for voluntary school lead testing. If confirmed and if funding is provided, I will carry out that program.

5.If you are confirmed, how would EPA respond when a state permits pollution to be discharged into a smaller waterway that leads to contamination of drinking water supplies in a downstream state?

If confirmed, I would follow the processes set forth in the Clean Water Act and its implementing regulations.

6. How do you define "environmental justice"? Do you think it's a serious issue?

I am familiar with the concept of environmental justice. As I testified, the Administrator plays an important role regarding environmental justice. I agree that it is important that all Americans be treated equally under the law, including the environmental laws.

7. Decades of peer-reviewed academic and government research demonstrate that low-income communities and communities of color disproportionately experience environmental burdens compared to other populations in the United States. Do you agree with this conclusion? If not, why?

As I testified at the hearing, I am familiar with the concept of environmental justice and believe the Administrator plays an important role in this regard. I agree that it is important that all Americans be treated equally under the law, including the environmental laws.

8. What do you believe are the legal obligations of EPA to ensure that recipients of EPA funds comply with Title VI of the Civil Rights Act of 1964?

The obligations of recipients of federal funds are defined by the statutes and regulations to which you refer. Those statutes and regulations speak for themselves.

9. There are currently hundreds of unresolved Title VI civil rights complaints before EPA. Recent reports from EPA's OIG and independent organizations have documented EPA's long-standing failure to enforce Title VI. If confirmed, what will you do as EPA Administrator to address this?

If confirmed, I would expect to be briefed by staff and review any recommendations by the Office of Inspector General before taking action on this issue.

10. Indigenous communities are consistently targeted for energy extraction, nuclear waste, uranium mining and/or oil and natural gas pipelines. How will you address this moving forward?

If confirmed, I will faithfully execute all laws enacted by Congress relating to protection of indigenous communities.

11. Children living in communities of color and low-income communities have the highest blood lead levels of all children in the United States, and even some developing countries. As Administrator, what steps would you take to address this?

I am concerned about high-blood levels in children and children's health generally. As I testified, the Administrator has a significant role regarding environmental issues. If confirmed, I would expect to be briefed to learn about EPA's legal authorities and ongoing programs and outstanding recommendations from the Inspector General, if any, concerning this issue before taking action.

12. As Administrator will you continue to convene and implement the advice and recommendations of the National Environmental Justice Advisory Council, a federal advisory committee to EPA since 1993?

As I testified, the Administrator plays an important role regarding environmental justice. I am not personally familiar with the legal authorities or activities concerning this advisory committee but I would expect, if confirmed, to be briefed by staff about ongoing programs and activities before taking any action. If confirmed, I would work to faithfully execute the laws EPA is responsible for administering, in order to protect human health and the environment for all Americans. If confirmed, I would expect EPA to operate in an open and transparent manner, consider the views of stakeholders as appropriate, act based on sound science, and follow the laws as established by Congress.

13. As Administrator, will you work to have of EPA's EJ 2020 Plan fully implemented?

As I testified, the Administrator plays an important role regarding environmental justice. I am personally unfamiliar with the details of current initiatives regarding environmental justice referenced in the question, but I would expect, if confirmed, to be briefed by staff about ongoing programs and activities before taking any action.

14. Do you intend to meet minority community members and leaders who have concerns about an environmental or health issue within your EPA jurisdiction?

Yes, if confirmed.

15. Public participation is the cornerstone of a healthy democracy and a basic component of good US policy development and enforcement. What are your plans to maximize inclusion and participation in decision-making processes by historically marginalized communities of color?

As I testified, the Administrator plays an important role regarding environmental justice. If confirmed, I would expect EPA to operate in an open and transparent manner, consider the views of stakeholders as appropriate, act based on sound science, and follow the laws as established by Congress, including the Civil Rights Act. If confirmed, I would work to faithfully execute the laws EPA is responsible for administering, in order to protect human health and the environment for all Americans.

16.Illegal solid waste dumping sites where hundreds of thousands of pounds of trash and waste tires harbor disease-carrying vectors and pests such as mosquitoes, which transmit life threatening diseases like dengue, west Nile and zika viruses can be found all over the United States. These dumping sites

disproportionally affect low income and minority communities. What will you do to address this health threat to these communities?

I understand the Resource Conservation and Recovery Act prohibits open dumping, and under this law states have primary responsibility to regulate solid waste disposal. If confirmed, I would expect to be briefed by staff and to hear the views of states and other stakeholders before taking any action consistent with EPA's legal authorities.

17.Monitoring of our coastal waters is critical to ensure the health and safety of its swimmers and bathers. Many coastal communities, especially low-income and minority communities have limited free recreational opportunities other than spending the day at the beach. As EPA administrator will you commit to continuing EPA's BEACHES program, which provides funding for state water quality monitoring programs that ensure healthy and safe recreation?

I am not personally familiar with the BEACHES program, but I would expect, if confirmed, to be briefed by staff about the program. If confirmed, I would work to faithfully execute the laws EPA is responsible for administering, including those authorizing the BEACHES program, in order to protect human health and the environment for all Americans. If confirmed, I would expect EPA to operate in an open and transparent manner, consider the views of stakeholders as appropriate, act based on sound science, and follow the laws as established by Congress.

18.A 2014 study by scientists at Lawrence National Laboratory at Berkeley reported that an estimated 10 % of chemicals used in fracking fluid are known to be toxic to humans and aquatic life. Fracking practices commonly are conducted in fringe low-income and working class communities. Since these toxics are known to leach into waterways how will you ensure this is prevented?

As was affirmed by Congress in drafting the Lautenberg Act, hazard is only one characteristic of risk and simply stating a chemical substance has toxicity does not mean there is exposure. EPA is tasked with carrying out laws as directed by Congress and if I am confirmed, I will use the authorities vested in me to protect drinking water under the Safe Drinking Water Act.

19. Nationally, 13 percent of the population lives within three miles of a Superfund site while in New Jersey, 50 percent of the population lives within three miles—the highest percentage in any state. New Jersey has 113 Superfund sites on the National Priority List—more than any other state. These sites are the most heavily contaminated properties in the country, and are the areas that pose the greatest potential risk to public health and the environment. What is your plan to strengthen the EPA's superfund program?

If confirmed, I would expect to prioritize the cleanup of contaminated land. I would also expect to be briefed by staff and to receive the views of relevant stakeholders on ways to improve the operation of the Superfund program, if confirmed. I also understand the Government Accountability Office and the EPA Inspector General regularly review the operation and activities of the Superfund program and, if confirmed, I would expect to look to their recommendations for additional areas for improvement, if confirmed.

20. If confirmed do you commit to working to include substantial funding for Superfund cleanups in the new administration's request for a large national infrastructure package?

If confirmed, I expect to make cleanup of contaminated sites one of my priorities.

21. In 2003, Arkansas and Oklahoma signed an agreement, the Statement on Joint Principles to take several measures to reduce phosphorus pollution in the Illinois River Watershed. One requirement was for Oklahoma to revise its 0.037 mg/L phosphorus criterion by 2012, which it did. Why, instead of supporting the conclusion of your own state Water Resources Board, did you delay implementation an additional three years by negotiating another agreement to conduct yet another study?

The "Statement of Joint Principles and Actions" did not require Oklahoma to "revise" its criterion, but rather stated that "Oklahoma will reevaluate Oklahoma's .037 mg/l criterion for total phosphorus in Oklahoma's Scenic Rivers by 2012, based on the best scientific information available at that time, and with the full, timely inclusion of officials from the State of Arkansas representing both point and non point source dischargers." As of 2012, which was the final date for the reevaluation to occur, Arkansas maintained its objection that Oklahoma's .037 mg/l criterion was inappropriate, and not based on the best scientific information available at that time. Rather than protract a now decades long dispute that appeared to again be headed towards litigation once again, I instead negotiated an agreement whereby Arkansas agreed to be finally bound to the results of a new study that would use the best scientific information available at the time to determine the appropriate criterion. This agreement avoided the prospect of more litigation, and ultimately resolved the dispute (with Oklahoma getting the stringent standard that it wanted).

22. In your testimony before the Senate Environment and Public Works Committee, you said that the 2003 agreement expired during your term? Where exactly in the agreement do you see any expiration to the agreement?

The "Statement of Joint Principles and Actions" stated that "Oklahoma will reevaluate Oklahoma's .037 mg/l criterion for total phosphorus in Oklahoma's Scenic Rivers by 2012, based on the best scientific information available at that time, and with the full, timely inclusion of officials from the State of Arkansas representing both point and non point source dischargers." As of 2012, which was the final date for the reevaluation to occur, Arkansas maintained its objection that the .037 mg/l criterion was inappropriate, and not based on the best scientific information available at that time. Therefore, the 2013 Agreement was reached with Arkansas whereby it agreed to be bound by the results of a new study that would use the best scientific information available at the time to determine the appropriate criterion.

23.The 2003 agreement says that, "The state of AR and OK, acting through their environmental agencies, will reissue the above-specified cities' NPDES permits on a normal five (5) year resistance cycle, with the understanding that NPDES permits for these point source dischargers to the shared Oklahoma Scenic Rivers Watershed issued in the year 2012 or beyond must include phosphorus limits stringent enough to meet applicable water quality standards."
a.Do you agree that the 2003 agreement places obligations on NPDES permitted facilities in Arkansas beyond 2012?
b.Because Oklahoma reevaluated its criterion in 2012, does this section require that NPDES permits issued in Arkansas have to be stringent enough to meet Oklahoma's .037 mg/L phosphorus water quality standard by 2012 and then beyond 2012?
c.In your testimony before the Environment and Public Works committee, you testified that the agreement was "historic" and OK's phosphorus limit would be implemented for the first time in history on both sides of the river. Do you agree that the .037 mg/L phosphorus criterion was enforceable on both sides of the border under the terms of the 2003 agreement?

Yes. No. No.

24.In the 2013 agreement between Arkansas and Oklahoma, you agreed "not to institute or maintain administrative enforcement actions, judicial proceedings or take regulatory actions contrary to this second statement."
a. Why did you agree to suspend your enforcement authority?
b. How many enforcement actions did you suspend?
c. Do you interpret "judicial proceedings" to include any judgment in the pending case your predecessor brought against 14 poultry polluters? Was this agreement intended to suspend enforcement of any judicial resolution of that case?

I did not agree to suspend enforcement authority. The Agreement simply acknowledged that neither state would take actions that would violate the terms of the agreement. I do not know if any enforcement proceedings were suspended, as my office is not the entity that would be involved in such

actions. I do not interpret "judicial proceedings" in that manner, and the agreement was not so intended.

25. In 2013, you negotiated an agreement with Arkansas that allowed those municipal dischargers to continue discharging at 1 mg/l phosphorus, agreed to remove the 2012 deadline for complying with Oklahoma's phosphorus standard, and agreed to reopen Oklahoma's phosphorus water quality standard. Since Arkansas had already agreed, in 2003, to ensure that its large municipal dischargers would fully comply with Oklahoma's phosphorus standard starting in 2012, why did you let them out of that agreement in 2013? Please identify any provision of your 2013 agreement that requires these dischargers to meet Oklahoma's phosphorus standards after February 20, 2016.
a. Since the U.S. EPA approved Oklahoma's Phosphorus Standard in 2003, what legal basis do you think Arkansas had to file a lawsuit challenging since the time for filing a legal challenge had expired? If you do not believe the time for filing a legal challenge had expired, please explain the basis for your belief.
b. Do you agree that Arkansas is required to ensure that its point source discharge permits comply with all Oklahoma water quality standards that have been approved by the U.S. EPA under the case of Arkansas v. Oklahoma, including the phosphorus standard approved in 2003? Please state the basis for your belief.
c. The Joint Study Committee authorized by your 2013 agreement recommended a standard different from Oklahoma's existing phosphorus water quality standard. Please explain whether this recommended standard will supplant Oklahoma's current water quality standard, and why you have state that the study confirmed Oklahoma's existing 30-day geometric mean 0.037 mg/l phosphorus standard. What is your understanding of the impact of excluding samples taken during conditions where surface runoff is the dominant influence of total flow and stream ecosystem processes?

The 2013 Agreement did not "let anyone out" of the 2003 Agreement. Arkansas believed that it had legal recourse to resist a criterion to which it objected. Without that additional context as to the claims to which you refer, I am unable to answer your question relating to time bar of Arkansas' hypothetical claims. With regard to Arkansas's obligations, pursuant to the 2013 Agreement, Arkansas is now obligated to adopt and implement a stringent phosphorus standard. The study "used a weight of evidence approach to recommend a six-month average total phosphorus level of not to exceed 0.035 milligrams per liter based on water samples collected during critical conditions was necessary[.]" As I've stated, this confirmed that Oklahoma's 0.037mg/l standard was--despite Arkansas's arguments that it was unnecessarily stringent--necessary to protect the watershed. I am not familiar with the "the impact of excluding samples taken during conditions where surface runoff is the dominant influence of total flow and stream ecosystem processes," to which you refer, and thus cannot offer an opinion on that statement.

26. You stated in your EPW Questionnaire that you negotiated an agreement with Arkansas to reduce phosphorus pollution in the Illinois River watershed that was occurring as a result of poultry growers. Please explain how the agreement reduces pollution from poultry growers.

Runoff from poultry farms contribute to increased phosphorous levels in the Illinois River. The agreement imposed on Arkansas the requirement that it adopt a stringent phosphorous standard, which will necessarily require Arkansas to stringently regulate sources of phosphorous, such as poultry farms, in order to meet that standard.

27. You stated that Oklahoma's phosphorus standard was not being enforced on the Arkansas side of the border prior to your 2013 Agreement. Are you aware that, in April of 2009, the EPA required the Arkansas Department of Environmental Quality to ensure that the discharge permit for the Northwest Arkansas Conservation Authority include an enforceable final effluent limitation for phosphorus stringent enough to meet Oklahoma's phosphorus water standard by June 30, 2012, and that the final NPDES permit for Northwest Arkansas Conservation Authority issued by Arkansas included that requirement? Given the fact that Oklahoma's phosphorus standard was being enforced in Arkansas prior to your 2013 agreement, please explain the benefit to Oklahoma from entering into the agreement.

However, upon reviewing it, I note that Arkansas reserved the right to revise the 0.1 mg/l phosphorus permit limit ("The Department reserves the right to revise the permit limit of 0.1 mg/l for Total Phosphorus upon submission of data which indicates that a Total Phosphorus limit other than 0.1 mg/l is appropriate"). Further, I am aware that Arkansas continued to dispute the validity of Oklahoma's t0.037 mg/ limit, a dispute that is now resolved with Arkansas agreeing that 0.037 mg/l phosphorus standard is appropriate. That agreement greatly benefits Oklahoma.

28. It appears that the last call or meeting that EPA has on the long delayed TMDL for the Illinois River and Lake Tenkiller watersheds occurred on November 14, 2013. Please explain how your 2013 Agreement is related to the TMDL or cleanup of Lake Tenkiller. What steps have you taken with the U.S. EPA to encourage completion of the Illinois River and Lake Tenkiller TMDLs and oppose further delay?

I would certainly encourage the EPA to fulfill any obligations it might have to complete those TMDLs, but I have not taken any legal actions to force the EPA to do so.

29. What steps have you taken to implement and enforce the 0.037 mg/L criterion for phosphorus pollution just approved by the Scenic Rivers Joint Commission in Oklahoma? What measures has Arkansas agreed to in light of the study results?

I have not personally taken any steps to implement or enforce that water quality standard, because the authority to do so is vested in Oklahoma's environmental regulators, such as the Oklahoma Department of Environmental Quality, and Oklahoma Water Resources Board.

30. In 1992 the US Supreme Court in Arkansas v Oklahoma, 503 U.S. 91 (1992), resolved a lawsuit between Oklahoma and Arkansas related to water pollution in the Illinois River and held that upriver states must comply with water quality standards that are adopted by downriver states and approved by EPA. After that Supreme Court decision, effective July 1, 2002, Oklahoma adopted a nutrient criterion for total phosphorous of .037 mg/l for all Oklahoma water bodies designated as Scenic Rivers, codified at Oklahoma Administrative Code 785:45-5-19(c)(2). This new water quality standard had a ten year phase in period before full compliance was required on June 30, 2012. EPA approved Oklahoma's .037 mg/l phosphorous standard, as codified at Oklahoma Administrative Code 785:45-5-19(c)(2), on December 29, 2003.
a. Given this history, do you agree that as of July 1, 2012 Oklahoma's .037 mg/l phosphorous standard was in effect and was binding on upriver states such as Arkansas?
b. More specifically, do you agree that as of July 1, 2012 compliance with Oklahoma's .037 mg/l phosphorous standard was required for the portion of the Illinois River in Arkansas?
c. If you do not agree that as of July 1, 2012 compliance with Oklahoma's .037 mg/l phosphorous standard was required for the portion of the Illinois River in Arkansas, please explain the legal basis for your disagreement.

Oklahoma water quality standards do not automatically apply to upstream dischargers in other states. In 1992, in Arkansas v. Oklahoma, a case that pre-dated Arkansas' authorization to carry out its own Clean Water Act permitting program, the Supreme Court held that it was in EPA's discretion to issue a permit for a publicly owned treatment plant in Fayetteville, Arkansas that required compliance with downstream (Oklahoma) water quality standards. The Court took no position regarding when the Clean Water Act compelled such compliance, only that it was reasonable for EPA to assume that a section 401 water quality certification applied to federally issued NPDES permits. Please note that section 401 applies only to federal permits and as such would not apply to an Arkansas permit now that Arkansas is an authorized state. Under 40 CFR 131.10 state water quality standards are supposed to ensure "attainment and maintenance" of standards applicable to downstream states, but EPA is the arbiter of that when it approves state standards. Under section 402(b) of the Clean Water Act a state that is downstream of an authorized state gets notice of permits

and the opportunity to file recommendations, but has no veto authority. Under section 402(d) of the CWA, EPA has the authority to review state issued permits and impose additional conditions. Interpreting this section, in International Paper Co. v. Ouellette, 479 U.S. 481, 493, 490-91 (1987) , the Supreme Court found that the only law applicable to a point source in an authorized state is the law of the source state. A downstream state is subordinate to a source state and its only recourse it to ask EPA to veto or condition a permit.

31. Please identify any investigations and/or lawsuits the Office of Attorney General initiated after January 17, 2011 to address groundwater contamination associated with swine animal feeding operations and any publicly available data in your possession regarding levels of groundwater contamination at any swine animal feeding operations, as well as any communications that the Office of Attorney General has had with the owners or operators of swine animal feeding operations after January 17, 2011.

The Oklahoma Department of Agriculture regulates Concentrated Animal Feeding Operations (CAFOs) and swine operations generally under the Oklahoma Agriculture and Environmental codes. The Oklahoma Department of Agriculture and the Oklahoma Office of the Attorney General already had several large swine feeding operations under Consent Decree or Settlement Agreement by the time I took office in 2011. (Hanor Roberts & Seaboard Foods, for example) The terms of those Consent Decrees and Settlement Agreements required the swine operations to make regular reports to the Department of Agriculture and the Office of the Attorney General. These reports included monitoring well data, lagoon data and other terms to be carried out by the operators pursuant to the agreements. My office has continued to monitor these operations to confirm compliance with the Consent Decree and Settlement Agreements.

Senator Cardin:

1. Please provide your definition of EPA's "activist agenda" as stated on your professional biography on the State of Oklahoma's official website. Please provide a list of all environmental laws and regulations that you consider to comprise the federal agency's "activist agenda" and how each environmental law or regulation listed in response to this question meets this definition.

I firmly believe that the EPA has a vital role, but it must do so within the bounds of its legal authority. The actions undertaken by the Office of Attorney General have been out of concern that EPA had exceeded its legal authority in those specific actions, not out of animosity toward the mission of the Agency or any specific regulation or statute. Regulations that are not on solid legal foundation and that cannot survive judicial review will not result in environmental protections.

2. For what purpose other than to handle the State of Oklahoma's legal challenges against the EPA did you create the Federalism Unit and defund the Environmental Protection Unit?

The Federalism Unit within the Attorney General's Office serves to protect the State of Oklahoma's sovereign interests in our republican form of government, with a particular focus on issues related to the vertical and horizontal separation of powers demanded by our Constitution. It is headed by the Solicitor General. With regard to the environmental protection unit, it is misleading to say that it was "defunded." Consistent with the practice of every Attorney General save one, I determined that a standalone unit was operationally inefficient. I opted to combine the Environmental Protection Unit and the Consumer Protection Unit into a single unit called the "Public Protection Unit." The Public Protection Unit continued the work of the Environmental Protection Unit, and that work continues to this day, headed by the very same attorney who worked in the Environmental Protection Unit under the prior Attorney General.

3.Do you intend to create a Federalism Unit within the EPA similar to Oklahoma's? Explain why or why not.

My understanding is that the Department of Justice, working in coordination with the EPA Office of General Counsel, represents EPA in litigation, and would thus serve to protect such federalism related interests.

4.Would you support budget cuts to the EPA in similar scope (10% or higher) to those made to Oklahoma Department of Environmental Quality appropriations since FY2009[1]?

I am not familiar with Oklahoma Department of Environmental Quality's budget. I have no first-hand knowledge of EPA's development of its FY 2018 budget request. If confirmed, I look forward to working with EPA's budget staff and program offices and officials with the Office of Management and Budget on EPA's request. I will work to ensure that the limited resources appropriated to EPA by Congress are managed wisely in pursuit of that important mission and in accordance with all applicable legal authorities.

5.Of the lawsuits filed against the EPA in which you participated personally and substantially as Attorney General for Oklahoma, do you intend to recuse yourself from decision making regarding litigation in which you represented the State of Oklahoma as an adversarial party? Do you intend to recuse yourself for the entirety of each case?

As a lawyer, I am bound by the rules of professional conduct not to "switch sides" in any litigation in which I represented the State of Oklahoma, unless my former client gives its informed consent.

6.Do you believe the State of Oklahoma and the EPA should be regarded as the same or different "clients" for conflicts of interest purposes? Explain why or why not.

The State of Oklahoma and the federal government are separate sovereign authorities; representing one does not entail representing the other. In addition, while the State of Oklahoma has been my client as a lawyer during my service as Attorney General, if confirmed as EPA Administrator I will not be acting as a lawyer with clients.

7.The American Bar Association (ABA) Model Rules of Professional Conduct, Rule 1.1, Special Conflicts Of Interest for Former and Current Government Officers and Employees, Comment 5 discusses the balancing of interests. On the one hand, where the successive clients are a government agency and another client, public or private, the risk exists that power or discretion vested in that agency might be used for the special benefit of the other client. A lawyer should not be in a position where benefit to the other client might affect performance of the lawyer's professional functions on behalf of the government. Also, unfair advantage could accrue to the other client by reason of access to confidential government information about the client's adversary obtainable only through the lawyer's government service. In the spirit of Rule 1.11, what previous lawsuits

[1] http://okpolicy.org/wp-content/uploads/2016_Budget_Highlights.pdf?997616#page=7&x42044

might affect your performance of the Administrator's professional functions on behalf of the EPA?

Because I will follow the guidance of ethics officials and my own professional responsibilities in determining whether and how to participate in a particular matter, I do not expect any previous lawsuits to adversely affect my performance as EPA Administrator if confirmed.

8.On the other hand, the rules governing lawyers presently or formerly employed by a government agency should not be so restrictive as to inhibit transfer of employment to and from the government. The government has a legitimate need to attract qualified lawyers as well as to maintain high ethical standards. Thus a former government lawyer is disqualified only from particular matters in which the lawyer participated personally and substantially. The provisions for screening and waiver in paragraph (b) are necessary to prevent the disqualification rule from imposing too severe a deterrent against entering public service. The limitation of disqualification in paragraphs (a)(2) and (d)(2) to matters involving a specific party or parties, rather than extending disqualification to all substantive issues on which the lawyer worked, serves a similar function. Please provide a list of federal lawsuits filed against the EPA in which you participated personally and substantially as Attorney General for Oklahoma.

As Attorney General of Oklahoma, I have participated personally and substantially in the following suits against the EPA:

- **EME Homer City Generation v. EPA, No. 12-1182 (U.S.S.C.)**
- **Michigan v. EPA, No. 14-46 (U.S.S.C.)**
- **Murray Energy Corp. v. EPA, Nos. 14-1112, 14-1151 (D.C. Cir.)**
- **Murray Energy Corp. v. EPA, Nos. 15-1385, 15-1392, 15-1490, 15-1491 & 15-1494 (D.C. Cir.)**
- **Oklahoma v. EPA, Nos.12–9526, 12–9527 (10th Cir.)**
- **Oklahoma ex rel. Pruitt v. EPA, No. 16-5038 (10th Cir.).**
- **Oklahoma ex rel. Pruitt v. McCarthy, No. 15-cv-369 (N.D. Okla.).**
- **Oklahoma v EPA, No, 13-cv-00726 (W.D. Okla.)**
- **West Virginia v. EPA, No. 14-1146 (D.C. Cir.)**
- **West Virginia v. EPA, No. 16-1264 (D.C. Cir.)**

9.Do you accept a screen is appropriate for EPA strategic decisions specific to those lawsuits in which you represented an adversarial party? Explain why or why not.

I will consult with relevant ethics officials and review relevant rules of professional conduct to determine whether a screen is appropriate in a particular matter.

10.Comment 5 discusses a lawyer who moves between different government entities. When a lawyer has been employed by one government agency and then

moves to a second government agency, it may be appropriate to treat that second agency as another client for purposes of this Rule, as when a lawyer is employed by a city and subsequently is employed by a federal agency. However, because the conflict of interest is governed by paragraph (d), the latter agency is not required to screen the lawyer as paragraph (b) requires a law firm to do. The question of whether two government agencies should be regarded as the same or different clients for conflict of interest purposes is beyond the scope of these Rules. Do you believe two government agencies—the State of Oklahoma and the EPA—should be regarded as the same or different "clients" for conflicts of interest purposes? Explain why or why not.

As explained above, the State of Oklahoma and the federal government are separate sovereign authorities. While the State of Oklahoma was my client as a lawyer, if confirmed as EPA Administrator I will not be acting as a lawyer with clients.

11.How might the spirit of Rule 1.11's conflicts of interest provisions apply if those government entities were adversarial parties to a lawsuit?

If two government entities are adversarial parties to a lawsuit, then under ABA Model Rule 1.11 a lawyer's previous representation of one entity in the litigation will preclude his later representation of the other entity in the same litigation, unless the former client gives its informed consent. As explained above, if confirmed as EPA Administrator I will not be acting as a lawyer with clients.

12.ABA Rule 1.7 Conflict Of Interest: Current Clients provides that a "lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if the representation of one client will be directly adverse to another client; or there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer." In the spirit of Rule 1.7, do you reasonably believe that you will be able to provide competent and diligent leadership to the EPA, an agency you "don't like" and have sued several times? Explain why or why not.

I will provide diligent and competent leadership to the EPA if confirmed as Administrator. As I explained in my testimony to the Committee, I am a firm believer in the EPA's mission to protect the environment and look forward to the opportunity to lead the agency to help provide our future generations with a better and healthier environment.

13.Please explain how your litigation position in each case is or is not at odds with the mission of the EPA, to protect human health protect human health and the environment—air, water, and land.

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The EPA's mission is defined by the laws passed by Congress granting it the authority to act. Any action by the EPA that exceeds the authority granted to it by Congress, by definition, cannot be consistent with the Agency's mission. In each case filed against the EPA, in the view of the State of Oklahoma, the EPA had acted in excess of the authority granted to it by Congress.

14.Do you accept that EPA, state, local and tribal agencies work together to ensure compliance with environmental laws passed by Congress, state legislatures and tribal governments?

I agree it is essential for the federal government, state governments, and tribal governments to work together to provide the environmental protection that our laws demand and that the American people deserve. As I explained in my testimony to the Committee, I strongly support cooperative federalism. If confirmed, I will make every effort to partner with the EPA's counterparts in state, local, and tribal governments to further these goals.

15.In 2005, former Attorney General Drew Edmondson filed a federal lawsuit in 2005 seeking to prohibit the spreading of chicken waste over land in the Illinois River Basin in northeastern Oklahoma. Companies named in *State of Oklahoma v. Tyson Foods Inc.* (No. 4:05-cv-00329) include Tyson Foods Inc., Tyson Poultry Inc., Tyson Chicken Inc., Cobb-Vantress Inc., Cal-Maine Foods Inc., Cargill Inc., Cargill Turkey Production L.L.C., George's Inc., George's Farms Inc., Peterson Farms Inc., Simmons Foods Inc., Cal-Maine Farms Inc. and Willow Brook Foods Inc. On December 9, 2015, the State of Oklahoma filed brief amici curiae along with 21 other states in support of the petitioners in *American Farm Bureau Federation v. EPA* (No. 15-599). The *Tyson Foods* defendants did not participate in the Bay TMDL lawsuit, and the American Farm Bureau was not a party to the Oklahoma suit. However, Tyson Foods Inc., headquartered in Springdale, Arkansas—the largest poultry producing company in the world—is a member of the Arkansas Farm Bureau. Do you accept that the American Farm Bureau, a national organization, represents the interests of the Arkansas Farm Bureau and its members, including Tyson Foods? Explain why or why not.

It is my understanding that the American Farm Bureau Federation is a distinct corporate entity from the Arkansas Farm Bureau, which is a distinct corporate entity from Tyson Foods. Accordingly, I do not believe one can ignore corporate form and conflate the American Farm Bureau Federation with either the Arkansas Farm Bureau or Tyson Foods. I observe that the Pennsylvania Farm Bureau filed suit against EPA in the challenge to the Chesapeake Bay TMDL on its own behalf, notwithstanding the fact that American Farm Bureau Federation also was a plaintiff.

16.In 2013, despite the lack of a verdict in the *Tyson Foods* case, you added the State of Oklahoma to the American Farm Bureau/poultry industry backed lawsuit

against the EPA's efforts to enforce a TMDL to restore water quality in the Chesapeake Bay. You sided with the American Farm Bureau, the Fertilizer Institute, the National Chicken Council, the National Pork Producers Council and other farming interests. The lawsuit claimed EPA was exceeding its authority in enforcing "total maximum daily load," or TMDL, standards in Chesapeake Bay, limitations on nitrogen, phosphorus and sediments. In what ways did you balance the interests of your client, the State of Oklahoma, as Counsel for Amicus Curiae in *American Farm Bureau* while *Tyson Foods*, in which you represented the State of Oklahoma as Plaintiff, was ongoing?

These are two different lawsuits regarding different parties and different matters. There also is no issue conflict because the issues raised in the two lawsuits also are distinct.

17.In 2016, more than six years after arguments concluded in *Tyson Foods*, there has been no final ruling from U.S. District Court Judge Gregory K. Frizzell. Do you find the six-year delay in *Tyson Foods* to be acceptable or reasonable, and if so, why?

It would not be appropriate for me as an attorney to comment on the acceptableness or reasonableness of the actions of a judge before whom the Office of the Attorney General has a pending case.

18.Please provide a list of all confidential government documents related to the Chesapeake Bay TMDL to which you would not have access but for your status as counsel to the State of Oklahoma as amicus curiae in *American Farm Bureau*.

I am not aware of any such documents. A request for such documents can be made to the Office of the Attorney General pursuant to the Oklahoma Open Records Act.

19.If the Supreme Court were to grant certiorari in *American Farm Bureau*, or a case like it challenging the Chesapeake Bay TMDL, how would you direct the EPA as Administrator to rigorously defend its own rule?

Any TMDL should be a cooperative effort. If confirmed as EPA Administrator and if the litigation challenging the Chesapeake Bay TMDL reached the Supreme Court during my time in office, I would expect to consult with the States and other interested stakeholders about the issues raised in such litigation.

20.In what ways did you balance the interests of your client, the State of Oklahoma, as Amicus Curiae in *American Farm Bureau* and as Plaintiff in *Tyson Foods*?

These are two different lawsuits regarding different parties and different matters. As Attorney General of Oklahoma, I represent the interests of the State of Oklahoma when I seek to ensure that federal law is followed such that Oklahoma retains its sovereign authority to regulate where federal law allows such state regulation..

21.Do you accept that the Chesapeake Bay TMDL could still fail to significantly reduce pollution flowing to the Chesapeake Bay if the EPA steps back from its role in holding states accountable for their cleanup commitments? Explain why or why not.

It is my understanding that recent quality data shows that the water quality of the Chesapeake Bay is improving. Further, it is my understanding that the United States Geological Survey and other researchers have found that the time lag between measures taken on the ground and water quality response can be years, decades or even longer. Accordingly, today's improvements in water quality are likely the result of measures taken before the effective date of the Bay TMDL. These measures, as well as state plans to require treatment plants upgrades that also pre-date the effective date of the Bay TMDL, will continue to improve water quality. That said, the Bay TMDL represents a cooperative effort of all states in the watershed and EPA has a role in overseeing its implementation.

22.The TMDL approach hinges on numeric water quality standards that set a qualitative number for pollution limits, rather than a qualitative description of how healthy waters should be. As Administrator, how would you promote effective numeric standards?

I agree with the Mach 2011 nutrient framework issued by the Assistant Administrator for the Office of Water entitled "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions," which prioritizes state action to encourage on the ground activities over establishment of numeric nutrient limits. According to the State of Florida, based on their experience with the imposition of federal numeric nutrient limits, controversy over the validity of a number can actually delay pollutant reduction activities, delaying water quality improvements.

23.In the Mississippi River watershed, the Obama Administration defended a lawsuit against the EPA from environmentalists seeking numeric nutrient criteria. The United States District Court for the Eastern District of Louisiana ruled in favor of the EPA, finding “Presumably, there is a point in time at which the agency will have abused its great discretion by refusing to concede that the current approach [...] is simply not going to work.” But for now, “EPA is entitled to judgment as a

matter of law in its favor." As Administrator, would you continue to waste resources on a qualitative, voluntary approach?

I was not involved in the litigation your reference, and am not familiar with the details of the case.

24.As Administrator, do you intend to make enforcement of the Chesapeake Bay cleanup plan a priority? How? Do you acknowledge that it will be even more difficult to make progress without EPA?

The Chesapeake Bay TMDL has been upheld by the Third Circuit Court of Appeals. If confirmed, I will continue to enforce the law and will continue EPA's leadership role as a member of the Chesapeake Bay Executive Council. I agree that progress would be difficult without a collaborative process.

25.Would you deny the political will in the states of the Chesapeake Bay watershed to protect the Bay?

I would listen to the views of all interested stakeholders including the States.

26.In a 2013 speech, you said "There are issues with respect to clean water and air that cross state lines. There is a role, and I think it's important for conservatives, for us to recognize, that though I don't like the EPA [...] I think it's not good for us to say that the EPA doesn't have any role." How would you characterize the EPA's role in mediating cross-state air and water pollution disputes?

I certainly agree that EPA plays a leadership role in mediating cross-state air and water pollution disputes.

27.In 1992, the Supreme Court held in *Arkansas v. Oklahoma* (No. 90-1262), a case challenging the EPA's issuance of a National Pollution Discharge Elimination System (NPDES) permit to a publicly owned treatment plant in Fayetteville, Arkansas for a discharge into a river flowing into Oklahoma, that the Clean Water Act authorizes the EPA to require that point sources in upstream states not violate water quality standards in downstream states.[2] Is the EPA interpreting this Supreme Court precedent correctly? If not, how would you change its interpretation through NPDES?

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[2] https://www.epa.gov/sites/production/files/2015-01/documents/waterpollution-ludwiszewski-memo.pdf

Arkansas v. Oklahoma involved an EPA-issued permit because at the time of the litigation the Fayetteville wastewater treatment plant began operation Arkansas did not have an approved state permitting program. Oklahoma is authorized to implement its own NPDES permitting program, in lieu of the federal program. As such, I am not familiar with how EPA is applying Arkansas v. Oklahoma when it issues permits in the handful of states without such approved permitting programs.

28.After the *Arkansas* decision, you agreed to a three-year delay in 2012 to allow for an independent study of the science behind the standard. What specific factors motivated your decision to delay enforcement of Oklahoma's standard?

The "Second Statement of Joint Principles and Actions" that Oklahoma entered into with Arkansas in 2012 actually required that "[t]he States, through the appropriate Parties, will continue to require existing point source dischargers to the Illinois River Watershed with a design capacity of greater than 1 MGD to operate under existing National Pollutant Discharge Elimination System ("NPDES") permits reflecting an effluent limit for total phosphorus of not more than I mg/L based upon a 30 day average, assuming the U.S. Environmental Protection Agency does not object" and likewise required that "Parties for both States will continue cooperative efforts to improve and protect water quality in the Scenic Rivers."

29.Please provide all communications you had had with representatives of agricultural and other companies regarding water quality litigation between Arkansas and Oklahoma.

Such communications can be requested from the Oklahoma Office of the Attorney General through a request made to that office pursuant to the Oklahoma Open Records Act.

30.Do you commit to fully apply and enforce the Good Neighbor provision if confirmed as EPA Administrator?

Yes. If I am confirmed as Administrator, I will exercise my authority in this area consistent with Congress's intent in enacting the Act. Specifically with respect to Section 110(a)(2)(D) and the "good neighbor" obligations of Section 110, I intend to engage in a transparent process that will allow states to have a meaningful opportunity to understand their obligations with regard to reducing emissions that cause or contribute to nonattainment or interference with maintenance in other states through the SIP process and to act consistent with my authority under Section 110(c) if states fail to do so.

31.What is your understanding of the role of climate change in algal blooms?

EPA identifies the following as causes of harmful algal blooms: sunlight, slow-moving water, and excess nutrients. For climate change to have a role, it would first have to have an impact on one of these three causes.

32.Please provide a list of water treatment plants under consent order from the Oklahoma Department of Environmental Quality during your tenure as Attorney General. Please identity funding sources other than federal funding that are available to bring these treatment plants into compliance with the Clean Water Act.

This question should be directed to the Oklahoma Department of Environmental Quality, as I have no personal knowledge of such matters.

33.Of the 1,677 public water supplies under the purview of the Oklahoma Department of Environmental Quality, 19 had recent elevated detections of lead in March, 2016. Please describe any action you took to address lead contamination as Attorney General.

As the question indicates, the Oklahoma Department of Environmental Quality as opposed to the Office of Attorney General has primary responsibility for implementing and enforcing environmental laws in Oklahoma.

34.When more than 10 percent of tap water samples in a local system contain lead levels of at least 15 parts per billion, the state steps in to review the water system's treatment for corrosive properties and update the sampling schedule as necessary. How have budget cuts to the Oklahoma Department of Environmental Quality impacted sampling?

I have no personal knowledge of the Oklahoma Department of Environmental Quality's budget, or how any budget cuts may have impacted that office.

35.EPA and the Centers for Disease Control and Prevention (CDC) agree that there is no known safe level of lead in a child's blood. Lead is harmful to health, especially for children. Do you accept that there is no safe level of lead in a child's blood?

I am concerned about the health of children. I have not myself reviewed the scientific studies correlating blood lead levels to impacts in children. However, it is my understanding that neither EPA nor CDC have identified a "safe" level of exposure, but instead have adopted levels appropriate for action under their specific statutory authorities.

36.Please provide any information relating to enforcement actions for Lead and Copper Rule violations undertaken during your tenure as Attorney General for Oklahoma.

Such enforcement actions would have been undertaken by Oklahoma's environmental and water regulators, at agencies like the Oklahoma Department of Environmental Quality or the Oklahoma Water Resources Board. This question should be directed to those agencies so that can describe to you the relevant actions taken by the State of Oklahoma.

37.The Safe Drinking Water Act (SDWA) requires EPA to establish and enforce standards that public drinking water systems must follow. EPA delegates primary enforcement responsibility (also called primacy) for public water systems to states and tribes if they meet certain requirements. In a letter to Oklahoma Secretary of the Environment Gary Sherrer, EPA Regional Administer Ron Curry said the State had until June 1, 2013 to fully implement the Stage 1 and Stage 2 Disinfectants and Disinfection Byproducts Rules. Please provide all information related to Oklahoma's primacy under the Public Water System Supervision Program during your tenure as Attorney General.

As your question indicates, such matters would be within the purview of Oklahoma's environmental regulators, not the Office of Attorney of General.

38.Do you concur that persistent drinking water safety problems indicate the need to strengthen, not weaken, the federal law designed to ensure the safety of Americans' drinking water? Explain why or why not.

I believe that persistent drinking water problems largely stem from a failure to comply with current laws and regulations. If confirmed, I will work to increase compliance with the law, which will require effective enforcement and oversight, technical assistance, and infrastructure improvements. It also may require changes to existing regulations to improve oversight tools and eliminate ambiguities that lead to compliance issues.

39.At the same time, deteriorated lead paint and elevated levels of lead-contaminated house dust are present in an estimated 24 million U.S. houses, according the Centers for Disease Control and Prevention. The long-term effects that lead poisoning can cause include learning disabilities, hyperactivity, impaired hearing and brain damage. Infants and young children are most susceptible to lead poisoning. EPA's Lead Renovation, Repair and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have their firm certified by EPA (or an EPA authorized State), use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices. Do you believe the RRP Rule should be a voluntary standard? Explain why or why not.

No. Oklahoma is an authorized state. The Oklahoma Lead-Based Paint Management Act designates the Department of Environmental Quality as the official agency for implementing the Lead-Based Paint Management Program.

40.EPA is addressing lead contamination and resulting hazards under these laws in many ways, including by issuing and enforcing regulations. Do you find this regulatory authority appropriate for EPA, and not the States? Why or why not.

It is appropriate for EPA to faithfully enforce federal law. With respect to the RRP rule, it is my understanding that there have been issues with EPA implementation of the RRP rule in states that are not authorized due to a delays in certifying firms.

41.Title IV of the Toxic Substances Control Act (TSCA), as well as other authorities in the Residential Lead-Based Paint Hazard Reduction Act of 1992, directs EPA to regulate lead-based paint hazards. As Administrator, how would you implement Title IV of TSCA?

Congress enacted both TSCA Title IV to create a national program to achieve the national goal of eliminating lead-based paint hazards from housing as expeditiously as possible and TSCA Title V to authorize the establishment of a state grant program to provide technical assistance on EPA environmental programs for schools and to implement school environmental health programs. If confirmed, I will faithfully discharge my responsibility to protect human health and the environment for all Americans with the highest possible dedication and commitment in accordance with the legal authorities established by Congress.

42.The CWA prohibits anyone from discharging pollutants, including lead, through a point source into a water of the United States unless they have a National Pollutant Discharge Elimination System (NPDES) permit. As part of their water quality standards regulations, states and authorized tribes adopt ambient water quality criteria with sufficient coverage of parameters, such as lead, and of adequate stringency to protect the designated uses of their surface waters. What changes, if any, would you make to the NPDES permit?

I have not contemplated any changes to the NPDES permit program, if confirmed.

43.Please provide all confidential government information regarding the 2010 consent order with the Making Money Having Fun (MMHF, LLC), a coal combustion waste mine fill operator in Bokoshe, Oklahoma, that you obtained as Attorney General.

I did not become Attorney General until January 2011. The Oklahoma Department of Environmental Quality has responsibility for administering and enforcing environmental laws in Oklahoma, along with other agencies like the Water Resources Board and the Corporation Commission. Those agencies may be able to provide you information about the 2010 consent order your reference.

44.The EPA finalized the first federal coal ash disposal rules in 2015, but the rules did not include any direct mechanism to implement or enforce the rules. Now, Congress has provided the mechanism in S. 612-114th, the WINN Act, which was passed with bipartisan support. Senate Majority Leader Mitch McConnell also issued a press release stating his approval of several of the bill's provisions, including the coal ash language. As you may know, if states create a coal ash permitting program, or amend their current programs to incorporate federal standards and get EPA approval, they will be able to implement the rules themselves. If they do not, the EPA is directed either put into place a federal permitting system, or have the authority to directly enforce the requirement. Do you intend to enforce the coal ash language in S. 612-114th, the WINN Act, that received bipartisan report?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress, including the WIIN Act provisions regarding coal ash.

45.Please provide an explanation of any modification you would make to the coal ash provision in S. 612-114th, the WINN Act.

I have not had occasion to review in depth this new statutory. Congress, not the Administrator of EPA, has authority to modify statutory language such as the coal ash provision in the WIIN Act. I do not at this time have any opinion whether Congress should modify the statute in question.

46.Kentucky is already in the process of working on regulations governing coal ash disposal. The state's proposal would modify the concept of "permit-by-rule," and allow utilities to build their own coal ash landfills or ponds without prior permitting or review by regulators. The utilities could be fined by regulators or sued by individuals for violations. Energy and Environment Cabinet spokesman John Mura has said the Cabinet believes this would qualify as a "permitting program" as required by the WINN Act. As Administrator, would you allow the Kentucky Energy and Environment Cabinet's "permit by rule" program to qualify as a permitting program under the bipartisan WIIN Act? Why or why not?

I am not familiar with how Kentucky regulates coal ash disposal. It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is fully and fairly considered with input from staff and in accordance with applicable legal requirements.

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47.What is the goal of your lawsuit asking to strike down EPA's "Waters of the United States" rule under the CWA? What will the states be empowered to do that they can't do with the rule in place? (be specific)

The goal of the lawsuit I brought to advance the State of Oklahoma's interest in protecting its regulatory authority is to have the courts vacate the WOTUS rule. If the WOTUS rule is vacated, we will return the status quo, and the State of Oklahoma's sovereign authority to regulate waters within its border will not be diminished.

48.The brief filed on behalf of states argues that states need to "protect" waters. Are you aware of the legal concept under the Clean Water Act that provides for states to be more protective than the Clean Water Act, not less—that the Act sets a minimum standard of protection and cleanliness?

The state brief filed in the WOTUS case argues that the WOTUS rule fails to recognize the limits on federal authority that Congress adopted when it enacted the CWA over forty years ago. Under the Act, Congress "chose to 'recognize, preserve, and protect the primary responsibilities and rights of States . . . to plan the development and use . . . of land and water resources.'" Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps of Eng'rs, 531 U.S. 159, 174 (2001) ("SWANCC") (quoting 33 U.S.C. § 1251(b)). As noted in the state brief: "The Rule likewise reaches and even exceeds the outer bounds of Congress's constitutional authority. The Rule's expansion of federal authority over intrastate waters will "impinge[] o[n] the States' traditional and primary power over land and water use," and "readjust the federal-state balance." SWANCC, 531 U.S. at 174.The Rule's coverage of intermittent waters, ephemeral waters, and isolated sometimes-wet lands "presses the envelope of constitutional validity," Rapanos, 547 U.S. at 738 (Scalia, J., plurality) (citation omitted), far more than the challenged agency actions in Rapanos and SWANCC. That is, states have exclusive, not additional, authority over all land and non-navigable, wholly intrastate waters.

49.Do you believe that states should be free to allow more pollution or fewer waters to be protected from pollution and development than described in the Waters of the United States Rule?

The litigation brought by the states was premised on a concern that EPA had exceeded its statutory authority as established by Congress. Additionally, the WOTUS rule is a jurisdictional rule, not a substantive rule as your question suggests.

50.Are there waters that you believe should not be protected under the Clean Water Act? What specifically are they? Why do you think that the rule covers those waters now? Why do you think they should not be protected?

As I stated in my testimony before the Committee, I believe that the Clean Water Act regulates more than navigable waters. But, it does not regulate all waters. How much more would best be answered by Congress. Absent Congressional action, it is the role of EPA to seek to provide clarity on the scope of federal jurisdiction. What that is has to be determined and assessed through notice and comment rulemaking. The WOTUS rule exceeded the authority granted by Congress by allowing federal regulation of land if rainwater collects on the surface and seeps into the ground or if rainwater runs over the land as ephemeral flows. It also exceeded CWA authority by regulating isolated ponds and wetlands. Such non-navigable, wholly intrastate water should be protected, as appropriate, under state, not federal, law. For example, isolated bodies of water have not been subject to federal regulation since the 2001 Supreme Court decision in SWANCC struck down earlier agency attempts to expand federal jurisdiction beyond the limits of the Act. The WOTUS rule would reverse that decision and regulate the same waters that the Supreme Court has already said are subject to exclusive state regulation.

51.In your lawsuit against the Clean Water Rule you argue against what you perceive as an undue federal intrusion on local control of decisions about water quality. You have also argued that cities in towns in Oklahoma should not be able to control their water quality by issuing local regulations for the activities of oil and gas companies. How is your stance in favor of local control under the Clean Water Act consistent with your position against local control when it comes to the water polluting activities of oil and gas companies? What legal underpinning is there for that difference?

State concerns regarding the WOTUS rule are based on the limitations on federal authority under the Clean Water Act. Oklahoma concerns over the regulation of commercial activities including oil and gas company operations by local governments are based on the limitations of local authority under state law and federal law. Respect for the rule of law underpins both concerns, and both seek to ensure that laws enacted by the relevant legislatures—Congress on one hand, the Oklahoma Legislature on the other—are followed.

52.Wetland ecosystems provide significant environmental and economic benefits to American citizens including water purification, flood and erosion control, and

habitat for wildlife and commercial fish species. In fact, over fifty percent of commercial fish and shellfish stocks in the Southeastern United States rely on coastal wetlands. Section 404 of the Clean Water Act protects wetland ecosystems by regulating the discharge of dredging and fill material. If confirmed, what is your plan to improve the biological condition of wetlands?

If confirmed, I will take care to faithfully execute all environmental laws enacted by Congress, including Section 404 of the Clean Water Act.

53.As of 2014 Oklahoma had nearly 14,000 miles of rivers and nearly 1,000 square miles of lakes that are so polluted they don't meet the state's water quality standards. That's approximately 42% of all the delineated stream miles in Oklahoma, and almost 1,600 of those were added during your time as Attorney General. Only 107 miles of rivers in Oklahoma – about a third of one percent – were classified as meeting Oklahoma's water quality standards. The other 58% are classified as having insufficient data to enable the state to say they're meeting state standards. As Oklahoma's Attorney General, what did your office do to ensure that the companies were complying with the state's clean water laws?

The Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board have primary responsibility for implementing and enforcing environmental laws in Oklahoma. Such questions should be directed to those environmental regulators.

54.How many water pollution enforcement actions did your office file, and how many of those resulted in orders to halt or reduce pollution discharges? Please provide a comprehensive list.

The Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board have primary responsibility for implementing and enforcing environmental laws in Oklahoma. Those agencies are thus best situated to provide a comprehensive list of enforcement actions take by the State of Oklahoma. The Office of Attorney General has on occasion assisted those environmental regulators by providing legal representation in cases under the CWA for pollution to groundwater, streams and other waterways. Other cases included pollution that caused fish kills and CERCLA Superfund sites that damaged Oklahoma groundwater and or streams. Those cases are EPA, States of Oklahoma & Texas v Mahard Egg Farm; EPA, State of Oklahoma v. Doe Run Mining et al.; ODWC v. Kent Feeds; ODWC v. Southern Towing; State Of Oklahoma, ODWC v Kelco Manufacturing; and State of Oklahoma & Cherokee Nation v. Sequoyah Fuels Corp.

55.President Reagan's EPA adopted the "Stream Buffer Zone" rule to protect streams, and the Obama administration has replaced that rule with the "Stream Protection Rule." Do you think Reagan's rule was a more straightforward way to

protect streams? Why or why not? What specifically about it was more "straightforward?"

The stream buffer zone rule and stream protection rule are not EPA rules. They were issued by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.

56.The American Society of Civil Engineers states that decrepit, decades-old municipal wastewater systems are at fault for the discharge of 900 billion gallons of untreated sewage and wastewater into U.S. waterways each year, enough to cover New York City under a layer 127 feet deep. According to a New York Times report, municipal sewer systems are the nation's biggest violators of the U.S. Clean Water Act, and more than one-third of them have violated pollution laws at least once since 2006. This worn-out, faulty infrastructure requires new investments in order to protect public health and the environment. As the leader of the Agency in charge of protecting human health and US waterways, how will you help states and municipalities modernize their wastewater infrastructure?

If confirmed, I will continue support for the Clean Water State Revolving Loan Funds and the new Water Infrastructure Financing Innovation Act loan program. In addition, I would continue to implement EPA's Integrated Planning Framework to provide municipalities with flexibility to prioritize actions they take to come into compliance.

57.The American Society of Civil Engineers states that decrepit, decades-old municipal wastewater systems are at fault for the discharge of 900 billion gallons of untreated sewage and wastewater into U.S. waterways each year, enough to cover New York City under a layer 127 feet deep. According to a New York Times report, municipal sewer systems are the nation's biggest violators of the U.S. Clean Water Act, and more than one-third of them have violated pollution laws at least once since 2006. This worn-out, faulty infrastructure requires new investments in order to protect public health and the environment. As the leader of the Agency in charge of protecting human health and US waterways, how will you help states and municipalities modernize their wastewater infrastructure?

If confirmed, I will continue support for the Clean Water State Revolving Loan Funds and the new Water Infrastructure Financing Innovation Act loan program. In addition, I would continue to implement EPA's Integrated Planning Framework to provide municipalities with flexibility to prioritize actions they take to come into compliance.

58.Given the President-elect's concerns about EPA's slow and inadequate response to lead in drinking water problems and the lack of adequate testing, what specifically would you do to prevent a Flint-like disaster from happening elsewhere?

If confirmed, I will focus EPA's resources and attention on its core missions, including ensuring safe drinking water.

59.Would you commit to undertaking stronger EPA oversight and enforcement of drinking water rules, such as stronger enforcement of the lead and copper rule that wasn't enforced in Flint, MI?

Yes.

60.What specific lessons did you draw from the Flint, MI tragedy, regarding EPA's proper role in overseeing the States' administration of delegated federal programs?

I believe that EPA staff should be encouraged to notify their managers when they identify issues and managers must take those issues seriously when brought to their attention. I agree with the assessments of others that the Flint tragedy was a failure at every level of government, but I am particularly disturbed that EPA did not take action until long after they became aware of the elevated lead levels in Flint drinking water.

61.What are your views on when EPA should step in to take enforcement or emergency action where a state is authorized to administer a program under one of the federal environmental laws but is failing its duty to protect the public?

If confirmed, I will follow the process outlined in section 1414 of the Safe Drinking Water Act, as recently amended in section 2106 of the WIIN Act, to notify persons of elevated lead levels in their drinking water and will carry out the recommendations of the EPA Inspector General in his October 2016 Management Alert to update the guidance on Safe Drinking Water Act emergency authority and require training on the use of that authority.

62.Did EPA do an adequate job in the instance of the lead crisis in Flint, MI? If not, what specifically would you do differently?

No. If confirmed and faced with a similar situation, I would inform the state that EPA will take action if they fail to do so, and use EPA's emergency authority if the state fails to act.

63.How specifically would you strengthen EPA's lead and copper rule for drinking water to ensure, as Mr. Trump suggested, that water is adequately tested and treated before children are exposed to lead?

It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as Administrator. If confirmed I would request a full briefing by EPA staff on potential revisions consistent with EPA legal authorities.

64.House Republican leadership said in 2016 that EPA should get new lead-in-water rules proposed as soon as possible, and criticized the agency for being too slow when it promised to get them out by 2017. By what date would you commit to get a new rule issued? How would you ensure that final improvements to this rule are issued and implemented quickly?

If confirmed, I will make issuing revisions to the Safe Drinking Water Act Lead and Copper Rule a priority. As I am not at the Agency, I do not know what is the soonest feasible date.

65.An independent advisory group of experts including state regulators and water industry representatives recommended to EPA that all old lead service lines that pump water into homes from water mains should be replaced. The water utility trade associations support this. Do you support that recommendation? In your view, what would be the best way to pay for these replacements—Congressional Appropriations, issuance of debt by cities and states, a combination, or other? Please explain.

It is my understanding that, if properly implemented, corrosion control treatment of water protects public health from exposure to lead from lead service lines. EPA's highest priority should be to ensure that this treatment is being properly employed. Replacement of lead service lines is a long term goal that municipalities should incorporate into their capital improvement plans, which are generally implemented through state and local funds. Federal assistance through the Drinking Water State Revolving Funds and the new WIFIA program can provide additional assistance.

66.Do you agree that removing lead from gasoline was an important and successful EPA rulemaking? Why or why not?

I have not evaluated this issue.

67.Lead has no safe level of human exposure, particularly for children. What actions will you take to require lead to be removed from children's environment to reduce their exposure to lead in air, water, soil, and paint?

If confirmed, I will faithfully carry out the authorities granted to EPA by Congress to reduce exposure to lead.

68.In March 2016 it was reported that 19 drinking water systems in Oklahoma had elevated lead levels. Of the 100 water systems with the highest self-reported lead levels between 2013 and 2015, seven are located in Oklahoma. One exceeded the federal action level by 1,175 parts per billion - many times greater than the amount of lead needed to cause the death of a fetus or spontaneous abortion, or

permanent severe developmental problems. As Oklahoma A.G., what specific actions did your office take to protect children against lead poisoning?

The Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board have primary responsibility for implementing and enforcing environmental laws in Oklahoma. Questions relating to actions taken by the State of Oklahoma with regard to lead in water systems should thus be directed to those environmental regulators.

69.How will you ensure that required evaluation of state drinking water primacy programs is conducted and how will you use EPA authority and resources to help states carry out their Safe Drinking Water Act primacy responsibilities?

If confirmed, I will focus on EPA's core missions, including oversight of state implementation of the Safe Drinking Water Act.

70.Will you direct EPA to continue and follow up on findings from 2016 increased oversight of state implementation of the Safe Drinking Water Act Lead and Copper Rule?

Yes.

71.What are your expectations for the 2017 Proposed Revisions to the Safe Drinking Water Act Lead and Copper Rule?

It is my understanding that EPA expects to issue that proposed rule in 2017.

72.In our conversation in my office, I asked for your thoughts on the Paris Agreement and the US commitment to the Paris Agreement. You pointed out that the Paris Agreement commitments are non-binding and when I asked you whether you thought the US should stay in the Paris Agreement you did not want to comment because you felt that the Paris Agreement is a matter handled in full by the State Department. Is that a fair characterization of your comments to me?

I believe I stated that a decision as to whether the U.S. stayed in the Paris Agreement would be a decision for the State Department.

73.Does that mean that you would advise the EPA to refrain from engaging with the State Department on US engagements with the UNFCCC and the execution process around the Paris Agreement?

Interagency cooperation is very important. Should the Administration decide to continue to participate in the Paris Agreement, and if I am confirmed as Administrator, I will collaborate with all involved agencies to ensure that commitments made on behalf of the United States are

achievable and consistent with requisite legal authorities delegated by Congress.

74.How does your position that EPA should ostensibly recuse itself from State Department responsibilities and engagements on the Paris Agreement comport with any plans that you, as the next EPA administrator, may execute to rescind or alter domestic policies that affect the US National Determined Contribution (NDC) to the Paris Agreement?

As I stated in a previous answer, should the State Department decide to continue to participate in the Paris Agreement and if I am confirmed as Administrator, I will work with all involved agencies to ensure that commitments made on behalf of the United States are achievable and consistent with requisite legal authorities delegated by Congress.

75.Recently at the World Economic Forum in Davos, Switzerland, Chinese President Xi Jinping expressed China's great interest in being the world's leader on a number of issues including action to address climate change. Do you believe it is the U.S.'s national interest to cede leadership to the Chinese on global action to address climate change?

It is the mission of the State Department to advance our national interests within the realm of foreign policy. If confirmed, I will work to advance the mission of the EPA, which is to protect human health and the environment, consistent with the State Department's strategy for international engagement on climate change.

76.Do you believe climate change is a real and serious threat to the planet?

The climate is changing and human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue.

77.Do you accept the scientific consensus that should average global temperatures reach or exceed +2 degrees Celsius that many regions of the world will very likely experience catastrophic changes in the environment that may very likely impact the safety and prosperity of many people?

• Do you believe that uncertainty in climate science warrants greater study before the U.S. takes significant action to reduce greenhouse gas pollution?
• If so, are you aware that the portion of the scientific community that claims there is uncertainty in the science is limited to limited to about 5% of climate science communities?
• If you believe that the very small portion of the world's climate science community who hold outlier opinions on the severity of climate change justifies inaction, why wouldn't you give similar credence to other outlying opinions in the

climate science community that hold that global average temperatures may exceed 10 degrees Celsius and that catastrophic events may occur as soon as five or ten years?

The climate is changing and human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue. If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data.

78.Our ability to predict the weather has improved dramatically over the last 20 years with the advent of supercomputers, new satellite monitoring options, and vastly superior atmospheric models. But still floods, droughts, hurricanes and similar phenomena occur and cause damage with sometimes only limited warning. What precision of prediction do you require before you are willing to accept the scientific community's overwhelming consensus that unchecked increases in greenhouse gas emissions will very likely have catastrophic effects, many of which the National Climate Assessment has described in detail every 4 years since 1990?

The ability to measure with precision the degree and extent of human activity on our changing climate, and what to do about it, are subject to continuing debate and dialogue. If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data.

79.Do you believe that science should guide our nation's environmental policy?

Congress has made it very clear in the Clean Air Act, the Clean Water Act and other major environmental laws that the regulatory actions of the EPA should be based on the most up to date and objective scientific data. If confirmed, I will follow the directives of Congress to set science-based standards to protect the environment and human health.

80.What would have to change about our ability to predict the effect of increasing greenhouse gas emissions in Earth's atmosphere for you to consider it adequate?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate.

81.Would you support making those changes in sufficient time to ward off any negative effects of increasing those emissions?

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The ability to measure with precision the degree and extent of human activity on our changing climate, and what to do about it, are subject to continuing debate and dialogue. If confirmed, I will make sure the agency's regulatory actions are based on the most up to date and objective scientific data.

82.What is your scientific background and what expertise do you have in environmental science?

My degrees are in communications, political science, and law. As with prior EPA Administrators who held bachelor of arts degrees, I completed science courses as a prerequisite to requiring my degree. Also, I understand that six of the 12 people who have been confirmed as EPA Administrator (including the first four individuals) had law degrees.

83.How do you square your opinion that air regulation is a matter for the states and that EPA has limited authority to mandate regulation of air pollution, with the court's overwhelming opinions that EPA has exclusive authority to regulate air pollution including greenhouse gases?

The concept of cooperative federalism is a bedrock principle of the Clean Air Act, the Clean Water Act and other EPA-administered laws. Whether working to improve air quality, water quality or other important environmental objectives, Congress made achieving these a shared responsibility between the EPA and the states. If confirmed, I will respect the intention of Congress and relative statutory framework.

84.Given that you are one of the lead attorneys challenging the clean power plan, a regulation promulgated by EPA in part due to the court's decision in landmark cases that determining EPA authority and responsibility to regulate greenhouse gases for domestic sources, in you rescind the Clean Power Plan:

It is unclear what question is being asked.

85.What policies would you promulgate to replace the Clean Power Plan, which you would have to do to ensure the EPA is in compliance with the court orders to regulate greenhouse gases?

It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is fully and fairly considered with input from staff, as part of a transparent process that seeks input from stakeholders, and that is consistent with EPA's statutory authorities.

86.What assurances will you give the public that your proposed replacement rules will withstand the tests established in the case law determining EPA's endangerment finding is adequate and legal and sufficiently regulates carbon pollution to protect public health and safety?

It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is fully and fairly considered with input from staff, as part of a transparent process that seeks input from stakeholders, and that is consistent with EPA's statutory authorities.

87.Do you trust the analysis, concerns and recommendations of security experts at the State Department, Department of Defense, Central Intelligence Agency, The Navy War College, UN Security Council, and the World Bank, who have expressed growing concerns over the threat climate change poses to national and global security?

I have no reason to disagree with the statements from the listed security experts, although I have not made any attempt to independently verify their accuracy.

88.U.S, national security experts that are working to incorporate climate modeling and climate change assessments into our national security planning apparatus rely on sound scientific analysis, modeling data, and technical assistance from the EPA in interpreting the data. Will commit to continuing EPA's engagements with the agencies and departments responsible protecting our national security and advancing our understanding and preparedness for the security risks climate change poses to the United States?

Interagency cooperation is very important. If I am confirmed as Administrator, I will collaborate with any agency or department that may require the EPA's technical expertise to strengthen their own administrative actions.

89.What assurances can you provide the public, particularly vulnerable communities at greatest risk from pollution, that you will represent their interests fairly as administrator when your personal political campaigns, as well as organizations that you have held leadership positions within - like the Republican Attorneys General Association, has received hundreds of thousands of dollars in contributions from the fossil fuel industry because of your working championing their interests by challenging laws regulating these industries?

As I explained in my testimony to the Committee, I am a firm believer in the EPA's mission to protect the environment and look forward to the opportunity lead the agency to help provide our future generations with a better and healthier environment for all Americans.

90.You have lost many of the lawsuits challenging EPA's authorities, including the Chesapeake Bay TMDL and the lawsuit challenging the endangerment finding on greenhouse gases. Given the difficulty you've had winning cases, what

assurances can you provide the committee of your sound judgment when it comes to understanding our nation's environmental statutes?

As Attorney General of Oklahoma, my focus has been on examining federal environmental statutes and relevant case law to evaluate the legality of the EPA's actions and the impact of those actions on Oklahoma. Oklahoma filed a friend of the court brief with the U.S. Court of Appeals for the Third Circuit in part to inform the court how EPA's interpretation of TMDL and other matters involved in the challenge would impact other states, including Oklahoma. If I am confirmed, I will apply those lessons which I have developed in the performance of my duties as Attorney General and would continue to do so if confirmed as Administrator.

91.Will you work with all stakeholders and the State Department on execution of the Kigali Amendment to the Montreal Protocol to phasedown hydrofluorocarbons (HFCs) and will you commit to ensuring that any actions EPA may take to modify or rescind the Safe New Alternatives Program (SNAP) rules on HFCs coincide with the U.S.'s acceptance or ratification of the Kigali Amendment?

Should the State Department decide to advance the Kigali Amendment to the Montreal Protocol and if I am confirmed as Administrator, I will work with all involved agencies and impacted stakeholders to ensure that EPA's actions related to hydrofluorocarbons (HFCs) are coordinated accordingly.

Ranking Member Carper:

1.Please list all public speeches or presentations you have made that included references to any issue related to energy or the environment since 1998, and please provide copies (written, audio, or video) of any such speeches or presentations. Please also indicate whether you received compensation for any such speech or presentation (whether stipend, travel, lodging expenses, or other form of remuneration) along with the name of the entity that provided such compensation and the amount thereof.

Please see attached list of speeches and enclosed copies of speeches in response to this request.

2. Please provide a list of the skills and experiences you bring to the EPA Administrator position and why you believe that you would be a good fit for the position.

I am a licensed attorney with significant experience in constitutional law, the Administrative Procedure Act, and Environmental Protection Agency administered statutes. This body has recognized my expertise in EPA related matters on several occasions, inviting me to testify before this and other committees on matters relating to the EPA. My legal education and profession has trained me to ask probing questions and think critically regardless of the subject.

3. Please define the Environmental Protection Agency (EPA)'s mission and the role you believe that sound science plays in fulfilling that mission.

The mission of EPA is to protect human health and the environment. Where Congress directs the EPA to act based upon scientific findings, the EPA should rely on well-reasoned, and sound, scientific findings.

4. In a 2006 article in The Oklahoman, you were described as someone that "believes in negotiating, but not compromising." Do you feel this continues to be an accurate description of you? If so, why? Do you agree with President Nixon's articulation of the principal roles and functions of the EPA? If you do not agree, please explain the aspects with which you disagree and why.

Based on the limited information provided in the question, I am uncertain about the article to which the question refers. The content and context of

the article and quote are not readily apparent. However, if confirmed as Administrator, I will take my responsibility to protect human health and the environment for all Americans with the highest possible dedication and commitment in accordance with the legal authorities established by Congress. I have a record of working on a bipartisan basis.

5. Do you think it is constitutional for Congress to direct EPA to set national standards that protect public health? Is it constitutional for Congress to do that even if the pollution only harms citizens of a single state?

The constitutionality of laws enacted by Congress depends on the particulars of the particular law, and will typically be decided by a court. Courts have generally recognized that Congress has the authority to create the EPA and vest certain powers in it.

6. Mr. Pruitt, your official biography on the website of the Oklahoma Attorney General's office says that you are "...a leading advocate against the EPA's activist agenda." The EPA, the agency you have been nominated to lead, has the critical mission "to protect human health and the environment" for all Americans. When you sued the EPA over the Good Neighbor Rule (Cross-state Rule), how did that protect human health and the environment for downwind states?

I firmly believe that the EPA plays an important role in addressing interstate water and air quality issues, but it must do so within the bounds of its legal authority. The actions undertaken by the Office of Attorney General challenging the Cross State Air Pollution Rule related to whether EPA had properly accounted for and allocated pollution from upwind states, as mandated by Congress. Regulations that are not on solid legal foundation and that cannot survive judicial review will not result in environmental protections.

7. You've been part of numerous lawsuits against the EPA – against clean air, clean water and climate regulations. However, you also have stated you are for clean air and clean water. Can you name one Clean Air Act regulation – not a voluntary or grant program – that is on the books today that you do support?

I firmly believe that the EPA plays an important role, especially as it relates to cross-state air and water pollution, but EPA must do so within the bounds of its legal authority as provided by Congress. Regulations that are not on solid legal foundation and that cannot survive judicial review will not result in environmental protections.

8. Are there any other EPA regulations that are on the books today that you do support?

I have not conducted a comprehensive review of existing EPA regulations. As Attorney General, I have brought legal challenges involving EPA regulations out of concern that EPA has exceeded its statutory authority based on the record and law in that matter.

9. President-elect Donald Trump has said repeatedly—at least half a dozen times—on the campaign trail that he would starve the EPA of funding or completely eliminate the agency. In March last year, the President-elect stated in reference to the EPA:

"We are going to get rid of it in almost every form. We're going to have little tidbits left but we're going to take a tremendous amount out,"

After the election, the President-elect didn't seem to change his tune. President-elect Trump stated two days after the election again in reference to the EPA:

"Environmental protection, what they do is a disgrace; every week they come out with new regulations,"

You also have a history attacking the agency. Please tell us why we should disregard the President-elect's statement on the EPA, disregard your actions and only believe your words that you will support clean air and clean water laws?

As I testified, I support the EPA's mission to protect human health and the environment. If confirmed, I will faithfully execute the environmental laws enacted by Congress.

10. As Administrator, will you take into account the true costs of air pollution including the adverse health and environmental impacts on states that are adversely affected by upwind pollution sources?

As I stated at the hearing, costs are important in the rulemaking process and the Courts have recognized that important factor. The Clean Air Act prescribes when costs should be considered and to what extent in a

rulemaking. If confirmed, I commit to faithfully executing the law as enacted by Congress.

11. As Administrator, will you take into account the full economic and job benefits that result from clean air protections such as the economic benefits to communities from clean air and American leading businesses that manufacture advanced technologies?

As I stated at the hearing, the EPA should consider the benefits of cleaner air for the public. The Clean Air Act prescribes certain instances where the EPA is obligated to conduct a cost-benefit analysis as part of the rulemaking process. If confirmed, I commit to faithfully execute the law as enacted by Congress.

12. If it is technologically and economically feasible to eliminate the release of a particular pollutant, do you agree that we should do so?

Environmental statutes prescribe certain instances where technological or economic feasibility is a relevant factor to consider in a rulemaking. If confirmed, I commit to faithfully execute the law as enacted by Congress.

13. I have often found that environmental regulations can and often drive innovation. We have seen that with the Acid Rain Program, CAFÉ, Clean Diesel standards, RFS and most recently with the mercury standards. Do you agree environmental regulations often drive innovation? If so, why? If not, why not?

The factors that lead to technological innovation can be complex and varied, and legal requirements may be one such factor.

14. Who serves or has served as your scientific advisor for climate change related issues during your time as attorney general? Please provide their names, their titles, and when they served as your science advisors.

The Office of Attorney General does not have a science advisor to advise on climate change related issues.

15. Mr. Pruitt, my State of Delaware is already seeing the adverse effects of climate change with sea level rise, ocean acidification, and stronger storms. While all states will be harmed by climate change, the adverse effects will vary by

state and region. Can you comment on why it is imperative that we have national standards for the reduction in carbon pollution?

If confirmed, I will fulfill the duties of the Administrator consistent with Massachusetts v. EPA and the agency's Endangerment Finding on Greenhouse Gases respective of the relative statutory framework established by Congress.

16. Pruitt, will you agree that there will be no retaliation against EPA employees who work on climate change issues?

If confirmed, yes.

17. Clean car standards save consumers money at the pump and help reduce oil imports. Automakers are complying with vehicle standards ahead of schedule. As Administrator, will you commit to support, defend and enforce EPA's current programs to address emissions from vehicles?

Congress has enacted numerous statutes directly or indirectly affecting transportation fuels, transportation fuel infrastructure, and the vehicles that consume those fuels. Congress committed many of those statutes to the EPA Administrator's responsibility. If confirmed as Administrator, I would administer each of those statutes in accordance with Congress's statutory objectives, and in light of the administrative record in each given proceeding. And I would work with Congress to ensure that its statutes continue to provide the best possible legal framework for governing American fuels, fuel infrastructure, and vehicles, and for promoting American energy independence, energy security, and environmental protection.

18. What is your definition of sound science?

Sound science is that which complies with applicable laws and federal guidance regarding scientific integrity, peer review, information quality, and transparency.

19. Prior to your nomination, how have you acquired scientific information relevant to the missions of the EPA? And since your nomination?

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As Attorney General of Oklahoma, my focus has been on examining federal environmental statutes and relevant case law to evaluate the legality of the EPA's actions. Legal education is rooted in the Socratic method, which trains law students through probing questions and critical thinking and I apply those lessons and skills in the performance of my duties as Attorney General and would continue to do so if confirmed as Administrator.

20. Please list all undergraduate and postgraduate science courses that you have taken. Please describe any other science education that you have completed over the years beyond high school.

My degrees are in communications, political science, and law. As with prior EPA Administrators who held bachelor of arts degrees, I completed science courses as a prerequisite to requiring my degree.

21. President Nixon articulated that an important role for EPA is "The conduct of research on the adverse effects of pollution . . . the gathering of information on pollution, and the use of this information in strengthening environmental protection programs and recommending policy changes." Do you agree with President Nixon that EPA has an important role to play in researching any emerging risks from pollution as well as strengthening protections and recommending policy changes based on the science?

Yes.

22. Do you think the U.S. National Academy of Sciences is a reliable authority on scientific matters?

I have no reason to think otherwise, but I have not had occasion as Attorney General to consider this issue.

23. What degree of scientific certainty should the EPA have about a potential health or environmental threat before acting to protect people from that threat?

EPA actions are governed by statutes such as the Clean Air Act and other legal authorities and relevant case law, which establish applicable legal and scientific standards for the Administrator to act. If confirmed, I will adhere to these authorities to fulfill EPA's mission to protect human health and the environment for all Americans.

24. Do you support legislative efforts to change the independent nature of the EPA' s Science Advisory Board? If so, please explain why.

I am unfamiliar with the legislative efforts being referred to in this question. If confirmed, I expect to be briefed by EPA staff before taking any position on such matters.

25. If confirmed, do you plan to propose or advocate for budget cuts to the EPA's FY 2018 budget? If so, for which programs would you reduce funding? Would you target the EPA's research programs? Are there areas of agency action where you believe additional financial resources are needed?

I have no first-hand knowledge of EPA's development of its FY 2018 budget request. If confirmed, I look forward to working with EPA's budget staff and program offices to develop a budget and will work to ensure that the resources appropriated to EPA by Congress are managed wisely in pursuit of the Agency's important mission and in accordance with all applicable legal authorities.

26. For the most part, patients and their families only participate in scientific trials and studies once they know their privacy - and any resulting health-related information - will remain confidential and secure. If confirmed, do you commit to respecting confidentiality agreements that exist between researchers and their subjects? Will you protect the health information of the thousands of people that have participated in health studies in the past?

If confirmed, it will be my privilege to work with EPA scientists and the thousands of other dedicated public servants at EPA who have chosen to devote their careers to improving public health and our environment. I have no first-hand knowledge of EPA's policies or practice concerning the confidentiality of health information. If confirmed, I would expect to learn more about the existing practice and I commit to follow applicable legal authorities regarding the confidentiality of health information.

27. If confirmed, how will you ensure that EPA maintains independent science, transparent decision-making, and scientific free speech?

If confirmed, it will be my privilege to work with EPA scientists and the thousands of other dedicated public servants at EPA who have chosen to

devote their careers to improving public health and our environment. I also commit, if confirmed, to follow applicable laws and federal guidance on scientific integrity, information quality, and transparency.

28. Mr. Pruitt, when Congress passed our bedrock environmental laws, we directed EPA to periodically review and update the federal minimum health protection standards based on the best available scientific evidence. Do you agree that these federal minimum standards must be based on the best available science?

I agree that EPA regulatory actions must be based on the best available science in accordance with the law. If confirmed, I commit to faithfully execute the law as enacted by Congress.

29. Mr. Pruitt, conflicts of interest threaten the integrity of science and public trust in the agency's scientific determinations. Scientists are not immune from having their work and conclusions influenced by their financial interests. Allowing scientists with conflicts of interest to serve as peer reviewers is contrary to widely accepted scientific integrity practices, including those of the National Academies of Sciences, the National Institutes of Health, and other scientific bodies. Industry funded scientists who may have unique expertise can be invited to present information to peer reviewers or an advisory committee, but should not actually serve as a reviewer or member of the committee. Can you explain what steps you would take as Administrator to ensure that scientists with financial conflicts of interest do not threaten the independent peer review process at EPA?

Independent peer review is critical to ensuring the scientific integrity of EPA actions. If confirmed, it will be my privilege to work with EPA's scientists and the thousands of other dedicated public servants at EPA who have chosen to devote their careers to making a healthier and cleaner environment. I commit, if confirmed, to follow applicable legal authorities regarding conflicts of interests in the scientific peer review process.

30. Mr. Pruitt, do you agree that for scientific research to be credible, it must be subject to objective, independent peer review before it is published and remain subject to scrutiny after it is published?

Independent peer review is critical to ensuring the integrity of scientific research. If confirmed, it will be my privilege to work with EPA's scientists and the thousands of other dedicated public servants at EPA who have chosen to devote their careers to making a healthier and cleaner

environment. I commit, if confirmed, to follow applicable legal authorities regarding the peer review process for scientific research.

31. Mr. Pruitt, do you agree that for scientific research to be credible, scientists must disclose all sources of funding for their research?

Credible scientific research is critical to the EPA's mission and, if confirmed, I commit to follow applicable legal authorities regarding scientific research.

32. In the 1970 and 1990 Clean Air Act Amendments, Congress delayed older coal power plants air control requirements because Congress thought that most of the old plants would be shuttered in the decade after the legislation passed. Congress thought there was no need to invest in new technologies at these old, dying plants. Did many of these coal plants actually retire? Do you know the average age of our coal fleet?

I understand that the U.S. Energy Information Administration's Electric Power Annual 2015 report released in November 2016 indicated that between 2005 and 2015 more than one-third of U.S. coal-fired power plants retired and the remaining fleet has an average age of 38 years.

33. Do you know what the role the price of natural gas plays in industry decisions to retire coal plants and fuel switch to natural gas?

I am aware that market conditions, such as the reduced price of natural gas, and costly environmental regulations have been causing coal-fired power plants to prematurely shut-down or convert to natural gas.

34. In your cases against the EPA's Mercury and Air Toxics Rule, who served as your scientific advisor for the case?

Oklahoma's petition to review the Mercury and Air Toxics Rule was a legal challenge brought on the administrative record and argued that EPA acted contrary to law and arbitrarily and capriciously by not considering the costs of regulation in determining whether it was necessary and appropriate to regulate mercury from fossil fuel power plants within the meaning of Section 112(n). The Supreme Court ultimately agreed with Oklahoma's argument that EPA failed to act in accordance with the rule of law when it ignored costs in its determination and remanded the matter to the D.C. Circuit.

35. Mr. Pruitt, ten percent of American women have dangerous levels of mercury in their bodies. But recent data shows that since the United States started cleaning up emissions from coal power plants, not only has mercury pollution in the North Atlantic fallen dramatically, so has the concentration of mercury in Atlantic fisheries. Mercury in Atlantic bluefin tuna is down 19% in only eight years. Given this resounding confirmation that regulation works, how firmly can you assure us that if you are confirmed, EPA's recent successful crackdown on all sources of mercury emissions, including coal power plants will accelerate, rather than pulling back?

As I stated in my testimony, mercury is listed as a hazardous air pollutant under section 112 of the Clean Air Act and is subject to regulation from listed source categories of hazardous air pollutants. If I am confirmed as Administrator, I will regulate under Section 112 in a manner that is consistent with Congress's intent in enacting that provision. I will also faithfully administer other federal statutes that regulate mercury to the extent that they are under my jurisdiction, including the Mercury Export Ban Act of 2008, the Mercury-Containing and Rechargeable Battery Management Act of 1996, the Clean Water Act, the Emergency Planning and Community Right-to-Know Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act.

36. As you may remember, we had three exchanges over the issue of whether EPA should regulate toxic air emissions, including mercury, from power plants, specifically through the provisions authorized under Section 112 of the Clean Act. We also discussed your lawsuits, one pending, against the recent EPA rule that again addresses regulation of power plant mercury and other toxic air emissions under Section 112. Below is a direct quote from our second exchange, when I asked you directly about regulating power plant toxic air emissions:

"Senator, I actually have not stated that I believe the EPA should not move forward on regulating mercury or adopting rulemaking in that regard. Our challenge was with regard to the process that was used in that case and how it was not complicit with statutes as defined by congress. So there is not a statement or belief that I have that mercury is something that shouldn't be regulated under section 112 as a hazardous air pollution. A HAP."

These statements conflict directly with the language in the brief that you filed on June 2012 in White Stallion Energy, et al. V EPA: which says: "Finally, the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas haps pose public health hazards."

These statements also conflict directly with language in the brief in the pending case that you filed April 25, 2016 with Murray Energy Corporation, et al v EPA: "EPA cannot properly conclude that it is "appropriate and necessary to regulate HAPs under Section 112."

These written statements quite clearly directly contradict your statements before our committee. Which statement is false, the verbal before our committee or the legal documents you filed pending in court? If confirmed, will you recuse yourself from any involvement in questions or cases related to regulating air toxic emission from power plants under Section 112(d) of the Clean Air Act?

As I stated in my testimony, mercury is listed as a hazardous air pollutant under Section 112 of the Clean Air Act and is subject to regulation from listed source categories of hazardous air pollutants. Electric utility steam generating units are subject to regulation under Section 112 only upon a lawful showing that their regulation is appropriate and necessary. In Michigan v. EPA, the Supreme Court agreed with Oklahoma's legal position when it concluded that EPA interpreted Section 112(n) unreasonably by failing to consider costs in its appropriate and necessary determination. That challenge was made by Oklahoma on the specific administrative record before the court in that matter and all statements regarding the sufficiency of regulation in that case relate only to the material in the record before the Agency. If I am confirmed as Administrator, I will apply the Clean Air Act faithfully in all matters before me and will follow the advice of the EPA Ethics Counsel in determining any recusals.

37. As you may remember, we had three exchanges over the issue of whether EPA should regulate mercury (and other air toxic) emissions from power plants, specifically through the provisions authorized under Section 112 of the Clean Act. We also discussed your lawsuits, one pending, against the recent EPA rule that implement regulations to regulate power plant mercury emissions under Section 112. As you may remember, I specifically asked you at the end of the hearing:

"Based on your earlier statements, that if confirmed we can have your assurances that the EPA will continue to regulate mercury emissions from power plants under Section 112 of the Clean Air Act and you will not defer to the states."

You answered:

"Mercury under Section 112 is something that EPA should deal with and regulate."

You stated this many times. I was very clear in my questioning that I was asking about mercury emissions and of course, the many other air toxic emissions, which the courts have said must be regulated under Section 112(d) from power plants. However, in this answer, you only mentioned mercury and not power plant mercury emissions, and you completely disregarded the other air toxics that are emitted by power plants, which include acid gases and carcinogenic metals like arsenic, nickel and cadmium. So please clarify, if confirmed, can we have your assurance that the EPA will continue to regulate power plants using the technology based standards required by Section 112(d) of the Clean Air Act and you will not defer to the states. Please answer in regards to all power plant air toxic emissions, not just on the question of mercury itself, and not just with respect to whether mercury should be regulated, but as to whether power plant mercury and other air toxics must be regulated.

As I stated in my testimony, mercury is listed as a hazardous air pollutant under Section 112 of the Clean Air Act and is subject to regulation from listed source categories of hazardous air pollutants. Electric utility steam generating units are subject to regulation under Section 112 only upon a lawful showing that their regulation is appropriate and necessary. In Michigan v. EPA, the Supreme Court agreed with Oklahoma's legal position when it concluded that EPA interpreted Section 112(n) unreasonably by failing to consider costs in its appropriate and necessary determination. The Mercury and Air Toxics Standard has not been vacated by the Supreme Court or the D.C. Circuit and currently regulates both mercury and other air toxics. As Administrator, I will enforce the Mercury Air Toxics Rule so long as that Rule remains in force.

38. As you may remember, we had three exchanges over the issue of whether EPA should regulate mercury (and other air toxic) emissions from power plants, specifically through the provisions authorized under Section 112 of the Clean Act. We also discussed your lawsuits, one pending, against the recent EPA rule that implement regulations to regulate power plant mercury emissions under Section 112. After our first exchange, you stated:

"There was no argument that we made from a state perspective that mercury is not a hazardous air pollutant under Section 112. Our argument focused upon the cost-benefit analysis that the EPA failed to do and the Michigan v EPA case the Supreme Court actually agreed. It was more about the process again that the EPA was supposed to go through in regulating mercury to provide certainty to

those in the workplace, not a statement in respect whether mercury should be regulated or not under section 112."

Mr. Pruitt, in this exchange, did you mean to avoid the question whether power plant mercury and other HAPs must be regulated under the technology based requirements of maximum achievable control, under Section 112(d)? Or do you agree the Supreme Court, which expressly declined to consider this question, leaving the MATs Rules Section 112(d) regulations in place? Please fully explain your previous statements.

Neither statement is false. As I stated in my testimony, mercury is listed as a hazardous air pollutant under Section 112 of the Clean Air Act and is subject to regulation from listed source categories of hazardous air pollutants, and Oklahoma was not challenging mercury's status as a HAP in the case you reference. Electric utility steam generating units are subject to regulation under Section 112 only upon a lawful showing that their regulation is appropriate and necessary. In Michigan v. EPA, the Supreme Court agreed with Oklahoma's legal position when it concluded that EPA interpreted Section 112(n) unreasonably by failing to consider costs in its appropriate and necessary determination. The Mercury and Air Toxics Standard has not been vacated by the Supreme Court or the D.C. Circuit and currently regulates both mercury and other air toxics. As Administrator, I will enforce the Mercury Air Toxics Rule so long as that Rule remains in force.

39. As you may remember, we had three exchanges over the issue of whether EPA should regulate mercury (and other air toxic) emissions from power plants, specifically through the provisions authorized under Section 112 of the Clean Act. We also discussed your lawsuits, one pending, against the recent EPA rule that implement regulations to regulate power plant mercury emissions under Section 112. As you may remember, I specifically asked you at the end of the hearing:

"Based on your earlier statements, that if confirmed we can have your assurances that the EPA will continue to regulate mercury emissions from power plants under Section 112 of the Clean Air Act and you will not defer to the states."

You answered:

"Mercury under Section 112 is something that EPA should deal with and regulate."

You stated this many times during our exchanges. I was very clear in my questioning that I was asking about mercury emissions from power plants. And of course as well the many other air toxics emitted by this industry and listed by congress for regulation. However, in this answer, you only mentioned mercury and not power plant mercury emissions, or other air toxics at all. So please clarify,

- Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Rule that shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?
- If you do not agree that EPA has met the "necessary and appropriate" criteria found in Section 112(n), what is your understanding of what that would mean for the Mercury and Air Toxics Rule?
- If the pending case you brought before the DC Circuit challenging EPA's cost analysis (Murray Energy Corporation, et al v EPA), is successful what is your view of what EPA would have to do to regulate mercury and other hazardous air pollutant power plant emissions under Section 112?

As I stated in my testimony, mercury is listed as a hazardous air pollutant under Section 112 of the Clean Air Act and is subject to regulation from listed source categories of hazardous air pollutants. Electric utility steam generating units are subject to regulation under Section 112 only upon a lawful showing that their regulation is appropriate and necessary. In Michigan v. EPA, the Supreme Court agreed with Oklahoma's legal position when it concluded that EPA interpreted Section 112(n) unreasonably by failing to consider costs in its appropriate and necessary determination. In my capacity as Attorney General of the State of Oklahoma, on remand the petitioner group has argued that EPA's supplemental finding regarding costs is contrary to law and arbitrary and capricious for the reasons stated in that brief. If the D.C. Circuit finds against EPA, I am confirmed as Administrator and the matter comes before me at that time, I will seek and follow the advice of EPA Ethics Counsel in determining whether I may participate in that matter. If I do participate in that matter, I will apply the Clean Air Act faithfully and use my best efforts to take appropriate action in light of the administrative record before the Agency at that time.

40. In the pending case you brought before the DC Circuit challenging EPA's cost analysis (Murray Energy Corporation, et al v EPA), the following statement is included in your brief:

"EPA also claims that, even though it was able to quantify highly uncertain IAQ benefits purportedly resulting from mercury emissions, other health and

environmental benefits of reducing EGU mercury, acid gas, and non-mercury metals emissions simply could not be quantified. But these purported benefits are to speculative to support "appropriate and necessary" finding for the same reasons the Agency cannot quantify them: they are not supported by the scientific literature."

As you probably know, the health benefits of cleaning up hazardous air pollutants are many, although many are difficult to quantify and certainly difficult or impossible to monetize. There are, however, several studies on how to quantify loss of IQ from mercury exposure and some early studies on how to quantify long-term effects of exposure. If confirmed, how do you recommend the EPA calculate the health risks to the unborn that may be exposed to mercury-laden fish because of power plant mercury emissions? How would you quantify the health risks of the Oklahomans living near the forty lakes that have mercury fish consumption advisories? There are also emerging studies quantifying the health impacts of the toxic metals and acid gases emitted by power plants, although monetizing the precise health costs of each pollutant are not possible as they are emitted in the toxic soup. How would you justify not protecting people living near these emissions if it were not possible to precisely quantify the health risks of exposure to power plant emissions of hydrochloric acid, hydrofluoric acid, nickel, arsenic, chromium and other heavy metals?

If I am confirmed as Administrator, I look forward to working with EPA staff to arrive at a transparent and scientifically sound process for determining the health risks associated with any activity that is properly before me at the Agency, including those related to mercury exposure, and regulating those activities as appropriate consistent with Congress's intent in enacting the Clean Air Act.

41. What industry is the largest emitter of mercury air emissions in this country? The second? The third? Please provide peer-reviewed data and sources for this answer.

EPA's technical support document (v2) for the 2011 National Emissions Inventory indicates that the industries that are the three largest point source emitters of mercury in the U.S. are (1) utility coal boilers, (2) electric arc furnaces, and (3) industrial, commercial institutional boilers and process heaters.

42. What impacts do mercury power plant air emissions have on unborn children? Can you explain how power plant mercury emissions settle in water bodies and eventually can impact the unborn?

Some portion of mercury emitted into the air by power plants is deposited directly or indirectly into a watershed. Once present in the watershed, it can be naturally converted into methylmercury, which can then can be absorbed by aquatic organisms, such as fish, and consumed by humans. The unborn children of pregnant women can be exposed to methylmercury if their mothers consume those fish.

43. How much of our nation's mercury air emissions come from the natural environment, vs manmade emissions? Please provide peer-reviewed data and sources for this answer.

J.M.Pacynaetal.:Current and future levels of mercury atmospheric pollution on a global scale, Atmos. Chem. Phys., 16, 12495–12511, 2016, indicates that approximately 30% of worldwide mercury emissions are manmade and 70% come from primary natural mercury emissions and re-emissions.

44. Mr. Pruitt, do you understand that EPA's data show that power plants emit not only 50 percent of all US emissions of mercury, but that they also emit 82% of hydrochloric acid gas, 62% of hydrofluoric acid gas as well as many listed heavy metals, which are emitted as particulate matter, including Selenium (83% of domestic emissions), Nickel (28% of domestic emissions), Arsenic (62% of domestic emissions), Chromium (22% of domestic emissions), and others? The cite for those statistics is found in EPA's record at 76 Fed. Reg. Page 25006 Table 5. Given that Section 112(d) as interpreted by the US Courts for many years requires the regulation of all listed hazardous air pollutants from listed industries, would you not agree that power plant hazardous air pollutants must all be regulated under the technology based requirements of section 112(d)?

The Mercury and Air Toxics Standard has not been vacated by the Supreme Court or the D.C. Circuit and currently regulates both mercury and other air toxics. If confirmed, I will enforce the Mercury Air Toxics Rule so long as that Rule remains in force.

45. Given that the statute requires a showing that not one power plant emits hazardous air pollutants in amounts greater than required to cause a lifetime risk of cancer greater than one in a million to the most exposed persons, and for non-carcinogenic air toxics, to exceed a level which is adequate to protect public health with an ample margin of safety and no adverse environmental effects, and given that EPA's long standing record shows that the coal- and oil-fired power industry cannot make either of those showings what other regulatory mechanism do you believe is available "under section 112"?

The Mercury and Air Toxics Standard has not been vacated by the Supreme Court or the D.C. Circuit and currently regulates both mercury and other air toxics. If confirmed, I will enforce Mercury Air Toxics Rule so long as that Rule remains in force. If I am confirmed as Administrator and am presented with information showing that EPA has discretion to regulate power plants in a manner that is consistent with the Clean Air Act but that differs from the Mercury and Air Toxics Standard, or that power plants meet the standard for de-listing under Section 1129c)(9), I would consider that matter in due course as I would consider any other matter under my jurisdiction in due course.

46. The joint brief filed by your state and the regulated industry in the most recent round of appeals of EPA's decision making on power plant air toxics suggests that you are not aware of recent court precedent upholding EPA's evaluation of all the benefits, including so-called 'co-benefits' of EPA's rulemaking on particulate matter reductions that would be the direct result of the rule. What is your position on the importance of judicial precedent in governing the Agency's actions under the same statutes as have been previously interpreted by the courts?

If confirmed, I would faithfully comply the Clean Air Act in accordance with congressional intent. Judicial precedent is undoubtedly an important guide to congressional intent but Congress has also delegated interpretive authority to the Administrator of the Clean Air Act, consistent with judicial review. If I am confirmed as Administrator and form the judgment that a judicial decision is incorrect, I would consider seeking an appeal or petition for certiorari to the Supreme Court seeking reversal of that decision. Likewise, EPA recently promulgated regional consistency regulations that address the implication of adverse federal court decisions that result from challenges to locally or regionally applicable actions and I would exercise my discretion under those regional consistency regulations unless and until they are changed.

47. As I am sure you are aware, the US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

In the White Stallion decision, the D.C. Circuit held that EPA's interpretation of Section 112(n) that Sections 112(c) and -(d) provided the appropriate mechanism for regulating power plants under Section 112 after the appropriate and necessary determination was made was entitled to deference. As your question indicates, the Supreme Court did not grant

discretionary review of that question. So long as the White Stallion decision is not reversed by the D.C. Circuit and the underlying agency action is not vacated, it remains a valid judicial precedent on this point.

48. Given that you have been actively suing the EPA over the Mercury and Air Toxics Rule and have one pending lawsuit, will you recuse yourself from participating in any decision making that may reopen the EPA's decision regarding the fact that it is "necessary and appropriate" to regulate power plants under Section 112 of the Clean Air Act?

As I stated in my testimony to the Committee, I will follow the advice of EPA Ethics Counsel in all recusal matters.

49. If confirmed, will you continue with EPA's assertion that it is "necessary and appropriate" to regulate mercury and other hazardous air pollutants from power plants under Section 112 – specifically under the technology based maximum achievable control requirements of Section 112(d)?

The Mercury and Air Toxics Standard has not been vacated by the Supreme Court or the D.C. Circuit and currently regulates both mercury and other air toxics. As Administrator, I will enforce all aspects of the Mercury Air Toxics Rule so long as that Rule remains in force.

50. Do you agree with the Whitman v. American Trucking Associations, Inc., 531 U.S. 457 (2001) decision written by Justice Antonin Scalia that states that the EPA cannot consider implementation costs when setting primary and secondary National Ambient Air Quality Standards? If you do not agree, please explain.

As I stated in my testimony to Congress, there are instances where consideration of costs is not a factor. Setting the NAAQS for criteria pollutants is one such instance.

51. In 2015, you stated that in implementing the tighter ozone NAAQS, the EPA "failed to achieve the goals to protect air quality; the agency did not "articulate how the rule would further protect public health"; and was another "attempt by the administration to use executive agencies like the EPA to bypass Congress." Can you please explain what you meant by these statements?

Based on the limited information in the question, the source or context of the quote to which the questions refers is not readily apparent. Oklahoma

joined four other states in a petition for review of EPA's 2015 decision to lower the National Ambient Air Quality Standard for ozone from 75 ppb to 70 ppb. The legal question raised by the state petitioners in the case is whether EPA set the standard at a level than can be achieved by states given the background concentrations and uncontrollable sources of ozone in many parts of the country. The briefs filed by the many State petitioners to that rule fully explain the States' position and speak for themselves. The case remains pending before the U.S. Court of Appeals for the District of Columbia Circuit.

52. As many of my colleagues know, I am an avid runner. I especially love to run with my 22-year son, who is a triathlete. In Delaware during the summer, we often have code orange days warning about the high levels of ozone for that day. Can you take a minute or two to describe how high levels of ozone could damage my lungs if I were to take a long run during a code orange day? Does ozone pollution cross state boundaries? If confirmed, how would you direct states to work together to reduce ozone pollution?

As I indicated at my nomination hearing, the Cross-State Air Pollution Rule is important, as pollution does cross state boundaries. An upwind state that contributes to a downwind state's inability to meet air quality standards should take responsibility.

53. In 2013, you argued that the EPA's decision to impose a Federal Implementation Plan on Oklahoma to address Regional Haze would cost more than $1 billion over five years. It is three years later. Do you still agree with this cost assessment? If not, why not?

The cost estimates referenced in this question were developed in connection with the Oklahoma State Implementation Plan that EPA rejected and EPA's subsequent decision to implement a Federal Implementation Plan. Oklahoma and a state utility filed legal challenges against the Federal Implementation Plan decision. The 10th Circuit initially stayed the rule pending judicial review. A split panel of the 10th Circuit upheld the Federal Implementation Plan in 2013. As Attorney General, I have not had reason to revisit the specific cost estimate at issue in this case.

If I am confirmed as Administrator, I will use my best efforts to hold to the five-year NAAQS review period prescribed by the Clean Air Act.

54.If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?

If I am confirmed as Administrator, I will use my best efforts to hold to the five-year NAAQS review period prescribed by the Clean Air Act.

55. In previous hearings in this committee, we have had a few economists testify questioning EPA's science linking small particle pollution to negative health impacts. Can you just take a moment and talk about what you know about small particles and how they impact our lungs? Is the science robust in this area?

The science linking adverse health impacts and fine particulate matter pollution is well established. Accordingly, EPA has promulgated a National Ambient Air Quality Standard for particulate matter pollution that limits the concentration of small particulates, including those smaller than 2.5 microns, in the ambient air that at the level that the agency has determined is requisite to protect public health and welfare from adverse effects, while allowing an adequate margin of safety.

56. Mr. Pruitt, Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare. The science was clear that the 2008 ozone standard was not protecting public health, so EPA was required to Act. Is that not your understanding of the Clean Air Act?

Section 109 of the Clean Air Act requires EPA to set NAAQS at the level that is requisite to protect against adverse health and welfare effects, while allowing an adequate margin of safety. The Act includes a regular review cycle for criteria pollutants.

57. The EPA updated the Cross-State Air Pollution Rule in September 2016, which is within the time period for the rule to be subject to the Congressional Review Act (CRA). As Administrator, would you support the President signing a CRA resolution of disapproval that would reject these new standards?

Although I am familiar with the update to the Cross-State Air Pollution Rule and generally familiar with the Congressional Review Act, I have not

reviewed any potential legislation which may reject these new standards. If I am confirmed, I will thoroughly review any resolution of disapproval which may be filed pursuant to the Congressional Review Act on this issue.

58. Mr. Pruitt, the Clean Air Act recognizes that air pollution does not respect state boundaries and directs EPA to set minimum national standards to protect the health of the nation, including protecting downwind states.

•Do you agree that EPA should set minimum national standards?

•Do you agree that EPA must protect downwind states?

As I indicated during my nomination hearing, I believe the Cross State Air Pollution Rule is important and should be enforced by the EPA. An upwind state that contributes to a downwind state's nonattainment should take responsibility for that contribution.

59. Mr. Pruitt, my State of Delaware is a downwind state, and most of the air pollution in my state is coming from upwind states.

•Do you agree that it is EPA's role to ensure equity between where air pollution is produced and where it is received?

•Do you agree that to remedy this unfairness, the upwind states must do more to control their emissions to avoid exporting the pollution (and the costs to the health and welfare) to the downwind states?

As I indicated during my nomination hearing, I believe the Cross State Air Pollution Rule is important and should be enforced by the EPA. An upwind state that contributes to a downwind state's nonattainment should take responsibility for that contribution.

60. As you are well aware, on April 2, 2007, in Massachusetts v. EPA, 549 U.S. 497 (2007), the Supreme Court determined that sufficient information existed then for EPA to make an endangerment finding with respect to the combined emissions of six greenhouse gases from new motor vehicles and new motor vehicle engines under CAA section 202(a). On December 7, 2009, the Administrator determined that those gases/sources contribute to greenhouse gas pollution that endangers public health and welfare. How do you plan to execute your legal authority to protect the public health and welfare from greenhouse gas pollution?

The Supreme Court held that GHGs are an air pollutant under the Clean Air Act. It did not address the question of whether regulation of GHGs under the Clean Air Act is warranted. In the subsequent UARG decision, the

Supreme Court cautioned EPA that there are significant limits on EPA's authority to regulate GHGs under the Clean Air Act. The unprecedented Supreme Court stay of EPA's so-called "Clean Power Plan" was predicated upon a finding that the plaintiffs in the case were likely to prevail on the merits. In light of these holdings, I will hew closely to the text and intent of the Clean Air Act when considering further regulation of GHGs under that law if confirmed as Administrator.

61. Building off Congress's work on CAFE, the Obama Administration has updated emission standards for light and heavy-duty vehicles. These rules have had very little effect on the purchase price of new vehicles, but have saved consumers millions of dollars in fuel costs, vastly improved our energy security by slowing petroleum use and reduced a lot of pollution. If confirmed, do you support further strengthening vehicle emission standards? And with your federalism view, how do states address carbon pollution from vehicles themselves?

In making each of its decisions regarding light- and heavy-duty vehicle emission standards, the EPA has made decisions based on the administrative record at hand and Congress's statutory objectives. If confirmed, I would take care to make such decisions regarding vehicle emissions standards in furtherance of Congress's statutory objectives, based on the evidence in the administrative record. With respect to federalism, the Supreme Court stressed in Massachusetts v. EPA that States play a crucially important role in promulgating vehicle emission standards under the Clean Air Act: each "State has an interest independent of and behind the titles of its citizens, in all the earth and air within its domain." To that end, "Congress has ordered EPA to protect [the States and their people] by prescribing standards applicable to the 'emission of any air pollutant from any class or classes of new motor vehicle engines, which in [the Administrator's] judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.'" Furthermore, the Clean Air Act and other federal administrative laws give each affected State "a concomitant procedural right to challenge the rejection of its rulemaking petition as arbitrary and capricious," and the Supreme Court affords States "special solicitude" to challenge the resulting standards in court. If confirmed, I would take care to ensure that States continue to play a central role in the administrative process giving rise to the EPA's vehicle emissions standards.

62. The EPA promulgated phase two of the heavy-duty vehicles greenhouse gas emissions standards in August 2016, which is within the time period for the rule to be subject to the Congressional Review Act (CRA). As Administrator, would you support the President signing into law a CRA resolution of disapproval that would

reject these new standards? What is your view of whether the EPA would be able to re-issue any heavy-duty vehicle greenhouse gas emission standards given the CRA's language that would prohibit the agency from issuing regulations that are "substantially similar?"

Although I am familiar with the regulations on heavy vehicle greenhouse gas emissions standards which were published in August 2016, I have not reviewed any potential legislation which may reject these standards. If I am confirmed, I will thoroughly review any resolution of disapproval which may be filed pursuant to the Congressional Review Act on this issue. In terms of re-issuing other heavyduty vehicle greenhouse gas emission standards, I would have to be briefed in detail on the regulations which have been published, and the provisions of the Congressional Review Act which prohibit the Agency from issuing any regulations which are substantially similar to the initial rules in order to determine what options the Agency may have in terms of proposing and finalizing additional regulations in this space.

63. As you know, the Renewable Fuels Standard, as amended by Congress in 2007, requires the blending of 36 billion gallons of renewable fuel into conventional gasoline and diesel by 2022. In order to add that many renewable fuel gallons to our fuel supply, do you agree that EPA must approve the sale of fuels blended with greater than 10-percent renewable content?

While Congress included "applicable volume" levels in the RFS statute, Congress also took care to expressly authorize the EPA Administrator to reduce volumetric requirements below the statute's default levels in light of real-world conditions from year to year. Specifically, the Administrator may waive the statute's volume requirements if he determines "that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States, or "that there is an inadequate domestic supply." The EPA already has granted such waivers based on real-world conditions in recent years and, if confirmed, I would take care to administer the statute in accordance with the statutory objectives. While no statute mandates the sale of fuels blended with greater than 10 percent renewable content, statutes do vest the Administrator with discretion to authorize a variety of fuel blends.

64. In October 2010, EPA approved the use of a 15-percent renewable fuel blend for cars built in 2007 or later. In the following January, EPA extended the use of that blend to model years 2001 to 2006. Do you support the decision by the EPA to allow 15-percent renewable fuel blends? If confirmed, would you commit to

using the discretion give to you by the Clean Air Act to evaluate even higher blends?

The EPA's 2010 and 2011 decisions to grant "partial waivers" for the use of E15 fuel for some vehicles were premised upon the EPA's conclusions (based on the administrative record) regarding E15's potential impacts on exhaust emissions (both immediate and long-term), evaporative emissions, "materials compatibility," and "drivability and operability." If confirmed, I would take care to administer the law in accordance with Congress's statutory objectives and the administrative record.

65. The Renewable Fuels Standard was designed to reduce dependence on foreign oil at a time that the U.S. was importing well more than half of its demand and concerns about energy and national security were paramount. It also was designed to reduce greenhouse gas emissions from the transportation sector.

Now that the United States supplies 76 percent of its oil domestically, do you believe the program continues to have an important role in enhancing the energy and environmental security of our country?

As Congress indicated in the Energy Independence and Security Act of 2007, domestic production of renewable fuel contributes to our nation's "greater energy independence and security."

67. As you heard in my opening statement, the EPA's record demonstrates that strong environmental policies create economic opportunities. An undeniable example of this is the impact of the Renewable Fuels Standard in rural America. According to the Renewable Fuels Association, in 2015, 14.8 billion gallons of ethanol was produced, supporting 85,967 direct jobs, while net petroleum import dependence fell to just 24 percent, and would have been 32 percent without the addition of domestically produced ethanol. In addition, the Association says the use of ethanol in gasoline in 2015 reduced greenhouse gas emissions from transportation by 41.2 million metric tons — equivalent to removing 8.7 million cars from the road for an entire year. Do you agree that the Renewable Fuels Standard has supported rural economies in America while allowing for the production of cleaner transportation fuels?

I agree that the RFS's promotion of renewable fuels contributes to economic growth in agricultural communities, and promotes the production and consumption of transportation fuels providing many environmental benefits.

68. Some of my colleagues believe removing the corn ethanol mandate, but keeping the advanced biofuel mandate in the RFS is the best way forward. Do you have concerns with this approach?

The RFS statute neither expressly mandates the blending of corn ethanol nor prohibits its blending. In enacting the RFS statute, Congress took care to expressly authorize the EPA Administrator to reduce the volumetric requirements below the statute's default levels, in light of real-world conditions. Specifically, Congress authorized the Administrator to waive the volume requirements if he or she determines "that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States, or "that there is an inadequate domestic supply." The EPA already has granted such waivers based on real-world conditions in recent years and, if I am confirmed, I would take care to administer the statute in accordance with the statutory objectives.

69. As you may know, in recent years we have seen significant swings in Renewable Identification Number (RINs) prices. RINs are used by the EPA to track and ensure refineries are in compliance with the Renewable Fuel Standard. Many small and mid-range refineries are having difficulties with the price spikes of the RIN prices because many are buying some, if not all, their RINs off the market. As a result, high and volatile RIN prices have had a financial impact on these refineries. As the RFS continues to be implemented, what do you believe the agency should do – if anything - to assist with RIN prices?

As I indicated in my testimony, the EPA's RIN framework is currently the subject of a pending comment period. If confirmed as Administrator, I would take care to administer the RFS program, including the RIN framework, in accordance with Congress's statutory objectives, and based on the evidence in the EPA's administrative record, as well as the expertise of EPA staff and the expertise of other federal agencies relevant to the RIN framework and affected markets. The EPA already has entered into a "memorandum of understanding" with the CFTC, "on the sharing of information available to EPA related to the functioning of renewable fuel and related markets."

70. Mr. Pruitt, do you agree that the burden should be on a chemical facility operator to show that the design and operation of the facility is as safe as possible to protect workers and the public from explosions, fires, and other releases of toxic chemicals?

I believe that every American should be provided safe home and work environments and people who live or work in and around chemical facilities are no exception to that.

71. Mr. Pruitt, when there are feasible measures that chemical companies can take to prevent explosions and fires that release toxic chemicals into surrounding communities that can kill people, do you agree that the companies should take such measures?

I believe that chemical companies should take actions to prevent explosions and fires as well as other safety incidents.

72. Do you support the "not net loss of wetlands" policy? George H.W. Bush initiated this critical policy in 1988 to protect our remaining wetlands habitat and all of the critical ecological and economic functions it supports. It has been U.S. Government policy ever since.

Yes.

73. A GAO report published on December 5, 2013 found that "more than 40 years after Congress passed the Clean Water Act [...] EPA reported that many of the nation's waters are still impaired, and the goals of the act are not being met. Without changes to the act's approach to nonpoint source pollution, the act's goals are likely to remain unfulfilled." If confirmed, how will you work to address surface water quality impairments, including from non-point source pollutants?

Congress did not grant EPA authority to regulate non-point sources because regulation of non-point sources is the regulation of land, a traditional state authority. Instead, Congress created a planning process under section 208 of the Clean Water Act and authorized funding for state non-point source management plans under section 319. If confirmed, I will implement the authorities granted to EPA by Congress.

74. You have attacked the Obama Administration's "Waters of the United States" regulation, objecting to "the significant negative impact such a rule would inflict on states and the landowners within their borders." Oklahoma's major streams and rivers lie within two river basins, the Red and the Arkansas, both of which flow into other states. And Oklahoma receives most of its waters from upstream neighbors, particularly Texas. Without national regulation, how would you suggest that that Oklahoma's downstream neighbors - Arkansas and Louisiana -

guarantee the quality of the water that flows across their boundaries? And how would you suggest that Oklahoma protects the quality of the water that it receives from upstream neighbors like Texas? You appear to believe that the only parties with an interest in water are those within a state, not downstream neighbors. Why?

Federal jurisdiction exists over navigable water, interstate water, and tributaries that can transport pollutants to navigable waters, and jurisdiction over the interstate rivers that are the subject of your question is not in dispute.

75. Communities across the country are facing the economic and health consequences of contaminated ground water, which impacts water systems and private well owners. How will you work to ensure communities are protected from drinking contaminated ground water? How will you address and strengthen the EPA's response to groundwater contamination and ensure homeowners and water systems are taking the steps to diagnose, treat, and remediate their groundwater resources?

For drinking water wells that are public water systems, the requirements of the Safe Drinking Water Act apply and EPA has authorities to provide small systems with technical assistance through circuit rider programs. For private well owners, the WIIN Act provided authority for EPA to support a drinking water technology clearinghouse for well owners. If confirmed, I will use the authorities and resources granted by Congress to help both public water systems and well owners.

76. This question is of interest to Senator Manchin and me: We must do everything we can to ensure that every American has access to safe and clean water. West Virginia has had issues with chemicals like PFOA in our drinking water as recently as last year. In fact, the State had to ship in alternative water supplies to the city of Vienna. Martinsburg and Parkersburg also had serious challenges. And, in 2014, the Elk River Chemical Spill left 300,000 West Virginians without access to potable water, so I know Senator Manchin looks forward to working with you to promote federal clean water initiatives. He also appreciates your commitment in your meeting together to working to address these challenges. Please outline how you intend to expand efforts to promote safe drinking water and support the modernization of our nation's water infrastructure.

If confirmed, I will focus on EPA's core missions, including, as appropriate, use of EPA's emergency order authority under the Safe Drinking Water Act.

I also will implement the newly revised TSCA statute to address chemicals and will continue implementation of monitoring, review, and regulation of contaminants under the SDWA if confirmed.

77. One of the tools within the Clean Water Act that communities can use to restore the quality of polluted waters is through the development and implementation of a Total Maximum Daily Load (TMDL) plan. The GAO also found that funding for TMDLs has been insufficient in meeting national needs, with more than 50% of the nation's waters being identified as impaired. Will you advocate for funding to match the needs for the TMDL program? How do you plan to support and strengthen the Total Maximum Daily Load (TMDL) regulatory framework?

If confirmed, I will support continued funding of State programs authorized under section 106 of the Clean Water Act, which states use in part for TMDL development. I also will support flexibility for state use of 106 funds to allow states to focus on priorities such as impaired waters requiring TMDLs. If confirmed, I also will support the continued development of tools to help states develop TMDLs. Finally, I would note that neither GAO nor EPA has said that 50% of the nation's waters are identified as impaired. For example, states have assessed about 32% of rivers and streams. Of those assessed waters, states have identified about 54% as impaired. That means states have data showing that 17% of rivers and streams are impaired. You cannot extrapolate the data from assessed waters to all waters because most states target their monitoring to focus on waters they have reason to believe are impaired, so they can target their resources where they are needed the most.

78. You expressed great pride in your role in resolving the Mahard Egg Farm enforcement, indicating that it demonstrates your commitment to enforce environmental law. When was the complaint in the litigation filed, and how did that date correspond to the date of the proposed consent decree? Based on your responses to these questions, how well investigated and developed was this case when you took office? Can you explain your personal involvement in either the complaint or the consent decree?

The complaint was filed on May 23, 2011. The consent decree was entered into on August 10, 2011. There was no filed case when I took office, but the matter had been investigated by the Office of Attorney General, the Oklahoma Department of Agriculture, the EPA, and the State of Texas. I authorized the filing of the case once in office. The complaint and consent decree were handled by the attorneys in the Office of Attorney General responsible for environmental matters.

79. Mr. Pruitt, the Clean Water Act requires EPA to review and revise its national water quality standards for pollutants based on the best available science. EPA has proposed or finalized more stringent standards for ammonia, nutrients, selenium, and dental offices. Do you agree that these standards must be based on the best available science?

Under section 303(c)(1) of the Clean Water Act, states are required to, every three years "hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards." Proposed changes to state water quality standards are submitted to EPA. Under 303(c)(3), EPA is to approve the state standards if they meet the requirements of the Clean Water Act. Under section 304, EPA establishes water quality criteria that provide guidance for state water quality standards. The Clean Water Act directs EPA to review these criteria documents "from time to time" except for criteria to protect public health from pathogens in recreational coastal waters, which must be reviewed every 5 years. Unlike the Safe Drinking Water Act, the Clean Water Act does not require the use of best available science. That said, I believe it is always important to use best available science, particularly for science documents like water quality criteria documents.

80. Last Congress, our committee worked together to pass the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a bill overhauling the toothless Toxic Substances Control Act, that was signed into law earlier this year. EPA is now responsible for implementing the law, which will require a significant amount of resources. If confirmed, do you commit to ensuring EPA will prioritize implementation and has sufficient resources to comply with the requirements and timelines established by Congress?

As you are likely aware, I wrote this body a letter urging passage of the Lautenberg Chemical Safety Act. If confirmed as EPA Administrator, I will take care that the Act is faithfully executed. A copy of that letter is attached.

81. Last year, the Toxic Substances Control Act was signed into law. There was little doubt that this bipartisan legislation was overdue and very necessary to protect our constituents. EPA has already announced they are fast-tracking five chemicals under the authority of the new TSCA regime. You mentioned during our meeting earlier this month that you were concerned with some of the more aggressive timelines included in this legislation. Please elaborate. Please also outline how you intend to support the Agency in ensuring they have the resources to comprehensively implement this landmark legislation.

The Lautenberg Act has a number of statutory deadlines that must be met by the Agency when carrying out the law. If confirmed I fully intend to pick up the process where the previous administration left off with completing the required rulemakings and initial chemical reviews as well as subsequent prioritizations. The updated law also allowed for updating the industry user fees used to fund the program, a process started by the previous administration, and one which I intend to quickly evaluate.

82. You have publicly supported the recent updates to the TSCA law. Since this legislation pre-empts state actions, how does that align with your views on states rights and federalism? Do you agree that federal environmental laws – such as the Mercury and Air Toxics Rule, TSCA and Clean Power Plan – also provide certainty to businesses that have to do business across the country?

Article 1, Section 8, Clause 3 of the U.S. Constitution, which gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." Unlike the Clean Water and Clean Air Acts which regulate pollutants TSCA regulates chemical substances manufactured for commerce in not only all 50 states but often globally. Federal preemption of states is appropriate when dealing with interstate commerce issues and the Lautenberg Act's preemption provisions comport to my views on states' rights and federalism for those reasons.

83. Do you think that companies that work in the U.S. and around the world should be able to hide chemical information here that they have given to governmental regulators elsewhere?

The Lautenberg Act amended Section 14 of TSCA to delineate a process by which to protect, review, and possibly make public chemical information. If confirmed I intend to implement the law as passed by Congress.

84. In a 2005 U.S. Senate Committee on Homeland Security and Governmental Affairs hearing, President-elect Trump publicly praised asbestos, calling it "the greatest fireproofing material ever made." Every major independent scientific organization, including the World Health Organization, the International Agency on Research for Cancer (IARC), and others, acknowledges asbestos as a known human carcinogen with no safe level of exposure. The US EPA spent years studying the dangers of asbestos, and ultimately attempted to ban most uses. Just last month, the EPA redoubled its stance on the dangerous nature of asbestos by designating it as a top-ten high-risk chemical for priority TSCA action. If confirmed, will you heed the decades of conclusive science about asbestos or

will you allow the President-elect's personal opinion skew the EPA's actions on asbestos?

The Lautenberg Act has extensive requirements for risk evaluations and the use of sound science in decisions throughout the chemical review and potential regulatory process. If confirmed I will implement the law following those statutory requirements.

85. You may be aware that asbestos use has drastically declined among industries that once used it heavily, including the construction and automotive sectors, as those industries began switching to safer substitutes. As a result, one industry now accounts for 90% of all asbestos consumed in the U.S. — the chlor-alkali industry, which uses asbestos diaphragms in its chlorine manufacturing process. The chlor-alkali industry has been the only point of public pushback against an asbestos ban under TSCA, and they have asked the EPA to exempt the chlor-alkali industry's use from any regulation on asbestos. Exempting the primary user from a restriction or ban, of course, would result in negligible impact. Will you commit to ensuring that any regulation or restriction on asbestos does not allow for any exemptions for the chlor-alkali industry or any other industry?

Asbestos has been identified by the EPA as a high-priority chemical that requires a risk evaluation following the process established by the Lautenberg Act to determine whether conditions of use of the chemical substance pose an unreasonable risk. Prejudging the outcome of that risk evaluation process would not be appropriate.

86. The EPA promulgated a ban on asbestos in 1989, after a decade of research, risk evaluation, and rulemaking. In 1991, the asbestos ban was overturned by the 5th Circuit Court of Appeals on the grounds that the ban fell short of EPA's requirement to impose regulations that are "least burdensome" to industry. Under the Lautenberg Act reforms to TSCA, the EPA is now empowered to ban and regulate chemicals that are "toxic, persistent, and bioaccumulative," like asbestos, without concern for industry cost or any other non-risk factor. Will you commit to ensuring that industry concerns are not considered during the risk evaluation and rule making processes regarding asbestos?

The Lautenberg Act requires notice and comment be provided at multiple stages of the chemical review process including prior to publishing a final risk evaluation and through any potential subsequent regulatory rulemaking. This notice and comment is designed to get the input of a wide range of stakeholders to ensure sound and inclusive rulemakings and not to produce or dismiss comments from one particular entity or interest.

87. On April 9, 2015, you wrote a letter in support of the Lautenberg Act reforms to TSCA. In this letter, you expressed your support for the EPA: "I believe the agency, within the boundaries of its authorities as provided by Congress, serves a valuable mission to protect human health and preserve the environment." During the writing, negotiations, and passage of the Lautenberg Act, Congress — and the sitting President — made explicitly clear their intentions that the newly empowered EPA should swiftly ban asbestos and other deadly toxins. How will you ensure the EPA is able to meet statutory TSCA deadlines set forth by Congress?

I am committed to implementing the Lautenberg Act as required by law including meeting the statutory deadlines enumerated in the law including the required rulemakings, risk evaluations, and future chemical prioritizations.

88. In your April 9, 2015 letter in support of the Lautenberg Act reforms, you specifically praised the bill's explicit protection of vulnerable populations, including workers. Asbestos is one of the leading workplace carcinogens, responsible for approximately half of all occupational cancer deaths, according to the World Health Organization (WHO). During 1999 - 2014, the CDC NIOSH National Occupational Respiratory Mortality System (NORMS) database, there were 62,956 Americans who died from mesothelioma and asbestosis. These are just two of many deadly asbestos-related diseases. Given this data and your self-expressed concern for protecting workers, will you commit now to ensuring the EPA bans the import and use of asbestos under TSCA should you be confirmed?

Asbestos has been identified by the EPA as a high-priority chemical that requires a risk evaluation following the process established by the Lautenberg Act to determine whether conditions of use of the chemical substance pose an unreasonable risk. Prejudging the outcome of that risk evaluation process would not be appropriate.

89. Your home state of Oklahoma leads the nation in pesticide-related illnesses and deaths. At a time when pesticide/herbicide usage is on the rise across the country, how would you protect American workers, consumers, and landscapes from the toxic effects of agricultural chemicals?

If confirmed as Administrator, I would faithfully execute the laws administered by EPA. I would expect to be briefed by staff before taking any action on this issue.

90. What will you do to ensure EPA is conducting a transparent process regarding pesticide regulation? Please specify how you will approach notifying the public regarding pesticides in terms of notice of actions, publication of information (including studies and data) in the dockets, or timely responses to requests under the Freedom of Information Act. If you do not believe in a transparent process, why not?

If confirmed, transparency and openness will be priorities, and I will work to ensure that the pesticide registration process complies with all public notice and transparency requirements under the law.

91. In June 2016 the White House Pollinator Health Task Force, which was co-chaired by the EPA, released the Pollinator Partnership Action Plan. Do you support this plan and EPA's role in it? If not, why not? Mr. Pruitt, do you agree that vulnerable populations, like pregnant women, infants, and children, must be specifically considered in the study of the impacts of toxic chemicals on human health? Why is this important?

I am not personally familiar with the report referenced in this question. In considering the health effects of chemicals, if confirmed as Administrator, I would expect to be briefed by EPA staff before taking action and would work to ensure EPA followed all applicable legal requirements and made its decisions based on sound science. If confirmed, I would also follow legal requirements regarding the use of science and consideration of health impacts on specific subpopulations.

92. For nearly a decade, a state-permitted coal ash disposal pit in Bokoshe, OK, operated by a company named "Making Money Having Fun," has caused severe air pollution through releases of fugitive dust, which have harmed residents of the town of Bokoshe. Encompassing 458 acres, the Making Money Having Fun pit covers 259 acres of a former coal mine with enough coal ash to fill the 70-foot-deep pit and create a miniature mountain stacked 50 feet high. The site is permitted to rise another 550 feet over the next 20 years. By 2036, the coal ash pit could hold 9.2 million tons of toxic waste. Since 1998, residents have complained about the toxic dust to state regulators. Residents of Bokoshe, particularly children, have experienced extremely high rates of asthma that are linked to high levels of fugitive dust. In addition, residents experience elevated cancer rates that may be linked to the dump site. In 2011, the CBS Nightly News covered the exposure of the community to toxic dust. See http://abcnews.go.com/US/oklahoma-town-fears-cancer-asthma-linked-dump-site/story?id=13303440. In 2014, the U.S. Environmental Protection Agency acknowledged that there was a problem with fugitive dust at the site. Ash samples

collected in Bokoshe contained elevated levels of the carcinogens hexavalent chromium and arsenic, among other toxic metals. The Making Money Having Fun pit is not the only unlined coal ash dump in a former mine in Oklahoma. Seven miles west of Bokoshe, in McCurtain, OK, coal ash protrudes like an iceberg from a water-soaked pit. McCurtain residents have complained about dust clouds, spurring two state notices alleging violations — one in 2011 and another in 2015. State records show seven similar coal ash dump sites permitted in the county where Bokoshe is located.

•Did the Oklahoma AG Office ever investigate the Making Money Having Fun pit for environmental violations?

•Did your office take any actions to require Making Money Having Fun to control fugitive emissions at the site?

•As Oklahoma AG, what did your office do to investigate coal ash dumps in Oklahoma for violation of environmental or health standards?

The matter you reference was handled by Oklahoma's environmental regulators at the Department of Environmental Quality.

93. Mr. Pruitt, do you believe that all citizens in the U.S. should be equally protected from the threats posed by the dumping of coal ash? Currently, communities near municipal solid waste landfills and abandoned mines where millions of tons of toxic coal ash are disposed are not protected by the new federal coal ash rule. Do you think these communities deserve equal protection from pollution of their air, water and communities from coal ash?

I do not question the importance of clean air, land, and water, and I believe all Americans should be treated equally under the law.

94. Mr. Pruitt, do you think it is important for communities to know what hazardous substances are stored and disposed in their neighborhoods? Do you think it is important for citizens to know what hazardous substances are in their drinking water? If so, as head of EPA, will you guarantee that all coal ash permit programs approved by EPA will be as protective as the federal coal ash rule, including requiring communities be kept informed regarding the condition of toxic dumpsites near their homes and the safety of their drinking water?

As discussed in my testimony, public participation and transparency will be among my priorities if confirmed as Administrator. I do not question the importance of clean drinking water. It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is

fully and fairly considered with input from staff, as part of a transparent process that seeks input from stakeholders, and that is consistent with EPA's statutory authorities, including the coal ash provision in the WIIN Act.

95. Mr. Pruitt, environmental justice organizations have noted that 70 percent of coal ash dumps are located in low-income, disadvantaged communities. Do you agree that these communities deserve to know if coal ash ponds are leaking toxic substances into their drinking water supplies? Do you agree that these citizens have a right to expect that their drinking water be free of pollution from coal ash impoundments?

I am not familiar with the reports referenced in the question. As my testimony indicates, if confirmed as Administrator, I will prioritize public participation and transparency. I believe all Americans should be treated equally under the law.

96. In recent years, spills, leaks and collapses of coal ash impoundments have become a greater and greater hazard to clean water. In fact, more than half of the total toxic water pollution found in America's rivers, lakes and streams comes from such impoundments. Do you believe that coal ash from power plants and other coal-burning facilities should be regulated as a hazardous pollutant, given that its chemical composition includes lead, mercury, cadmium and arsenic? What would you do as Administrator to ensure that the kinds of ash spills recently devastating Kingston, Tennessee and Dan River, North Carolina, never again occur, anywhere?

I am generally aware that EPA has recently determined that coal ash from power plants should be regulated as a non-hazardous waste under Subtitle D of the Resource Conservation and Recovery Act and supports that decision. I understand provisions of the WIIN Act recently passed by Congress and signed into law provides EPA and states additional authority concerning the regulation of coal ash through permit programs. If confirmed, I will work to ensure this new authority is implemented.

97. Mr. Pruitt, a growing body of scientific evidence has shown that people living near mountaintop removal coal mines face a number of increased health risks, including greater risk of cancer, birth defects, and premature death. If you are confirmed as EPA Administrator, how would your agency consider these health concerns?

If confirmed, I would consider human health in accordance with EPA's legal authorities.

98. Mr. Pruitt, do you believe that the people who live downstream from surface coal mining operations deserve to have their sources of drinking protected from contamination from toxic chemicals such as arsenic, selenium and lead?

I strongly believe in the importance of safe drinking water, and if confirmed as Administrator, will work to implement EPA's statutory authorities in this regard.

99. Mr. Pruitt, the Manhattan Project and the Cold War triggered a boom in uranium mining in the United States. Uranium mining was carried out under the 1872 Mining Law, which did not require mining companies to clean up the mines. Abandoned uranium and other hardrock mines litter the West. These abandoned mines leach toxic chemicals, including uranium, radium, radon, and arsenic into surface and ground waters that are sources of drinking water.

•Do you agree that there is insufficient funding to address the huge problem of abandoned uranium and other hardrock mines?

•Do you agree that the 1872 Mining Law must be reformed to provide funding for the cleanup of abandoned mines?

I have not studied the issue of whether the 1872 Mining Law should be reformed or whether there is sufficient funding to address the cleanup of abandoned mines. I am generally aware of questions about whether current environmental laws inhibit the cleanup of abandoned mines by Good Samaritans, but I would expect to be briefed by staff before considering any actions on this topic.

100. The EPA is responsible for overseeing the cleanup of some of our nation's most contaminated lands. One such site is the West Lake Landfill, a Superfund site located in Bridgeton, Missouri. This site has been contaminated since 1973 when soils were mixed with residues from the Manhattan Project and used as daily cover in the landfilling operation. Local residents are rightfully concerned and frustrated by delays at the EPA in determining a proper course of action for handling this radioactive waste. In the 114th Congress the Senate unanimously passed legislation that would transfer the remediation authority for West Lake to the Army Corps of Engineers' Formerly Utilized Sites Remedial Action Program (FUSRAP). FUSRAP is already successfully overseeing the cleanup of nuclear contamination at other sites in the St. Louis area. However, as of this moment, the authority over the West Lake site remains with the EPA. Please explain your

views on the EPA's authority and responsibility with regard to the cleanup of Superfund sites.

•If you are confirmed as the next EPA Administrator, would you support transferring the cleanup of sites like the West Lake Landfill to FUSRAP? Why or why not?

•If you support cleanup authority remaining with the EPA, what concrete steps would you pursue as Administrator to ensure that the agency is progressing toward a real solution at the site that protects both the environment and the health of area residents?

I am not familiar with this particular issue or the legislation that is referenced in the question, but I appreciate the interests that residents have in the efficient operation of the Superfund program and the clean up of contaminated sites in their community. It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is fully and fairly considered, as part of a transparent process that seeks input from all stakeholders.

101. Do you believe that if safer technologies or chemicals are available for a facility to use, that could prevent a serious chemical disaster, that the facility should be required to implement them to save lives, prevent injuries of workers, first-responders, and community members, and prevent serious economic damages from a disaster?

I believe workplace safety is very important and any potential regulatory decisions should be carefully examined through a open and transparent process to ensure facilities are not shifting to new chemicals or technologies that improve safety in one area but shift risks to create new and potentially more serious concerns.

102. Do you believe that federal agencies like the EPA have an obligation to consult Native American tribes when actions by the agencies could impact tribal sovereignty or the tribal trust relationship?

Yes, I believe that consultation is a sound practice that should occur whenever possible.

103. Indigenous communities are consistently targeted for energy extraction, nuclear waste, uranium mining and/or oil and natural gas pipelines. How will you address this moving forward?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress imposing obligations on me in this regard. Whenever possible, I will consult with Indian Tribes prior to taking actions that may affect their sovereign interests.

104. As Administrator, what steps will you take to ensure that EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

I am not familiar with what steps EPA has or has not taken undertaken to implement this Executive Order. If confirmed, I will work to ensure that EPA complies with all applicable Executive Orders.

105. In January 2015, EPA issued its final rule under the Resource Conservation and Recovery Act defining what is a solid waste for purposes of ensuring that the recycling of hazardous materials does not increase the risk of harm to people or the environment, known as the "Definition of Solid Waste" or "DSW" rule. As an integral part of the rulemaking on the DSW rule, EPA conducted an environmental justice analysis of the rule's protectiveness for minority and low-income populations. EPA published its detailed environmental justice analysis report on the DSW Rule with the final rule. Will you ensure that EPA conduct detailed environmental justice analysis on all significant rules that may have adverse impacts on minority and low-income populations and publish such reports along with the final rules?

I am not familiar with the environmental justice analysis referenced in this question. If confirmed, I will work to ensure EPA conducts the required analysis to support its regulatory actions in accordance with applicable statutory requirements and Executive Orders.

106. There are currently some forty pending civil enforcement actions in which EPA is discussing possible settlement terms or pursuit of litigation. In the past during a transition in power such pending actions have proceeded unimpeded. Will you follow this precedent and let them progress at their own pace or will you intervene? And, if you do opt to intervene on a case-by-case basis, what criteria will you use to determine which enforcement cases go forward and which do not?

I am unfamiliar with the specific details of the actions referenced in the question. I would expect to be briefed by staff, in consultation with the Department of Justice as appropriate, before taking any action.

107. Please provide a list of all financial contributors to your attorney general and state senate campaigns, including their total donations and affiliations.

A full list of contributors to my campaigns for the state senate and attorney general may be found at the Oklahoma Ethics Commission's websites. For state campaign committees from 2002-2014, please use this site: https://www.ok.gov/ethics/public/candidate.php. For 2015 to the present, the Commission uses this site: http://guardian.ok.gov/PublicSite/SearchPages/Search.aspx?SearchTypeCodeHook=1F26BA5E-71EA-48E4-8D50-C1013E9FE0A7. Attached is a letter from the Oklahoma Ethics Commission regarding materials prior to 2002.

108. Why did you initially refuse a formal, independent audit of your office's finances from the Oklahoma State Auditor and Inspector as mandated by Oklahoma law? Please provide a copy of the findings of the 2016 audit.

I did not refuse an audit. I requested that an independent auditor conduct the audit, rather than the State Auditor. The State Auditor ultimately agreed to not participate in the audit, and the audit was completed. The results are publicly available.

109. Do you know Mr. Fount Holland of A.H. Strategies? If so, what is your relationship?

I am familiar with Mr. Holland. I have no relationship with him.

110. Do you know Continental Resources CEO Harold Hamm and if so, what is your relationship with him?

Yes. Harold Hamm is a friend.

111. You were a board member of the Rule of Law Defense Fund from November 2015 to November 2016. As a nonprofit, that organization doesn't have to disclose its donors. But the tax filings of the Koch brothers' Freedom Partners Foundation show that it contributed $175,000 of the group's $885,000 in 2014, nearly 20

percentage the total. Was the Koch brothers' Freedom Partner's Foundation the largest contributor to the Rule of Law Defense Fund? Did that Foundation have any say with respect to the Fund's activities?

I have no knowledge of whether the Freedom Partners' donation was the largest contributor to Rule of Law Defense Fund. I have resigned as Chairman and as a board member, and those records are kept by the staff of Rule of Law Defense Fund. RLDF's policies at the time I was a board member were that donors did not have any say with respect to the fund's activities.

112. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association, which has received more than $2.25 million in funding from fossil fuel interests since 2015—money that goes primarily to help elect GOP attorneys general, according to an analysis of its activities by the Center for Media and Democracy. What are the fossil fuel-related activities of the Fund? Has the Fund supported or undertaken any public interest or environmental protection activities?

To my knowledge, RLDF has facilitated policy discussion on a wide range of issues, including many public interest and environmental protection issues, some of which may have some nexus to matters involving fossil fuels.

113. The Huffington Post reported this week that two election fundraising groups, Oklahoma Strong and Liberty 2.0, both linked to you spent at least $637,034 since the start of 2015, even though you couldn't run for re-election as Oklahoma attorney general. These groups disbursed an average of roughly $26,543 per month, both of which announced plans last week to shut down. Would you describe for the Committee where these funds went? Is the Huffington Post's characterization that these funds money went to consultants and travel correct? And what were the specific activities conducted with these funds?

I do not have any knowledge of where remaining funds from Oklahoma Strong PAC or Liberty 2.0 went after the entities closed. Both entities are managed by a staff and decisions are made independently of me.

114. Has Oklahoma Strong or Liberty 2.0 taken money from the fossil fuel industry?

This question would have to be directed to those that operate those entities.

115. Has any of the special interest money gone to other Attorneys General that may or may not sue the EPA if you are confirmed?

Without additional context to help me understand your question, I cannot answer it.

116. Has any of this special interest money gone to any member of the EPW Committee that will vote on your confirmation and serve as your oversight committee in the Senate if you are confirmed?

Without additional context to help me understand your question, I cannot answer it. In any event, I have no knowledge of the fundraising activities of the members of this committee.

117. Before being confirmed, will you disclose who has contributed to the Oklahoma Strong PAC and Liberty 2.0 Super PAC?

I do not personally have records of who has contributed to Oklahoma Strong PAC or Liberty 2.0 Super PAC. That information is publicly available on campaign finance reports, and in the possession of the staff of those entities.

118. Please provide the dates and the name of every event you attended as attorney general that was hosted by energy companies, energy representatives, energy lobbyists, or political action committees (PACs) that have energy donors.

Please see attached list.

119. For each listed matter in which the State of Oklahoma has been a litigant or petitioner against the EPA, please provide any and all documents (including any and all written or electronic correspondence, audiotapes, electronic records, videotapes, photographs, telephone messages, voice mail messages, e-mails, facsimiles, daily agendas and calendars, information about meetings and/or discussions, whether in-person or over the telephone, agendas, minutes and a list of participants for those meetings and/or discussions, and transcripts and notes of any such meetings and/or discussions) from the date on which your office first began to prepare the litigation at hand, to the date of this letter, between you (or other employees of your office) and each representative of each non-

governmental entity with whom you (or your office) communicated about the litigation.

In order for you to receive a comprehensive response to a voluminous request of that nature, I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.

120. Of the total outlays from the Attorney General's office during your tenure, what percentage of your office's expenditures in Oklahoma went toward suing the federal government or challenging federal regulations?

My understanding is that less than one percent of the Office of the Attorney General's budget has been for litigation involving legal challenges to federal actions.

121. How many legal cases did your predecessor bring against industry in Oklahoma or other states for violating federal or state environmental protections? How many similar cases have you brought during your tenure? Please identify each such case brought under your tenure, the nature of the violation alleged, and the result achieved, including any penalties assessed and collected.

I do not know how many cases were brought by my predecessor. The Department of Environmental Quality is primarily responsible for implementing and enforcing environmental laws in Oklahoma. The Office of Attorney General has historically had a limited role, compared to the Department of Environmental Quality, in litigating environmental enforcement cases. Information about environmental cases attorneys in my office have litigated during my tenure is included in this response.

122. Do the Oklahoma Strong PAC and Liberty 2.0 Super PAC continue to operate from your state campaign headquarters in Tulsa? What is your connection to either of these political action committees? Do any of your former campaign employees work for either of these political action committees, if so, who and for what period of time?

It is my understanding that both entities have been wound down. I previously served as Honorary Chairman of Oklahoma Strong PAC, I have not served in any similar role with Liberty 2.0. My understanding is that there have been common vendors between Oklahoma Strong PAC and my previous campaigns, but I am not personally aware of any contracts those

vendors might have with the PACs, so your question regarding the details of any such relationships would need to be directed to the PACs or the vendors.

123. How much money have fossil fuel interests given to the Republican Attorneys Generals Association during the duration of your service in the leadership of that organization?

Other issues

Records of fundraising for that organization are kept with the staff of the Republican Attorneys General Association, and are also disclosed on campaign finance reports filed by that entity. I am not aware how much money has been donated to RAGA or from whom.

124. At a time of state budget cuts in Oklahoma, why did the attorney general's office expenditures increase from $28 million to $37.5 million under your leadership?

The budget cuts you refer to relate to reductions in the appropriations that each agency receives from the Legislature. I believe the Office of Attorney General has seen its appropriation from the Legislature cut every year since 2014, culminating in an appropriation of $0 this last fiscal year. What can lead to confusion is the fact that the appropriation from the Legislature makes up only a portion of the Office of Attorney General's budget, and the Office's budget and expenditures can fluctuate greatly year over year depending on the timing of case settlements and related distributions. For example in fiscal year 2014, the Attorney General's Office distributed higher than normal case settlement funds that inflated the budget over typical levels. Conversely, that total came down in fiscal years 2015 and 2016. Thus, fluctuations such as the one assumed by your question do not accurately reflect the size of the Office's budget. In my tenure as Attorney General, the Oklahoma Office of the Attorney General streamlined legal services for dozens of agencies, returned $29 million to the General Revenue Fund, distributed mortgage settlement restitution funds to impacted citizens, strengthened tobacco enforcement, and led the Office in such a fiscally responsible manner that the Office was able to forego all $6.4 million in state-appropriated operating funds for fiscal year 2017--that in addition to the Office having its annual appropriation cut in every prior year. The Office of Attorney General was the only state agency to voluntarily do this. During my tenure, the Office assumed the statutory duties of the Human Rights Commission through our Office of Civil Rights Enforcement, strengthened tobacco settlement enforcement efforts, and launched the Solicitor General's Unit. The Office also increased by one third the number

of agencies, commissions, or boards which it represents. This has led to a precipitous decline in state agency usage of costly private counsel. It is these and other efforts that have permitted the Office to contribute approximately $29 million to the General Revenue Fund over the last six years.

125. Do you think the upwind or upstream states of Oklahoma would be willing to impose more stringent environmental protections because of the adverse impacts certain activities in their state might have on Oklahomans? Have they ever done so on their own?

The Department of Environmental Quality has primary responsibility for implementing and enforcing environmental laws in Oklahoma. As Attorney General, I do not have responsibility or authority for setting environmental policy for the State and do not have the specific information at issue in this question.

126. Do your views on federalism expand beyond the EPA? For example, were you against the recently passed legislation that pre-empted states from labeling GMO foods? If not, why not?

I did not have an opinion on the GMO labeling legislation, however, I view that it is a similar matter to the Lautenberg Act reforms to TSCA which we supported despite its pre-empting state regulation, because it provides certainty nation-wide to regulations and often a consensus federal standard.

127. You campaigned in 2010 against a "one-size-fits-all strategy" towards environmental protection. That phrase is sometimes used to imply that whether American children should be adequately - or inadequately - protected against poisonous air, water and food should be based on the political jurisdiction in which they happen to live. Is that what you meant - that air and water health standards should vary from state to state? Do children's hearts or senior's lungs vary in their vulnerability to pollution between Oklahomans and Californians? Do you accept the premise at the heart of the Clean Air and Clean Water Acts that every American, wherever they live, should have a science based, legally guaranteed right to clean air, pure water and healthy food? Or do you think these decisions should be made by local politicians based on interest group lobbying?

I strongly believe in the importance of clean air, water, and land. Many of the environmental laws passed by Congress, including the Clean Air Act, are based on a framework of cooperative federalism by which states

administer programs authorized or delegated by EPA in order to implement these authorities. If confirmed, I will support open and transparent regulatory processes and base decisions on sound science in accordance with EPA's legal authorities.

128. How do you plan to consider costs in reviewing national ambient air quality standards? Do you agree with Justice Scalia's opinion in Whitman v. American Trucking Associations that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards."

I agree that the Supreme Court's decision in Whitman v. American Trucking Associations confirms that the Clean Air Act does not allow the Administrator to consider costs in setting the NAAQS.

129. Do you believe that economic or cost-benefit analysis should ever be used to decide how much toxic pollution children should breathe or drink; many lives EPA should save; how many children should get cancer or asthma just because they live near a polluting factory?

As I stated in my testimony, I fundamentally believe in EPA's core mission of protecting the American people. Environmental statutes, such as the Clean Air Act and the Clean Water Act, prescribe certain instances where a cost-benefit analysis may be considered in a rulemaking. If confirmed, I commit to fully carry out EPA's core mission and follow the law as provided by Congress.

130. Every year during your tenure as Oklahoma Attorney General, the American Lung Association gave Oklahoma counties a failing grade for not meeting ozone air pollution health standards. In fact, your home town of Tulsa is ranked 18th out of 228 metropolitan areas for high alert ozone days. Are you concerned about the impacts of soot and smog pollution on Oklahoma citizens? What efforts have you undertaken as Oklahoma Attorney General to protect Oklahomans from soot and smog pollution?

While I am concerned about children's health, matters of the sort you reference would be handled by Oklahoma's environmental regulators at the Department of Environmental Quality and the Oklahoma Water Resources Board.

131. If confirmed, do you commit to protecting scientific research conducted and funded by the EPA? Will you continue EPA's long-standing practice of protecting the confidentiality of health records of individual patients that participate in scientific studies?

If confirmed, it will look forward to working with EPA's scientists and the thousands of other public servants at EPA. If confirmed, I would expect to learn more about the existing practice and relevant legal authorities concerning the confidentiality of scientific data before taking action.

132. Do you agree with this statement from NASA: "97 percent or more of actively publishing climate scientists agree: Climate-warming trends over the past century are extremely likely due to human activities." If not, please explain why you do not agree.

I have no reason to disagree with NASA's statement, although I have not made any attempt to independently verify its accuracy.

133. Please provide a list of all the cases, briefs and other legal actions that your office has filed while you have served as attorney general.

Please see attached list.

134. How many legal cases have you filed, or joined others in filing, against the EPA? Please provide a full list with the outcome of each case, including those cases in which the court disagreed with your argument, agreed with your argument, and those in which the court refused to hear the matter.

Enclosed is a list of the relevant cases. The relevant court opinions, judgments, or orders are the best source of information about how these cases were disposed.

135. It is my understanding that you currently have nine cases pending against the EPA on behalf of the State of Oklahoma. Is this correct? Will you recuse yourself from participation in these cases if you are confirmed? If not, why not? Will you recuse yourself from settlement discussions? If not, why not? Will you recuse yourself from decision making on altering or revising the regulations that are impacted by these pending cases? If not, why not? What are the recusal requirements of the Oklahoma Bar Association governing similar situations?

Please see attached list of cases. Immediately upon my nomination, I was walled off from all involvement in any litigation or other matters the State of Oklahoma is pursuing involving the EPA. I have disclosed relevant matters to the Office of Government Ethics and EPA ethics officials. As EPA Administrator I will recuse from participation in litigation in matters in which I represented the State of Oklahoma, unless I receive informed consent from the State of Oklahoma and the permission of relevant federal ethics officials. It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules.

136. If confirmed, do you plan on proposing or advocating for budget cuts to the EPA's FY 2018 budget? If so, in which programs would you reduce funding? Would you target the EPA's research programs? Are there areas of agency action where you believe additional financial resources are needed?

I have no first-hand knowledge of EPA's development of its FY 2018 budget request. If confirmed, I will work to ensure that the limited resources appropriated to EPA by Congress are managed wisely in pursuit of that important mission and in accordance with all applicable legal authorities.

137. It is my understanding that prior to you taking office, there was an Environmental Protection Unit within the Oklahoma Attorney General's office. Is that correct?

The Oklahoma Department of Environmental Quality is the State agency responsible for implementing and enforcing environmental laws in Oklahoma.

138. It is my understanding that after you took office, the Environmental Protection Unit within the Oklahoma Attorney General's office was eliminated. Is that correct? Can you explain why the work of this unit was discontinued? Did the work continue in another section of your office? If so, who continued to do that work and for what period of time?

My office continues to employ attorneys vested with responsibilities related to environmental protection, including the attorney who served as the lead attorney on the previous attorney general's "environmental protection unit." That attorney's responsibilities remain unchanged (he has been promoted, in fact), and he pursues exactly the kind of cases that he pursued under the previous attorney general. The only thing that changed was the internal

organization of the attorneys vested with those responsibilities, because I concluded (consistent with the practices of every attorney general in the State's history but for my immediate predecessor) that it was not operationally efficient to have a separate unit for such work. Thus, I chose to house that work in the Office's Public Protection Unit and then later in the Solicitor General's Unit. As I explained in my testimony to the committee, my office continues to pursue environmental cases. I do not possess lists of cases pursued my predecessor so I cannot provide the comparative that you request. I am aware that many environmental cases take many, many years to litigate to completion, so some of the actions that my Office continues to pursue were initiated prior to my taking office. Please see attached list of cases.

139. In your cases against the EPA's Mercury and Air Toxics Rule, who served as your scientific advisor for the case?

The Office of Attorney General does not have a science advisor.

140. Please provide your definition of cooperative federalism.

Cooperative federalism occurs when the federal government works cooperatively with state and local governments to address issues of national concern. Federalism is not cooperative when the federal government mandates or coerces state and local governments into effectuating federal policies.

141. Provide examples of times the EPA has intervened and required a state to do more than the state intended and you supported the EPA's actions.

The water quality crisis in Flint is one where EPA should have acted faster in accordance with its legal authorities in consultation with the State.

142. You are quoted in an interview this past November saying "we hope there is going to be regulatory rollback...Well when you look at the EPA, and the role it's played over the last several years, there's going to be substantial change in that agency." Which EPA regulations do you believe should be rolled back? What changes do you believe should occur in the EPA? Which EPA regulations should be maintained?

Based on the limited information provided in the question, I am uncertain what interview it is referring to. However, if confirmed as Administrator, I

will take my responsibility to protect human health and the environment for all Americans with the highest possible dedication and commitment. The actions undertaken by the Office of Attorney General challenging certain EPA regulations have been because EPA exceeded it legal authorities as established by Congress and interpreted by the courts. Regulations that are not on solid legal foundation and that cannot survive judicial review will not result in environmental protections.

143. In your testimony before the Senate Environment and Public Works Committee in May 2015, you stated that the EPA "has played an important role in addressing water and air quality issues that transverse state lines." Since you became attorney general, hasn't your state sued against EPA regulations that address cross-state air and water pollution? What are the most significant sources of interstate pollution and what are the most important actions the EPA can take to address them?

As my testimony indicates, I firmly believe that the EPA plays an important role in addressing interstate water and air quality issues, but it must do so within the bounds of its legal authority. The actions undertaken by the Office of Attorney General challenging certain EPA regulations have been because EPA exceeded it legal authorities as established by Congress and interpreted by the courts.

144. Do you believe the EPA has, in your words "exceeded the constraints placed upon the agency by Congress" by issuing the Mercury and Air Toxics Rule? If so, please explain.

Based on the limited information in the question, the source or context of the quote to which the question refers is not readily apparent. Twenty one states filed a petition with the Supreme Court to review EPA's Mercury Air Toxics Standards. The Supreme Court held that the EPA was required to consider costs as part of its decision whether to regulate power plants under section 112. I agree with the Supreme Court's conclusion.

145. Do you support states taking further public health protective actions beyond those required by EPA regulations?

Yes—if authorized under the law and not preempted or displaced by federal law.

146. Do you agree with the EPA's legal interpretation of the Clean Water Act and share the view the agency has federal jurisdiction over wetlands and streams that impact the health of downstream navigable waters? If you do not agree, please explain.

The EPA takes a broader view of its jurisdiction under the Clean Water Act than the question suggests. A federal court appeals has held that the EPA's interpretation of its jurisdiction under the Clean Water Act is likely unlawful. I agree with that court's conclusion.

147. Would you explain the basis for your recent challenges to EPA's finding that it is appropriate and necessary to regulate the emissions of carbon dioxide and hazardous air pollutants from power plants?

The particular matters being asked about are unclear from the limited information in the question. As discussed in response to Questions 27 and 35, the state of Oklahoma, along with many other states, filed petitions for review challenging EPA regulations in matters where EPA has exceeded its statutory authority as established by Congress and interpreted by the courts. The standard for regulating under section 111 of the Clean Air Act is whether in the Administrator's judgment a category of sources "causes, or contributes significantly, to air pollution which may reasonably be anticipated to endanger public health or welfare." The standard for regulating under section 112(n) of the Clean Air Act is if "the Administrator finds such regulation is appropriate and necessary after considering the results of the study required by this subparagraph." The briefs filed by the state petitioners are the best statements of the legal arguments being made and speak for themselves.

148. As attorney general, what types of environmental justice cases have you pursued? Please provide a list of cases and outcomes. What is your view of EPA's mission in regard to environmental justice?

As discussed elsewhere in these responses, the Oklahoma Department of Environmental Quality is the state agency with primary responsibility for implementing and enforcing environmental laws in Oklahoma. As I testified, I believe the Administrator plays an important role regarding environmental justice. Attached is a list of environmental cases brought under my tenure.

149. In a 2013 press statement, you stated "the evidence is clear that the current ethanol fuel mandate is unworkable." Would you explain what you meant at this time?

Based on the limited information in the question, the context of the quote referenced in the question is not readily apparent. If confirmed, my duty as EPA Administrator would be to enforce the laws passed by this body.

150. In your joint brief against the Mercury and Air Toxics Standards, it stated "human exposure to methylmercury resulting from coal fired EGUs (Electric Generating Units) is exceedingly small." What is the scientific basis for this statement? Do you continue to agree with this assessment?

Based on the limited information in the question, the source or context of the quote to which the question refers is not readily apparent. Twenty one states filed a petition with the Supreme Court to review EPA's Mercury Air Toxics Standards. The legal question in that case was a narrow one focused on whether EPA was required to consider costs before it imposed regulations on power plants under section 112 of the Clean Air Act.

151. The EPA is responsible for administering two of the nation's most important infrastructure investment programs- the Clean Water and Safe Drinking Water State Revolving Loan Funds (SRFs). Unfortunately, water and sewer infrastructure in this country continues to deteriorate and investment is sorely needed. The American Society of Civil Engineers rates our wastewater and drinking water infrastructure a "D." If confirmed, what will you do to ensure that the federal government is adequately investing in our nation's wastewater and drinking water infrastructure?

If confirmed, I will continue support for the Clean Water State Revolving Loan Funds and the new Water Infrastructure Financing Innovation Act loan program. In addition, I would continue to implement EPA's Integrated Planning Framework to provide municipalities with flexibility to prioritize actions they take to come into compliance.

Senator Duckworth:

1. During your confirmation hearing, we discussed the ongoing petitions requesting EPA initiate a rulemaking to reconsider or change the regulations identifying refiners and importers of gasolines and diesel fuel as the entities responsible for complying with the annual percentage standards adopted under the Renewable Fuel Standard (RFS) program. I am specifically concerned with harmful proposals to move the point of obligation from refiners and importers to entities that blend renewable fuel into transportation fuel. Moving the point of obligation from refiners to blenders would disrupt a component of the RFS program that has worked well for the past 10 years. This harmful proposal is opposed by a broad range of stakeholders, including organizations that represent blenders, and it would undermine Congress' goal in creating the RFS program by likely decreasing the production, distribution and use of renewable fuels in the United States.

• If confirmed as EPA Administrator, will you commit to denying any petition requesting EPA change the RFS point of obligation, including requests to move the point of obligation from refiners to blenders?
• Please provide all statements you have made, whether in writing or verbally, expressing your view on the RFS point of obligation.

As I indicated in my testimony, the EPA's RIN framework is currently the subject of a pending notice-and-comment rulemaking. If confirmed as Administrator, I would take care to administer the RFS program, including the RIN framework, in accordance with Congress's statutory objectives, and based on the evidence in the EPA's administrative record, as well as the expertise of EPA staff and the expertise of other federal agencies relevant to the RIN framework and affected markets. The EPA already has entered into a "memorandum of understanding" with the CFTC, "on the sharing of information available to EPA related to the functioning of renewable fuel and related markets."

Senator Gillibrand:

1.Assuming that costs should be considered in rulemakings, do you believe that externality costs – for example costs to society from impacts of a pollutant -- should be considered in addition to the financial costs of compliance?

As I stated at the hearing, costs are important in the rulemaking process and the Courts have recognized that important factor. Environmental statutes, such as the Clean Air Act, prescribe when costs should be considered in a rulemaking. If confirmed, I commit to fully follow the law as provided by Congress.

2.New York has the toughest acid rain regulations for power plants in the nation, but the acid rain that has affected the Adirondacks is predominately caused by emissions from Midwestern coal-fired power plants. The scientific data collected as part of a long-term and robust acid rain monitoring program of Adirondack lakes and streams provides the evidence that the sulfur dioxide trading program under the Clean Air Act has been a cost effective method to reduce sulfur dioxide from the atmosphere. This regulatory strategy was implemented without a detrimental economic effect. Is the regulatory strategy outlined above: strong federal standards coupled with even stronger state standards an example of the "meaningful role" you envision for EPA and the "useful role of the states?"

As I stated at the hearing, costs are very important in the rulemaking process and the Courts have recognized that important factor. Environmental statutes, such as the Clean Air Act, prescribe when costs should be considered in a rulemaking. If confirmed, I commit to fully follow the law as provided by Congress.

3.EPA promulgated the Cross State Air Pollution Rule (CSAPR) in 2011 and an update to the rule in September 2016. How will you implement CSAPR and the update rules?

The Cross-State Air Pollution Rule is a regulation that is currently in effect and, as such, constitutes a binding regulation. So long as that rule remains in force, I will faithfully execute the law and enforce obligations under it.

4.What strategy will you pursue to ensure upwind emissions do not affect the ability of downwind states to meet air quality standards, per Section 110(a)(2)(D) of the Clean Air Act?

As I stated in my testimony before the Committee, I agree that the Clean Air Act gives EPA an important role in addressing interstate pollution issues, among many other things. If I am confirmed as Administrator, I will exercise my authority in this area consistent with Congress's intent in enacting the Act. Specifically with respect to Section 110(a)(2)(D) and the "good neighbor" obligations of Section 110, I intend to engage in a transparent process that will allow states to have a meaningful opportunity to understand their obligations with regard to reducing emissions that cause or contribute to nonattainment or interference with maintenance in other states through the SIP process and to act consistent with my authority under Section 110(c) if states fail to do so.

5.What is EPA's role in resolving disputes regarding the transport of pollutants between states?

As I stated in my testimony before the Committee, I agree that the Clean Air Act gives EPA an important role in addressing interstate pollution issues, among many other things. I strongly believe in states working collaboratively to address crossborder environmental challenges and did so when I was the Attorney General of Oklahoma, including negotiating a historic agreement with my Democratic counterpart in the State of Arkansas to reduce pollutants into the scenic Illinois River. As Administrator, I intend to provide assistance to states as they work collaboratively in these issues. Where the Act contemplates a more direct role for EPA, such as with respect to Section 110(a)(2)(D) and the "good neighbor" obligations of Section 110, I intend to engage in a transparent process that will allow states to have a meaningful opportunity to understand their obligations with regard to reducing emissions that cause or contribute to nonattainment or interference with maintenance in other states through the SIP process

6.What specific actions have you taken as Oklahoma Attorney General to protect Oklahoma's children from exposure to air pollution?

While I am also concerned about children's health, environmental regulation in Oklahoma is the responsibility of Oklahoma's environmental regulators at agencies like the Oklahoma Department of Environmental Quality. That agency would likely be better situated to answer your question by actions taken by the State with regard to air pollution.

7.Does state sovereignty includes a state's authority to combat impacts to air and water from pollution generated in other states?

Yes.

8.The EPA Clean Air Science Advisory Committee currently fills a role that The Clean Air Act requires; this role is that of an independent scientific committee to advise the Administrator regarding any possible revisions to the national standards (NAAQS). That advisory committee has stated on record that the ozone NAAQS should be more protective than the current standards. Will you follow the advice of the advisory committee as Administrator?

I agree that the Clean Air Act assigns the advisory committee a role in advising the Administrator regarding the promulgation and revision of NAAQS. If confirmed as Administrator, I will follow a transparent process that is legally and scientifically sound in all NAAQS decisions, including consideration of the views of the advisory committee.

9.What role will the opinions of that advisory committee play in any decision-making you might have to do regarding review of and revisions to the NAAQS?

I agree that the Clean Air Act assigns the advisory committee a role in advising the Administrator regarding the promulgation and revision of NAAQS. If confirmed as Administrator, I will follow a transparent process that is legally and scientifically sound in all NAAQS decisions, including consideration of the views of the advisory committee.

10.In the April 22, 2016 State Petitioners' Opening Brief that you signed seeking to vacate EPA's primary NAAQS of 70 ppm, you wrote that "that EPA must consider the burden of a NAAQS." What did you mean by the burden of a NAAQS?

The Clean Air Act requires the Administrator to establish NAAQS that protect public health and welfare from adverse effects, allowing an adequate margin of safety, and to revise those standards as appropriate. This includes establishing NAAQS at a level that is "requisite," which the Supreme Court has interpreted as being neither more nor less stringent than necessary to protect public health. The State Petitioners' Opening Brief, particularly in Section II of the Argument portion, the part of the brief to which the quotation in your question is relevant, argues that the ozone NAAQS is arbitrary and capricious because it fails to interpret the Act in a manner that ensures the standard is "requisite." As I have explained elsewhere in my testimony to the Committee and in response to the Committee's written questions, all legal positions that I took in my capacity as Attorney General for the State of Oklahoma were in an advocacy

capacity. If confirmed as Administrator, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.

11.What is the burden on individuals who are exposed to, and suffer health effects from, air pollution if NAAQS are not strong enough to protect public health?

The Clean Air Act requires the Administrator to establish NAAQS that protect public health and welfare from adverse effects, allowing an adequate margin of safety, and to revise those standards as appropriate. Individuals exposed to pollutant concentrations that are above the NAAQS may suffer adverse health effects, the specifics of which vary depending on the pollutant at issue.

12.How will you take into consideration the cost of pollution on human health when taking regulatory action?

As I stated in my testimony, if confirmed, my primary goal would be to protect the American people through lawful regulations. I also indicated at the hearing that costs are very important in the rulemaking process and the Courts have recognized that important factor. I understand environmental statutes, such as the Clean Air Act and Clean Water Act, prescribe when costs should be considered in the rulemaking process. If confirmed, I commit to fully follow the law as provided by Congress.

13.New York is very concerned with the interstate transport of ozone and particulate matter, which cause death and illness in our state and damages our natural resources, but also interferes with New York's ability to meet its legal obligation to attain the national standards set by EPA. Can ground-level ozone or its precursor, nitrogen oxides, can be generated in one state and reduce air quality in another state?

Yes.

14.Can fine particulate matter or its precursors, nitrogen oxides and sulfur dioxide, be generated in one state and reduce air quality in another state?

Yes.

15.EPA's regulatory impact analysis enumerated numerous important categories of mercury benefits that the agency found couldn't be monetized, such as the impacts of mercury on non-IQ neurological impacts (including developmental

delays, effects on attention/behavior, effects on motor skills, effects on memory); cardiovascular impacts; genotoxic, immunologic, and other toxic effects.

•Do you agree that mercury has these impacts?

•Do you agree that the benefits of reducing these impacts are valuable?

•Do you think that avoided harms, like reducing childhood development delays, need to be monetized to count as part of a cost-benefit analysis?

•Do you agree that consideration of a monetized cost-benefit analysis that does not include these benefits because they cannot be monetized is an incomplete picture of the costs and benefits of reducing mercury emissions?

I agree that as Administrator, it is appropriate to consider both the monetized benefits of regulation and benefits that cannot be monetized. Likewise, where appropriate in light of Congress's intent in enacting each Clean Air Act provision, I agree that it is appropriate to consider both the monetized costs of regulation and any other negative impacts, regardless of whether those can be monetized. If I am confirmed as Administrator, I will exercise my authority consistent with Congress's intent in enacting the Act.

16.In your comments at the EPW nomination hearing, you claimed that your challenges to the mercury standards were entirely procedural in nature.

•In your brief challenging the original mercury standard, you asserted that "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs pose public health hazards." Explain how this is a procedural claim.

•In your brief challenging the original mercury standard, you asserted that "EPA's EGU MACT standards are unlawful under §112(n)(1)(A)." Explain how this is a procedural claim.

•In signing the original petitioners' brief, were you just advocating for a client? Or do you continue to believe all the positions argued in the original petitioners' brief are correct?

•In your brief challenging EPA's supplemental finding, you asserted that "EPA must consider costs in relation to benefits to justify its 'appropriate and necessary' determination." Explain how this is a procedural claim.

•In your brief challenging EPA's supplemental finding, you asserted that EPA's "'alternative' benefit-cost approach is also invalid because it is based on the 'Co-Benefits' of reducing pollutants other than HAPs." Explain how this is a procedural claim.

•In your brief challenging EPA's supplemental finding, you asserted that "EPA's refusal to consider alternative control strategies and all relevant costs, is contrary

to the statute and the Supreme Court's direction." Explain how this is a procedural claim.

In my testimony, when I stated that Oklahoma's challenges were procedural in nature, I was referring to whether EPA acted consistent with law and the record in following the procedure set forth for regulating electric utility steam generating units under Section 112(n) of the Act. That procedure required EPA, taking into account certain information, to determine whether regulating the sources under Section 112 is appropriate and necessary.

17.When filing briefs for Oklahoma in the Mercury and Air Toxics Standard litigation, Clean Power Plan litigation, and other litigation against EPA that you joined as Attorney General, were you just advocating for a client? Or do you continue to believe all the positions argued in your briefs are correct?

As I stated in my testimony to the committee, all legal positions that I took in my capacity as Attorney General for the State of Oklahoma were in an advocacy capacity. If confirmed as Administrator, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.

18.The Great Lakes Restoration Initiative (GLRI) was launched in 2010 to accelerate efforts to protect and restore the largest system of fresh surface water in the world — the Great Lakes. EPA is a critical member and lead of the GLRI Task Force and Regional Working Group. This coordination in partnership with the states has produced unprecedented results, with GRLI resources funding over 2,000 projects to improve water quality, protecting and restoring native habitat and species, preventing and controlling invasive species, and addressing other Great Lakes environmental problems. Under your leadership, will the GLRI continue to be a top priority?

If confirmed, I will continue EPA's support for the Great Lakes Restoration Initiative, which was formally authorized by Congress in December 2016.

19.Will you support an annual appropriation of at least $300 million for the Great Lakes Restoration Initiative?

I note that $300 million has been the annual appropriation for the Great Lakes Restoration Initiative for the past several years, even though the prior Administration proposed to cut that funding to $250 million. Three hundred

million also is the Congressional authorized level of funding. If confirmed, I will take into account that funding history and Congressional authorization when making recommendations to the Office of Management and Budget regarding EPA's appropriations.

20.New York is suffering from infestations of invasive species such as the emerald ash borer and zebra mussel, which have large impacts in the state. EPA has been an important ally in our efforts, and has a number of programs that fight invasive species. What is your view on EPA's role in fighting invasive species, and do you believe EPA should commit more resources, fewer resources, or about the same amount of resources to this issue?

I am not aware of the state of invasive species in New York. If confirmed, I would expect to be briefed by staff on this issue before taking any action consistent with EPA's legal authorities.

21. Does climate change have an impact on the spread of invasive species, such as the emerald ash borer, in New York State?

I am not familiar with the state of invasive species in New York.

22.Should states continue to have the sovereign authority to set their own ballast water discharge standards to protect the environment from the spread of invasive species?

The issue of federal preemption of state ballast water discharge regulations is a question for Congress, not the Administrator of the EPA. If confirmed, I will carry out the authorities granted to EPA by Congress.

23.Approximately 200 miles of the Hudson River are classified by the EPA as one of the largest Superfund sites in the country when 1.3 million pounds of PCBs were discharged by two General Electric plants into the Hudson River over a 30-year period. The EPA has required targeted dredging between 2009 and 2015. Last year, the Commissioner of the New York State Department of Environmental Conservation repeatedly advised the EPA of the State's concerns that EPA's remedy for the Hudson River left in place substantial levels of PCB contamination. The EPA is slated to release its five-year review of the project this spring. Independent and objective quantitative analyses are essential in order to determine whether the remedy is protective of human health and the environment. Will you agree to work with New York State to evaluate the sufficiency of the remedy selected in the EPA's Record of Decision?

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I appreciated hearing about this Superfund site in our meeting and your staff followed up with us concerning the consent decree in this situation. If confirmed, I intend for EPA to work collaboratively with New York State to assess the sufficiency of the remedy. I understand that EPA intends to provide data and analysis related to a review of the remedy to the site related to all stakeholders, including New York, federal partners, and the environmental community. I also understand the State and other stakeholders will have the opportunity to present information to EPA through that process. I confirmed, I would work to ensure that EPA's decision will be informed by such information provided through such process.

24.With regard to the Hudson River, will you thoroughly quantify the trends based on all available fish, water, and sediment data and make reasonable and conservative assumptions regarding future trends?

I believe EPA actions should be based on sound science and taken in accordance with applicable statutory requirements, including consideration such as those you identify.

25.As of 2014, New York had the third largest number of Superfund sites among all states, with 87 sites. One in four Americans lives within three miles of a contaminated disposal site that poses serious risks to human health and the environment. In recent years, EPA has allocated approximately $250 million per year for Superfund cleanup. The agency estimates that much greater amounts – from $355 million to over $600 million per year – will be needed in the future. What changes should be made to the Superfund statute to help facilitate these important clean-up projects?

If confirmed, I would expect to prioritize the cleanup of contaminated land. Prior to suggesting any legislative proposals, I would expect to be briefed by staff and to receive the views of relevant stakeholders on ways to improve the operation of the Superfund program, including any changes to its statutory authority, if confirmed.

26.Do you support restoring the tax on petroleum products that funded the Superfund trust fund, but was discontinued in 1995?

This is a matter for Congress to decide.

27.What would you do, if confirmed, to facilitate and improve Superfund clean-ups in the absence of new legislation?

If confirmed, I would expect to prioritize the cleanup of contaminated land. I would also expect to be briefed by staff and to receive the views of relevant

stakeholders on ways to improve the operation of the Superfund program, absent new statutory authority, if confirmed. I also understand the Government Accountability Office and the EPA Inspector General also regularly review the operation and activities of the Superfund program, and I would expect to look to their recommendations for additional areas for improvement, if confirmed.

28.The EPA's Brownfields Program provides grants and technical assistance to assess, clean up, and reuse contaminated properties. Cleaning up and reinvesting in brownfields protects human health and the environment, reduces blight, and takes development pressures off agricultural and other working lands. Through fiscal year 2013, on average, $17.79 was leveraged for each EPA Brownfields dollar and 7.3 jobs leveraged per $100,000 of EPA brownfields funds expended on assessment, cleanup, and revolving loan fund cooperative agreements. Unfortunately, only about 1/3 of all applicants to the program are successful. Do you support expanding the resources for the Brownfields Program to adequately support these communities in need?

I am aware EPA's Brownfields program has enjoyed bipartisan support in Congress. If confirmed as Administrator, I expect cleanup of contaminated land to be among my priorities and to be briefed by staff about the Brownfields programs activities and resources before taking any action.

29.In 2005, New York State, Connecticut, and the EPA and Army Corps reached an agreement to eliminate or reduce the amount of dredged sediment dumped in the open waters of Long Island Sound. The New York State Department of Environmental Conservation and Department of State have repeatedly urged the EPA and Army Corps not to move forward with the permanent designation of an open water dumping site in Eastern Long Island Sound, raising concerns that the sediment has not been properly tested and could negatively impact the economic and environmental state of Long Island Sound, which was designated in 1987 by Congress as an Estuary Of National Significance. Will you work to enforce NYS's right to protect Long Island Sound from additional open water dumping of dredged material?

The designation by EPA of an area as a site for dredged material disposal must follow the rigorous process set forth in the Marine Protection, Research, and Sanctuaries Act to ensure protection of the environment. As I stated in my testimony before the Committee, I support following the administrative processes set forth in law, including the National Environmental Policy Act, to ensure that EPA's statutory responsibilities are fully carried out.

30.Will you commit to assisting the states with determining upland alternatives to the open water disposal of dredged material?

Disposal of dredged material is not an EPA mission or responsibility. That lies with the Corps of Engineers.

31.Will you continue the Long Island Sound Study office and ensure it receives the necessary resources from EPA?

As I noted in my testimony before the Committee, I support collaborative efforts to achieve environmental protection. The Long Island Sound Study is a collaborative effort among EPA, New York, and Connecticut.
EPA's Long Island Sound Study office was authorized by Congress in 1990 under section 119 of the Clean Water Act. If confirmed, I will carry out all responsibilities given to EPA by Congress.

32.Will you support annual appropriations of at least $10 million for the EPA's Long Island Sound geographic program?

If confirmed, I will seek budgetary resources to carry out all responsibilities given to EPA by Congress. I note that the most recent appropriation for the Long Island Sound program was about $3.9 million and the most recent budget request was about $2.9 million.

33.How do you intend to handle existing EPA enforcement actions initiated prior to January 20, 2017?

I am unfamiliar with the specific details of the actions referenced in the question. I would expect to be briefed by staff, in consultation with the Department of Justice as appropriate, before taking any action.

34.Municipal landfills that are non-compliant with the Resource Conservation and Recovery Act (RCRA) have created public health and environmental problems on the island of Puerto Rico, contributing to water, ground and air contamination. How will you address non-compliant landfills in Puerto Rico?

I am not familiar with the details of this specific issues but, if confirmed as Administrator, I would expect to be briefed by staff about EPA's ongoing involvement and role at these sites. If confirmed, I expect to make cleanup of contaminated land one of my priorities. I also believe in the importance of hearing the views of all stakeholders and would welcome the opportunity to discuss this further.

35.I have been working with EPA Region 2 to address the significant environment and public health crisis in the Caño Martin Peña in San Juan, Puerto Rico. As we discussed during our meeting in my office, EPA must take aggressive action to work with the Army Corps of Engineers to clean up hazardous waste, which is threatening the lives of children and families, who do not have full representation in the Congress. Will you continue EPA's aggressive push to clean up the Caño?

As discussed, I am not familiar with the details of this specific matter but, if confirmed as Administrator, I would expect to be briefed by staff about EPA's ongoing involvement and role at this site. If confirmed, I expect to make cleanup of contaminated land one of my priorities.

36.If confirmed, will you visit San Juan and tour Caño Martin Peña during your first year as Administrator?

As we discussed in your office, I would be pleased to accompany you on this trip at a mutually convenient time if I am confirmed as Administrator.

37.What is the scientific basis for sea level rise, which we have experienced along the coast of New York State?

If confirmed as Administrator, I will work to ensure EPA regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the changes in our climate and sea level rise.

38.Do you agree with the National Climate Assessment that human-induced climate change has already increased the number and strength of extreme weather events?

I am aware of the broad range of views within the scientific community regarding the relationship between human activity on changes in the climate and any resulting impact on extreme weather events. If confirmed as Administrator, I will work to ensure EPA regulatory actions are based on the most up to date and objective scientific data.

39.Why did you eliminate the environmental protection unit of the Oklahoma Attorney General's office?

My office continues to employ attorneys vested with responsibilities related to environmental protection, including the attorney who served as the lead attorney on the previous attorney general's "environmental protection unit." That attorney's responsibilities remain unchanged (he has been promoted, in fact), and he pursues exactly the kind of cases that he pursued under the

previous attorney general. The only thing that changed was the internal organization of those vested with those responsibilities, because I concluded (consistent with the practices of every attorney general in the State's history but for my immediate predecessor) that it was not operationally efficient to have a separate unit for such work. Thus, I chose to house that work in the Office's Public Protection Unit and then later in the Solicitor General's Unit.

40.How may staff does the Oklahoma Attorney General's office have dedicated, full time, to enforcing federal environmental laws in Oklahoma? Do not include in that number staff working on lawsuits against the EPA.

The Office of the Attorney General's employs seven attorneys who responsibilities include environmental-related matters, with a primary focus on enforcing Oklahoma law, rather than the federal law that your question presumes. These duties substantially include representing the environmental agencies of the State of Oklahoma or providing counsel to those environmental agencies in actions they determine to pursue.

41.Perfluorooctanoic acid (PFOA) is listed as an unregulated contaminant under the Safe Drinking Water Act. PFOA was discovered in the municipal water supply and private wells in the Village of Hoosick Falls and Towns of Hoosick and Petersburgh, NY and in North Bennington, Pownal, Vermont. Perfluorooctane sulfonate (PFOS) was found in Newburgh New York.

In 2014, PFOA and PFOS were found in public drinking water wells in Horsham, Warminster, and Warrington, Pennsylvania. They were found by the federal Environmental Protection Agency, as part of the Unregulated Contaminant Monitoring Rule. The amounts of PFOA and PFOS found in the public wells in the area were among the 10 highest samples anywhere in the country based on the provisional health advisory level set by EPA in 2009.

In 2009, EPA set a provisional health advisory level of .4 parts per billion. In May, 2016, EPA set a Lifetime Health Advisory level for PFOA at 70 parts per trillion. How will you work to ensure that drinking water sources are monitored for PFOA and PFOS, particularly in small communities under 10,000 people?

If confirmed, I will carry out the authorities and responsibilities given to EPA by Congress. Congress did not make monitoring eligible for Safe Drinking Water Act State Revolving Loan Fund assistance because it is considered operation and maintenance that is local responsibility. However, Congress recently authorized a grant program to assist small and disadvantaged communities provide safe drinking water. Testing of unregulated

contaminants is eligible for assistance under this authority. If funding is provided by Congress, I will carry out that program.

42.How will EPA continue to evaluate the health effects of PFOA on all communities that were exposed, in particular vulnerable populations including infants and fetuses during pregnancy?

As I stated at my confirmation hearing, PFOA is a chemical substance that the Agency should address quickly and I will look to continue evaluating the health effects of PFOA through TSCA and the Safe Drinking Water Act.

43.Will you work collaboratively with other agencies, including the Centers for Disease Control and Prevention, the National Institutes of Health, and the Department of Defense, to ensure that the public is informed about the health effects of contamination?

As I stated at my confirmation hearing I believe collaboration between federal agencies to protect and better inform the public.

44.Will you work collaboratively with states and local governments to ensure that information on PFOA and PFOS are communicated in a transparent and timely manner to the public?

Cooperative federalism and collaboration between EPA and officials at the state and local level is something I feel very strongly about and if I am confirmed I will work collaboratively with state and local governments.

45.In the absence of federal drinking water standards, what role should EPA play in assisting communities whose drinking water supplies have become contaminated by PFCs or other emerging contaminants?

Congress recently authorized a grant program to assist small and disadvantaged communities provide safe drinking water. Testing of unregulated contaminants is eligible for assistance under this authority. If confirmed and if funding is provided by Congress, I will carry out that program.

46.The latest EPA survey of capital improvement needs indicates that public water systems need to invest $384.2 billion on infrastructure improvements over 20 years to ensure the provision of safe tap water. The needs estimate generally excludes costs associated with addressing unregulated contaminants or the costs of replacing lead service lines. What funding level do you view as effective for the

EPA Drinking Water State Revolving Fund (DWSRF) capitalization grant program?

The federal government offers some financial assistance but the vast majority of the Investments in public water systems will be made by the public and private entities that own and operate those systems. The Safe Drinking Water Act State Revolving Loan Funds leverage federal investment at about 1.76 to 1. That is, a federal dollar leverages about 1.76 dollars in loan assistance. The new WIFIA program can leverage federal investment at a level of up to 60 to 1. I fully support the Drinking Water SRF and would not support any cuts to that program. However, if Congress provides additional funds I am excited by the opportunities the new WIFIA program presents.

47. How would you use the "precautionary principle" to bring to bear cutting edge science on emerging contaminants to ensure decisions are technically valid, while also not delaying regulatory decisions to wait for every potential detail to be addressed when health impacts may be occurring during the delay?

If confirmed agency decisions will be based on sound science and I will work to protect health and the environment as expeditiously as possible.

48.What is your view on EPA's role in overseeing response actions undertaken by DOD at U.S. military facilities, including where PFOA, PFOS, or other PFCs may have been released?

EPA's role is governed by the statutory and regulatory authorities, including section 120 of the Comprehensive Environmental Response, Compensation and Liability Act and the National Contingency Plan.

49. As you know, Congress passed a provision in law that exempts hydraulic fracturing from the Safe Drinking Water Act. Do you think that hydraulic fracturing chemicals should be exempt or do you believe that this law has merit?

Article 1 Section 8 of the Constitution vests in Congress the authority to make our nation's laws and, if confirmed, as a member of the Executive Branch I will faithfully execute my duty to implement and enforce the laws written by Congress.

50.How will you address the disproportionate effect of environmental contamination on low-income communities of color?

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If confirmed, I will expect to be briefed by staff about EPA's programs and statutory authorities in this area.

Senator Markey:

1. There is tremendous diversity across states in this country, and occasionally states have differences of opinion on how to approach a problem. One of the roles of the federal government is to be an arbiter among states.
• What is your philosophy on how interstate pollution conflicts should be handled?
• Should a state be able to pollute a river for which another state relies on for drinking water?
• What is the EPA's role in resolving interstate pollution conflicts?
• How would you determine when EPA should be involved in interstate pollution disputes?

As I testified in the hearing, I have pursued opportunities to address interstate environmental quality matters. One of the examples I have highlighted is the work that Arkansas Attorney General Dustin McDaniel and I took to address an enforceable water quality standard between Arkansas and Oklahoma. I have also discussed how Texas should be responsible when air quality issues affect Oklahoma and my experience with that. When negotiations among and between states breakdown EPA has a role to set environmental standards. However, that is should be a last course of action instead of the first. I believe environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.

2. During the hearing, you repeatedly underscored the need to make regulation "regular" for regulated entities.
• How do you reconcile that goal with the mission of EPA, which is "to protect human health and the environment"?
• If confirmed as EPA Administrator will your highest priorities be to protect human health and the environment?

As I testified, I believe in the rule of law and that process matters. I do not view these as being contrary to EPA's mission to protect human health and the environment.

3. Please list any deductible or nondeductible charitable donations you made in the last three years, including, for each contribution, the name of the recipient and the amount.

I have complied with the reporting obligations from the Office of Government Ethics and the EPW Committee.

4. As attorney general, you made Freedom of Information Act (FOIA) requests, and expected a fast response. Do you commit to respond to FOIAs as quickly as possible, if you are confirmed?

If confirmed, I will commit to tasking my staff with responding to FOIA requests in a timely manner.

5. During Mr. Trump's campaign, there were reports that even volunteers were required to sign non-disclosure agreements. After his election, President-elect Trump's team demanded lists of career officials who worked on climate science issues at the Energy Department and women's and gender issues at the State Department. It is against the law to retaliate against career officials for following lawful policy directives. It is also against the law to interfere with career employees communicating with Congress. I have included a summary of these laws below.

Any suggestion that the incoming administration is targeting career officials for retaliation simply because they worked on policies that the new President disagrees with threatens to create a chilling effect on employees who are simply trying to do their jobs.

5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress. or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a

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Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.
• If you are confirmed, will you commit to protect the rights of all career employees of the EPA, including their right to speak with Congress?
• Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

If confirmed, I commit to protecting the rights of all EPA employees and will follow the law.

6. The President-elect appears to be planning to ignore the advice he was given by bipartisan ethics experts to divest himself from his business interests. In the United States, he has hundreds of business interests, which include everything from vineyards, golf courses, hotels and casinos. Some of these interests could be impacted by EPA regulations or enforcement actions – for example, Donald Trump's New Jersey casino flunked air pollution tests, his hotel in Chicago has had a Clean Water Act violation and his New Jersey Golf Club violated the Safe Drinking Water Act.
• Do you commit to ensure that no employee of the EPA is pressured to take - or not take - any regulatory or enforcement action or decision because that action or decision would adversely affect business interests associated with the president-elect or his family?
• Considering that the president-elect has stated he will not release his tax returns anytime soon, how will you know exactly what all of the Trump family interests are without his tax returns?

If confirmed as Administrator, I will take care that all environmental laws enacted by Congress are faithfully executed without regard to identity of the owners of any regulated business that might be affected by such execution of the laws.

7. The following series of questions relate to Title 74 Section 20i of the Oklahoma Statutes. As Attorney General of Oklahoma, you were responsible for complying with this law. For your ease of reference, Section 20i is provided below:

74 Okl. St. § 20i (2016)

§ 20i. Legal Representation of Agency or Official of Executive Branch--Contracts

A. An agency or official of the executive branch may obtain legal representation by one or more attorneys by means of one of the following:

1. Employing an attorney as such if otherwise authorized by law;

2. Contracting with the Office of the Attorney General; or

3. If the Attorney General is unable to represent the agency, or official due to a conflict of interest, or the Office of the Attorney General is unable or lacks the personnel or expertise to provide the specific representation required by such agency or official, contracting with a private attorney or attorneys pursuant to this section.

B. When entering into a contract for legal representation by one or more private attorneys, an agency or official of the executive branch shall select an attorney or attorneys from a list of attorneys maintained by the Attorney General. An agency may contract for legal representation with one or more attorneys who are not on the list only when there is no attorney on the list capable of providing the specific representation and only with the approval of the Attorney General. The list shall include any attorney who desires to furnish services to an agency or official of the executive branch and who has filed a schedule of fees for services with and on a form approved by the Attorney General. An agency or official may agree to deviate from the schedule of fees only with the approval of the Attorney General.

C. Before entering into a contract for legal representation by one or more private attorneys, an agency or official of the executive branch shall furnish a copy of the proposed contract to the Attorney General and, if not fully described in the contract, notify the Attorney General of the following:

1. The nature and scope of the representation including, but not limited to, a description of any pending or anticipated litigation or of the transaction requiring representation;

2. The reason or reasons for not obtaining the representation from an attorney employed by the agency or official, if an attorney is employed by the agency or official;

3. The reason or reasons for not obtaining the representation from the Attorney General by contract;

4. The anticipated cost of the representation including the following:

a. the basis for or method of calculation of the fee including, when applicable, the hourly rate for each attorney, paralegal, legal assistant, or other person who will perform services under the contract, and

b. the basis for and method of calculation of any expenses which will be reimbursed by the agency or official under the contract; and

5. An estimate of the anticipated duration of the contract.

D. Before entering into a contract for legal representation by one or more private attorneys where the agency has reason to believe that the case, transaction or matter will equal or exceed Twenty Thousand Dollars ($ 20,000.00) or after employment when it becomes apparent that the case, transaction or matter will equal or exceeds Twenty Thousand Dollars ($ 20,000.00), an agency or official of the executive branch shall obtain the approval of the Attorney General when the total cost, including fees and expenses, of all contracts relating to the same case, transaction, or matter will equal or exceed Twenty Thousand Dollars ($ 20,000.00). Any amendment, modification, or extension of a contract which, had it been a part of the original contract would have required approval by the Attorney General, shall also require approval by the Attorney General.

E. When an agency or official of the executive branch enters into a contract for professional legal services pursuant to this section, the agency shall also comply with the applicable provisions of *Section 85.41 of Title 74 of the Oklahoma Statutes.*

F. The provisions of this section shall not apply to the Oklahoma Indigent Defense System created pursuant to *Section 1355 et seq. of Title 22 of the Oklahoma Statutes.*

G. The Attorney General shall, on or before February 1 of each year, make a written report on legal representation obtained pursuant to paragraphs 2 and 3 of subsection A of this section. The report shall include a brief description of each contract, the circumstances necessitating each contract, and the amount paid or to be paid under each contract. The report shall be filed with the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chair of the Appropriations and Budget Committee of the House of Representatives, and the Chair of the Appropriations Committee of the Senate.

•The Oklahoma Governor considers the Office of Attorney General a state agency, and includes the Attorney General on a comprehensive list of Oklahoma state agencies available at https://www.ok.gov/portal/agency.php. Do you agree that the Office of Attorney General is an agency under Oklahoma state law? If not, please explain.

Generally speaking, the Office of Attorney General is a state agency. Whether it is an "agency" for purposes of any particular statute requires an analysis of that statute.

•Subsection G of Title 74 Section 20i of the Oklahoma Statutes requires the Attorney General to report annually on any contracts for legal representation that state agencies have entered into with private attorneys over the course of the prior year. For the avoidance of doubt, no exception is provided under Section 20i for contracts for legal representation entered into by the Attorney General with private attorneys. Do you agree that Subsection G of Title 74 Section 20i required

you, as Attorney General, to report contracts for legal representation that you entered into with private attorneys over the course of the prior year? If not, please explain.

No. The purpose of Section 20i, as demonstrated by its text, is to place the Office of Attorney General in the role of approving contracts for outside counsel that other agencies wish to enter into rather than utilizing the services of the Office of Attorney General. Subsection G requires a report be made of contracts entered into "pursuant to this section," as Subsection A(3) makes clear. Because the Office of Attorney General is not required to seek permission from itself "pursuant to" that section of law, it has no applicable contracts to report pursuant to Subsection G. The Office of Attorney General has, however, routinely disclosed contracts it has entered into with outside counsel, when requests for such contracts are made.

•The last fiscal year in which payments from the Office of Attorney General to private attorneys were recorded in the report submitted pursuant to Subsection G of Title 74 Section 20i of the Oklahoma Statutes was FY 2011. No payments from the Office of Attorney General to private attorneys were recorded in the reports you filed for FY 2012, FY 2013, FY 2014, or FY 2015. As Oklahoma Attorney General, did you enter into any verbal or written contracts with private attorneys for legal representation (whether or not such contracts provided compensation to private attorneys) other than those listed in the reports you submitted for fiscal years 2011 through 2015? Please provide a brief description of each such contract you entered into, the date you entered into the contract, the circumstances necessitating the contract, and the amount—if any—paid under the contract (including details of any non-monetary benefits that you may have obtained, offered, been offered, or delivered in connection with the contract).

Yes. Such information can be requested from the Office of Attorney General through a request made pursuant to Oklahoma's Open Records Act.

•Subsection B of Title 74 Section 20i of the Oklahoma Statutes requires that—when entering into a contract for legal representation by one or more private attorneys—an agency or official of the executive branch must select an attorney or attorneys from a list maintained by the Attorney General. If there are no listed attorneys capable of providing the specific representation, then the agency must obtain the approval of the Attorney General in order to enter into the contract.

○Please describe your process, as Attorney General, for evaluating a request submitted by a state agency to enter into a contract for legal representation by a private attorney not on the approved list. Please provide any documents detailing this process (which you or your staff relied on in making such evaluations) or indicate if this process was undocumented.

o Please provide any documents submitted to you by state agencies requesting approval to enter into a contract for legal representation by a private attorney not on the approved list, as well as your written responses to such requests.

o Please provide any papers documenting decisions made by you or the Office of Attorney General to enter into contracts for legal representation by private attorneys that did not originate with requests submitted to you by state agencies.

o Do you agree that Subsection B of Title 74 Section 20i required you, as Attorney General, to enter into contracts for legal representation only with private attorneys included on the list referred to in that subsection unless there were no listed attorneys capable of providing the specific representation? If not, please explain.

Such information can be requested from the Office of Attorney General through a request made pursuant to Oklahoma's Open Records Act. With regard to your question, because the Office of Attorney General maintains the referenced list, and is authorized to allow representation from attorneys not on the list, the Office of Attorney General plainly has the discretion to allow representation from attorneys not on the list.

Did you—at any time during your term as Attorney General—enter into a written or verbal contract for legal representation (whether compensated or pro bono) by one or more private attorneys not included on the list referenced in Subsection B of Title 74 Section 20i of the Oklahoma Statutes? If so, for each such contract:

o Please provide a brief description of the contract, the circumstances necessitating the contract, and the amount—if any—paid under the contract (including details on any non-monetary benefits that you may have obtained, offered, been offered, or delivered in connection with the contract).

o Please indicate if you entered into the contract with a private attorney not on the approved list because there were no attorneys on the approved list capable of providing the specific representation or for another reason. Please describe the process you followed in reaching a decision to enter into a contract with a private attorney not on the approved list. Please list the attorneys on the approved list that you considered hiring (and deemed incapable of providing the specific representation) before deciding to enter into a contract with a private attorney not on the approved list. For each attorney on the approved list that you considered and rejected, please describe the deficiencies in their capabilities that led you to reject them in favor of a private attorney not on the approved list.

Such information can be requested from the Office of Attorney General through a request made pursuant to Oklahoma's Open Records Act.

•As of January 18, 2017, neither David Rivkin, Jr. (nor any other attorney employed by Baker Hostetler) appeared on the "Approved Attorney List | 20i" accessible on your website at https://www.oag.ok.gov/litigation/1917atty.nsf/wfindatty.html?OpenView.

oDid David Rivkin Jr. represent the State of Oklahoma in its Clean Power Plan case against EPA?

oTo the best of your knowledge, did David Rivkin Jr. or Baker Hostetler receive any compensation or funds from any third party in conjunction with this or any other litigation in which it represented the State of Oklahoma on your behalf? If so, please provide the names of any such third parties.

oDid you enter into a written or verbal contract for legal representation (whether compensated or pro bono) with David Rivkin, Jr. of the Washington, D.C.-based law firm Baker Hostetler? If so, please provide:
□a brief description of the contract;
□the date you entered into the contract;
□the circumstances necessitating the contract;
□the deficiencies in the capabilities of attorneys on your approved list that led you to reject them in favor of David Rivkin Jr.—an attorney not on your approved list; and
□the amount—if any—paid under the contract (including details on any non-monetary benefits that you may have obtained, offered, been offered, or delivered in connection with the contract).
oPlease list any contributions made by David Rivkin Jr. or any employee of Baker Hostetler to you, your campaign, or any organizations or entities for which you engaged in fundraising, along with the dates of such contributions.

Yes. No. Yes. Information relating to the contract can be requested from the Office of Attorney General through a request made pursuant to Oklahoma's Open Records Act. A full list of contributors to my campaigns for the state senate and attorney general may be found at the Oklahoma Ethics Commission's websites. For state campaign committees from 2002-2014, please use this site: https://www.ok.gov/ethics/public/candidate.php. For 2015 to the present, the Commission uses this site: http://guardian.ok.gov/PublicSite/SearchPages/Search.aspx?SearchTypeCodeHook=1F26BA5E-71EA-48E4-8D50-C1013E9FE0A7. Attached is a letter from the Oklahoma Ethics Commission regarding materials prior to 2002.

•During your term as Attorney General, did you ever enter into an arrangement whereby a private attorney or attorneys represented the State of Oklahoma on your behalf on a pro bono basis while being compensated by a third party? If so, please list the legal matters in which you entered into such arrangements, and, for each matter, the third party or parties that compensated the private attorneys, the amounts paid, and any monetary or non-monetary benefits that you may have

obtained in connection with the arrangement. During your term as Attorney General, did you have a process in place for ensuring that any private attorneys that represented the State of Oklahoma on a pro bono basis did not receive compensation from a third party for the legal services they provided to the state? If so, please describe this process.

No. Our Office would not enter into any such agreement for representation if it believed that the attorney was not truly working pro bono, and the Office would seek assurances from the attorney that they were.

8.The Online Lenders Alliance is "a trade group for online payday and short-term lenders and the companies that steer customers to them," according to a recent Los Angeles Times article describing actions by the Consumer Financial Protection Bureau to protect consumers from misleading advertising claims made by certain members of the payday lending industry.
•Have you, your campaign, or any organizations or entities for which you engaged in fundraising ever received or solicited donations from the Online Lenders Alliance or any other trade, industry, advocacy, or other group representing companies making payday, title, installment, or short-term loans to consumers? If so, please list the amounts and dates of such donations or solicitations.

I am not aware of any such solicitations or donations.

•Have you, your campaign, or any organizations or entities for which you engaged in fundraising ever received or solicited donations from any company making payday, title, installment, or short-term loans to consumers? If so, please list the amounts and dates of such donations or solicitations.

I am not aware of any such solicitations or donations.

•Have you, your campaign, or any organizations or entities for which you engaged in fundraising ever received or solicited donations from any principal, senior executive, officer, or director of a company making payday, title, installment, or short-term loans? If so, please list the amounts and dates of such donations or solicitations.

I am not aware of any such solicitations or donations.

•Have you, your campaign, or any organizations or entities for which you engaged in fundraising ever received or solicited donations from any member of the Board of Directors of the Online Lenders Alliance? For your convenience, the members

of the Board of Directors of the Online Lenders Alliance, along with their business affiliations, are listed below. For each of these individuals, please provide the amounts and dates of their donations, or, if you unsuccessfully solicited donations from them, the dates of such solicitations.

- Kim Anderson, Strategic Link Consulting
- Samantha Bentson, Cashland Online
- Kirk Chartier, Enova Financial
- Doug Clark, Axcess Financial
- Mark Curry, MacFarlane Group
- John Dalton, LeadFlash
- Steve Hotz, The Lead Group
- Clive Kinross, MoneyKey
- Glenn McKay, Selling Source, LLC.
- Bart Miller, Centrinex
- Greg Rable, FactorTrust, INC.
- Ken Rees, Elevate
- Walt Wojciechowski, MicroBilt

I am not aware of any such solicitations or donations.

•On June 16, 2015, you, as Attorney General, sent a letter to Richard Cordray, Director of the Consumer Financial Protection Bureau (hereinafter, "CFPB"), expressing concerns about certain rules the CFPB proposed to regulate payday, vehicle title, and installment lending.

- Was the text of this letter partially or substantially drafted by the Online Lenders Alliance or any other trade, industry, advocacy, or other group representing companies making payday, title, installment, or short-term loans to consumers?
- Did the Online Lenders Alliance or any other trade, industry, advocacy, or other group representing companies making payday, title, installment, or short-term loans to consumers participate in the drafting of this letter in any other way? If so, please explain.
- Did you ask the Online Lenders Alliance or any other trade, industry, advocacy, or other group representing companies making payday, title, installment, or short-term loans to consumers review or provide comments on a draft of this letter before it was sent? If so, please provide any records related to your outreach.
- Did the Online Lenders Alliance or any other trade, industry, advocacy, or other group representing companies making payday, title, installment, or short-term

loans to consumers review or provide comments on a draft of this letter before it was sent? If so, please provide any communications between you or your office and any such group regarding this letter.

As far as I am aware, no as to all.

9.The Consumer Federation of America is an association of non-profit consumer organizations devoted to advancing the consumer interest through research, advocacy, and education.
•Did you ask the Consumer Federation of America or any other interest or advocacy group representing Oklahoma's consumers review or provide comments on a draft of this letter before it was sent? If so, please provide any records related to your outreach.

•Did the Consumer Federation of America or any other interest or advocacy group representing Oklahoma's consumers review or provide comments on a draft of this letter before it was sent? If so, please provide any communications between you or your office and any such group regarding this letter.

As far as I am aware, no as to all.

10.As you may know, Oklahoma has one of the highest usage rates for payday loans in the country and allows payday lenders to charge consumers interest rates of up to 390 percent on annual basis for a 14-day term loan. In November 2016, the CFPB reported that consumers in Oklahoma submitted debt collection complaints at a rate of 36 percent (higher than the 27 percent national average). In addition, the CFPB found that average monthly complaints from Oklahomans increased 17 percent from August through October 2015 (higher than the national rate of 13 percent).

•Have you, your campaign, or any organizations or entities for which you engaged in fundraising ever received or solicited donations from the Consumer Federation of America or any other interest or advocacy group representing Oklahoma's consumers? If so, please list the amounts and dates of such donations or solicitations.

•Have you, your campaign, or any organizations or entities for which you engaged in fundraising ever received or solicited donations from any member of the Board of Directors of the Consumer Federation of America? If so, please provide the amounts and dates of their donations, or, if you unsuccessfully solicited donations from them, the dates of such solicitations.

I am not aware of any such solicitations or donations.

11. You have pursued at least twenty legal actions against the EPA on clean water, clean air and climate change related regulations, including multiple lawsuits that are ongoing. You have additionally criticized the EPA and its scientists on a range of scientific facts and regulations that aim to protect public health.
• Please identify EPA regulations or standards that you do support in their current form.
• In many of your legal actions and activities as Oklahoma AG, you have endorsed positions or signed letters that were drafted by oil and gas industry paid lobbyists. Please identify areas in which your views differ significantly from those of the oil and gas industry?

When negotiations among and between states breakdown EPA has a role to set environmental standards. However, that should be a last course of action instead of the first. I believe environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA. As I also testified at the hearing, when it was appropriate to pursue legal actions or settlement negotiations specifically with the oil and natural gas industry I have done so. When considering new regulations on oil and natural gas production and practices, I have joined other co-regulators in Oklahoma advocating those changes.

12.Your Ethics Agreement states that for a one-year period, you "***will*** seek authorization to participate personally and substantially in particular matters involving specific parties in which I know the State of Oklahoma is a party or represents a party."

•Why does this language assume that you "will" seek authorizations for all such instances?

•Why is your recusal limited to a one-year period, when in some cases the "particular matters" will not be resolved within that timeframe?

•Will you commit to recusing yourself from participating in all such particular matters, without requesting or receiving a waiver, until the matter is fully resolved? If not, why not?

•These 'particular matters' are all litigation in which your Ethics Agreement contemplates you switching from plaintiff in your capacity as Attorney General of Oklahoma (in which you were a principal decision-maker on the part of those litigating against EPA), to defendant as EPA Administrator (in which you would be the principal decision-maker on the response to the lawsuit you filed). Why do

you not believe this creates an unresolvable conflict of interests that makes it impossible for you to properly, lawfully and ethically represent the interests of the EPA, while simultaneously upholding your professional duty to your former client, the State of Oklahoma?

My Ethics Agreement was drafted in close consultation with ethics experts at the Office of Government Ethics and EPA ethics officials, and reflects a diligent effort to ensure that I seek authorization before participating in any matter involving specific parties in which I know the State of Oklahoma is a party or represents a party for one year after my resignation as Oklahoma Attorney General. I believe you may be misreading the language in my Ethics Agreement regarding prior authorization. If, during the relevant time period, I would like to consider participating in a particular matter involving specific parties in which I know the State of Oklahoma is a party or represents a party, I will seek advance authorization to do so. With respect to my professional obligations as a member of the bar, I am not permitted to "switch sides" as counsel in any matter in which I participated as a lawyer. The standards that would apply to me as EPA Administrator are different, however, as I will not be representing the EPA as a lawyer if I am confirmed.

13. During the hearing, you refused to unequivocally recuse yourself from litigation that you brought against the EPA, repeatedly stating that you would follow the direction of agency ethics officials' guidance in this area on a case-by-case basis. Isn't it true that if you are confirmed, the agency ethics officials that you are referring to will report to you, and this reporting relationship could be perceived to have the potential to influence the guidance they provide you with? In light of this, will you commit to the modification of your Ethics Agreement, using your own discretion and authority to do so and prior to any vote on your confirmation, in order to provide more clarity about your intentions for recusal related to each matter involving specific parties in which the State of Oklahoma is a party? If not, why not?

My Ethics Agreement was drafted in close consultation with ethics experts at the Office of Government Ethics and EPA ethics officials, and reflects a diligent effort to ensure I comply with all applicable federal ethics rules. I will abide by the commitment I made in that letter. I am confident in the former staff of the EPA and have no reason to believe they will give me anything other than their best advice on ethics matters. Moreover, not all officials who may consider a request for authorization to participate in a matter will necessarily report to me. Before participating in matters involving specific parties in which I am concerned where there may be a question regarding my impartiality, I would expect, where they deem it appropriate, that EPA ethics officials may consult with ethics experts at OGE before making a recommendation.

14.I am attaching a January 17, 2017 letter from Citizens for Responsibility and Ethics in Washington (CREW) and a January 18, 2017 letter from The Campaign Legal Center (CLC), both sent to the EPA Designated Agency Ethics Official, for the record and for your review. The CREW letter references several factors related to your refusal to unequivocally recuse yourself from participating in any of these matters as EPA Administrator that would cause a reasonable person with knowledge of the relevant facts "to question his [your] impartiality in these matters" and "to question the integrity of the agency's programs and operations." The CLC letter states that "the plan described in his [your] ethics agreement is insufficient to avoid actual or apparent conflicts of interest, and would cause members of the public to question his impartiality in the conduct of his [your] duties, contrary to his [your] obligation to "ensure that every citizen can have complete confidence in the integrity of the Federal Government.""

•The CREW letter states that ethics regulations demand your recusal from participating personally and substantially as Administrator in particular matters involving specific parties in which the State of Oklahoma is a party, even if the State of Oklahoma withdraws from the matter. Do you agree to make such a recusal for each such matter, even if the State of Oklahoma withdraws from the matter? If not, why not?

•The CREW letter states that "there would be serious and apparent conflicts leading to reasonable doubts about Mr. Pruitt's impartiality if he were to participate in these lawsuits as EPA Administrator *at any point* in their lifetime. It is therefore essential that Mr. Pruitt's recusals last through the full course of each matter." Do you agree to recuse yourself for the full course of each matter involving specific parties in which the State of Oklahoma is a party? If not, why not?

•The CREW letter states that any waiver request you might make from recusal from any of these matters "should be denied based on consideration of the relevant factors listed under" 5 C.F.R. 2635.502(d). Do you agree not to request a waiver from recusal from any such matter? If not, why don't you agree with the analysis of the factors listed in the regulations as they apply to your past litigation history against the Agency that CREW described in the letter should result in a denial of the waiver request?

As discussed above, my Ethics Agreement was drafted in close consultation with ethics experts at the Office of Government Ethics and EPA ethics officials, and reflects a diligent effort to ensure I comply with all applicable federal ethics rules. If confirmed, I will ask relevant federal ethics officials to fully review the issues raised in the CREW letter and, if appropriate, take them into account in determining the proper legal course of action in particular instances.

15.Some of the legal cases that you brought against the agency remain open, and there may be legal decisions that require EPA regulatory action as they are resolved; for example, a court could uphold the EPA regulation and require it to be enforced, or a court could direct such a regulation's revision. Since such regulatory actions would be a direct consequence of the litigation, any conflict of interests associated with your participating in the legal matter should extend to any EPA regulatory or enforcement action taken as a result of court action on the litigation. Do you agree to recuse yourself without waiver and for the entirety of your tenure at the EPA from all such regulatory or enforcement actions that are taken as a result of court action on a specific legal matter from which you were recused? If not, why not?

As EPA Administrator I will recuse from participation in litigation in matters in which I represented the State of Oklahoma, unless I receive informed consent from the State of Oklahoma and the permission of relevant federal ethics officials. It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules.

16.If you are confirmed, you will also have the ability to accomplish through *regulation* as EPA Administrator what you have been seeking to accomplish through *litigation* as Attorney General. For example, instead of waiting for a court to decide whether to grant your lawsuit's request to overturn EPA's smog standard, you could start to write a regulation to do just that on your very first day on the job. Will you commit to recuse yourself from working on the revision or elimination of any *regulation* regarding issues on which you have sued the EPA? If not, why not?

It is my understanding under federal ethics rules that regulatory rulemaking of general applicability does not create a conflict.

17. I am also attaching, for the record and for your review, the Ethics Agreement signed by Carol Browner, former EPA Administrator during the Clinton Administration. In her Ethics Agreement, she agreed to recuse herself from participating "personally and substantially in any EPA matter which involves the State of Florida as a specific party and in which I was personally and substantially involved as Secretary, Department of Environmental Regulations, State of Florida". I note that this agreement was not limited to one year in duration and not subject to waivers. I am also attaching, for the record and for your review, the Obama Administration Ethics Pledge that each nominee agreed to uphold, which states, in part, "I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts." If the response to any part of questions 2, 3 or 4 is no, please

also explain why in light of the stronger Ethics Agreements and pledges made by past EPA Administrators?

I am not familiar with the facts and circumstances surrounding Ms. Browner's Ethics Agreement. In my Ethics Agreement, which was drafted in close consultation with ethics experts at the Office of Government Ethics and EPA ethics officials, I agreed to abide by federal regulations that require my recusal from particular matters involving specific parties in which the State of Oklahoma is a party for a period of one year after my resignation as Attorney General, unless I receive a waiver. I will abide by the commitment in that letter, in addition to any other obligations imposed by the Trump Administration as well as my obligations as a member of the bar.

18. In addition to your participation in specific litigation and regulatory matters that raise conflicts of interests, there may be pending enforcement matters at EPA in which donors to you or your political action committees are the subjects. For example, records indicate that Tyson Foods has been the subject of an EPA Clean Air Act enforcement action[3] and reportedly "faces an ongoing criminal investigation by the EPA for its release of toxic pollutants into waterways".[4] Do you commit to recusing yourself from participation in any enforcement matter in which the subject is an entity that has previously made a donation to you or any of your political action committees? If not, why not?

I will consult with relevant federal ethics officials to determine whether to participate in a particular matter.

19. *Miss. Comm'n on Envtl. Quality v. EPA*, 790 F.3d 138 (D.C. Cir. 2015) stated that "Decisionmakers violate the Due Process Clause and must be disqualified . . . when they act with an 'unalterably closed mind.'" One of your filings stated that the agency's record "does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs pose public health hazards." Do you have an "unalterably closed mind" on the question of whether mercury and acid gas HAPs pose public health hazards? If not, please explain your current view on this question.

As I stated in my testimony to the committee, all legal positions that I took in my capacity as Attorney General for the State of Oklahoma were in my capacity as an advocate. If confirmed as Administrator, I will consider all

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[3] https://www.epa.gov/enforcement/tyson-foods-inc

[4] http://www.meatpoultry.com/articles/news_home/Business/2016/08/Tyson_investors_call_for_envir.aspx?ID=%7B4E28BCD7-045D-489C-8A41-48A6DDDBE99F%7D&cck=1

matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.

20. Section 301(a) of the Clean Air Act prohibits the Administrator from delegating authority over many regulatory proceedings. To the extent that you are recused from participating in such decisions, who could lawfully make them?

If I am recused from participating in a matter, the Federal Vacancies Reform Act and other federal law provide a mechanism for another EPA official to perform such functions in an acting capacity. Under current policy, the EPA Deputy Administrator would typically serve this function.

21.Each case in which you litigated on behalf of your former client requested that the court compel EPA to take a specific action; for example, one pending suit asks a court to compel EPA to maintain the ozone standard at 75 ppb instead of lowering it to 70 ppb. A court may direct EPA to take specific actions as these cases are resolved, which will require changes to EPA regulations. Moreover, as EPA Administrator, you could simply direct the Agency to amend its regulations to do the very thing your lawsuit asked a court to do in the first place. This also creates an unresolvable conflict of interests.

• Will you recuse yourself, without waiver and for the entirety of your tenure as EPA Administrator, from any agency proceedings that a) directly result from the resolution of or b) are related to the "particular matters" that your Ethics Agreement agrees you should be recused from? If not, why not, and why do you not believe that such agency proceedings would be covered by your recusal under the applicable Standards of Ethical Conduct for Employees of the Executive Branch?

As EPA Administrator I will recuse from participation in litigation in matters in which I represented the State of Oklahoma, unless I receive informed consent from the State of Oklahoma and the permission of relevant federal ethics officials. I understand that this does not extend to regulatory rulemaking of general applicability, which would not create a conflict under applicable rules.

22. Our oceans are essential for life, and much of what happens on land ultimately ends up in our oceans. There are many ways in which our actions on land can both positively and negatively affect marine life and the marine environment. Under the Marine Protection, Research and Sanctuaries Act (MPRSA), the EPA ensures that harmful substances are not dumped into the

marine environment. Additionally, reducing ocean pollution is a global goal in which the U.S. is an active participant.
• In your opinion, what role does the EPA have in protecting our oceans and the marine life within?
• How specifically will the EPA, under your administration, ensure that harmful manmade substances do not end up in our oceans?
• How will the EPA continue to ensure the U.S. is a leader in reducing ocean pollution, and assisting other countries in reducing pollution that makes it into our oceans?

If confirmed, I will carry out the authorities and responsibilities given to EPA by Congress. These include responsibilities under the Marine Protection, Research and Sanctuaries Act.

23.The greenhouse gas effect traps outgoing longwave radiation causing a radiative imbalance of Earth, ultimately leading to the warming of the globe. The fundamental physics of climate change are well settled.
•Are you aware of the theory of radiative balance of the Earth? Can you briefly describe it?
•Do you understand Planck's law and the difference between shortwave vs. longwave radiation, and how that relates to Earth's energy balance?
•Do you agree that disturbances to this equilibrium can warm or cool the Earth?
•Are you aware of the atmospheric circulation and oceanic currents that transport heat from the Equator to the poles?
•Due to the complexity of the climate system, there are lag times between changes in certain conditions, such as the amount of carbon dioxide in the atmosphere, and other observable changes, such as the temperature of the deep ocean. If an action by the United States or world today, could positively or negative benefit the future, say 50 to 100 years down the road, is that an important consideration?
•Are you aware that there is less ice on land in such places as Antarctica and Greenland than in previous years since the Industrial Revolution? What do you believe is causing this decrease in mass of ice on land?
•To where do you believe the water from ice melt on land goes, and do you believe that could cause global sea levels to rise?
•Do you disagree that additional greenhouse gases in Earth's atmosphere, such as carbon dioxide, will cause a smaller magnitude outgoing longwave radiation to escape to space? Please explain.
•Do you disagree that the burning of fossil fuels, such as oil or natural gas, cause carbon dioxide to be released into the atmosphere? Please explain.
•Do you disagree that if fossil fuels were not extracted and burned, less carbon dioxide would be released into the atmosphere? Please explain.
•Therefore, is it possible, if not probable, that humans releasing greenhouse gases into the atmosphere could cause more heat to be trapped by the atmosphere? Please explain.

•Do you understand that the concept address is the previous question is the basis of human-caused climate change? Please explain.
•If not human burning of fossil fuels, how do you explain the observed increase in carbon dioxide in atmosphere?
•What is a safe level of carbon dioxide in the atmosphere? Please provide this number in parts per million. Please explain.
•If states want to individually take measures to curb greenhouse gas emissions will you allow them to do so? If yes, how will you support them? If not, why does the EPA have the authority to stop a state from implementing measures to curb greenhouse gases?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate. I will also adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment consistent with the process and rule of law established by congress. I also believe the Administrator has an important role when it comes to the regulation of carbon dioxide, which I will fulfill consistent with *Massachusetts v. EPA* and the agency's Endangerment Finding on Greenhouse Gases respective of the applicable statutory framework established by Congress. I believe the most effective path towards achieving these objectives is through close partnership with the states granting them regulatory leeway as ascribed by the rule of law.

24. If states want to individually take measures to curb greenhouse gas emissions will you allow them to do so? If yes, how will you support them? If not, why does the EPA have the authority to stop a state from implementing measures to curb greenhouse gases?

Yes, states are free to pursue regulatory measures to address greenhouse gas emissions under state legal authority.

25.A recently released report by *Solar Power Rocks* gave Oklahoma a grade of "F" and found that the "solar industry has been stymied at every turn."
•The length of return for a 5-kilowatt solar array installation is 16 years in Oklahoma, compared to the just 4 years in Massachusetts. Why do you believe that is the case?
•In 2014, the Oklahoma legislature passed legislation putting a surcharge on rooftop solar. Do you support this? Why or why not?

I am not familiar with "lengths of return" or the potential differences in such lengths of return between states, and thus have no opinion as to the cause

of any such differences. I am not familiar with the legislation you reference, and have formulated no opinion with regard to the wisdom of it as a matter of Oklahoma policy.

26. Last week, in his nomination hearing, Rex Tillerson dismissed the importance of America being energy independent. If you are confirmed as EPA Administrator, you will oversee tailpipe standards for cars and SUVs and the renewable fuel standard, two important polices that support energy independence by reducing oil consumption in America. In your view, should achieving energy independence be a priority for America?

As Congress indicated in the Energy Independence and Security Act of 2007, domestic production of renewable fuel contributes to our nation's "greater energy independence and security." Our energy independence will best be achieved by an "all-of-the-above" strategy without the government picking winners and losers. Setting motor vehicle emissions standards is a complex task that requires careful balancing of several competing factors. Setting such standards also requires coordination with NHTSA, which continues to administer the CAFE program. I will consider the relevant factors carefully and will coordinate closely with NHTSA on any motor vehicle emissions standards that will be addressed during my tenure if I am confirmed as Administrator.

27.A cornerstone of science is impartiality and following the facts. This is what has allowed the United States to be a world leader in science.

•Do you commit to allowing EPA scientists to do their jobs and not interfere with their science?
•How will you ensure that scientists, such as those employed by EPA, are allowed to continue their work unimpeded by potential challenges due to their topic of research?
•Do you agree that only scientists and technical experts, not impeded by political influence, should edit scientific work? If not, why?
•In your opinion, what is the role that a public affairs office has in editing any potential publically available statement or information?
•Do you pledge that your all of your work as EPA Administrator will be guided by the best available science?
•Do you commit to maintaining EPA's Scientific Integrity Policy regardless of research area?

If confirmed, it will be a privilege to work with EPA scientists and the thousands of other public servants at EPA. I have no first-hand knowledge of the role of the public affairs office as referenced in the question and, if confirmed, I expect to learn more about the office. Indeed, I fully believe, as former EPA administrators have stated, that sound, objective science must

serve as "the backbone" of EPA actions. I have no first-hand knowledge of the specific scientific integrity policy referenced in the question and, if confirmed, I commit to thoroughly reviewing the policy and to follow applicable laws and federal guidance regarding scientific integrity, information quality, and transparency.

28.It has been reported by *Wired* that President-elect Trump plans to undo President Obama's June 2013 Climate Action Plan, and remove materials from EPA websites. While we understand revising policies from administration to administration, the reports of removing environmental data from EPA websites is troubling. Will you commit to keeping environmental records, data, and records provided as part of previous rulemakings publically available on the EPA's website?
•Will you commit to ensuring that any current publically available dataset remains available and easy to access? If not, please explain.
•Will you ensure that all data interpretation tools available on the EPA website remain publically available and easy to access? If not, please explain.

I have not been briefed on any changes to the EPA website following the transfer of power from the Obama Administration to the Trump Administration. That being said, I commit to reviewing the materials that are included on the EPA site if I am confirmed.

*29.*I have heard that EPA's Fiscal Year 2018 budget request may include a 17% budget cut. . I am troubled by this reported planned cut to EPA budget and urge you to reconsider this drastic move. Will you maintain robust funding for scientific research at EPA, and to ensure that environmental data continues to be collected?

I have no first-hand knowledge of EPA's development of its FY 2018 budget request. If confirmed, I will work to ensure that the limited resources appropriated to EPA by Congress are managed wisely in pursuit of that important mission and in accordance with all applicable legal authorities.

30.Hydraulic fracturing (fracking) now provides more than half of the United States oil output. In 2000, fracking provided less than 2% of America oil. This has dramatically changed the energy landscape of the United States.
•Do you believe that hydraulic fracturing (or fracking) is the cause of the increased frequency and strength of earthquakes in Oklahoma? Please explain.
•As Attorney General have you taken any actions related to earthquakes caused by fracking?
•In May 2016, you testified that the decline in the coal industry was due to the price drop of natural gas and not EPA regulation. Do you stand by this statement? If not, why have your views changed?

•Do you believe that fracking can contaminate drinking water supplies? Please explain.

Scientists from the state level up to the National Research Council have found that the act of hydraulic fracturing itself poses very little risk of creating seismic events. Seismicity concerns related to the oil and natural gas industries are more commonly tied to the underground injection of wastewater which is regulated by the Safe Drinking Water Act. As I stated in my testimony, in Oklahoma the Corporation Commission has jurisdiction over this matter and I have been in contact with that agency that has taken very meaningful steps to address seismic concerns. I believe that there is not one single factor that has precipitated the decline in the coal industry alone. Finally, I agree with EPA's Dr. Thomas Burke who, following the release of EPA's final hydraulic fracturing water study, reiterated that the Agency only found a small number of confirmed cases of contamination. With well over one million wells that have been hydraulically fractured in the United States the evidence found by EPA suggests a very low likelihood of drinking water contamination from hydraulic fracturing or its associated activates.

31.This past December, the EPA released a report entitled, "Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States." The EPA found scientific evidence that fracking activities can affect drinking water supplies.
•Have you read this report?
•What steps will you take as Administrator to reduce the possibility of drinking water contamination due to hydraulic fracturing activities?
•Of those chemicals used in hydraulic fracturing activities, the EPA found that nearly 200 might pose a public health risk. Will you commit to continuing to study these identified chemicals and the potential health risks, as well as identify other potential harmful chemicals used in hydraulic fracturing activities?

I am familiar with the report and if confirmed as EPA Administrator I will faithfully execute my legal duties to administer laws as authorized by Congress including the Safe Drinking Water Act. Understanding and studying risks to local communities is something central to the role as Administrator and I will continue to study potential risk using the Agencies many tools.

32.Do you agree the Clean Air Act health benefits significantly outweigh costs? For example, a peer-reviewed study found that in 2010 alone the Clean Air Act Amendments of 1990, which reduced fine particulate pollution and ozone, avoided more than 160,000 premature deaths, 130,000 heart attacks, prevented 13 million missed workdays, and avoided 3.2 million missed school days by children.

Based on the limited information provided, it is unclear as to the specific study referenced. However, as I indicated in my testimony, I am incredibly proud of the progress the U.S. has made to provide public health protections and improve our environmental stewardship while also growing our economy. If confirmed, I commit to continue this progress and protect the American people through commonsense and lawful regulations.

33.According to the Consumer Reports National Research Center survey completed in June 2016, 84 percent of Americans feel that automakers should continue to improve fuel economy for all vehicle types. About three-quarters of survey respondents specifically indicated that the U.S. government should require vehicle manufacturers to improve the fuel economy of their vehicles over time. As you may know, when the government stopped increasing fuel economy standards for two decades in the mid-1980s, vehicle fuel economy stopped improving. Now that we are once again making progress, what will you do to make sure that vehicle fuel economy continues to improve as Americans expect?

While the EPA regulates emissions under the Clean Air Act, it is true that Congress vested authority to regulate fuel economy through the Corporate Average Fuel Economy (CAFE) standards" framework set forth originally in the Energy Policy and Conservation Act. Congress vested responsibility for the CAFE program in the Department of Transportation, not the EPA; accordingly, I take no position on Congress's policy decision on this subject, or on the Department of Transportation's administration of the CAFE program. If confirmed as EPA Administration, I would administer the Clean Air Act in accordance with the terms of the Act, including Congress's statutory policy objectives, and would do so on the basis of the factual record in any given proceeding.

34.After conducting its Midterm Evaluation of fuel economy standards for model years 2022 through 2025, the EPA determined that automakers were well-positioned to meet the standards at lower costs than previously estimated. In fact, the EPA chose to retain the current standards to provide regulatory certainty for the auto industry despite a technical record suggesting that standards could be made more stringent.

Among the technologies that the EPA considered in reaching its determination that fuel economy standards could be readily achieved were so-called “off-cycle technologies.” Off-cycle technologies are innovations such as more efficient air conditioning through enhanced window glass that reduces solar load, stop-start systems, solar panels, active aerodynamics, and adaptive cruise control. By reducing the energy demands placed on the engine, these technologies serve to improve fuel economy and reduce tailpipe emissions of carbon pollution. Vehicle manufacturers may claim “off-cycle credits” for these carbon pollution-reducing technologies which may have benefits not adequately captured as part the

standard fuel economy testing procedures.

Americans in Massachusetts, Ohio, Tennessee, North Carolina, Michigan, Indiana and across the country have good-paying jobs that depend on vehicle manufacturers continuing to demand these innovative technologies.

In your hearing, you explained how important it is for the EPA to consider jobs and economic impacts as part of its analysis and decision-making. If confirmed, would you support the “off-cycle credit” mechanism included that the EPA included in its fuel economy standards—a mechanism that drives American innovation and job growth? If not, please explain your position.

If confirmed, my job as Administrator would be to administer the statutes that Congress has enacted, including the statutory objectives that Congress incorporates into those statutes. If Congress chooses to enact legislation to promote certain technologies, such as "off-cycle" vehicle technologies, then those statutory priorities would fall within the EPA Administrator's responsibility. If confirmed, I would look forward to working with Congress on any such statutory proposals that it legislates.

35.Is the carbon dioxide that comes out of car tailpipes physically or chemically different from the carbon dioxide that comes out of power plant smokestacks? If so, how?

As a matter of law, Congress elected to enact different statutory frameworks for regulating emissions from stationary sources and mobile sources: Title I of the Clean Air Act for the former, Title II for the latter. As the Supreme Court recognized in Utility Air Regulatory Group v. EPA (2013), these two frameworks have significant differences.

36.Would the impact on the climate system of carbon dioxide from power plants be any different from that of carbon dioxide from tailpipe emissions? If so, in what way?

As noted above, Congress elected to enact different statutory frameworks for regulating emissions from stationary sources and mobile sources: Title I of the Clean Air Act for the former, Title II for the latter. As the Supreme Court recognized in Utility Air Regulatory Group v. EPA (2013), these two frameworks have significant differences.

37.Do you agree that the power sector and the transportation sectors each contribute at least a quarter of U.S. carbon dioxide emissions?

According to the EPA (https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions), in 2014 electricity generation accounted for 30% of total greenhouse gas emissions (quantified in terms of metric tons of CO2 equivalent), and transportation accounted for 26%.

38.Congress established protections for the air in national parks and wilderness areas in the Clean Air Act amendments of 1977. The quality of the air in New England parks like Cape Cod national seashore and Acadia national park suffers from pollution blown in from elsewhere. Last summer you joined other Attorneys General in comments objecting to the EPA's amendments to the Regional Haze Rule. Given your previous objection, if confirmed as EPA administrator, what will you do to fulfill the 40-year directive from Congress to protect and restore the air quality of national parks like Cape Cod and Acadia even if it requires states from outside the region to reduce their air pollution?

As I stated in my testimony before the Committee, I agree that the Clean Air Act gives EPA an important role in addressing interstate pollution issues, among many other things. All legal positions that I took in my capacity as Attorney General for the State of Oklahoma were in my capacity as an advocate. If confirmed, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.

39.The 1977 Clean Air Act amendments also provide a role for federal land managers in protecting the air quality of national parks and wilderness areas. If confirmed as EPA Administrator, how will you make sure that EPA honors the obligations federal land managers have under the Clean Air Act and that their expertise is incorporated into the policies necessary to achieve the goal of natural air quality?

I am confirmed, I will exercise my authority consistent with Congress's intent in enacting the Act. This includes acting transparently in a manner that takes into account the views of the federal land managers where the Act calls for their views, such as in assessing visibility impacts from new major sources in the preconstruction permitting process.

40.When Congress passed the original Renewable Fuels Standard (RFS) in 2005, "inadequate domestic supply" and "severe harm" to the economy were the only conditions under which the general waiver authority allowing the EPA to waive the RFS could be invoked. Despite this clear direction from Congress, in its 2014-2015-2016 final Renewable Volume Obligation (RVO), EPA used "available refueling infrastructure" as a condition to waive the standard even though Congress expressly rejected it. Do you believe that EPA's use of this reason for

granting a waiver in the 2014-2015-2016 RVO is consistent with Congressional intent and the law?

As I stated at my hearing, I believe the EPA Administrator should use its waiver authority judiciously and not to undermine or question the commitments made by Congress when enacting the RFS.

41.The Renewable Fuels Standard (RFS) is one of our country's most important tools to reduce carbon pollution from the transportation sector. The 2007 amendments to the RFS included increasing volumes of cellulosic and advanced biofuels. If confirmed, will you increase the blending targets for cellulosic and advanced biofuels, including biodiesel, given Congressional intent? What role can EPA play to facilitate the expansion of cellulosic and advanced biofuels, including biodiesel?

Section 211(0) of the Clean Air Act contains enumerated tables of applicable target volumes of renewable fuel, specifically cellulosic and advanced, for calendar years 2006 through 2022. As I indicated in my nomination hearing, it is not the job of the Administrator of the EPA to do anything other than administer the program according to the intent of Congress. If confirmed, I will work to administer this program in accordance with statute and Congressional intent.

42.In response to an Inspector General report, the EPA announced in August that it would update the estimates of carbon pollution reduction from renewable fuels. If confirmed as Administrator, will you commit to completing this update and using the best available commercial and scientific information, including a recent USDA report on the emissions profile of renewable fuels?

I have not had an opportunity to review the referenced report, but, if confirmed, I will review it.

43.In a response to a Renewable Fuels Standard question, you stated during the hearing that "we have less consumption today." Please provide the annual U.S. consumption of gasoline since 2005 as well as forecasts for 2017 and 2018. Is U.S. consumption of gasoline declining or increasing?

In the course of my nomination hearing, I referenced market conditions that have changed since 2005, when the initial RFS program was enacted. When the program was updated in 2007, Congress could not predict how the

market conditions would further change, from decreased consumption to more fuel-efficient vehicles, and therefore provided the Administrator with the ability to waive certain provisions contained in the Act. As I stated at my hearing, I do not believe the EPA Administrator should use this waiver authority to undermine the commitments made by Congress when enacting the RFS.

44.EPA set out to reduce mercury, arsenic, and other toxic chemicals from coal and oil-fired power plans through a rule that you sued to block. Power plants account for half of the mercury emissions in the United States and EPA's Mercury and Air Toxins Standards rule could save up to 11,000 lives and save $90 billion on health costs each and every year across the United States.

•The World Health Organization states that mercury has a toxic effect on humans, and in particular poses a significant threat to child development. Do you agree that mercury is a toxic substance and exposure to it should be limited? Please explain.

•Most people are exposed to mercury from eating fish and shellfish. Do you agree that we should take appropriate steps that reduce the amount of mercury in fish and shellfish? Please explain.

As I stated in my testimony before the Committee, mercury is appropriately regulated as a hazardous air pollutant under Section 112 of the Clean Air Act. If I am confirmed as Administrator, I will regulate under Section 112 in a manner that is consistent with Congress's intent in enacting that provision. I will also faithfully administer other federal statutes that regulate mercury to the extent that they are under my jurisdiction, including the Mercury Export Ban Act of 2008, the Mercury-Containing and Rechargeable Battery Management Act of 1996, the Clean Water Act, the Emergency Planning and Community Right-to-Know Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act.

45.Donald Trump recently bemoaned "you're not allowed to use hair spray anymore because it affects the ozone." Hairspray is still available for sale, just without the chemical responsible for the ozone hole.

The ozone hole was first discovered in the mid-1980s. The world quickly came together to address the ozone hole through the Montreal Protocol. Actions were taken prior to confirmation of the hypothesis that chlorofluorocarbons (CFCs) due to human emissions, that chemical Donald Trump alluded to in his statement, to address the ozone hole. The treaties to address the ozone hole were the first universally ratified treaties in the history of the United Nations.
•Do you agree with the overwhelming scientific evidence that CFCs are the cause of the historic depletion of the ozone layer? If not, why not?

•Do you consider the "Montreal Protocol on Substances that Deplete the Ozone Layer" to be a success? If not, why not?
•Considering the success of the world coming together to solve an environmental problem in that instance, do you believe that such a framework could be used as an example to solve other global environmental problems? If not, why not?

I consider the Montreal Protocol to be a successful example of the world coming together to solve an important environmental problem and that the Montreal Protocol could serve as an example to the President as he exercises his foreign affairs powers and to the Senate as it considers ratification of any treaty that may come before it.

46.Mr. Pruitt, you have repeatedly sued EPA to overturn regulations that seek to protect Americans from the effects of soot, ozone, greenhouse gases, mercury, arsenic and other air pollutants. These toxic air pollutants are often blown east from large industrial and energy sources in the Midwest, particularly impacting air quality and public health from Maine and Massachusetts to the Smoky Mountains.

•EPA's Clean Air Scientific Advisory Committee, which provides independent scientific advice to EPA on its air pollution standards, said that ozone causes a "decrease in lung function, increase in respiratory symptoms, and increase in airway inflammation." Do you agree with this scientific conclusion? Please explain.

•EPA projected that its final Cross State Air Pollution Rule would avoid up to 34,000 premature deaths, 15,000 non-fatal heart attacks and 400,000 asthma attacks – every year. Do you agree with this conclusion? Please explain.

•The EPA concluded that the health effects associated with fine soot particles include premature death, more ER visits and increased frequency of chronic respiratory disease. Do you agree with this conclusion? Please explain.

As I stated in my testimony to the committee, all legal positions that I took in my capacity as Attorney General for the State of Oklahoma were in my capacity as an advocate. If confirmed as Administrator, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.

47.Lead is not just a problem in Flint, Michigan, but all over the United States including Oklahoma. In your capacity as Attorney General of Oklahoma, what did you and your office do to prevent childhood lead exposure?

While I am concerned about children's health, matters of the sort you reference would be handled by Oklahoma's environmental regulators at the

Department of Environmental Quality and the Oklahoma Water Resources Board.

48.During your confirmation hearing before the Environment and Public Works Committee, in response to a question, you indicated that you did not know if there is a safe level of lead. Scientific experts at the Centers for Disease Control and Prevention (CDC) and the World Health Organization, among other leading scientific bodies have repeatedly warned of the dangers of lead, specifically to children, concluding that there is no level of lead exposure that is safe.

•Do you agree that exposure to lead is dangerous and that no level of exposure should be considered safe?

•If confirmed, will you commit to making reducing childhood lead exposure a priority?
•What specific strategies will you implement to reduce lead exposure?
•Will you advocate for more funding for the programs that reduce lead exposure risk, especially in children?

I have not myself reviewed the scientific studies correlating blood lead levels to impacts in children. However, it is my understanding that neither EPA nor CDC have identified a "safe" level of exposure, but instead have adopted levels appropriate for action under their specific statutory authorities. If confirmed I will carry out EPA's authorities to reduce exposure to lead, including exposures by children.

49.The EPA is tasked with implemented the Safe Drinking Water Act (SDWA), and ensuring that the drinking water supply for many Americans is safe. Given the Flint, Michigan drinking water crisis, many Americans that took clean water for granted are now being faced with questions about a basic necessity.
•The Water Infrastructure Improvement for the Nation (WIIN) Act of 2016, or WIIN Act, passed Congress was signed by the President, and became public law on December 12, 2016. Will you commit to, as expedient as practicable, implementing the changes to the Safe Drinking Water Act?
•The human-caused drinking water crisis in Flint, Michigan has highlighted the widespread concern of lead in drinking water pipes across the nation. Additionally, nearly 4 million Americans may be unknowingly drinking unsafe water. Are you aware of how many public water systems in the United States have issues with lead in drinking water above safe levels?
•If a public official knowingly exposes their community to dangerous levels of contaminants, such as lead, should that official be held accountable for such actions? What do you think are acceptable punishments for such an action?
•If confirmed as EPA Administrator, what will you do to ensure that communicates across America have safe drinking water that is not contaminated with lead?

If confirmed I will fully implement the changes to the Safe Drinking Water regulatory requirements made by the WIIN Act, including the changes to the notification requirements relating to lead levels in drinking water. If funding is provided, I will also implement the assistance programs authorized in that Act. I also will fully implement the existing authorities under the SDWA, including, as appropriate, EPA's authority to take emergency action. If confirmed I will seek a briefing from EPA staff on the number of public water systems that are not in compliance with the SDWA Lead and Copper Rule. I am unaware of EPA authorities to punish individuals other than to seek the resignation of responsible EPA officials, such as the resignation of the former Regional Administrator of EPA Region 5 who resigned after her failure to act upon information regarding the lead levels in the Flint water system became public.

50.The updated Toxic Substances Control Act (TSCA) requires that EPA evaluate the risks to "potentially exposed or susceptible subpopulations" and take action to protect these subpopulations from all identified risks. Do you commit to follow this statutory requirement?

Yes.

51.As Oklahoma Attorney General, you have consistently advocated for the rights of states in the area of environmental protections. Will you apply the preemption provisions in TSCA in a manner that is consistent with the statute and your pre-stated philosophy when it comes to state leadership on environmental protection matters?

As I stated in my letter to Senators Inhofe and Boxer from April 9, 2016, I believe the Lautenberg Act ensures states have an important voice at the table and I will apply the law as enacted by Congress.

52.The new law greatly increases transparency and provides EPA with an obligation to protect against unjustified claims of confidentiality by industry. Do you commit to uphold the bill's statutory requirements in this area?

As I stated in my letter to Senators Inhofe and Boxer from April 9, 2016, I believe public dissemination of information about chemicals is critical to ensure public health and safety is upheld. In my view the Lautenberg Act struck a common sense balance between protecting confidential business information and informing the public and I intend to apply the law as enacted by Congress.

53.Do you agree that transparency is important to meaningful public participation in EPA's work on chemicals under TSCA? Do you commit to increasing transparency by fully implementing the provisions in the new law to prevent unjustified claims of confidentiality by industry?

As I have previously stated I believe the Lautenberg Act struck an appropriate balance between protecting confidential business information and informing the public and I intend to apply the law as enacted by Congress.

54.One of the reasons Congress was able to agree on a major re-write of TSCA was because of the fundamental agreement we made to clarify the law to ensure that costs could not be considered when EPA decided whether a chemical was safe or what level of a chemical was safe. Costs could only be a factor when deciding what type of regulation to require to meet that safe standard. Do you continue to support this approach? Would you oppose any effort to change this reformed approach to regulation?

If confirmed I intend to faithfully execute all provisions of the Lautenberg Act as enacted by Congress.

55.Nearly three decades ago, President George H. W. Bush attempted unsuccessfully to ban asbestos. Asbestos is banned in 55 countries across the globe and the World Health Organization says, quote, "all forms of asbestos are carcinogenic to humans". More than 30 Americans die each day from diseases like asbestosis and cancer caused by asbestos. Yet, in his 1997 book, *The Art of the Comeback*, President-elect Trump stated, that asbestos is, quote, "100 percent safe, once applied" and that he, quote, "believe[s] that the movement against asbestos was led by the mob." Do you agree with Mr. Trump that asbestos is 100 percent safe once applied or that the movement against asbestos was led by the mob?

Asbestos has been identified by the EPA as a high-priority chemical that requires a risk evaluation following the process established by the Lautenberg Act to determine whether conditions of use of the chemical substance pose an unreasonable risk. Prejudging the outcome of that risk evaluation process would not be appropriate.

56.In 2015, I released a reported entitled, "Failing the Grade: Asbestos in America's Schools."[5] Asbestos is still found in schools across America, and the true scope of the problem is still hard to ascertain. More than 53 million American children and six million American adults spend large portions of their days in school buildings that may contain dangerous environmental hazards. My report laid out recommendations on how to address the findings of the report.

•Millions of students attend schools that may have asbestos and this is clearly a widespread problem. How would the EPA under your direction, if confirmed, begin to assess the true scope of the problem?

•Will you commit to raising awareness among students, parents, teachers, and other employees about persistent asbestos hazards in school buildings? If not, why not?

•Do you support periodic reporting requirements for schools to report their progress related to the management and abatement of asbestos? If not, why not?

•Do you support additional funding for enforcement actions for schools that do not follow the law and may be exposing children to asbestos? If not, why not?

•Do you support public access to information about where asbestos can be found in products, school buildings, and elsewhere to empower the public to avoid preventable asbestos exposures? If not, why not?

•Do you support providing consumers with access to current information about asbestos-containing products? If not, why not?

•Do you support schools that are known to have asbestos updating their reports of where asbestos is located within a school? If not, why not?

•Do you support states communicating information to the EPA on their progress with implementation of asbestos response plans? If not, why not?

•Do you support continued research and outreach to improve public awareness of the danger of asbestos exposure? If not, why not?

If confirmed I will take the responsibility of protecting human health and the environment very seriously and in accordance with the legal authorities established by Congress. EPA has identified asbestos as a high-priority chemical and is now required to set the scope of review as well as conduct a risk evaluation of the conditions of use of the substance. Without prejudging that review process any conditions of use of asbestos or any other chemical substance that pose an unreasonable risk are required to be addressed under the law and appropriate communication of chemical reviews as well as transparency in the process is an important aspect of the law as passed by Congress. In addition to the Lautenberg Act, in 1986, Congress enacted the Asbestos Hazard Emergency Response Act (AHERA) and then later amended the act in 1990 to modify EPA's school asbestos remediation program. While I have not assessed the appropriateness of periodic reporting requirements, if confirmed I intend to use the authorities granted to the Agency by Congress under TSCA and other statutes to

[5] http://www.markey.senate.gov/imo/media/doc/2015-12-Markey-Asbestos-Report-Final.pdf

assess potential dangers as well as inform and protect the public as appropriate.

57.Last year entitled, "The ABCs of PCBs: A Toxic Threat to America's Schools."[6] Although Congress and the EPA banned the production and most uses of PCBs in 1979, the toxic chemical is still found in many schools across this country. In addition, my report laid out six recommendations.

•Since up 30% of students may be exposed to PCBs, this is a widespread problem. How would the EPA under your direction, if confirmed, begin to assess the true scope of the problem?

•PCBs are found within caulk and fluorescent light ballast in American schools. How would you encourage the removal of PCB-containing materials? Since these ballast are nearing the end of their useful life, EPA has said that it "recommends all PCB-containing FLBs be removed from lighting fixtures". Would you support the promulgation of a regulation under section 6(e) of TSCA that updates EPA's current regulations for PCBs and includes a requirement that all PCB-containing ballast be removed from schools and daycare facilities? If not, why not?

•There are multiple local education agencies and schools that have been seeking the advice and assistance of the EPA in dealing with PCB issues. Will you commit to assisting these agencies and schools and ensuring that the guidance EPA provides across all Regions of EPA is consistently and proactively provided? If not, why not?

•Do you support a requirement that each each school that was built or retrofitted between 1950 and 1979 (and therefor may contain PCBs) undergo a survey (to be administered by the local educational agency) in order to determine whether and where PCBs may be located within a school? If not, why not?

•Do you support a requirement for recordkeeping by state and local educational agencies of testing for, response to, and remediation of PCB hazards in schools? If not, why not?

•Do you support the EPA updating its testing guidance to encourage inspections of all schools built or retrofitted between 1950 and 1979, and improve its efforts to proactively and consistently communicate testing guidance to states, local education agencies, and schools with potential PCB hazards? If not, why not?

•Do you support the EPA developing guidance regarding the means by which parents, teachers, and employees should be notified of potential PCB hazards by schools and daycare facilities, including the manner in which such hazards should be described? If not, why not?

•Do you support the development and provision of updated guidance on the proper remediation of PCBs by EPA for schools, daycare facilities and other entities to use? If not, why not?

•Do you support the EPA proactively and regularly sharing best practices and other information outreach to states and school districts, and enforcement

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[6] https://www.markey.senate.gov/imo/media/doc/2016-10-05-Markey-PCB-Report-ABCsofPCBs.pdf

activities, related to PCB hazards in schools and daycare facilities across all EPA regions? If not, why not?
•Do you support EPA regional offices increasing their outreach to states and local education agencies to make them aware of available EPA's PCB regulations, guidance and resources? If not, why not?
•Do you support the EPA updating its current guidance on PCB hazards in schools to incorporate lessons learned from previous remediation projects and best available science? If not, why not?
•Do you support schools having detailed plans on how a school specifically plans to ensure the proper removal of PCBs before starting a PCB remediation project? Please explain.
•Do you support the authorization and appropriations of money for the testing for, response to, and remediation of PCB hazards and other environment hazards in schools? Please explain.

Addressing the issues of possible harmful exposures to chemicals in schools is an issue I would take very seriously if confirmed as EPA Administrator. While protecting children from exposure to chemical substances of concern it is important to have all the facts and ensure that an action does not create unintended consequences or put children at potentially greater peril via risk shifting or the possibility of remedial actions resulting in greater exposure to a substance. While I would not prejudge a regulatory outcome under the TSCA or any other law, I will work collaboratively with state and local governments and citizens to address issues and ensuring EPA regions are consistent and performing their legally required duties will be a priority if confirmed.

58.The Environmental Working Group reported that Oklahoma led the nation in pesticide-related illness and deaths between 2000 and 2010 based on data from the Center for Disease Control and Prevention.[7]
•Are you aware that your state, Oklahoma, leads the United States in pesticide-related illness and deaths? Why do you think this is the case?
•Recent reports have suggested that the increased use of pesticides is linked to the rapid decline in the bee population. What is your understanding of the science explaining the cause of the decline in bees in the United States?

I am not personally familiar with the report referenced in this question or generally the rate of pesticide usage in Oklahoma. I am generally aware of the important role bees play as pollinators, but it is unclear from the information provided in the question what specific reports are being discussed. If confirmed as Administrator, I would expect to be briefed by EPA staff before taking action on this issue and would work to ensure EPA

[7] http://www.ewg.org/agmag/2016/12/pruitt-s-home-state-leads-nation-pesticide-illnesses-and-deaths

followed all applicable legal requirements and made its decisions based on sound science.

59.Racial minorities and low-income communities are disproportionately affected by environmental pollution, siting of waste disposal facilities, and other industrial pollution causing activities. In many instances, the combination of poverty and race as well as lax enforcement and oversight of industrial activities results in worsened health outcomes by these communities.
•How will you address environmental justice and equity for minority and poor communities through EPA programs?
•What will you do to improve health equity as administrator of the EPA?
•What are your plans on reducing toxic pollution and disproportional burden of pollutants in communities of color?
•What will you do to increase enforcement and oversight in communities that are bearing the burden of environmental hazards?

•In your confirmation hearing, you committed to making environmental justice a top priority. If confirmed, will you commit to dedicating funding to assist minority and poor communities with resources and technical assistance to better engage with the EPA and industry about pollution activities and concerns occurring in their communities?

•What will you do to improve the EPA's office of Civil Rights to ensure that the EPA is in compliance with the Civil Rights Act of 1964?
•Will you uphold and make a top priority throughout the agency's work, Executive order 12898, which requires federal agencies to make "achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."
•Do you vow to ensure that environmental justice activities throughout the agency remains focused on poor and minority communities?
•EPA recently developed the agency's EJ2020 action Agenda to better deliver on its historical promises of reducing disparities in environmental protection. Will you utilize and uphold this guidance and procedures outlined in this document throughout the work of the agency? Please explain.

As I testified, the Administrator plays an important role regarding environmental justice. If confirmed, I would work to faithfully execute the laws EPA is responsible for administering, in order to protect human health and the environment for all Americans. If confirmed, I would expect EPA to operate in an open and transparent manner, consider the views of stakeholders as appropriate, act based on sound science, and follow the laws as established by Congress, including the Civil Rights Act. I am personally unfamiliar with the operations of EPA's Office of Civil Rights and details of current indicatives regarding environmental justice referenced in the question, but I would expect, if confirmed, I would be briefed by staff about ongoing programs and activities before taking any action.

60.If you are confirmed, do you commit not to direct the cessation of or otherwise impede the investigations or actions of the EPA Office of Enforcement and Compliance Assurance? If not, why not?

I am unfamiliar with the specific details of the actions referenced in the question. I would expect to be briefed by staff, in consultation with the Department of Justice as appropriate, before taking any action.

61.For each year since 1995, please provide information regarding the State of Oklahoma's environmental enforcement efforts. Specifically, for each year, please provide a list that includes:

•A brief description of each environmental enforcement action (including investigations and enforcement proceedings) initiated by the AG's office, including the date the action was initiated, the name of the subject of the action, and the nature of the action and environmental violation that led thereto.

•The annual budget of the Office of Environmental Enforcement, both in dollar terms and as a percentage of the AG's annual budget.

•The number of employees in the Office of Environmental Enforcement and in the AG's office writ large.

•A description of each environment enforcement action (including investigations and enforcement proceedings) that was closed, including a description of the resolution of the matter, whether a fine or penalty was levied (and if so the amount of such fine or penalty), whether non-monetary remedies were required (and if so, what), and whether a criminal prosecution was initiated in the matter (and if so what the resolution of the prosecution was).

In order for you to receive a comprehensive response to a voluminous request of that nature, I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.

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Senator Merkley:

1. In an interview with The Oklahoman in 2015, you were talking about Oklahoma's environmental lawsuit against poultry producers who were polluting the Illinois River basin, and you said that in your view, regulation through litigation is the wrong approach. However, you have been highly active in bringing lawsuits against the EPA, whose regulations typically incorporate information gathered as a result of the kind of extensive stakeholder outreach that you seem to value. What have your experiences in suing the EPA taught you about how to lead the agency?

My experiences suing the EPA have taught me the value of ensuring that the EPA acts lawfully so that the regulations it promulgates are actually put to work protecting the environment, rather than being invalidated by courts.

2. The legal actions that you have brought against the EPA suggest that you feel the agency does not have the expertise or skill to make adequate assessments about how to maintain environmental standards. How do you propose to improve the EPA's capabilities so that the agency can achieve its goals in the proper manner?

The legal challenges I have brought have been to protect the interests of Oklahoma. If confirmed, I expect to learn more about EPA's workforce needs and ensure that the Agency is working towards achieving its goals in a proper manner.

3. You have said that the "American people are tired of seeing billions of dollars drained from our economy due to unnecessary EPA regulations". In a poll taken in December 2016 of 2,000 supporters of President-elect Trump, 64% of Trump voters support maintaining or increasing the federal budget for environmental protection and conservation. 78% of the Trump voters said they supported air pollution regulations generally, and 61% said companies should be required to reduce their carbon emissions. These are the people who supported Donald Trump, the man who nominated you for this position. Do you share the view of the majority of Trump voters and support maintaining or increasing the federal budget for environmental protection and conservation? Do you share the view of the majority of the President-elect's supporters that companies should be required to reduce their carbon emissions?

If confirmed as Administrator, I look forward to working with President Trump to achieve his environmental priorities using the tools authorized by Congress and respectful of the rule of law.

4. Several states, including Oregon, Washington, and California, have taken steps to regulate and reduce greenhouse gas emissions. Would you, as the leader of the EPA, attempt to undermine state-led attempts to combat climate change?

I respect and believe the states have a very important role in setting and implementing environmental standards that reflect the needs, challenges and expectations of their local communities. Congress established a clear process by which states may set more stringent standards subject to the approval of the Administrator and based on the specific request made and the corresponding record submitted. If confirmed and if I receive any such requests, I will consider them consistent with applicable statutory framework established by Congress.

5. The EPA produces a wide range of scientific documents. Are you committed to allowing EPA scientists the right of last review of all reports, executive summaries, press releases and websites related to purely science-based documents?

If confirmed, it will be my privilege to work with EPA scientists and the thousands of other dedicated public servants at EPA who have chosen to devote their careers to improving public health and our environment. Scientific documents are critical to EPA's decision-making and I commit, if confirmed, to ensure EPA scientific documents follow applicable laws and federal guidance on scientific integrity, information quality, and transparency.

6. Are you committed to transparency at EPA? If so, will you commit to making sure that EPA data is proactive made available to the public, consistent with privacy and confidential business information laws? Will you ensure that all data and data interpretation tools that are currently on EPA websites continue to be publicly available, and, if they become out of date, are archived in an accessible manner?

Yes, I am committed to transparency at EPA. I commit to making sure that EPA data is made available to the public consistent with privacy and confidentiality laws, and I will ensure that all EPA tools currently available to the public will remain accessible to the public and will be archived appropriately.

7. How would you incorporate independent science in your decision making?

If confirmed, it will be my privilege to work with EPA scientists and the thousands of other dedicated public servants at EPA who have chosen to devote their careers to improving public health and our environment. I believe EPA decision-making should be based on sound, independent science, and if confirmed, my decision-making will follow applicable laws and federal guidance on scientific integrity, information quality, and transparency.

8. Are you familiar with the scientific integrity policies of the EPA? Can you commit to adhering to EPA's scientific integrity policies?

If confirmed, I expect to learn more about EPA's scientific integrity policies and I commit to follow applicable laws regarding scientific integrity.

9. How will you work with the White House Office of Science and Technology Policy to ensure that the work of scientists at the EPA, and scientists that provide input to the EPA, is free from political and financial influence?

If confirmed, it will be my privilege to work with EPA scientists and the thousands of other dedicated public servants at EPA who have chosen to devote their careers to improving public health and our environment. I have no first-hand knowledge of the EPA's consultation with the White House Office of Science and Technology Policy and, if confirmed, I would expect to learn more about EPA's work with the office. Indeed, EPA actions must be based on sound, objective science. I commit, if confirmed, to follow applicable laws and federal guidance on scientific integrity, information quality, and transparency.

10. Pacific coast shellfish aquaculture is estimated to be a $278 million industry, but over the last decade, oyster growers have struggled to maintain yields because the water in the hatcheries is becoming too acidic for oysters to survive. The oceans are becoming more acidic because they are absorbing more and more CO2 from the atmosphere. The impact of this acidification on oyster farming has been documented in the scientific literature. On numerous occasions, you've expressed skepticism about climate change, but there is no doubt in the minds of these shellfish growers about the reality that increased CO2 levels are threatening their livelihoods. As EPA Administrator, how would you address this issue?

If confirmed, I will implement the laws that EPA is charged to administer. Under section 304 of the CWA EPA establishes water quality criteria to protect aquatic life, including shellfish. Certain EPA programs also include authorities that can support projects that may benefit the shellfish industry, including the National Estuary Program under section 320 of the CWA, the Long Island Sound programs under section 119 of the CWA, and the Chesapeake Bay program under section 117 of the CWA. Finally, section 319 of the CWA can support programs and projects to reduce runoff that may impact oyster beds..

11. There are many groups within the Christian community -- and groups from other faiths -- in the United States who agree with the overwhelming scientific consensus that climate change is a danger to our country, and who strongly support taking action to mitigate the causes and impacts of climate change. For example, the Southern Baptist Convention made a statement in 2007 saying that Christians are responsible for caring for creation, and emphasized the importance of acting to prevent climate change. The President of the Southern Baptist Theological Seminary, has also issued a statement echoing these views. As EPA Administrator, would you share the view that, in the interest of caring for creation, that action should be taken to prevent climate change?

I believe we can grow our economy, harvest the resources God has blessed us with, while also being good stewards of the air, land, and water by which we have been favored. If confirmed, I will work to advance the mission of EPA to protect human health and the environment within the framework established by Congress.

12. The EPA is required to follow the best available science in its rule-making process. Given that every major scientific institution in the United States agrees with the position that the warming trend over the past century is due to human activity, do you have any reason to disagree with the position of every major scientific institution in the United States? Please explain.

I agree EPA's rulemaking process must be based on the best available science. However, I have no first-hand knowledge of the specific institutions or findings referenced in the question. If confirmed, I commit EPA's rulemaking process will be based on the best available science and will follow applicable laws and federal guidance on scientific integrity, information, and transparency.

13. 97% of publishing climate scientists support the idea the climate change is real and man-made. You are an attorney, but have questioned the reality of climate change. Do you currently agree that climate change is real and man-made? If not do you believe the 97% of climate scientists that do hold that view are wrong, or lying?

The ability to measure with precision the degree and extent of human activity on our changing climate, and what to do about it, are subject to continuing debate and dialogue. If confirmed, I will make sure the agency's regulatory actions are based on the most up to date and objective scientific data.

14. What scientific organizations do you personally trust when it comes to the science of climate change? Please explain why you trust any organization(s) you list.

If confirmed as EPA Administrator, I will adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment and will base my decisions on sound science, including advice provided by agency experts and advisory personnel.

15. Below is a list of statements from the Intergovernmental Panel on Climate Change's Fifth Assessment Report. For each statement, please indicate your agreement or disagreement and explain your reasoning: • "Warming of the climate system is unequivocal."
• "The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased."
• "The atmospheric concentrations of carbon dioxide, methane, and nitrous oxide have increased to levels unprecedented in at least the last 800,000 years."
• "Carbon dioxide concentrations have increased by 40% since pre-industrial times, primarily from fossil fuel emissions and secondarily from net land use change emissions."
• "The ocean has absorbed about 30% of the emitted anthropogenic carbon dioxide, causing ocean acidification."
• "The largest contribution to total radiative forcing is caused by the increase in the atmospheric concentration of CO2 since 1750."
• "It is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century."
• "Continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system."
• "It is very likely that the Arctic sea ice cover will continue to shrink and thin and that Northern Hemisphere spring snow cover will decrease during the 21st century

as global mean surface temperature rises. Global glacier volume will further decrease."
• "Global mean sea level will continue to rise during the 21st century.... [T]he rate of sea level rise will very likely exceed that observed during 1971 to 2010 due to increased ocean warming and increased loss of mass from glaciers and ice sheets."
• "Limiting climate change will require substantial and sustained reductions of greenhouse gas emissions."

There is a diverse range of views regarding the key drivers of our changing climate among scientists. I believe that these differences should be the subject of robust and open debate free from intimidation. If confirmed, I will continue to encourage an honest debate on our changing climate, the role of human activity, our ability to measure the degree and extent of human activity, and what to do about it. If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data. I will also adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment consistent with the process and rule of law established by congress.

16. Are you aware that each of the past three decades has been warmer than the one before, and warmer than all the previous decades since record keeping began in the 1880s? This trend is based on actual temperature measurements. Do you believe that there is uncertainty in this warming trend that has been directly measured? If so, please explain.

I am aware of a diverse range of conclusions regarding global temperatures, including that over the past two decades satellite data indicates there has been a leveling off of warming, which some scientists refer to as the "hiatus." I am also aware that the discrepancy between land-based temperature stations and satellite temperature stations can be attributed to expansive urbanization within in our country where artificial substances such as asphalt can interfere with the accuracy of land-based temperature stations and that the agencies charged with keeping the data do not accurately account for this type of interference. I am also aware that 'warmest year ever' claims from NASA and NOAA are based on minimal temperature differences that fall within the margin of error. Finally, I am aware that temperatures have been changing for millions of years that predate the relatively short modern record keeping efforts that began in 1880.

17. Is there a scientific basis, based on the best available science and the weight of scientific evidence, for revoking or revising the finding that greenhouse gases endanger public health and welfare?

To my knowledge, there is nothing currently pending before the EPA that would require I take any additional actions on the Endangerment Finding on Greenhouse Gases and if there were, it would not be wise to prejudge the outcome.

18. Last year, Oklahoma's Department of Environmental Quality added eight lakes to what is now a list of 40 lakes where people should limit their fish consumption due to the dangerous levels of mercury. Do you believe that coal fired power plants contributed to the mercury contamination in those 8 lakes? Do you believe coal fired power plants contribute to mercury contamination in the environment?

I agree with the Oklahoma Department of Environmental Quality's determinations regarding fish advisories. As discussed elsewhere in my written responses to the Committee, coal fired power plants are the largest point source emitters of mercury into the air in the United States. I do not have direct knowledge of whether these fish advisories were caused by coal fired power plants or other sources, and if so whether those sources are located in the United States or elsewhere.

19. Do you agree that fish consumption is a leading source of mercury exposure and that the source of mercury in fish comes largely from the burning of fossil fuels? If you disagree, please explain why, including citations of the authoritative bodies that support your position.

I agree that fish consumption is a leading source of mercury exposure, particularly in certain subpopulations, such as unborn children.

20. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If you disagree, please explain why, including citations of the authoritative bodies that support your position.

I agree with the American Academy of Pediatrics' finding. As I stated in my testimony before the Committee, mercury is appropriately regulated as a hazardous air pollutant under Section 112 of the Clean Air Act. If I am

confirmed as Administrator, I will regulate under Section 112 in a manner that is consistent with Congress's intent in enacting that provision. I will also faithfully administer other federal statutes that regulate mercury to the extent that they are under my jurisdiction, including the Mercury Export Ban Act of 2008, the Mercury-Containing and Rechargeable Battery Management Act of 1996, the Clean Water Act, the Emergency Planning and Community Right-to-Know Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act

21. You are currently representing Oklahoma in challenging the EPA's supplemental finding that it is necessary and appropriate to regulate emissions of mercury and other hazardous air pollutants from power plants. Do you agree that nearly all covered facilities are already in compliance with EPA's Mercury and Air Toxics Standard? If not, explain why not.

The Mercury and Air Toxics Standard has not been vacated by the Supreme Court or the D.C. Circuit and currently regulates both mercury and other air toxics. I do not have personal knowledge of whether any facilities are out of compliance with the Mercury and Air Toxics Standard. If I am confirmed as Administrator, I will exercise my authorities as Administrator to enforce all laws administered and regulations promulgated by the Administrator, including the Mercury and Air Toxics Standard, against sources that are out of compliance.

22. Do you agree that ground-level ozone is a dangerous pollutant that causes respiratory and cardiovascular harm? If no, on what basis do you disagree? If you disagree, please explain why, including citations of the authoritative bodies that support your position.

I agree that ground-level ozone is a dangerous pollutant that can cause respiratory and cardiovascular harm,

23. You are currently pursuing a lawsuit against the EPA over the agency's new ozone limits, which the EPA is required to review at least every five years. The new limit is 70 parts per billion; the previous limit, set in 2008, was 75 parts per billion. Prior to the announcement of the new limit, officials at the Oklahoma Department of Environmental Quality said that the state would be able to meet the 70 ppb level, however you have taken the position that EPA's standard is unachievable, and you have criticized the agency's data collection and its scientific processes. Could you please describe why you feel the EPA is unqualified to assess the safety and necessity of the new ozone levels? Could

you please also describe why your state's Department of Environmental Quality was wrong to say that they could meet the new ozone safety levels?

Oklahoma joined four other states in a petition for review of EPA's 2015 decision to lower the National Ambient Air Quality Standard for ozone from 75 ppb to 70 ppb. The legal question raised by the state petitioners in the case is whether EPA set the standard at a level than can be achieved by states given the background concentrations and uncontrollable sources of ozone in many parts of the country. The briefs filed by the many State petitioners to that rule fully explain the States' position and speak for themselves. The case remains pending before the U.S. Court of Appeals for the District of Columbia Circuit.

24. In a 2013 interview, you said: "The evidence is clear that the current ethanol fuel mandate is unworkable. The decision by the EPA to lower that standard is good news for Oklahoma consumers. It's good the Administration finally recognized the concerns of consumers and a variety of industries and took steps to correct this flawed program." Please explain what you meant by "unworkable" and "flawed program". Do you still hold this view? If not, what caused you to change your view?

As I indicated during my nomination hearing, the Administrator and the EPA routinely missed the statutory targets in publishing the Renewable Volume Obligations each year, creating great uncertainty in the marketplace. In fact, in some years they missed the timeline, as far as submitting those targets, by over a year; in some cases over two years. The EPA failed to adhere to statutory requirements, resulting in a flawed and unworkable program.

25. In December 2015, the President-elect said of Senator Ted Cruz' opposition to the RFS, "…oil pays him a lot of money, he's got to be for oil, right? The oil companies give him a lot of money. So, but I'm with you. I'm with everybody. I'm with everybody. Look, I'm self-funding. I have no oil company. I have no special interest." In contrast, you have received over $300,000 from the fossil fuel industry, and have sent at least one letter to EPA on your own letter head that was drafted by the oil industry. If you are confirmed as EPA Administrator, will you commit to ensuring that your previous donors will not exert undue influence over the regulatory process and your decision-making at EPA with regard to the Renewable Fuels Standard?

If confirmed, I will work to administer the RFS in accordance with statute and Congressional intent.

26. If the Sixth Circuit and the Supreme Court approve EPA's "Waters of the United States" rule defining the jurisdictional extent of the Clean Water Act, would you direct the EPA to amend that rule? If so, how? If the courts invalidate EPA's "Waters of the United States" rule, how would you direct the EPA to define which waterways and wetlands are protected by the Clean Water Act?

If I am confirmed, I will seek to make changes to the WOTUS rule following all appropriate administrative procedures, including the requirements of notice and comment under the Administrative Procedure Act.

27. In your opinion, under what circumstances should the Clean Water Act apply to pollution being discharged into groundwater? If the Ninth Circuit's forthcoming decision in Hawai'i Wildlife Fund v. County of Maui conflicts with your view, would you direct the EPA to write a new regulation overruling the 9th Circuit?

I believe that the Clean Water Act applies only to discharges to surface water, not groundwater. In contrast, the Safe Drinking Water Act requires permits for underground injection into certain aquifers. I cannot speculate on a judicial decision that has not been issued.

28. You've taken money from Monsanto, one the world's largest sellers of pesticides, in your previous electoral campaigns. How will you ensure that the safety of pesticides is vetted and regulated by the EPA according to the best science on risk and potential harm, rather than the profit-making interests of your campaign financiers? In your role as EPA administrator, how will ensure the agency is not unduly influenced by the political power of these large corporations?

If confirmed as Administrator, I would expect EPA's regulatory process relating to pesticides to be open and transparent and based on sound science in accordance with EPA's legal authorities.

29. What will you do to ensure EPA is conducting a transparent process regarding pesticide regulation? Please specify how you will approach notifying the public regarding pesticides in terms of notice of actions, publication of information (including studies and data) in the dockets, or timely responses to requests under the Freedom of Information Act. If you do not believe in a transparent process, why not?

I am committed to transparency at EPA. I commit to making sure that EPA data is made available to the public consistent with applicable privacy and

confidentiality laws, and I will work to ensure that EPA uses a variety of tools and methods to keep the public informed about EPA activities as they relate to pesticide regulation if I am confirmed.

30. What will you do to work with pesticide manufacturers, distributors, conservation organizations, farmers, and beekeepers to ensure pesticide labels are clear and enforceable? Will you commit to enforcing these labels? If you will not work on this issue, why not?

If confirmed as Administrator, I would expect EPA's regulatory process relating to pesticides to be open and transparent and based on sound science in accordance with EPA's legal authorities.

31. EPA defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." Would you as EPA administrator advance the goal of environmental justice and if so, how?

If confirmed, I would work to faithfully execute the laws EPA is responsible for administering in order to protect human health and the environment for all Americans. As I testified, the Administrator plays an important role in regarding environmental justice.

32. Exposure to air toxicity, water pollution, lead, and hazardous waste sites results in disproportionate levels of disease, disability, and mortality amongst communities of color. As Administrator, what will you do to protect America's most vulnerable and underrepresented communities from environmental hazards and reduce the burden of toxicity shouldered by these communities?

As I testified, the Administrator plays an important role in regarding environmental justice. If confirmed, I would work to faithfully execute the laws EPA is responsible for administering in order to protect human health and the environment for all Americans. If confirmed, I would expect EPA to operate in an open and transparent manner, consider the views of stakeholders as appropriate, act based on sound science, and follow the laws as established by Congress

33. President-Elect Trump has stated that the drinking water crisis in Flint, Michigan, would never have happened if he was president. If appointed, what

measures do you plan to take to protect drinking water across the country and particularly for the most vulnerable populations?

If confirmed, I will return EPA's focus to carrying out its core missions, including, as appropriate, use of EPA's emergency order authority under the Safe Drinking Water Act.

34. Oklahoma has seen a massive increase in earthquakes recently (907 (>magnitude 3.0) in 2016 and 585 in 2015 - which is more than the previous 35 years combined). The Oklahoma Geological Survey released a report in 2015 linking the disposal of fracking wastewater with earthquakes in Oklahoma. As recently as November 2016, a 5.0 magnitude earthquake struck Cushing, Oklahoma. Forty to fifty buildings were reported to have been damaged; Governor Mary Fallin felt the damage was substantial enough to declare a state of emergency for Payne County, where Cushing is located (a first step towards being granted federal aid). • What was the incidence of earthquakes in Oklahoma prior to widespread use of hydraulic fracturing in the past decade?
• What has been the incidence of earthquakes in Oklahoma in the past 10 years, since widespread use of hydraulic fracturing?
• What have been the economic and health impacts of earthquakes in Oklahoma in the past 10 years?
• What was your rationale for not using the office of the Attorney General to change the disposal practices of wastewater from hydraulic fracturing to protect the citizens of Oklahoma?

As I discussed at my confirmation hearing, the State of Oklahoma has taken seismicity issues very seriously and has taken proactive and aggressive actions. Oklahoma, as have other states, been successfully regulating hydraulic fracturing since the 40's and 50's. State and federal geologists have largely confirmed that the while the act of hydraulic fracturing itself poses little seismicity risk, the underground injection of wastewater at certain pressures and volumes can result in some seismic activity. While earthquakes have increased in frequency in recent years, the State has taken aggressive actions and reports have indicated the rate of seismic events has recently declined. Seismic activity can of course have significant impacts on communities and the activities linked to seismicity concerns in Oklahoma are regulated under state law by other agencies that my office works with as appropriate under Oklahoma law.

35. The EPA is the front line agency serving or assisting Indian Country with environmental protection and recognition of treaty rights. As EPA Administrator, would the you commit to the protection of tribal treaty rights in agency decision making processes in situations where rights may be affected by EPA actions

including federal approval of: • state water quality standards (CWA)
• state 401 water quality certifications
• state distribution and use of pesticides (FIFRA)
• oil spill program countermeasures (SPCC)?

If confirmed, I will commit to ensuring that the United States meets all treaty obligations that it has pursuant to treaties with Indian Tribes.

36. Will you support current efforts to establish federal baseline water quality standards for Indian Reservations that do not currently have Clean Water Act standards in place? Please explain why or why not. An advanced notice of proposed rulemaking on this initiative was published in the Federal Register on September 29, 2016.

Because an advance notice of proposed rulemaking has been published, this matter will come before me for decision if I am confirmed as Administrator. Thus, I will not prejudge the outcome, but rather will commit to fairly evaluating the matter and reaching a sound decision.

37. The 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act (TSCA) requires the EPA Administrator to identify "potentially exposed or susceptible subpopulations" in chemical assessments to ensure their protection. Tribal and local populations in the Pacific Northwest consume high quantities of fish that can result in greater exposure to chemical contaminants. How will the new Administration implement TSCA reform to ensure that tribes and vulnerable populations unique to individual states are protected by federal rules on toxic substances?

The Lautenberg Act defined the term "potentially exposed or susceptible subpopulations" as "a group of individuals within the general population identified by the Administrator who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly." Protecting citizens that are either more susceptible or who have greater exposure to a substance is an important aspect of the law and I will take great care to ensure the Act is faithfully executed if I am confirmed.

38. Will you commit to continue EPA's Treaty Rights Guidance and that initiative's implementation? Will you commit to continue EPA's Policy on Consultation and Coordination with Tribes?

If confirmed as Administrator, I will evaluate all guidance documents and policies to ensure that they represent faithful execution of the duties imposed on me, and powers granted to me, by Congress. If the guidance and policy you referenced, I will keep them in place.

39. The 2014 U.S. National Climate Assessment concludes that climate change will impact every community in the United States, and that low-income communities and communities of color will be the hardest hit. These vulnerable communities will feel the impacts of climate change more severely due to lower quality housing, which is often less equipped to safely weather severe storms, severe heat, and freezing temperatures. How will you work to reduce climate change risks in low-income communities and communities of color?

I believe environmental justice for low-income and minority communities is an important role of the EPA Administrator. If confirmed, I will adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment for all of our nation's citizens.

40. I understand that there are two political action committees affiliated with you. A spokesperson has made the statement that both PACs will be closed by the end of the month. Can you confirm that that both PACs will be closed by then?

I do not control either of the political action committees to which you refer, and thus cannot confirm their intentions. As you have heard, however, I have also heard that both entities have announced that they will wind down their activities.

41. It has also been reported that a 501(c)(4) organization called Protecting America Now has been created to raise funds to support your confirmation. If you are confirmed, will you make sure that Protecting American Now is disbanded? Please provide a list of Protecting America Now's donors.

I am not affiliated in any way with "Protecting America Now," and thus have no ability to disband the organization. For the same reason, I have no knowledge of the group's donors.

42. When is it appropriate for the Federal government to regulate pollution rather than states?

Many federal environmental statutes were designed with the idea that the states would be the principal implementer. I believe it is essential to begin with that model. There are instances where the federal government approves or disapproves state programs or issues implementation plans in lieu of the state involved. However, this should be the vast exception to the rule. Some environmental statutes like CERCLA place the principal responsibility with the federal government for the important remediation activities under that statute. However, even with statutes like CERCLA, EPA still have an obligation with work with states and localities in designating sites which need remediation and most importantly in developing remediation plans.

43. Do you personally disagree with any existing Federal environmental law, or any provisions of any existing Federal environmental laws? If so, please explain which and why.

If confirmed, I will faithfully execute the laws as enacted by Congress.

44. Which EPA regulations do you believe should instead be left to states to implement, and why?

I believe federal environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.

45. When states or local governments regulate pollution with different sets of standards, various industry groups have raised the concern that it creates a patchwork of regulatory policies that make compliance difficult. Do you share this concern, and why?

As I testified in the hearing, I have pursued opportunities to address interstate environmental quality matters. One of the examples I have highlighted is the work that Arkansas Attorney General Dustin McDaniel and I took to address an enforceable water quality standard between Arkansas and Oklahoma. I have also discussed how Texas should be responsible when air quality issues affect Oklahoma and my experience with that. When

negotiations among and between states breakdown EPA has a role to set environmental standards. However, that is should be a last course of action instead of the first. I believe environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.

46. Do you believe that the Renewable Fuel Standard is an appropriate regulatory role for the EPA versus states?

Section 211(o) of the Clean Air Act provides the Administrator of the EPA with the authority and responsibility to administer the RFS program. If confirmed, I will work to administer the RFS in accordance with statute and Congressional intent.

47. Do you agree that there should be national fuel economy standards to reduce tailpipe pollution from cars and make vehicles more fuel efficient? Please explain.

While the EPA regulates emissions under the Clean Air Act, it is true that Congress vested authority to regulate fuel economy through the Corporate Average Fuel Economy (CAFE) standards" framework set forth originally in the Energy Policy and Conservation Act. Congress vested responsibility for the CAFE program in the Department of Transportation, not the EPA; accordingly, I take no position on Congress's policy decision on this subject.

48. Do you support California's authority under the Clean Air Act to receive a waiver from the EPA to set emissions standards for vehicles that are stronger than EPA standards?

In the Clean Air Act, Congress provided that the EPA Administrator may waive the Clean Air Act's preemptive effect over some of California's state air quality standards for mobile sources, when certain specific statutory criteria are met. If confirmed as EPA Administrator, I will administer this program in accordance with Congress's objectives, on a case-by-case basis in accordance with the law and with the administrative record in any given case, upon proper petition by California.

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49. You are currently representing Oklahoma as one of 13 petitioners challenging EPA's standards limiting conventional, toxic, and greenhouse gas pollutants from new oil and gas facilities. Please describe how Oklahoma would prefer to handle these pollutants in the absence of EPA regulation. If your proposed pollution standards are more lax than the EPA's standards, please provide information supporting the why your standards are preferable from a public health standpoint.

As Attorney General, I sought to ensure that the Oklahoma Legislature retained its power to make policy for Oklahoma. Policymaking is the province of the legislature. Thus, I have no opinion with regard to what environmental policy might be appropriate.

50. Please also describe, and provide the same information, for what Oklahoma's policies would be should Oklahoma and its fellow petitioners be successful in challenging the EPA's implementation of the Cross-State Air Pollution Rule.

As my testimony indicates, I firmly believe that the EPA plays an important role in addressing interstate air quality issues, but it must do so within the bounds of its legal authority and justified by a record of support. The actions undertaken by the Office of Attorney General challenging certain EPA regulations have been because EPA exceeded it legal authorities as established by Congress and interpreted by the courts. The Department of Environmental Quality is responsible for implementing and enforcing environmental laws in Oklahoma.

51. You also represent Oklahoma as a petitioner in ongoing litigation against the EPA's 111(b) standards for CO2 emissions for new, modified, and reconstructed power plants. Should you win your suit, will Oklahoma take any steps to regulate power plant CO2 emissions, or does the state plan to continue not regulating CO2 emissions?

I will not prejudge the outcome of any rule that is the subject of ongoing litigation if I am confirmed.

52. As Attorney General, your role was also to prosecute environmental cases within Oklahoma. Please list all environmental cases you have originated as Oklahoma's Attorney General, and provide all documents related to those cases and a summary of the outcomes of those cases.

Please see the list of cases attached to this response.

53. The Environmental Protection Unit was eliminated as a group within the Attorney General's office once you became Attorney General. This appears to indicate a decrease in support, or at least priority, for pursuing environmental cases within your office compared to your predecessor. To clarify if you have continued to pursue environmental cases as Oklahoma Attorney General, please provide description and documentation of all the environmental cases that were handled by your office versus the AG's office during Drew Edmondson's tenure. Please also describe the work your office did on any environmental cases that were begun during your predecessor's tenure but were continued or completed by your office.

My office continues to employ attorneys vested with responsibilities related to environmental protection, including the attorney who served as the lead attorney on the previous attorney general's "environmental protection unit." That attorney's responsibilities remain unchanged (he has been promoted, in fact), and he pursues exactly the kind of cases that he pursued under the previous attorney general. The only thing that changed was the internal organization of the attorneys vested with those responsibilities, because I concluded (consistent with the practices of every attorney general in the State's history but for my immediate predecessor) that it was not operationally efficient to have a separate unit for such work. Thus, I chose to house that work in the Office's Public Protection Unit and then later in the Solicitor General's Unit. As I explained in my testimony to the committee, my office continues to pursue environmental cases. I do not possess lists of cases pursued my predecessor so I cannot provide the comparative that you request. I am aware that many environmental cases take many, many years to litigate to completion, so some of the actions that my Office continues to pursue were initiated prior to my taking office. Please see attached list of cases.

54. As part of the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, Congress passed the Columbia River Restoration Act, a program which gives the EPA authority to create a competitive grant program to address environmental cleanup and restoration in the Columbia River Basin. This program empowers states and local communities to better coordinate and implement local cleanup and restoration efforts. Will you, as EPA administrator, work to advance and implement this bipartisan effort to empower local entities and states?

While I am not familiar with the Columbia River Basin restoration program, I support collaborative efforts and neighborhood solutions. I also respect

Congressional authorizations. If confirmed, I will ask the EPA staff to brief me on this program and the new authority granted by Congress.

55. In January, 2017, the EPA announced $17 million in credit assistance for the Water Infrastructure Finance and Innovation Act (WIFIA). This program, initially passed into law as part of the 2014 WRDA bill, now has the funding needed to allow EPA to make approximately $1 billion in loans and leverage a total $2 billion in total water-infrastructure investment. As you mentioned in your hearing, water infrastructure is critically needed, but often overlooked. Will you, as EPA administrator, work to ensure adequate resources to implement the WIFIA loan program, and seek further funding and assistance for other water infrastructure programs and initiatives, such as the Drinking Water State Revolving Fund?

Yes, if confirmed.

56. The Federal Government has a long history of activities within Portland Harbor, which in 2000 was designated a Superfund site and is now one of the largest and most complex Superfund sites in the country. The history of Federal activities within the Superfund site includes ship building, repairing, and dismantling, as well as a variety other activities that likely led to some amount of contamination of the river. Today, the Willamette river sediment within the Portland Harbor Superfund site is contaminated with compounds associated with the activities carried out by the Federal government over the course of many decades. Now that the Environmental Protection Agency has issued its final Record of Decision for this Superfund site, there will be a process to divide up cleanup responsibilities among parties responsible for the contamination. Can you commit to work with the appropriate Federal agencies, such as the Department of Defense and Department of Justice, to ensure that the Federal government engages proactively with relevant stakeholders during the allocation process, takes ownership for its share of the contamination, and pays its fair share of the cleanup?

I am not familiar with the details of the remedy that has been selected for the Portland Harbor Superfund site. If confirmed, I expect to make clean up of contaminated sites one of my priorities and would be interested in hearing the views of the Congressional Delegation and other stakeholders on the issues raised by this cleanup plan.

<u>Senator Sanders:</u>

The Environmental Protection Agency (EPA) has approximately 15,000 employees. The following questions ask how you, as Administrator, would treat civil servants and make human resource decisions.

1.Do you support--and promise to uphold--the merit system principles set forth in Chapter 23 Title 5 U.S. Code, which prohibit factors other than merit from consideration in civil service employment decisions?

If confirmed, I commit to implementing the law as enacted by Congress.

2.As Administrator, do you support use of the Holman Rule, which allows any member of Congress to propose amending an appropriations bill to single out a government employee or cut a specific program? Will you support Congress in passing an amendment under the Holman Rule?

If confirmed as Administrator, I would implement the law and work with the Agency in accordance with the laws passed by Congress.

3.Is retention and recruitment of a high quality scientific workforce at EPA a priority for you?

Yes.

4.As Administrator, do you believe that you will be better able to recruit and retain top talent at the EPA under conditions where Congress is able to individually target employees based on political considerations?

If confirmed as Administrator, I would implement the law and work with the Agency in accordance with the laws passed by Congress.

5.As Administrator, do you support Congress targeting and altering the salaries of individuals within the EPA?

If confirmed as Administrator, I would implement the law and work with the Agency in accordance with the laws passed by Congress.

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6.As Administrator, how will you generally view the division of responsibility and authority between Congress and your Department on personnel issues?

In my view, Congress passes the laws governing executive branch personnel.

On June 14 2016, EPA Administrator Gina McCarthy signed an order on "Transgender and Gender Non-Conforming Employees" (http://src.bna.com/f0T) and said at the time that it "reinforces that discrimination of any kind in the EPA workplace is unacceptable, including discrimination on the basis of gender identity, expression or perceived non-conformity." Among other things, the order states that an "employee should be permitted to use the [sanitary and related] facilities that correspond with their gender identity." This is in stark contrast to the suit you filed with 10 other attorneys general challenging the guidance issued under President Obama on accommodating transgender students in public schools.

7. Will you as EPA Administrator ensure that Administrator McCarthy's order is vigorously implemented, and continue to ensure that transgender and gender non-conforming employees are not discriminated against on the basis of their gender-identities?

If confirmed, I commit to protecting the rights of all EPA employees and will follow the law.

As Attorney General, you disbanded your office's Environmental Protection Unit and reduced your office's funding for environmental law to zero.

8. In your personal opinion, what are the most pressing air and water quality challenges that deserve the attention of the EPA? What would you do at the EPA to better address these challenges, if anything?

As discussed, the Oklahoma Department of Environmental Quality -- not the Office of Attorney General -- has primary responsibility for implementing and enforcing environmental laws in Oklahoma. Consistent with the practice of every Attorney General save one, I determined that a standalone unit was operationally inefficient. I opted to combine the Environmental Protection Unit and the Consumer Protection Unit into a single unit called the "Public Protection Unit." The Public Protection Unit continued the work of the Environmental Protection Unit, and that work continues to this day, headed by the very same attorney who worked in the Environmental Protection Unit under the prior Attorney General. As discussed, I believe EPA plays an

important role in addressing cross-state pollution, and if confirmed, I would expect to work cooperatively with states to address the problems of environmental pollution.

The Keystone Sanitary Landfill (KSL) is an existing 714-acre landfill located in the boroughs of Dunmore and Throop, Pennsylvania. KSL has submitted an application to the Pennsylvania Department of Environmental Protection (DEP) for a permit modification to expand the facility's disposal capacity by approximately 145 million cubic yards. The permitting and approval of this process is strictly under the jurisdiction of the Pennsylvania DEP.

Under Subtitle D of the Resource Conservation and Recovery Act of 1976, states play a lead role in ensuring the federal criteria for operating municipal solid waste and industrial waste landfills regulations are met, and they may set more stringent requirements. Under the Hazardous and Solid Waste Amendments of 1984, EPA was authorized to determine the adequacy of the state permit programs. In the absence of an approved state program, the federal requirements must be met by waste facilities.

9.Are you committed to maintaining the process to determine the adequacy of a state's municipal solid waste management plan as required under the Hazardous and Solid Waste Amendments of 1984?

If confirmed, I commit to faithfully executing the laws I would be responsible for administering as EPA Administrator.

10.Further, if a state does not have an approved state program, are you committed to inspecting and enforcing federal requirements including the prohibition on open dumping?

If confirmed, I commit to faithfully executing the laws I would be responsible for administering as EPA Administrator.

11.Constituents have expressed concerns regarding the potential impact on the environment, quality of life, health and traffic congestion as a result of the Keystone Sanitary Landfill. How do you intend to work collaboratively with states in the event that a state violates the federal Clean Water Act or the Safe Drinking Water Act or a state requests assistance from EPA?

I believe states play an important role in administering environmental laws such as the Clean Water Act, and if confirmed, I would expect to work cooperatively with states toward our shared goal of protecting human health and the environment consistent with EPA's legal authorities.

During your hearing, you stated that climate change was not a hoax, but you also were reluctant to discuss your views on the causes of climate change. You stated that your personal views were not relevant. However, as Attorney General, you challenged EPA's 2009 finding that greenhouse gases, including those from fossil fuels, endanger public health and welfare, due to anthropogenic climate change. The EPA went through an exhaustive scientific review and public comment process prior to issuing the Endangerment Finding, but in the lawsuit you labeled it "arbitrary and capricious." The Endangerment Finding references more than 100 published scientific studies and reports by the U.S. Climate Change Science Program/U.S. Global Change Research Program, the Intergovernmental Panel on Climate Change (IPCC), and the National Research Council of the U.S. National Academy of Sciences.

12.As Administrator, will you recognize the findings of the U.S. Climate Change Science Program/U.S. Global Change Research Program and the National Research Council of the U.S. National Academy of Sciences on the science of climate change, including its anthropogenic causes?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate.

In 2014, the Gund Institute for Ecological Economics and the University of Vermont released the Vermont Climate Assessment report. The report found that many of our state's communities have already been highly impacted by climatic changes and are engaged in processes to respond to these transitions. Some populations and regions of the state are particularly vulnerable, including rural areas and those increasingly exposed to extreme weather events. Flooding, such as experienced under Tropical Storm Irene, has been devastating to some of our state's communities. EPA partnered with Vermont in incorporating smart growth policies to increase flood resilience after the tropical storm. Under direction from Executive Order 13653, Preparing the United States for the Impacts of Climate Change, EPA and New England's EPA Region 1 both have developed climate adaptation plans that assist our region in preparing for these changes.

13.Will you support EPA's continued climate adaptation planning and implementation in accordance with Executive Order 13653?

If confirmed, I will work to ensure the agency complies with and operates according to all applicable Executive Orders.

14.Do you support the Paris Climate Agreement?

The role of the United States in the Paris Agreement is a State Department matter. If confirmed, I will work to advance the mission of the EPA, which is to protect human health and the environment, consistent with the State Department's strategy for international engagement on climate change.

15.What are your plans for implementing the Paris Climate Agreement?

Should the government decide to continue to participate in the Paris Agreement and if I am confirmed as Administrator, I will collaborate with all involved agencies to ensure that commitments made on behalf of the United States are achievable and consistent with requisite legal authorities delegated by Congress.

You have written that the climate change "... debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."

16.What would it take for you to admit that all three of these allegations are incorrect?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate.

17.Which scientists, saying what, would change your mind?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving

understanding of the impact increasing greenhouse gases have on our changing climate.

18.If Harold Hamm told you he was no longer a climate change denier, would you believe him?

I do not believe he is a climate change "denier."

19.President Elect Trump's Secretary of State nominee, Rex Tillerson, is no longer a climate change denier. Why do you disagree with Tillerson?

There is a diverse range of views regarding the key drivers of our changing climate among scientists, policy-makers and President Trump's nominees. I believe that these differences should be the subject of robust and open debate free from intimidation. If confirmed, I will continue to encourage an honest debate on our changing climate, the role of human activity, our ability to measure the degree and extent of human activity, and what to do about it.

The Clean Air Act, and its amendments, sets limits on harmful pollutants like mercury and sulfur dioxide. As Oklahoma's Attorney General, you have repeatedly brought lawsuits against the EPA for their enforcement of the Clean Air Act, stating that the federal government has overstepped its authority to regulate and that these decisions are best left to the states. Pollution, like mercury and sulfur dioxide, from Midwest coal-fired power plants is blown right into New England. Mercury is a potent neurotoxin that bio-accumulates in the fish in our streams and lakes, and places our pregnant women and young children at particular health risk. Sulfur dioxide contributes to acid rain that that harms the forests and waters of New England.

20.If you do not believe that the EPA should have the regulatory authority that would protect states such as Vermont from interstate pollution, that leaves these science and public health decisions to the courts. Can you explain why federal courts should be in the position of determining safe levels of pollution to protect the health and welfare of Vermonters, as opposed to the federal agency who mission it is to protect human health and the environment -- air, water, and land?

As I stated in my testimony before the Committee, I agree that the Clean Air Act gives EPA an important role in addressing interstate pollution issues, among many other things. If I am confirmed as Administrator, I will exercise

my authority in this area consistent with Congress's intent in enacting the Act.

Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

21.Given this scientific confirmation of these regulations working how can you assure us that if you are confirmed to lead the EPA you will continue to accelerate the clean-up of all sources of mercury emissions, including coal power plants?

I agree that there has been a consistent downward trend in mercury concentrations, but note that this trend began well before EPA promulgated the Mercury and Air Toxics Standards. As I stated in my testimony before the Committee, mercury is appropriately regulated as a hazardous air pollutant under Section 112 of the Clean Air Act. If I am confirmed as Administrator, I will regulate under Section 112 in a manner that is consistent with Congress's intent in enacting that provision. I will also faithfully administer other federal statutes that regulate mercury to the extent that they are under my jurisdiction, including the Mercury Export Ban Act of 2008, the Mercury-Containing and Rechargeable Battery Management Act of 1996, the Clean Water Act, the Emergency Planning and Community Right-to-Know Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act.

It is widely reported that EPA's Clean Power Plan (CPP) will be one of the first policies to be dropped under the new administration.

22.Do you envision that you will seek to replace the CPP with some other program that also would promote the reduction of greenhouse gas emissions nationally?

While I will not prejudge the outcome of any Rule that is the subject of ongoing litigation, if confirmed, I will work to achieve the objectives of EPA-administered laws consistent with the process and rule of law set out by Congress.

23.According to the EPA, "The Clean Power Plan will lead to climate and health benefits worth an estimated $55 billion to $93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in

children." What do you say to parents who have children with asthma who are worried that the dismantling of the CPP?

If confirmed, I will administer environmental laws that protect human health and the environment within the framework established by Congress. I will follow explicit cost-benefit obligations to ensure the benefits are associated with the pollutant being regulated and the costs are reflective of market realities.

President-elect Trump has stated that the water poisoning that happened in Flint Michigan "would never have happened if I were president." More than 1,000 communities have lead poisoning levels higher than those found in Flint Michigan.

24.If you were head of EPA what actions would you take to ensure that every community has clean water to drink?

If confirmed, I will focus on EPA's core missions, including, as appropriate, use of EPA's emergency order authority under the Safe Drinking Water Act. I also will implement the newly revised TSCA statute to address chemicals and will continue implementation of monitoring, review, and regulation of contaminants under the SDWA.

25. What federal financial commitments would you need and what changes in environmental laws, policies and regulations would you need to ensure that a Flint-like situation never happens again?

It is my understanding that some requirements in the Safe Drinking Water Act Lead and Copper Rule relating to monitoring and when corrosion control treatment is mandated are ambiguous and need to be clarified to make both compliance and enforcement easier and prevent a Flint-like situation from happening again. If confirmed, I will ensure that the revisions to that rule proceed expeditiously. As to resources, I will return EPA's focus, including resources, to carrying out its core missions. In addition, I believe that the new WIFIA program offers significant opportunities to leverage additional infrastructure investments.

Lake Champlain is one of Vermont's most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable. Run-off—including from lawns, paved roads and parking lots, and farmlands—contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, EPA released new phosphorus limits for the lake by establishing a TMDL (Total

Maximum Daily Load). We are concerned that you, as Attorney General, have opposed other clean-ups similar to that of Lake Champlain. You signed an amicus brief opposing EPA's clean-up of the Chesapeake Bay under the Clean Water Act.

26.As Administrator, will you continue the agency's support for the clean-up of Lake Champlain through these new TMDLs?

A TMDL under section 303(d) of the Clean Water Act does not establish a water quality standard. It is a tool for achieving a water quality standard by determining how much of a particular pollutant, like phosphorus, that a body of water can assimilate and achieve the water quality standard. EPA recently issued new phosphorus TMDLs for Lake Champlain to implement Vermont's water quality standards. These replace a prior TMDL that EPA had approved in 2002 and then disapproved 9 years later after being sued by the Conservation Law Foundation. I am not familiar with the details of either the original Vermont TMDL that EPA approved or the new TMDLs that EPA developed after being sued. I believe TMDLs can only be successful if developed in a collaborative fashion. It is my hope that the new Lake Champlain TMDLs were developed in such a fashion and in accordance with the law. If so, I am not aware of any reason that I would not support their implementation, if confirmed as EPA's administrator.

27.Specifically, should Vermont fail to make satisfactory progress toward meeting the TMDL, would you support EPA's prior pledge to ramp up federal oversight of Vermont programs and crack down on pollution from wastewater treatment facilities? If not, how will you ensure Clean Water Act obligations are satisfied?

Under Clean Water Act regulations (40 CFR 122.44), limits in a NPDES permit for a point source must be consistent with any waste load allocation for the discharge set forth in a TMDL and once these limits are part of a permit, they are federally enforceable. Vermont is authorized to carry out its own permitting program in lieu of the federal permitting program. If confirmed, I will work with the State of Vermont to see that the requirements of the Clean Water Act are met.

The EPA works with other state and federal agencies in developing contingency plans in the event of an oil spill. These plans identify and coordinate the activities of the different government agencies and private organizations involved in the response. Vermonters are concerned about the potential for oil spills, particularly from rail accidents, that might adversely affect the state's waters. We view the EPA as a critical partner in developing plans for, and responding to, the case of an oil spill with potential impacts to a water body or other area subject to the

jurisdiction of the Environmental Protection Agency under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

28.Do you as Administrator commit to the EPA's partnership with the states in developing plans for, and responding to, the case of an oil spill that affects waters under its jurisdiction, such as Lake Champlain?

EPA, in partnership with other federal agencies on the National Response Team, has a significant role in carrying out the National Oil and Hazardous Substances Pollution Contingency Plan. EPA is the lead agency for responses under the Oil Pollution Act to spills into inland waters (other than the Great Lakes) and the Coast Guard is the lead agency for coastal waters and the Great Lakes). If confirmed, I will support EPA's continued implementation of the oil spill response authorities given to it by Congress.

At EPA, science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people.

29.What should be the role of science in the development of EPA policies, rules, and regulations?

I fully believe, as former EPA administrators have stated, that science must serve as "the backbone" of EPA actions.

U.S. Secretary of the Interior Sally Jewell has observed that "consumer spending for outdoor recreation is greater than household utilities and pharmaceuticals combined — and yet the federal government has never fully recognized or quantified these benefits." Outdoor recreation is not just an issue of concern to the Department of the Interior, it depends on clean air and water, which are under the purview of the EPA. The health and welfare of Americans is dependent on their ability to be actively engaged outdoors, breathing clean air and drinking clean water.

30.If under your watch, the EPA seeks to reduce regulations, will you take into account the economic losses from recreation to places like Vermont before doing so?

As I indicated in my testimony, if confirmed, my primary goal would be to protect the American people through lawful regulations. I understand environmental statutes, such as the Clean Air Act and the Clean Water Act,

prescribe in certain instances that the EPA consider economic impacts in the rulemaking process. If confirmed, I commit to fully follow the law as provided by Congress.

Much of the nation's and the world's attention has been focused in recent months on the Dakota Access Pipeline, the construction of which crosses multiple states. Many pipelines on Indian lands are located entirely within a single state, however. Here EPA is not always the primary regulator, and state laws do not always apply. The health and environmental consequences of pipeline failures, however, can be enormous.

31.Will you commit to work with this Committee and other agencies to address the environmental and public health and safety issues associated with the operation of pipelines on Indian lands, including purely intrastate pipeline facilities?

If confirmed, I will faithfully execute all applicable laws as Administrator. As was discussed at my confirmation hearing I have worked successfully with Oklahoma Tribes and I would use my role to address environmental and public health and safety issues on state, federal, and tribal lands.

Yesterday, the Obama Administration took the final step in laying out a process for the next administration to provide a full environmental review for the Dakota Access pipeline.

32.Will you commit to fully supporting the Army Corps of Engineers as it conducts reviews of alternative routes and to meaningful consultation with Native American tribes when a project could affect their tribal treaty rights?

I cannot speak to the actions of the Army Corps of Engineers but if confirmed I will carry out any legal duties required by the Administrator of the EPA.

Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States, including in your state of Oklahoma. As you know, there are increasing concerns about water and air contamination, including the seismic activity associated with wastewater disposal. EPA conducted a study of hydraulic fracturing's drinking water impacts and released a final report in December 2016. The agency found "hydraulic fracturing activities can impact drinking water resources under some circumstances." The report identifies certain conditions under which impacts from hydraulic fracturing activities can be more frequent or severe. Both Vermont and New York have

banned hydraulic fracturing out of concerns for its public health and environmental effects.

33.Do you concur with the conclusions of the EPA's final report on hydraulic fracturing and drinking water?

As I discussed at my confirmation hearing, states like my home state of Oklahoma have been successfully regulating hydraulic fracturing for decades. As EPA officials have indicated the number of identified cases of drinking water contamination related to hydraulic fracturing activities is small particularly compared to the large number of hydraulically fractured wells and I agree with that assessment.

34.Are there gaps in available data that make it difficult for the EPA to fully assess hydraulic fracturing effects on drinking water as well as air quality?

Hydraulic fracturing has been extensively studied by state, federal, and non-governmental bodies.

35.What further studies—if any—do you believe would be appropriate for EPA to conduct on the effects of hydraulic fracturing on air and water quality?

I am not aware of any urgent need for new studies of hydraulic fracturing but if confirmed I commit to review any new information on the subject.

36.Do you agree, as EPA scientists found, that of the 1,606 chemicals injected for hydraulic fracturing, 173 chemicals are a proven risk to public health?

Risk encompasses both hazard as well as a likelihood of exposure. EPA found that 173 of the chemicals listed can be hazardous but did not speak to their risk likely because of their very low probability of exposure.

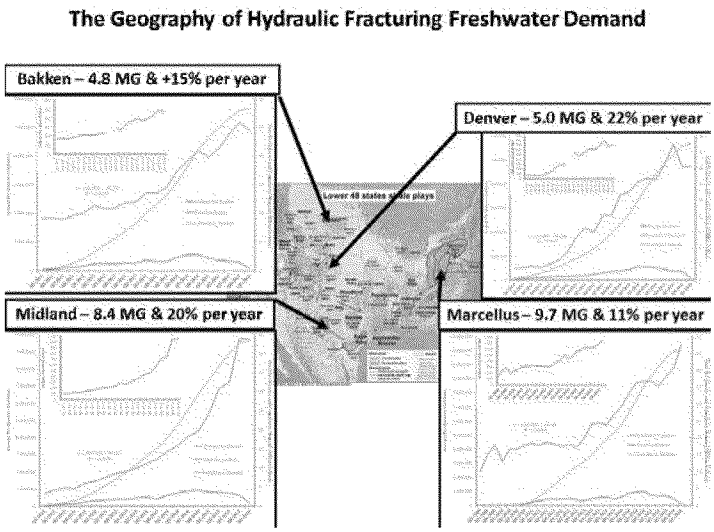
To date communities have been absorbing the costs of damage from oil and gas operations, whether that is in terms of health impacts, contaminated soils and water, which depress property values and destroy businesses, residential neighborhoods turned into industrial zones, earthquakes caused by injection wells (which are increasingly being excluded from homeowner insurance policies) and more.

37.What would be your approach as Attorney General to ensuring that communities do not to absorb these costs, and operators become responsible for the full costs of their operations, including damages?

As discussed at my confirmation hearing as Attorney General I have taken on oil and natural gas companies who violated Oklahoma laws and regulations. If confirmed, I will uphold and execute the laws as established by Congress.

38.Given that High Volume Hydraulic Fracturing (HVHF), or fracking gas wells, currently require an average of 4.8-9.7 million gallons of fresh water to fracture a single well (Note: This demand is growing by 11-20% per year), and only 4.5-7.5% of this water is being recycled, would you consider modern-day oil and gas drilling to be a long-term, sustainable solution to our country's energy needs?"

EPA's final report on hydraulic fracturing and drinking water found that in most cases hydraulic fracturing constituted "generally less than 1% of total water use" in counties and stated that their findings suggested "that hydraulic fracturing operations represented a relatively small user of water in most counties." I agree with these specific EPA conclusions.



39.When did you first find out that fracking could cause earthquakes in Oklahoma under certain geological conditions? Did you publicly call on industry to alter their practices?

As I stated at my confirmation hearing the Oklahoma Corporation Commission is vested with the jurisdiction of regulating oil and gas activities, they have acted to address seismicity concerns in the state and I have worked with and supported the Commission and other state agencies as required by state law.

40.What percentage of injection wells in Oklahoma is monitored for pollution (in groundwater, deep and shallow)? In those that were monitored, what was the concentration of pollutants?

Wastewater disposal through underground injection is regulated by the State of Oklahoma through delegated powers from the EPA pursuant to the Safe Drinking Water Act and to the best of my knowledge the State appropriately follows all requirements under the law.

The "Hockey Stick Moment" is when a variable of interest hits an exponential point in its growth with respect to time. The most notable "Hockey Stick Moment" is the rising levels of atmospheric CO2, N2O, and CH4 resulting from anthropogenic forces. However, a moment closer to Oklahoma is the exponential increase in earthquake activity even the USGS has shown is a function of the disposal of nearly 20% of US fracking waste into Oklahoma and Kansas' Class II Injection wells.

41.Do you agree that this growth in quake activity is a function of excessive and irresponsible oil and gas waste generation and disposal and is worthy of more research and monitoring by the EPA?

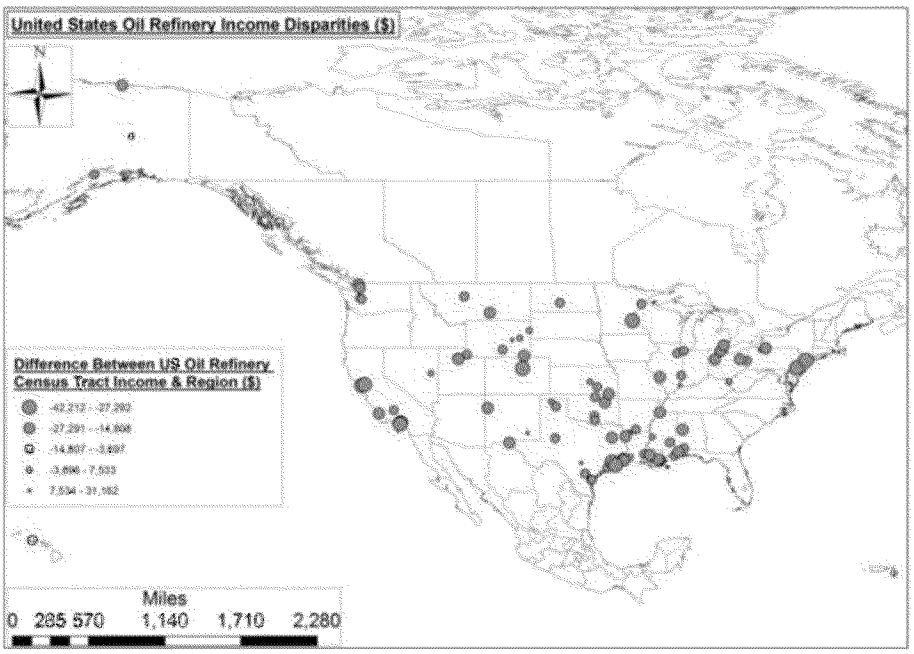
As previously mentioned, wastewater disposal through underground injection is regulated by the State of Oklahoma under delegated powers from EPA pursuant to the Safe Drinking Water Act. Underground injection is not unique to the oil and natural gas industries as EPA has regulations on six different classes of underground injections. Underground injection of wastewater from oil and natural gas activities has been conducted safely in a number of states for decades, and, in a previous EPW hearing, Senator Cardin complimented "the actions taken" in Oklahoma with regard to oil and gas wastewater disposal. He went so far as to say the State "provided a good model that should be used in other States," lauding Oklahoma's actions as an example of "the Federal Government working with the State to develop the right framework for dealing with natural gas extraction." The State of Oklahoma has acted on local seismicity concerns and, to the best of my knowledge, follows all applicable SDWA requirements in regulating class 2 injection wells within the state.

42.You at first belittled the idea that oil and gas operations could cause human induced seismicity in Oklahoma, so did Harold Hamm. Do you now believe that you were both wrong?

As new information becomes available on a number of issues it should always be evaluated and taken into consideration. The State of Oklahoma has taken actions to address seismicity concerns related to the oil and natural gas industry and I support the state taking action.

43. How would a Trump/Pruitt EPA address growing environmental and economic justice issues associated with existing oil refineries and associated unconventional oil and gas infrastructure proposals?

As I stated at my confirmation hearing I believe addressing environmental justice in poor and minority communities is an important role of the EPA Administrator. If confirmed I intend to enforce laws under EPA jurisdiction with uniformity regardless of which industry a potential violation of law comes from.



44.Would you support implementing a requirement to provide full, well specific, public disclosure of all information related to oil and gas development involving

hydraulic fracturing that informs understanding groundwater, surface water, public health and safety, and habitat potential impacts?

If confirmed I would review both EPA's legal authorities as well as the potential need for new requirements and regulations.

With regards to decommissioning a former nuclear power plant, a fair amount of confusion appears to exist in regulating non-radiological hazardous materials during active plant demolition. Most agencies, including the EPA, will defer to the Nuclear Regulatory Commission (NRC) for anything at a nuclear power plant site. However, the NRC does not regulate the non-radiological aspects of nuclear power plant operation--e.g., the NRC does not regulate chemical or oil spills that occur at a nuclear power plant site.

45.How active of a role should the EPA play during the hazardous material survey and active demolition phases of power plant decommissioning to assure that public health and the environment are not impacted by a site's prior use as a nuclear power plant?

In 2002, the EPA and the NRC signed a Memorandum of Understanding entitled "Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites." The EPA's responsibilities with regard to the regulation of non-radiological hazardous materials are address in sections V.C.3, V.D.4, and VI. If confirmed, I will carry out EPA's responsibilities under the law.

The National Environmental Policy Act (NEPA) requires all federal agencies to consider the potential environmental impact of any industrial project while the agencies assess their regulatory authority specific projects. While the Nuclear Regulatory Commission (NRC) does conduct Environmental Assessments for nuclear power plant construction, operations, modifications and decommissioning activities, these assessments are frequently conducted after all other technical assessments for a nuclear power plant project have been evaluated; meaning that they are not an integral part of the NRC's regulatory decision-making process.

46.As Administrator, how will you encourage or require the NRC to more rigorously include NEPA requirements in its "technical" regulatory evaluations?

I am not familiar with how the Nuclear Regulatory Commission conducts its analyses under the National Environmental Policy Act. Under section 309 of

the Clean Air Act, EPA reviews and comments on the NEPA analyses of other agencies. If confirmed, I will ensure that EPA continues to carry out this statutory responsibility.

Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values.

47.How will the EPA support water resource management programs to address these issues?

If confirmed, I will continue to implement the water quality protection authorities granted to EPA by Congress. These include regulatory and financial and technical assistance programs. The Clean Water Act expressly leaves the allocation of water quantity to states. I further note that Congress has not given EPA water resources management authorities. Instead, such programs are carried out by the Corps of Engineers and, in the 17 Western states, the Bureau of Reclamation.

48.How would you address EPA's permitting backlog, e.g. the National Pollutant Discharge Elimination System (point source water dischargers) program?

Making sure permits are current is one of core functions under the statutory responsibilities given to EPA and in turn carried out by authorized states. However, in recent years states have been asked to shift their focus and resources to other activities. If confirmed, I would focus on ensuring EPA is able to carry out its core functions under our environmental.

Federal regulations such as the Clean Water Act and the Clean Air Act set national standards to protect our natural resources and safeguard public health. In 2010 you campaigned against a "one-size-fits-all strategy" towards environmental protection.

49.What did you mean by that and how would you, as EPA Administrator, ensure that all Americans are adequately protected against poisonous water and air regardless of where they happen to live?

As I said in my testimony before the committee, I support national standards and neighborhood solutions. That means there may be one standard that applies nationally, but not only one way to achieve that standard. If confirmed, I will bring this philosophy to my role as EPA Administrator.

50.Do you support and stand behind the premise of the Clean Water and Clean Air Acts that every American has the right to clean water and air?

I fully support the Clean Water Act and the Clean Air Act.

In a court filing opposing the Waters of the United States you wrote "This regulation usurps the state's authority over its land and water use, and triggers numerous and costly obligations under the [Clean Water] Act for the state and its citizens."

51.Without national regulations how would you guarantee the quality of water that flows across state boundaries?

Regulation of rivers and streams that form the boundaries of states or flows from one state to another is not an issue raised by states in the WOTUS litigation.

52.Do you believe that the only people with an interest in water are those within a state and not downstream neighbors?

No.

53.Every national science organization, not to mention the Pentagon, lists climate change as a critical threat to our planet, our economy, and our national health. The Pentagon considers Climate Change a "Threat Multiplier" and a "Growing Security Threat." Do you agree with the Pentagon and our National Security advisors regarding the severity of this crisis?

I have no reason to disagree with the statements from the listed security experts, although I have not made any attempt to independently verify their accuracy.

54.Please describe your plan, process, or other information that the EPA may be able to provide to the Pentagon to mitigate or mollify the threats our military describes.

Interagency cooperation is very important. I believe the development of military readiness and response plans are best left to our military and national security experts. If confirmed, I will provide technical expertise to other agencies as appropriate.

55.Will you be promoting greater use of carbon-based fossil fuels?

I do not believe it is the mission of the EPA to promote one type of energy source over another. If confirmed as Administrator, I will fairly and equitably enforce the laws within the framework established by Congress and not pick winners and losers.

56.Do you think the EPA has any role in helping our nation decrease or end the consumption of carbon fuels?

The mission of EPA is to set standards that protect the environment and the health and welfare of our citizens. While setting national energy policies are not within the statutorily ascribed purview of the agency, EPA regulatory actions often impact the ability of those charged with generating our nation's energy to do their job. If confirmed, I will listen to all impacted stakeholders when developing EPA actions. I will also coordinate with impacted agencies, such as the Federal Energy Regulatory Commission, to ensure EPA's actions do not undermine their equally important missions and statutory objectives.

57.Do you see any reason for reducing carbon emissions that come from using fossil fuels like oil, coal, and natural gas?

I believe the Administrator has an important role when it comes to the regulation of carbon dioxide. If confirmed, I will fulfill the duties of the Administrator consistent with Massachusetts v. EPA and the agency's Endangerment Finding on Greenhouse Gases respective of the relative statutory framework established by Congress.

58.What do you think are the most reliable sources for scientific news and information?

If confirmed as EPA Administrator, I will adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment and will base my decisions on sound science, including advice provided by agency experts and advisory personnel.

59.Do you plan to request regular briefings from government science and/or intelligence sources? If so, how often? If not, why?

If confirmed, I will make decisions based on sound science reflective of diverse, objective and unbiased views conducted in a transparent manner reliant on public engagement and consistent with the framework established by Congress.

60.Do you intend to have meetings with or receive regular briefings from private industrial sources? If so, how often? If not, why?

If confirmed, I intend to operate the agency consistent with the statutory framework established by Congress and follow associated processes, which require extensive outreach with the public and regulated community.

The President-Elect has positioned himself as a champion of coal miners. You may be aware of the crisis facing the nation's largest multi-employer health and pension plans serving coal miner retirees, administered by the UMWA. The pension plan is facing insolvency within 10 years and, more immediately, over 20,000 retired coal miners and their dependents are facing an imminent loss of health care coverage. Senator Manchin e developed a bi-partisan legislative response to this crisis called the Miners Protection Act that I co-sponsored. It was marked up and passed by the Senate Finance Committee last September on an 18-8 vote. We were expecting the Senate and House Republican leadership to work with us to include the MPA in the Continuing Resolution package that we deliberated on during the lame duck session. We also asked the President-Elect to express his support for this legislation given his abundant pro-coal miner rhetoric during the Presidential campaign. Senate Democrats sent him a letter imploring him to publicly express his support. We got no response. The outcome was a Continuing Resolution that included nothing more than a 4 month extension of health benefits for the retirees who now face a termination of benefits in April instead of this month.

61.How will you work with the President-elect and the rest of his cabinet to work with Congress to pass the MPA and fulfill the nation's commitment to the coal miners whose work powered this country for generations?

I am not familiar with the proposed legislation referenced in the question or EPA's authorities and responsibilities for pension and health care plans for miners.

As you may know, each federal agency, including EPA, has an important role in enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color and national origin by recipients of federal funds. This is an accountability law — before the law was passed, federal funds were subsidizing agencies and organizations, from schools to hospitals to other agencies of government that discriminated. The case that led to the passage of Title VI was *Simkins v. Moses Cone Memorial Hospital,* a 1963 case in which a circuit court finally, 9 years after *Brown v. Board,* struck down a provision of federal law that allowed federally subsidized hospitals to have separate wings for "whites" and "colored" people under a "separate but equal" provision of a federal law called the Hill Burton Act.

62.Are you familiar with Title VI?

Yes.

63.Are you familiar with the Moses Cone Memorial Hospital case?

Yes.

64. If confirmed, wiill you commit to enforcing Title VI and the regulations promulgated by EPA to enforce Title VI?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress that impose duties or grant authority to me as Administrator, including the Civil Rights Act.

Title VI (at 42 USC 2000d-1) specifically empowers "each federal department and agency" that distributes federal funds to effectuate Title VI and then authorizes each agency to issue rules, regulations and orders to implement the law. Thus, the authority and responsibility to enforce Title VI and to ensure that recipients of

federal funds are not discriminating rests with each federal agency, including EPA. As you may know, federal enforcement is all the more important because affected communities can't go to court to enforce claims unless they can prove intentional discrimination under a case that arose out of Alabama — *Alexander v. Sandoval*, 532 U.S. 275 (2001).

65.Are you familiar with the text of Title VI, 42 USC 2000d, which prohibits discrimination on the basis of race, color or national origin?

Yes.

66.What is your vision for Title VI enforcement at EPA? What reforms need to be made? What concrete steps do you envision to strengthen civil rights enforcement at EPA?

If confirmed as Administrator, I will faithfully execute Title VI. I will expect my staff to evaluate any areas that might need reform, and I will take appropriate actions based on the recommendations made to me.

67.Are you familiar with the Supreme Court decision in *Alexander v. Sandoval* (2001)?

Yes.

68.To your knowledge, does the text of the law define or limit the meaning of "discrimination"?

I cannot answer this question without additional context as to what text of what law you refer to.

69.Are you familiar with regulations promulgated by EPA to implement this language, found at 40 CFR Part 7?

I cannot answer this question without additional context as to what you are referring to when you say "this language."

70.In your opinion, does this language further define what is meant by "discrimination"?

I cannot answer this question without additional context as to what you are referring to when you say "this language."

71.In fact, the regulations prohibit actions with an unjustified disparate impact. Do you agree?

The regulations speak for themselves.

72.Are you aware of criticism that EPA has historically done a “poor” job of enforcing Title VI and its regulations?

I am not.

73.If so, do you agree or disagree with criticisms that EPA has historically done a “poor” job of enforcing Title VI and its regulations?

Because I have not heard those criticisms, I cannot say whether I disagree or not.

74.Are you familiar with the Deloitte Report (2011), see https://assets.documentcloud.org/documents/723416/epa-ocr-audit.pdf, which documented problems with EPA’s enforcement of Title VI? If so, what is your past experience with the Deloitte Report?

I am not familiar with the report you reference.

75.Were you aware that the Deloitte Report made the following findings:

•The Office has not adequately adjudicated Title VI complaints – those addressing allegations of discrimination against communities of citizens affected to environmental rules promulgated by the EPA.

•OCR has not completed compliance checks of EPA grantees, in a timely or effective manner, to ensure that grantees are not engaging in discrimination in their work.

I am not familiar with the report you reference.

76.If so, what is your past experience with the findings?

I am not familiar with the findings.

77.In your opinion, what has the EPA already done to address these issues?

I do not know what EPA has or has not done to address any such issues.

78.Do you know whether these steps have been effective?

Because I am not aware of the steps taken--if any--I cannot judge their effectiveness.

79.In your opinion, what more could the EPA do to address these issues?

It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is fully and fairly considered, as part of a transparent process that seeks input from all stakeholders.

80.If confirmed, will you commit to taking action to address these issues?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress and imposing upon EPA duties or powers.

81.Do you believe that recipients of federal funds — across this whole country — are making any decisions that are discriminatory?

I do not doubt that some recipients of federal funding engage in behaviors that violate federal anti-discrimination laws.

82.Under Title VI and its regulations, should recipients of federal funds review whether a decision has a disproportionate adverse impact to ensure that it is in compliance with civil rights law?

Recipients of federal funds should take all actions required by law to ensure that they are in compliance with federal civil rights laws.

83.Do you have plans for pre-award compliance reviews? When would any such plans go into effect? And post-award compliance reviews? What would such reviews involve?

If confirmed as Administrator, I will ensure that federal funds are awarded in compliance with federal law.

84. What is your understanding of the obligations of recipients under Title VI and EPA implementing regulations? Do you think those obligations are sufficient?

The obligations of recipients of federal funds are defined by the statutes and regulations to which you refer. Those statutes and regulations speak for themselves.

Energy burdens above six percent of a household's income are typically considered unaffordable, but low income households spend an average of 15 to 20 percent of their income on energy bills. Low income families are also more likely to live in older, inefficient housing. The Clean Power Plan provides incentives to states to invest in energy efficiency improvements in low income communities.

85.Are you concerned about the lack of access to energy efficient, affordable housing for low income families?

I am unfamiliar with EPA's role and statutory authorities as they relate to affordable housing. I am concerned about the impact regulations can have on the cost of energy for consumers.

86.As EPA Administrator, how would you help low income working families reduce their energy burdens and access energy-efficient affordable housing?

I am unfamiliar with EPA's role and statutory authorities as they relate to affordable housing.

Low-income rural and urban communities and people of color are disproportionately live near, are exposed to, and die from environmental risks/hazards. As of February 27, 2014, there were 1322 Superfund sites on the National Priorities List in the United States. Fifty-three additional sites have been proposed for entry on the list. Communities of color breathe in nearly 40 percent more polluted air than whites. Sixty-eight percent of African-Americans live within thirty miles of a coal-fired power plant, the zone of maximum exposure to pollutants that cause an array of ailments, from heart disease to birth defects. Half of all U.S. Latinos live in the country's most polluted cities. Hispanic children are twice as likely as non-Hispanic white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Hispanic white children. African-American children are three times as likely to suffer an asthma attack.

87.As EPA Administrator, how would you ensure that vulnerable low-income communities and communities of color are not overburdened by the harmful impacts of pollution?

If confirmed, I expect to make the cleanup of contaminated land one of my priorities. I believe the nation's environmental laws apply to all Americans.

88.Would you say there is anything you will do, if confirmed, to help these Americans? Will you push to reduce smog and particulate matter that causes more asthma attacks and other lung problems? Or is that a matter for the states and not the EPA?

If confirmed, I will work to ensure human health is protected by implementing Clean Air Act provisions, such as the National Ambient Air Quality Standards for criteria pollutants, including for ground-level ozone and particulate matter, which prioritize protection of human health and welfare. I will also work to ensure all Americans are treated equally under the law in furtherance of EPA's mission to protect human health and the environment.

EPA has adopted many cost-effective safeguards in the past eight years that would significantly reduce the pollution that contributes to asthma attacks in children -- many of which you challenged as Attorney General of Oklahoma.

89.Can you explain how you will protect the interests of these and other children that suffer from asthma?

As I stated in my testimony to the committee, all legal positions that I took in my capacity as Attorney General for the State of Oklahoma were in an the capacity of an advocate. If confirmed as Administrator, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.

90.Will you commit to working to further reduce pollution, including pollution that disproportionately burdens Hispanic and Environmental Justice communities?

If confirmed, I will work to ensure all Americans are treated equally under the law in furtherance of EPA's mission to protect human health and the environment.

91.Do you think the EPA has done enough to ensure that low-income communities near brownfields receive the same amount of attention as high-

income communities? Will you give priority to the safety and health of our children and future generations over short-term current economic gains of few?

I do not know what EPA has or has not done on this issue. If confirmed as Administrator, I will work to ensure the brownfields program is operated in accordance with applicable legal requirements.

92.Municipal electric utilities depend on the municipal bond tax-exempt status. For Vermont Municipal electric utilities, this is particularly true with regard to utility investments. Do you support tax-exempt bonding as one important tools to improve utility infrastructure (electric, water, wastewater, etc)?

As Attorney General for Oklahoma, I have not studied the issues related to tax-exempt bonds for utility infrastructure. I am not familiar with EPA's role and legal authorities as they relate to municipal tax-exempt bonds.

Your state of Texas is part of a market (ERCOT) that is not Federal Energy Regulatory Commission jurisdictional. This means that Texas does not comply with the same requirements as electric utilities in Vermont and other ISO regions face. ERCOT seems to have embraced wind and other renewable sources.

93.What are the strengths of the ERCOT approach?

I am Attorney General for Oklahoma, not Texas, and do not have an opinion on the Texas electric grid.

94.How would you contrast those with the strengths and weaknesses of the New England ISO?

I am not familiar with the electric grid in New England.

“Green infrastructure” (forests, wetlands, natural floodplains, etc.) can play a critical role in reducing impacts of flooding from extreme weather events like Tropical Storm Irene, and in helping to meet essential water quality requirements/improvements such as the EPA-approved Lake Champlain Total Maximum Daily Load (TMDL) plan. Also, green infrastructure is often much more cost effective than updating or investing in new traditional “gray infrastructure.” EPA has played an important role in providing training, technical and financial assistance related to capitalizing green infrastructure.

95.What do you see as EPA's role going forward related to green infrastructure?

Green infrastructure is a good example of a neighborhood solution that can achieve compliance with national standards. I believe EPA should be supportive of such efforts. If confirmed, I will work to break down barriers within EPA to the use of green infrastructure.

In your own state of Oklahoma, wastewater disposal from fracking and drilling has induced thousands of earthquakes, threatening lives and destroying property. Joe and Mary Reneau suffered through a 5.7 magnitude quake (Nov. 6, 2011) near Prague, Oklahoma – their chimney fell into the living room, right on top of a favorite spot of Mary's to sit. Luckily for them, Mary wasn't sitting there at the time, they had earthquake insurance, and they had $200,000 of repairs done on their house. Joe jokes that he won the earthquake lottery. Jerry and John Loveland weren't so lucky, they had $50,000 worth of damage done on their house, no insurance, and no way to pay for the damage. Oklahoma is an oil and gas state. Joe Reneau said he wouldn't bring any claims against the oil company, because if he did, he would be "run out of town." Oklahoma regulators have done next to nothing to help those harmed by oil industry induced quakes or prevent more destruction.

96.As EPA administrator, what will you do to help the Amos family, John and Catherine Fenton, or all those in Oklahoma threatened by oil industry induced earthquakes?

As I have previously stated, underground injection is regulated by the State of Oklahoma under delegated authority from EPA under the Safe Drinking Water Act. The State has taken action to address seismicity concerns and, if I am confirmed, I will continue working with States and within EPA's legal authorities to address public health and environmental concerns.

In September 2016, the EPA recommended a moratorium on the underground injection of fracking wastewater in certain earthquake-prone parts of Oklahoma because regulations had not successfully addressed the problem.

97.Will you uphold the EPA's recommendation—yes or no?

The State of Oklahoma has worked collaboratively with the EPA to address seismicity concerns and state regulators have shut down dozens of

underground injection wells and, if confirmed, I will continue this cooperative approach to addressing such future issues as they might arise.

98. Specifically, EPA's recommendation arose out of the agency learning that the Oklahoma Corporation Commission, the body overseeing the underground injection control program in a primacy agreement with the EPA, has illegally permitted restricted wells to return to normal operations. While EPA cannot order Oklahoma to impose a moratorium, it can revoke the state's authority and take over regulation of the wells itself. As EPA Administrator, will you regulate these wells in compliance with the Safe Drinking Water Act and in addressing the seismic catastrophe occurring in your state—yes or no?

If confirmed as EPA Administrator I will review relevant information, including EPA's legal authorities, to ensure drinking water protections in Oklahoma and across the nation.

99.Do you think local communities have the right to protect themselves from pollution and other threats to public health?

Yes, if authorized under the law and not preempted or displaced by state or federal law.

100.Will you, as EPA Administrator, support these state and local regulations by not intervening or challenging them—yes or no?

I believe in cooperative federalism and I will work with States and local communities to protect citizens consistent with our nations laws.

101. How do you reconcile challenging these rules with your view of respecting and giving deference to state and local environmental regulation?

It is not clear to me what rules are being referred to in this question, however, I believe that environmental and public health protections are the strongest when there is collaboration across all levels of government consistent with applicable laws.

The FracTracker Alliance has shown that 11% of organic farms are within 1/2 mile of oil and gas development, and 100% of farms within the San Joaquin Valley and Southern California are within 8 miles of oil and gas operations (59,840 wells),

and that produced water is being used to irrigate crops (and also organic crops). California feeds 50% of the country.

102. What is your response to the US maintaining food independence and food safety when the majority of its food sheds are threatened by oil and gas contamination?

I have seen no evidence or information that proximity to oil and natural gas development has contaminated or threatened to contaminate our nation's food safety. The State of California would be better able to address their laws and regulations with regards to the location of oil and gas development in their State as well as their irrigation policies.

103. Why is energy independence more important than food independence?

I have not made any statements ranking the importance of these two issues critical to our nation's health and welfare.

104. We have the opportunity to be both energy independent and food independent without poisoning people and the planet. Why should the US be dependent on other countries to supply its food, but not be dependent on other countries to supply its energy?

I support both the goals of domestic energy independence as well as protecting our domestic food supply and working collaboratively with our nation's farmers and ranchers.

105. From your Great Plains perspective how do you feel the advent of High Volume Hydraulic Fracturing (HVHF) will affect the growing concerns about food security/safety relative to energy infrastructure?

Oklahoma, as a rural state, has long successfully balanced safe energy production as well as farming and ranching.

106. How can the public trust the oil and gas industry when it is exempt from so many environmental regulations?

Any statutory exemptions come from Congress and if confirmed I will uphold the laws as directed by the Constitution.

107. How can rural communities trust oil and gas operators when rural gas gathering lines are exempt from federal pipeline safety regulations (because of the exemption, states also cannot regulate rural gas gathering lines, and therefore because they are not regulated the operators do not have an obligation to report on incremental failures along the pipelines, they are only required to report if there is a need for an evacuation).

The State of Oklahoma has worked well with both rural communities and the domestic energy industry (including alternative energy producers as well as conventional) and, if confirmed, I will continue working to foster safe domestic energy development and maintain trust with our nation's communities both rural and urban.

The conventional food supply is sufficiently burdened by a toxic load from pesticides, herbicides, fertilizers, and genetic modification. It doesn't need yet another toxic burden.

108. How can consumers trust the food in restaurants and grocery stores when it may be grown near oil and gas operations?

If confirmed, I would expect to be briefed by staff to before taking action and would work to ensure EPA followed all applicable legal requirements and made decisions based on sound science.

109. How can parents trust the food that is being served to their kids in school cafeterias?

If confirmed, I would expect to be briefed by staff to assess what role, if any, EPA plays concerning the safety of food served in school cafeterias.

Many of our environmental laws were designed to permit regulation and enforcement by the states so long as state programs meet minimum federal standards established by EPA. Since state laws, however, do not always have general effect or application on Indian lands, Congress has amended several of our environmental statutes to permit tribes themselves to assume primacy of enforcement.

110. Do you intend to encourage tribes to develop their own enforcement regimes under approved programs, much as the states do? Or do you expect EPA itself to

provide direct regulation and enforcement of federal environmental laws on Indian lands throughout the country?

If confirmed as Administrator, I would ensure that Indian lands were subject to adequate environmental regulation, whether that be through tribes utilizing regulatory powers as contemplated by Congress, or through direct regulation by the EPA.

Much of the nation's and the world's attention has been focused in recent months on the Dakota Access Pipeline, the construction of which crosses multiple states. Many pipelines on Indian lands are located entirely within a single state, however. Here EPA is not always the primary regulator, and state laws do not always apply. The health and environmental consequences of pipeline failures, however, can be enormous.

111. Will you commit to work with this Committee and other agencies to address the environmental and public health and safety issues associated with the operation of pipelines on Indian lands, including purely intrastate pipeline facilities?

If confirmed as Administrator, I would faithfully execute any obligations imposed on EPA by Congress to ensure the environmental soundness of pipelines on Indian lands.

Many of the nation's Superfund sites are on Indian lands. We are still dealing with clean-up issues from our uranium industry's legacy from the 1940s and 1950s. The nation's largest open pit uranium mine--Jackpile Mine on Laguna--was only recently added to the Superfund list. The largest Superfund site in the country in your own state is largely on Indian lands: Tar Creek on Quapaw. We have not fully addressed abandoned uranium mill tailings piles and the failure of the Church Rock Dam that dumped irradiated mill tailings into Navajo lands and waters. More recently the failure of the dam below the Gold King Mine in Colorado turned the San Juan River on the Navajo Reservation red all the way to Utah. Today, and nearly every day, fugitive coal dust emissions from trains silt over spawning grounds of treaty-protected fisheries. Oceangoing dumping threatens subsistence lifeways throughout Alaska and the Pacific Northwest. Newer and more virulent strains of black lung disease are overwhelming public health facilities in mining communities. These are just a few examples of major environmental issues that impact disproportionately the poor and the underrepresented elements of our society, including Indian communities and tribal lands.

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112. Can you assure us that under your leadership the EPA will address issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization?

If confirmed as Administrator, I will faithfully execute all environmental laws enacted by Congress, and will do so in all communities, including Native American communities.

These questions extend to resources protected by treaties such as water rights and compacts, forestry, hunting and trapping, fishing, etc. Some treaties have language that doesn't apply any longer and needs to be updated. Other language needs updating to reflect cultural realities. For example, “hunting” rights do not include “trapping rights” in the letter of the treaty unless trapping is explicitly mentioned, even though the tribes did not differentiate between both.

113. Please describe the relationship between the federal government and American Indian Tribes as it relates to sovereignty the trust responsibility.

Pursuant to federal law, the federal government has a trust responsibility to American Indian Tribes.

114. What obligations do federal agencies have to formally consult with American Indian tribes? What about independent federal agencies?

The obligations of federal agencies--independent or otherwise--to formally consult with American Indian tribes are defined by federal law. If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring or authorizing formal consultation with American Indian tribes.

115. What procedures should the EPA follow regarding permitting of infrastructure projects that could potentially impact American Indian tribes and their citizens?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring that procedures be followed with regard to infrastructure projects that could potentially impact American Indian tribes and their citizens

116. How do you interpret the United Nations Declaration on the Rights of Indigenous Peoples, especially as it relates to obligations of the federal government?

The federal government's obligations with respect to Indian tribes is defined by federal law.

117. Do you believe federal funding should be block granted to states to then disburse to tribes? Alternatively, should tribes receive their full and fair allocation of federal funding without being beholden to cumbersome state bureaucracy?

Federal funding should be disbursed to States and tribes in the manner directed by Congress.

118. What is the federal government's role in permitting extraction of mineral resources on federal Indian lands?

As trustee of federal Indian lands, the federal government's role is to act in the best interest of the tribes with regard to permitting extracting of mineral resources on those lands.

119. How will you promote economic development within Indian country?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress directing or authorizing me to promote economic development within Indian country.

120. How will you ensure the Bureau of Indian Education provides quality education to American Indian students?

The Bureau of Indian Education is overseen by the Department of the Interior, not EPA.

121. What is the role of the federal government to promote renewable energy development on American Indian lands?

The federal government's role in promoting renewable energy development on American Indian lands is determined by Congress. If confirmed as Administrator, I will faithfully execute all laws enacted by Congress imposing upon EPA duties relating to promoting renewable energy development on American Indian lands.

122. What is the role of inter-agency cooperation to work across agencies on American Indian issues?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress imposing upon EPA duties relating to American Indian issues, and if faithful execution of those laws requires cooperation with other federal agencies, I will ensure that such cooperation occurs.

123. Will you work with the White House Inter-Agency Working Group on American Indian issues?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring or authorizing me to work with the White House Inter-Agency Working Group on American Indian issues.

Federal Indian law has long recognized that tribes maintain authority over Indian country to the exclusion of states. Oklahoma has 38 federally recognized Indian tribes and those tribes exert jurisdiction over their lands throughout the state. But as Oklahoma Attorney General, your office has never filed a brief in support of tribal jurisdiction. Instead, your office filed briefs in ODEQ v. EPA, the Dollar General case, and several other cases OPPOSING tribal jurisdiction.

124. How can you hope to serve as a protector of tribal lands when you have, over and over again, advocated to deny tribal governments the right to regulate and protect their OWN resources?

As Oklahoma Attorney General, my duty was to ensure that the State of Oklahoma's jurisdiction was fully realized, and sometimes took legal actions in pursuit of that duty. If confirmed as Administrator, I will faithfully execute all laws enacted by Congress directing or authorizing me serve as a protector of tribal lands.

Indian lands outside reservation boundaries. The EPA has, since at least 1984, recognized the federal government's trust responsibility, which is built upon the longstanding historical and legal relationship between the federal government and Indian tribes. The EPA has also acknowledged that treaties, as part of the supreme law of the land, have the same legal force as federal statutes and must be considered when making agency decisions.

125. How will you work to protect tribal treaty lands and resources that lie outside of reservation boundaries, and how will you help expand tribal authority over those lands and resources?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress directing or authorizing me to regulate tribal treaty lands and resources and directing or authorizing me to seek to expand tribal authority over those lands and resources.

Tribal communities, especially those in Alaska, have borne the brunt of the impacts of climate change. Several Native Alaskan villages have seen their entire way of life vanish as their homes have begun to erode away beneath their feet due to rising sea levels. Others have seen vital food supplies contaminated and sacred species of fish devastated by climate change.

126. How do you plan to protect native peoples from the effects of climate change?

If confirmed as EPA Administrator, I will adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment for all of our nation's citizens.

127.There are established consultation processes set up for Indian Nations. Will you have "meaningful" talks with them? Will your Agency be transparent in all dealings with Tribal Nations? Will you be honest and fair?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring consultation processes for Indian tribes. I will engage all who have business before the EPA--including Indian tribes--in meaningful, transparent, honest, and fair processes.

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Senator Sullivan:

1. Alaska's seafood industry is the nation's largest and is one of major employer's in the Alaska economy. In fact, over 60 percent of the nation's commercially harvested fishery resources are caught and processed in Alaska. Alaska's waters remain some of the cleanest and most pristine in the nation. Most of the seafood processors who process these great resources are located in remote areas of Alaska. Each of those processors hold Clean Water Act discharge permits for the small amounts of seafood waste produced during procession operations.

EPA has delegated the management of those discharge permits to the State of Alaska Department of Environmental Conservation as directed by the CWA. In spite of that delegation, EPA remains actively involved in deciding issues that impact the ability of the state agency to accomplish its mission. For example, the EPA is currently considering a rule change that would dramatically impact the operation of seafood processing plants in those remote areas. That change could result in some of those operations having to cease processing because they cannot comply with this rule change. The current rule has been in place for almost 35 years and there is no water quality problem in the locations to justify such a rule change.

Will you commit to reviewing this proposal and confer with the Alaska Congressional Delegation prior to making any change to the current status?

If confirmed, I will review this proposal and confer with the Alaska Congressional Delegation prior to changing the Clean Water Act regulations currently applicable to seafood processors.

The Alaska Department of Environmental Conservation has recently issued a draft Clean Water Act APDES permit to allow seafood processors to continue discharging small amounts of waste pursuant to the Clean Water Act. Unfortunately, EPA is objecting to some of the permit conditions. Again, they are doing so with no known water quality issues or public concern about those conditions. Rather, it appears as though the EPA does not approve of the manner in which our state agency is pursuing its obligations. As a former State of Alaska Department of Natural Resources Commissioner, I have great faith in the ability of state employees to make solid permitting decisions that will protect the state's environment while allowing operations and employment to continue that are compliant with the Clean Water Act.

2. Will you commit to reviewing these EPA actions and allow the state to issue its permit?

Yes, if confirmed, I will review EPA's actions as they relate to Alaska seafood processing permits. As I stated in my testimony, I support national standards and neighborhood solutions.

3. CERCLA Financial Assurance Requirements under Section 108(b):

On December 1, 2016 the Environmental Protection Agency issued a proposed rule under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act that would require hard rock mines to obtain additional and duplicate financial assurance requirements for copper, gold, iron, zinc and other hard rock mines. If this proposed rule is finalized, the financial assurance requirements would likely result in significant redundant costs for mining corporations. EPA has indicated that these regulations will expand to the oil and gas sector next. If confirmed would you work to ensure that any new rules or regulations are not duplicative of rules imposed by other federal agencies or states?

I am not familiar with the details of this rulemaking action and would not want to prejudge the issue prior to being confirmed as Administrator. However, if confirmed I will work to ensure EPA complies with all applicable legal requirements, including those related to analyzing impacts on small businesses, as part of this or any other rulemaking.

4. Section 404(c) of the Clean Water Act:

Do you believe that EPA's use of a preemptive veto of a project under section 404(c) of the Clean Water Act may create the opportunity for overreach by the agency and could undermine administrative process and the rule of law?

As I stated in my testimony, I believe that it is very important that federal agencies follow the appropriate legal process when taking any actions. Any preemptive action before the completion of a statutorily mandated process could undermine both the administrative process and the rule of law.

Senator Whitehouse:

1.Estuaries are important coastal habitats the sustain unique wildlife and plant species, serve as a nurseries for commercially important fish, buffer coastal communities from coastal storms, and filter water as it flows into the ocean. The EPA manages a network of 28 estuaries of national significance around the country. Last Congress, the National Estuary Program (NEP) was reauthorized through 2021 (Public Law No.114-162) in a bipartisan effort and charged with providing grants to support projects that address a number of problems facing estuarine and coastal environments, including seagrass habitat loss, harmful algal blooms, invasive species, and sea level rise. Coming from a non-coastal state, please describe in detail how you will acquaint yourself with 1) the NEP, and 2) coastal issues the NEP helps address.

If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority.

2. Each NEP must institute a Comprehensive Conservation and Management Plan (CCMP) to guide management and conservation decisions at the NEP. The effects of climate change on estuaries (i.e., saltwater inundation, increased rainfall-driven runoff, warming waters) are included in these CCMPs. Would you direct the NEPs to disregard the consequences of climate change in the CCMPs and other decision-making reports and tools?

If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority. If confirmed, I will follow all as enacted by Congress.

3. The Climate Ready Estuaries program coordinates with the NEP to educate managers on how to assess the effects of climate change on U.S. estuaries. It also provides recommendations and toolkits to help design climate change adaptation and risk identification capabilities. Will you direct the Climate Ready Estuaries program to remove any materials, cancel any webinars or presentations, or stop its coordinated work on climate change with the NEPs?

I am not familiar with the details of the specific program referenced in your question. If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority.

4.Marine debris is a growing problem around the world, with plastic debris being the most troublesome component due to its pervasiveness and persistence in the marine environment. The EPA is currently a co-chair of the federal Interagency Marine Debris Coordinating Committee. Under your direction, will the EPA to maintain a leadership role on the committee? How will you continue EPA's

coordinated work with NOAA and other agencies to prevent marine debris, conduct education outreach, and support research efforts?

I am not familiar with the details of the specific program referenced in your question. If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority to better understand EPA's role compared to those of other federal agencies on this issue.

5.EPA completed a State of the Science White Paper in December entitled "A Summary of Literature on the Chemical Toxicity of Plastics Pollution to Aquatic Life and Aquatic-Dependent Wildlife." The white paper identified four key areas where additional research is needed: 1) "the fate of chemicals both sorbed to and in plastics under differing environment conditions and within an organism after ingestion;" 2) "the relative role plastics play in chemical contaminant transfer to the tissues of organisms compared to other exposure pathways (aqueous dermal exposure and ingestion from natural prey);" 3) "the relative impacts of physical and chemical effects of ingested plastic particles on a wide range of organisms;" and 4) "whether the relatively high surface area of nanoplastics compared to microplastics and their potential to permeate membranes with increased retention time may increase their toxicological risk to organisms." What is EPA's role and responsibility in finding answers to these research questions?

I am not familiar with the report referenced in this question. If confirmed as Administrator, I would expect to be brief by staff to learn more about EPA's authorities and responsibilities before taking any actions referenced in the question.

6.Do you accept the science of ocean acidification that has directly connected the increase in human-caused carbon dioxide emissions with decreases in ocean pH?

First, I would note that the oceans are alkaline and are projected to remain so. Second, it is my understanding that the degree of alkalinity in the ocean is highly variable and therefore it is difficult to attribute that variability to any single cause.

7.Do you accept that the oceans are currently acidifying at a rate unprecedented in tens of millions of years?

First, I would note that the oceans are alkaline and are projected to remain so. Second, it is my understanding that the degree of alkalinity in the ocean is highly variable and therefore it is difficult to attribute that variability to any single cause. I am unaware of tens of millions of years of data on the pH of oceans.

8.Do you accept ocean acidification's predicted toll on coral reefs worldwide, important habitats for recreation, tourism, and commercial fishing?

I am aware that there is a relationship between the alkalinity of water and the calcification process that grows shells and reefs and that a decrease in alkalinity can impair that process.

9.What is the EPA's role in helping states and coastal communities mitigate or adapt to the challenges projected for the shellfish industries or the thousands of individuals that make their living off of this billion-dollar resource?

If confirmed, I will implement the laws that EPA is charged to administer. Under section 304 of the CWA EPA establishes water quality criteria to protect aquatic life, including shellfish. Certain EPA programs also include authorities that can support projects that may benefit the shellfish industry, including the National Estuary Program under section 320 of the CWA, the Long Island Sound programs under section 119 of the CWA, and the Chesapeake Bay program under section 117 of the CWA. Finally, section 319 of the CWA can support programs and projects to reduce runoff that may impact oyster beds.

10.What do you understand to be the consequences of sea level rise, increased storm surge, and warming ocean waters on coastal communities and estuaries?

If confirmed, I would expect to be briefed by staff on the impact sea level rise, storm surge, and warming ocean waters on consequences on coastal communities and estuaries.

11.Both states and some Members of Congress have for years criticized EPA for "one-size-fits-all approaches" and failing to give adequate flexibility to states. Yet in challenging EPA's Clean Power Plan, you attacked EPA for just that – giving states and regions too much latitude in administering the Clean Air Act. Wouldn't that take the Agency in the wrong direction?

I, along with the Supreme Court, which issued a stay against the Clean Power Plan in February 2016, believe the EPA exceeded the bounds of authority established by Congress in the Clean Air Act. In particular, the Rule attempted to supplant decisions traditionally preserved for the states, including the establishment of intrastate energy policies, for agency mandated alternatives that would have increased the price of electricity for local citizens and reduced reliability. The notion of flexibility in the Clean Power Plan was conceptual at best. If confirmed, I will work to achieve the objectives of EPA-administered laws consistent with the process and framework established by Congress abiding by the bedrock principle of cooperative federalism, which relies on meaningful collaboration between the EPA and the states to achieve important environmental objectives.

12.According to the EPA, it has been estimated that the Clean Air Act has a history of reducing air pollution, while creating jobs. Since 1970 aggregate emissions of common air pollutants dropped 72 percent, while the U.S. gross domestic product grew 219 percent. Total private sector jobs increased by 101 percent over the same period. In 2020, EPA estimates that the standards will create the equivalent of over 104,000 new jobs including 17,000 new jobs building renewable energy facilities and over 78,000 jobs in improving demand-side energy efficiency. Do you agree that regulations under the Clean Air Act since 1970 have grown the economy? If not, can you provide your analysis, materials used, and people you solicited to come to this conclusion?

The success of the Clean Air Act is a direct result of the important partnership between the EPA and the states in developing and implementing its key programs. State regulators best understand the needs and uniqueness of local environmental challenges while the EPA is well positioned to set and adjust environmental safeguards that continue to improve the nation's air, land and water and protect public welfare. If confirmed as Administrator, I will adhere to the clear directives and process set out by Congress so that the agency can once again focus on fulfilling its core mission.

13.In 2014, four Republican former EPA Administrators – Bill Reilly, Bill Ruckelshaus, Lee Thomas, Governor Christine Todd Whitman – testified before EPW that climate change is real, EPA regulations do not end up costing as much as industry initially estimates, and EPA has clear authority under the Clean Air Act to curb carbon pollution. In a 2015 interview with Climate Progress, Governor Whitman said: "The idea the EPA is a job killer is false" and with regard to the Clean Power Plan "what EPA did was to allow as much flexibility as frankly I've ever seen them be able to create in a regulation."
Do you think that the former Administrators are correct in their assessment that regulations do not cost as much as industry initially estimates? If not, can you explain why not?

I am not sure what specific regulations the former EPA Administrators were referring to and accordingly lack sufficient information to answer the specific question. Generally speaking, if confirmed, I will work to ensure that EPA regulatory actions accurately account for the costs and benefits across all impacted stakeholders.

14.Carbon Capture Utilization and Storage is a bipartisan policy area that I am working on with my Republican colleagues. Senator Graham and I visited the world's first Carbon Capture project in Canada that has been operational since 2014. In 2016, SaskPower successfully captured and injected 800,000 metric tons of carbon dioxide and the facility has operated nearly 85 percent of the time. Recently, Petra Nova in Texas became the first United States first post-

combustion carbon capture project to begin operation. SaskPower and Petra Nova are listed in the Clean Power Plan as viable options for helping states reach their Clean Power Plan targets. Do you believe that CCUS is a viable technology for reducing emissions from power plants?

I believe CCUS technology can play an important role in the development of our future coal fleet, however it is not yet a viable option. Both the SaskPower and Petra Nova plants referenced in your question relied on significant support from their respective governments to become operational. Forcing private businesses to use unproven, expensive technology would be unfair, which is why Congress provided for protections against the EPA embracing such a practice in the Energy Policy Act of 2005.

15.In Rhode Island we have BioProcess H2O in Portsmouth and Agcore Technologies, LLC in Cranston that do carbon utilization—the conversion of carbon dioxide into useable products and fuels. These technologies not only capture carbon pollution, but can ease the demand of over-fishing by offering an alternative source of oils and protein. The carbon pollution from the algae production is creating and delivering algae-derived fish and animal feed. These utilization technologies are available now and are reducing carbon emissions. We also have retrofitted coal facilities using CCUS (SaskPower and Petra Nova). Do you believe that CCUS should be pursued as an emission reduction technology for the power sector and industrial sector?

Congress established clear directives the Administrator must consider when setting new source performance standards under the Clean Air Act. These directives are not technology specific, but instead require the Administrator set standards based on the best system of emission reduction that is technically feasible, achievable, adequately demonstrated and considerate of costs. If confirmed, I will follow the Clean Air Act process respective of the framework set by Congress.

16.According to the U.S. Energy Information Administration, in 2014, Oklahoma ranked fourth in the nation in net electricity generation from wind, which provided nearly 17% of the state's net generation. The American Wind Energy Association also estimates that wind power saved electricity customers in Oklahoma more than $1.2 billion in 2013 and a study from the Oklahoma State University found that wind companies have paid close to $134 million in property taxes to the state since 2004, producing revenues for the state. Do you agree that wind energy has saved Oklahomans money and brought revenues to the state? Do you agree that wind energy is an important part of our future clean energy economy?

As I discussed at my nomination hearing, 17 percent of Oklahoma's electricity is generated from wind, and as a state, we have a heavy emphasis

on renewables in addition to oil and gas. Wind energy can be part of successful, diverse, energy portfolio.

17.AWEA also found that the wind farms provided an additional $2.8 billion in societal benefits each year to Southwest Power and that the wind power helped save 3 billion in gallons of water in Oklahoma in 2013. The Windfall Coalition, a group created by Continental Resources Inc. founder and CEO Harold Hamm is trying to get rid of the Oklahoma's incentives for wind energy, as they believe it is a mature technology and doesn't need incentives. Do you support the Coalition's efforts?

The decision on how to address state tax incentives for Oklahoma lies with the State Legislature and, ultimately, the Governor.

18.According to the Wind Energy Association and Solar Energy Industries Association, in 2016 the United States had 400,000 wind and solar jobs–310,000 solar, 88,000 wind. In contrast, according to 2016 DOE Energy Employment Report, employment in oil and gas extraction was 388,000 and 53,000 in coal mining. The Energy Information Administration (EIA) just found that coal production continued to decline in 2016 down nearly 17% from 2015 production. Its Annual Energy Outlook in 2017 reports that declining cost of natural gas is still encouraging utilities to shift away from coal over the long-term. The change is expected under our existing policies regardless of the Clean Power Plan. Do you believe that dismantling the Clean Power Plan and cutting back on environmental regulations will bring back the coal industry? Specifically, will it bring back coal jobs and make coal the dominate source of electricity in the U.S. again?

I am unable to say whether United States utilities and electric cooperatives would or would not return to coal as a predominant portion of their fuel mix if the Clean Power Plan were revoked or other regulations were cut back. The federal Energy Information Administration projects that coal will be an important part of the American fuel mix for the foreseeable future.

19.The Clean Air Act requires the EPA to consult with an independent scientific body, the Clean Air Scientific Advisory Committee, on air quality standards. Congress has also directed EPA to establish and seek advice from an independent Science Advisory Board. Do you intend to deviate from the current appointment process for this advisory committee? Will you disclose professional and political affiliations and political contributions of members that you appoint to the committee? Do agree to maintain the existing structure of this committee and current rules that are in place for the decision making of this committee?

I understand and appreciate the important role of EPA's independent scientific bodies. I have no first-hand knowledge of the existing processes or rules of the advisory committees referenced in the question and, if

confirmed, I expect to learn more about these committees and commit to follow applicable legal authorities.

20.Improved environmental quality and economic growth aren't mutually exclusive. Since 2009, the states participating in the Regional Greenhouse Gas Initiative (RGGI) have seen carbon pollution fall by 18% while their economies grew by 9.2%. Emissions in the other 41 states fell by 4% while their economies grew by 8.8%. Do you agree that RGGI has developed a successful model for growing our states' economies and cutting carbon pollution at the same time? Will you commit to maintaining funding levels for EPA grant programs that fund state level initiatives to reduce their emissions?

While the agreement between the states participating in RGGI appears to be successful, what works for the Northeast may not achieve the same success in, for example, the Southwest. If confirmed, I look forward to working with EPA's budget staff and program offices to develop a budget focused on protecting human health and the environment for all populations. I will work to ensure that the limited resources appropriated to EPA by Congress are managed wisely in pursuit of that important mission and in accordance with all applicable legal authorities.

21.EPA operates multiple networks to monitor compliance with the Clean Air Act's National Ambient Air Quality Standards and to track hazardous air pollutants regulated under the act. These networks include, among others, the State and Local Air Quality Monitoring Network, the National Air Monitoring Network (which targets areas of high population density with a variety of air pollution sources), Special Purpose Monitoring Stations (used for short-term studies and other purposes), Photochemical Assessment Monitoring Stations (used to measure pollutants that contribute to ground-level ozone, a harmful air pollutant), and the National Air Toxics Trends Stations. During our meeting you mentioned a desire to increase resources for the Office of Research and Development, specifically mentioning monitoring equipment in non-attainment areas. What is your vision for monitoring? Do you plan to increase funding at EPA for these important monitoring networks?

I agree that monitoring compliance with the National Ambient Air Quality Standards is important to EPA's mission because it provides EPA with concrete and policy relevant data concerning the attainment status of communities throughout the country. If I am confirmed as Administrator, I expect to assess the Agency's resource usage and regulatory priorities and increased funding for air monitoring will be an area where I will consider deploying additional resources.

22.Section 105 grants provide significant funding to states for implementing the Clean Air Act requirements. Beginning in FY 2017, EPA is proposing a new formula for how the 105 grants are distributed to each of the regional offices (and subsequently to the states). Region 1, where Rhode Island receives its funding from, will receive a smaller percentage of the total 105 funds under this revised

formula. EPA is proposing an implementation approach that would limit regional losses to no more than 2.5% from each region's prior year amount. Region 1 will lose 2.5% for, at least, each of the next five fiscal years and possibly ten years, under this proposed approach. Will you commit to not implementing the new formula until and unless there is sufficient overall funding such that no Region will see reduced funding from the prior year's amount?

If I am confirmed as Administrator, I will consider this and other resource allocation issues and will use my best efforts to ensure that regional funds are allocated equitably.

23.The National Environmental Policy Act has been a bedrock of our nation's environmental laws, ensuring that the environmental and community impacts of major federal actions are properly understood, that alternatives are appropriately considered, and that the public has the opportunity to actively participate in the environmental review process. What is your view of NEPA and its associated regulations, and will you commit to ensuring that the law, including the processes it establishes to ensure meaningful public participation and informed decision making, is in no way weakened?

I understand the National Environmental Policy Act established the White House Council on Environmental Quality and generally a process for considering the environmental impacts of federal actions. If confirmed, I will faithfully execute all applicable laws as Administrator.

24. The EPA's Office of Civil Rights has a long history of failing to comply with the Civil Rights Act of 1964. To date, the office has never found a violation of Title VI, which prohibits recipients of federal funding from acting in discriminatory ways. It has also allowed complaints to linger for years without a response. What will you do to ensure compliance by the EPA with the Civil Rights Act and to improve the track record of the Office of Civil Rights?

If confirmed as Administrator, I would expect to be briefed by staff and review any recommendations by the Office of Inspector General before taking action on this issue.

25. EPA and States are co-implementers of many of our federal environmental laws and programs. We believe that the tools used to implement these programs should be updated, particularly at the State level, to ensure effective implementation. Are there approaches, systems, or tools that you have considered to improve these programs and investments you would like to make in improvements that would benefit both federal and state environmental programs?

As I testified in the hearing, I have pursued opportunities to address interstate environmental quality matters. One of the examples I have highlighted is the work that Arkansas Attorney General Dustin McDaniel and

I took to address an enforceable water quality standard between Arkansas and Oklahoma. I have also discussed how Texas should be responsible when air quality issues affect Oklahoma and my experience with that. When negotiations among and between states breakdown EPA has a role to set environmental standards. However, that is should be a last course of action instead of the first. I believe environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.

26. Under Section 111(b) of the Clean Air Act ("CAA"), in 2012, EPA issued New Source Performance Standards (NSPS) to limit emissions of VOCs from new, reconstructed, and modified sources in the oil and gas industry and finalized the rule in August of 2015. EPA developed a regulatory impact analysis of the regulation that estimated that the final standards for new and modified methane sources will yield benefits of $690 million in 2025, which will outweigh estimated costs of $530 million in 2025. Do you disagree with EPA's regulatory analysis? If you do, can you specify what information and analytics you use to justify your position?

I am familiar with the rule and understand that regulatory impact analyses play an important role in the EPA's rulemaking process. I also understand certain statutes, executive orders, and federal guidance documents inform the development of regulatory impact analyses. If confirmed, I commit to work with EPA staff to ensure regulatory impact analyses follow the relevant legal authorities.

27.In 2009, as mandated by the Supreme Court and backed by a robust scientific and technical review, the Environmental Protection Agency produced the Endangerment and Cause or Contribute Findings for Greenhouse Gases (GHGs) under Section 202(a) of the Clean Air Act. It found six greenhouse gases - carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride - "taken in combination endanger both the public health and the public welfare of current and future generations." You challenged the endangerment finding in court and lost. Do you agree with the EPA's finding? Do you commit to not take any steps as Administrator to narrow the scope or otherwise weaken this finding?

If confirmed, I will fulfill the duties of the Administrator consistent with Massachusetts v. EPA and the agency's Endangerment Finding on Greenhouse Gases respective of the relative statutory framework established by Congress. To my knowledge, there is nothing currently

pending before the EPA that would require I take any additional actions on the Endangerment Finding and if there were, it would not be wise to prejudge the outcome.

28.There appears to be clear benefit from the regulation of methane emissions from the oil and gas sector. Can you discuss your views on the techniques used in the regulatory impact analysis for the NSPS for new oil and gas wells to quantify the cost and benefits of the regulation? Do you commit to maintaining the same metrics like emissions reductions, monetized climate benefits and health co-benefits, economic effects, employment benefits when designing new rulemakings?

I am familiar with the role and understand that regulatory impact analyses play an important role in the EPA's rulemaking process. I also understand certain statutes, executive orders, and federal guidance documents inform the development of regulatory impact analyses. If confirmed, I commit to work with EPA staff to ensure regulatory impact analyses follow relevant legal authorities.

29.The regulatory impact analysis for the methane emissions estimates that the rule could also reduce 210,000 short tons of ozone-forming VOCs in 2025, along with 3,900 tons of air toxics, such as benzene, toluene, ethylbenzene and xylene. Industry frequently talks about the costs to polluters of meeting public health standards while ignoring the costs to people harmed by the effects of pollution like the formation of ozone. Do you believe EPA should look at only the costs to the polluters when undertaking its regulatory impact analysis? Should the costs to families, such as children sent to emergency rooms due to asthma attacks triggered by smog, be included in the analysis? If so, should those costs be given a different weight than those claimed by industry?

I am familiar with the rule and understand that regulatory impact analyses play an important role in the EPA's rulemaking process. I also understand certain statutes, executive orders, and federal guidance documents inform the development of regulatory impact analyses. If confirmed, I commit to work with EPA staff to ensure regulatory impact analyses follow relevant legal authorities.

30.As you know, methane emissions from industry are as much as 90% higher than EPA had initially estimated, as has been demonstrated by academic peer-reviewed studies. New information is currently being sent to EPA, as part of the Information Collection Request (ICR), on methane emissions from existing sources. How do you plan to use the information collected? How do you plan to lead the agency in addressing this significant spike in known methane emissions?

Section 114 of the CAA provides the Administrator of the EPA to collect emissions data from existing sources. If confirmed, I will review the ICR

currently underway regarding methane emissions and examine the submitted data to determine the appropriate next steps.

31.You have been quoted previously, "my concern is that EPA is employing its flawed methodology in order to rationalize new and unjustified federal regulations to solve a methane-emissions problem that simply does not exist." Science has shown us that methane's effect on climate change is up to 34 times greater than that of CO2 when averaged over a 100-year time period and even greater when considered over the first 20 years after it is emitted. Additionally, a recent Geophysical Research Letter article found that the U.S. could be responsible for the 30% to 60% increase in atmospheric methane emissions since 2002. Can you clarify what you mean that a methane-emissions problem does not exist? Do you refute the argument that human's development of oil and gas has led to more methane emissions? The U.S., Canada, and Mexico have all pledged to work together in reducing methane emissions from the oil and gas sector between 40% to 45% by 2025. If you are confirmed as Administrator, do you intend to work with the State Department to honor our international methane commitments?

It is my understanding that even EPA's revised methane data shows a decrease in methane emissions from oil and natural gas development since 2005, during a time period of a large increase in domestic energy development. EPA's data is based on a number of assumptions that, if confirmed, I will review carefully prior to making any prejudgments of future actions.

32.The State Department and others have assessed life-cycle emissions for various crude oils and found tar sands crude is one of the dirtiest crudes on the planet from a GHG perspective. Do you agree tar sands crude has significantly higher life-cycle emissions than Oklahoma Sweet and most other crude oils?

The lifetime emissions of any energy source should be considered in the context of necessary extraction techniques as well as transportation of the fuel, among other issues. For example, transporting crude via pipeline clearly creates fewer emissions than transporting it via other sources in terms of fossil fuel energy. Without knowing the specifics of all of these factors in a given instance, it is difficult to identify which sources may result in greater emissions.

33.The State Department conducted a comprehensive economic and environmental analysis of the project and determined that under the current market conditions and those projected for the next few years, Keystone XL is key to getting tar sands crude to market. The EPA agreed with this conclusion. Do you agree? If not, why?

I am not familiar with the State Department study but with over 2.4 million miles of pipeline in the United States as well as other transportation methods for moving goods and energy resources it is my understanding that oil sands development has continued despite the lack of approval for the Keystone XL's cross-border permit.

34.Many of Keystone XL's proponents suggested that rejecting the project would simply divert more tar sands to rail to the Gulf Coast. Were you aware that according to the Energy Information Administration, shipments of Canadian crude by rail to the Gulf Coast have declined since Keystone XL was rejected, from 64,000 barrels per day in 2015 to 45,000 barrels per day in 2016?

I am not familiar with that particular EIA data.

35.The State Department found that the emissions associated with the production, refining and combustion of the tar sands in Keystone XL would result in 147 to 168 million metric tons (MMT) CO2e per year (equivalent to the emissions from as many as 35.5 million cars). The State Department also found that by displacing conventional crude with dirtier tar sands, the project would result in 1.3 - 27.4 MMT CO2e of additional emissions (equivalent to the emissions from as many as 5.7 million cars). Do you agree? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

I am familiar with multiple State Department determinations that the Keystone XL pipeline would not significantly impact climate change.

36.In a recent study, the National Academy of Sciences (NAS) concluded that diluted bitumen—the type of crude that would be primarily transported by Keystone XL—has a series of properties that, taken together, make tar sands spills of greater concern for spill responders than spills of other, commonly transported crude oils. Both EPA and the Coast Guard advised the scientists on the NAS committee. Do you agree with their conclusion that tar sands spills pose greater risks and challenges for spill responders than other crude oil spills? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

Diluted bitumen has been transported safely by pipeline in the United States for more than 40 years. It is my understanding that he NAS report did not infer that the Keystone XL pipeline posed significant concerns or that diluted bitumen could not be safely transported via pipelines or other forms of transportation.

37.The NAS committee also found that there are no known, effective strategies for recovering tar sands bitumen than has been spilled in a waterbody and sunk. Do

you agree? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

I have no information in supporting or challenging this assertion.

38. The NAS committee also found that regulations and agency practices do not take the unique properties of diluted bitumen tar sands into account, nor do they encourage effective planning for spills of diluted bitumen. Do you agree? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

EPA is not the primary regulator of pipelines, this question would more appropriately be posed to the Pipeline and Hazardous Materials Safety Administration.

39.The State Department's EIS found that Keystone XL's leak detection system is unlikely to identify leaks smaller than half a million gallons a day. Given the increased risks of tar sands spills and Keystone XL's proposed route through the Ogallala aquifer, should the EPA play an active role in ensuring that the water our nation's ranchers and farmers rely on is protected?

EPA should play an active role in ensuring protection of our domestic water supply.

40.The Environmental Protection Agency (EPA) has raised concerns regarding the effect that Keystone XL and the tar sands it carries will have on the air quality of Gulf Coast refinery communities. Do you believe that the EPA should take a role to ensure that projects like Keystone XL do not put our communities at risk of asthma, cancer and other serious illnesses?

I am aware that EPA has a role in implementing the National Environmental Policy Act, and other statutory responsibilities as it relates to infrastructure projects like pipelines. If confirmed as Administrator, I will work to faithfully execute the laws EPA is responsible for administering in order to protect human health and the environment for all Americans.

41. Do you believe that Native Americans, landowners, farmers, ranchers and communities affected by projects like Keystone XL should have the opportunity to have their concerns considered and address as part of an environmental review process?

Yes.

42.Based on the climate change implications, spill potential, and other factors, the Obama Administration determined Keystone XL isn't in our nation's best interest. Do you agree? If not, why?

While the Obama Administration failed to grant the cross-border permit required to complete the Keystone XL pipeline, much of the pipeline was built in accordance with applicable laws and permits both federal and state. A large portion of the Keystone XL pipeline safely operates through Oklahoma and I believe that safely and efficiently moving natural resources through the country is very important.

43.If confirmed, do you commit to ensuring EPA fully considers and articulates the environmental implications, based on the best-available science and in accordance with EPA's authority under the National Environmental Policy Act, when determining how to proceed on the Keystone XL Pipeline and any other projects?

If confirmed, I will faithfully execute all applicable laws as Administrator.

44.According to EPA 49% of coal units lack the most advanced NOx controls (Selective Catalytic Reduction systems or SCR). Several units that have SCR or other NOx emission control technology installed are not optimizing their use. For example, these six coal units have SCR installed but are not using it to optimize NOx reductions. In 2015, these facilities' NOx emissions were significantly higher than 2009 because they are not using the systems they have in place to reduce NOx. EPA estimates it costs facilities $500/ton NOx pollution to optimize the reduction of NOx from an SCR and $1300/ton to restart a SCR unit. Do you think these facilities should be regulated to keep on their NOx controls on?

If I am confirmed as Administrator, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act. That includes evaluating your concerns regarding the use of post-combustion NOx controls if and when they are presented to me in a matter before the Agency.

45.Industry frequently talks about the costs to polluters of meeting public health standards while ignoring the costs to people harmed by the effects of pollution. In Rhode Island these effects cannot be ignored as we seen them through rising seas and bad air days for Rhode Islanders. Because Rhode Island ozone air quality issues are largely due to transported emissions from upwind states leading to ozone formation that pollutes the air and lungs of people in downwind states like mine. Over the past two years in Rhode Island, the 8-hour standard ozone standard exceeded 0.07 ppm 10 times in 2015 and 6 times in 2016. With respect

to ozone, do you believe EPA should look at only the costs to the polluters when undertaking its regulatory impact analysis? Should the costs to families, such as children sent to emergency rooms due to asthma attacks triggered by smog, be included in the analysis? If so, should those costs be given a different weight than those claimed by industry?

Under the Clean Air Act, while setting NAAQS for criteria pollutants, cost cannot be considered. This is because human health is the primary focus of these standards. EPA's regulatory impact analyses have typically addressed what you describe as "costs to families" in the benefits portion of the analysis (i.e., the value of public health and environmental effects avoided).

46.EPA's independent science advisers, leading medical groups like the American Medical Association, American Academy of Pediatrics, American Thoracic Society, American Lung Association, American Heart Association, and leading public-interest groups such as the NAACP called for a 60 ppb standard instead of the 70 ppb standard EPA finalized last year. What was your scientific basis for concluding that the old standard, 75 ppb, was sufficient to protect public health? Can you explain what sources you consulted? What groups you discussed this with?

Due to a number of factors and steps taken by the previous Administration, implementation of the 2008 ozone NAAQS did not begin until years later. States had only recently begun to implement the 75ppb standard for ground-level ozone when EPA changed it; considering that approximately 40 percent of the country was in nonattainment for the 2008 standard, I believe EPA should focus on helping those areas meet that standard. Oklahoma's challenge to the most recent ozone NAAQS was based, in part, on concerns that EPA has not adequately assessed the available science. It is EPA's obligation to properly justify any change to an existing NAAQS.

47.Rhode Island ozone air quality issues are largely due to transported emissions from upwind states leading to ozone formation that pollutes the air and lungs of people in downwind states like mine. The Rhode Island Department of Environmental Management told me that there remain a number of power plants located in upwind states that have pollution control equipment installed to reduce nitrogen oxides emissions that either do not use that equipment during the ozone season or do not use it in a way that optimizes the reduction of nitrogen oxides emissions. Why would this be the case?

I am unfamiliar with the specifics as to why certain sources upwind of Rhode Island may not be using control devices in particular ways. CSAPR and related rules are designed to address emissions from upwind states

that significantly contribute to nonattainment in downwind states. EPA presumably considered emissions from the upwind power plants referenced in your question in formulating the existing requirements.

48.Each year, RIDEM issues “ozone alerts” to warn vulnerable Rhode Islanders to stay indoors to protect their health on hot days when air quality is poor. This is a problem that cannot be solved in the state because masses of polluted air are coming from upwind. The health of Rhode Island citizens depends on a strong federal EPA program to impose pollution controls on NOx, particulates, and other mobile and stationary sources of pollution. What will you do to support the federal air quality programs? Will you commit to keep existing funding levels for the clean air programs that impose and regulate pollution controls and protect Rhode Islanders?

If confirmed, I will work to administer the statute and applicable federal programs in accordance with Congressional intent. I look forward to working with EPA's budget staff and program offices to develop a budget focused on fulfilling EPA's mission to protect human health and the environment for all populations. I will work to ensure that the resources appropriated to EPA by Congress are managed wisely in pursuit of the Agency's important mission and in accordance with all applicable legal authorities.

49.Ozone levels in RI are strongly affected by the transport of pollutants emitted in upwind states into RI. Although RI is currently designated as an unclassifiable/attainment area for the ozone NAAQS, monitored ozone levels in the State still exceed the standard on a number of days in the summer months. The Ozone Transport Region (OTR) states, including RI, have implemented a number of programs to reduce pollutant emissions from mobile and stationary sources in their states, as required by the Clean Air Act (CAA). RI and other OTR states were required by the CAA to implement emissions control programs not mandated in upwind states, resulting in increased energy costs and an inequitable economic burden to industry in the OTR states. Any additional emissions reduction programs that could be adopted in the OTR to further reduce ozone levels in the region would be less cost-effective than implementing OTR controls in upwind states and would further this inequity. What steps will you take to address the transport of pollutants emitted in upwind states that contribute to exceedances of the ozone standard in RI and other OTR states?

Interstate transport of pollutants is a concern. An upwind state that contributes to a downwind state's inability to meet air quality standards should take responsibility. It is EPA's responsibility to address such issues, and, if confirmed, I look forward to working on this issue.

50.The intent of the establishment of the RFS in the Energy Policy Act was to enhance U.S. energy security by displacing some imported petroleum with domestically produced ethanol. In your estimation, has the RFS reduced imports of foreign oil?

As Congress indicated in the Energy Independence and Security Act of 2007, domestic production of renewable fuel contributes to our nation's "greater energy independence and security."

51.President-elect Trump has said, "The RFS, which is Renewable Fuel Standard, is an important tool in the mission to achieve energy independence for the United States. I will do all that is in my power as president to achieve that goal....Energy independence is a requirement of America's to become great again. My theme is "Make America Great Again"; it's an important part of it." Do you hold the same beliefs as President-elect Trump about the RFS? If not, can you be specific where your views differ on this policy?

As Congress indicated in the Energy Independence and Security Act of 2007, domestic production of renewable fuel contributes to our nation's "greater energy independence and security." To that end, if confirmed, I will work to administer the RFS program in accordance with statute and Congressional intent.

52.Agriculture Secretary Tom Vilsack, who has been supportive of the RFS, made a statement in Bloomberg Markets, "There's going to be a lot of saber-rattling, but it supports too many jobs and too much rural infrastructure is set up for it. The Renewable Fuel Standard is solid." Do you agree that the RFS has supported jobs . and helped develop our rural infrastructure?

Yes.

53.You have been quoted, "It should come as no surprise that I am working diligently with Oklahoma energy companies, the people of Oklahoma and the majority of attorneys general to fight the unlawful overreach of the EPA and other federal agencies." Do you think that the renewable fuel standard is one of those unlawful overreach regulations from the EPA? Can you explain in more detail the type of overreach you are talking about when it comes to the EPA and other federal agencies?

The RFS was first enacted by Congress in 2005 and updated and expanded in 2007 to promote domestic production and achieve energy independence. Therefore, I do not consider it to be "one of those unlawful overreach regulations from the EPA." The EPA needs to better administer this program

to provide involved entities with the certainty they need, and, if confirmed, i will administer the RFS in accordance with statute and Congressional intent.

54. You have been quoted in the press saying, "The American people are tired of seeing billions of dollars drained from our economy due to unnecessary EPA regulations, and I intend to run this agency in a way that fosters both responsible protection of the environment and freedom for American businesses." Do you see the RFS as one of those unnecessary EPA regulations that is draining money from our economy?

The RFS was first enacted by Congress in 2005 and updated and expanded in 2007 to promote domestic production and achieve energy independence. The EPA needs to better administer this program to provide involved entities with the certainty they need, and, if confirmed, I will administer the RFS in accordance with statute and Congressional intent.

55.The RFS has been a significant factor in growing the volumes of biodiesel and other advanced biofuels. In light of the uncertainty surrounding the Biodiesel Tax Credit and the increased volume of biodiesel imported from Argentina, do you intend to support the RFS and continue to increase the Renewable Volume Obligations (RVOs) that provide the long term market stability to support investment and increase the jobs available in a growing domestic industry? Do you commit to making all economic and pricing models used in developing the annual blending targets under the RFS available to the public? If you come across models that were used in the past that were left out of the public record, will you make those available? Do you intend to use EIA data in conjunction with your administration of the RFS? Are there other data sources that you intend to rely on?

If confirmed, I will administer the RFS in accordance with statute and Congressional intent. There has been significant investment that has gone into the infrastructure following the enactment of the RFS in 2005, and these individuals need certainty that the EPA has failed to provide in the past, from the trading program to monitoring the fraud in the system, to faith that the program will be enforced and administered as Congress intended. The Clean Air Act requires the Administrator of the EIA to submit annual projections of transportation fuel, biomass-based diesel, and cellulosic biofuel to be sold or introduced into commerce into the United States, and I will commit to continue relying on EIA data projections to set annual volume obligations.

56.It has been estimated that the RFS supports roughly 850,000 jobs across the country and many of those jobs rely on certainty from the EPA setting its volume

requirements for the renewable fuels each year. If confirmed to serve as EPA Administrator, will you carry out the Energy Policy Act as passed in 2005 and updated in 2007, particularly adopting the statutory volume requirements for renewable fuels?

Section 211(0) of the Clean Air Act contains enumerated tables of applicable target volumes of renewable fuel for calendar years 2006 through 2022. If confirmed, I will work to administer the RFS program in accordance with statute and Congressional intent.

57.The RFS has driven investment in low carbon biofuels in our country. Are you committed to working to achieve the gains in advanced and cellulosic biofuels promised under the statue?

Section 211(0) of the Clean Air Act contains enumerated tables of applicable target volumes of renewable fuel, specifically cellulosic and advanced, for calendar years 2006 through 2022. If confirmed, I will work to administer this program in accordance with statute and Congressional intent.

58. Following the Sixth Circuit's stay of the Clean Water Rule in 2015 pending further court action, the EPA and Army Corps issued a joint memorandum that states the agencies 1) "look forward to vigorously defending the merits of the Clean Water Rule, which we continue to believe is fully consistent with the law and based on the best available peer-reviewed science," 2) "intend to move forward with measures to improve implementation of the national CWA section 404 program that were announced concurrent with the Rule," 3) will continue their commitment to improve transparency through making section 404 decisions public and making a number of other improvements to the section 404 permit program, 4) strengthen coordination between the agencies, and 5) "work closely with the Department of Justice to ensure [their] actions remain consistent with the stay." If confirmed as EPA Administrator, will you uphold the tenets of this memorandum? If not, what would you change in the EPA's pursuance of clean water and cooperative relationship with the Army Corps of Engineers? Will you commit to working collaboratively with the Army Corps under its corresponding section 404 and other Clean Water Act authorities to ensure clean water for all Americans? If confirmed as EPA Administrator, would you advise DOJ to stop defending the rule and instead ask the court to set aside the rule and send it back to the agencies for reconsideration? Do you disagree with the process the EPA used in developing the Clean Water Rule, which involved incorporating the best available science and feedback received through around 400 public meetings and over 1 million public comments?

If confirmed I will support efforts of the Corp to improve transparency through making section 404 decisions public and to strengthen

coordination between the agencies. However, I do not support the WOTUS rule and do not believe that it is consistent with the Clean Water Act. Accordingly, if confirmed, I will take appropriate steps, in accordance with the Administrative Procedure Act, to withdraw the rule and replace it with a rule that is within the authority granted to EPA and the Corps under the Clean Water Act and is promulgated in compliance with the APA, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, Executive Order 13132 on Federalism, and Executive Order 12866 on regulatory planning and review, procedural requirements that I believe were not met in the promulgation of the WOTUS rule. If confirmed, I also would inform the appropriate courts of these actions.

59. In the wake of SWANCC, Rapanos, and other decisions, how would you shape regulations and internal EPA policy to provide more certainty for regulated parties on how the agency will make section 404 permitting decisions?

EPA does not make 404 permitting decisions. Section 404 of the Clean Water Act grants that authority to the Secretary of the Army, who carries it out acting through the Corps of Engineers. Under section 404(c) EPA has the authority to veto a Corps-issued permit if it EPA determines the discharge will have unacceptable adverse effects. If confirmed, I will seek to clarify when it is appropriate for EPA to use its 404 veto authority.

60.If you choose to pursue a renewed rulemaking to clarify "waters of the United States," will you follow the same procedure and commit to at least the same level of outreach the EPA undertook in developing the Clean Water Rule in developing a new rule?

If confirmed, I will ensure that the outreach performed by EPA is not only extensive, but meaningful.

61.Extreme weather events put water and wastewater infrastructure at risk. In Rhode Island, Super Storm Sandy almost caused Narragansett Bay to breach the water supply for the City of Newport. The March 2010, storms flooded the Pawtuxet River, overtopping the Warwick Wastewater Treatment facility and sending untreated wastewater into surrounding neighborhoods, the River and Narragansett Bay. What do you see as EPA's role in helping cities and towns respond to these increasingly frequent extreme weather events and ensure the safety of the nation's critical water and wastewater infrastructure?

EPA provides water and wastewater infrastructure assistance through the Clean Water Act and Safe Drinking Water Act revolving loan funds and through the new WIFIA loan program.

62.What role can green infrastructure play in helping municipalities manage and prevent sewer overflows and other storm water and wastewater treatment concerns?

Green infrastructure is a neighborhood solution that can help meet national standards.

63.In making recommendations for revisions to state shares of Clean Water State Revolving Fund (CWSRF) money, do you support increasing allocations for states with the oldest infrastructure?

No. I am not aware of any analysis that suggests that age of infrastructure is an appropriate metric that predicts funding needs for wastewater infrastructure. It was not suggested in the May 2016 Report to Congress from EPA on its review of the CWSRF allotment formula, required by section 5005 of the Water Resources Reform and Development Act (WRRDA) of 2014. I also note that the formula is established by law and only Congress can change it.

64.Sea level in Newport, RI has risen over 10 inches since 1930, Rhode Island experiences significantly more rain and more intense storms than in past decades, and Superstorm Sandy and the Flood of 2010 destroyed roads and buildings. The RI Department of Environmental Management is finalizing an assessment of the vulnerability of each wastewater treatment facility in the state from damage due to flooding and storm surge. Will states have the ability to choose to use State Revolving Fund monies to finance resiliency projects under the next Administration? What restrictions, if any, would you foresee putting on the use of these funds for this purpose?

The eligibilities for the use of CWSRF funds are established in the Clean Water Act. If confirmed, I will manage that program as authorized by Congress.

65.States rely on EPA funding, technical assistance, and other resources to help keep the air, water, and soil clean, particularly through the State and Tribal Assistance Grants and Categorical Grants. State agencies like the RIDEM have delegated authority to carry out federal pollution control laws. Based on what you know about the EPA, do you believe states and tribes are getting enough money from the federal government to support clean air and clean water investments and

enforcement? If confirmed, will you commit to ensuring states and tribes continue to receive at least the amounts of funding they do now? Are there programs that support states and tribes that you would consider cutting or increasing financial support for?

I support the federalism structure of our federal environmental laws, which includes state delegation or authorization of most programs, and EPA STAG grants to help states implement those programs. If confirmed, I will seek to reduce the workload on states by refraining from adding more and more requirements for them to implement and to instead allow them to focus on implementing core environmental programs relating to air, water, and waste. I am not familiar with the development of EPA's FY 2018 budget so I cannot comment on that proposal, but please be assured that I support funding for states.

66.A 2016 Associated Press study of EPA data identified Providence, RI as "one of the largest [drinking water systems] in the country to exceed a federal lead standard since 2013." Almost 20 percent of all retail customers' homes were found to be serviced by utility-owned lead lines. EPA's lead limit before corrective action is required is currently 15 parts per billion. The city's water supply was found to be over this limit six times since 2010. Providence's water hit 30 parts per billion in tests in 2009 and 2013. Providence has shown marked improvement since those peaks, but there is still millions of dollars of investment needed in the city's drinking water infrastructure to reduce the risk of lead. What role do you believe EPA should play supporting these investments?

I would urge the City to explore funding opportunities available from the new WIFIA loan program, which is implemented by EPA.

67.What have you done in your career to demonstrate lead contamination of drinking water will be a priority if you are confirmed as EPA Administrator? Please cite specific examples.

I am concerned about children's health, but the Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board have primary responsibility for implementing and enforcing environmental laws in Oklahoma, so issues relating to lead contamination of drinking water would fall within their responsibilities. If confirmed as Administrator, I will faithfully execute all environmental laws enacted by Congress, including the Safe Drinking Water Act.

68.In an interview with the Providence Journal last April, Rhode Island's chief of the Center for Drinking Water Quality at the RI Department of Health stated that "[i]n the last monitoring period, we had six small water systems exceed the lead action level. Five were school systems." These systems were brought back into

compliance, but the concern remains. How will you prioritize lead abatement in schools and among the most vulnerable populations?

If confirmed, I will fully carry out EPA's authorities, including its authorities under the Safe Drinking Water Act. I note that in the WIIN Act, Congress amended the Safe Drinking Water Act to authorize funding for voluntary school lead testing. If confirmed and if funding is provided, I will carry out that program.

69.EPA's regulations on lead in drinking water, otherwise known as the Lead and Copper Rule, were last revised in 2007. In its October 2016 white paper on revising the rule, the EPA recognized "[t]here is a compelling need to modernize and strengthen implementation of the rule—to strengthen its public health protections and to clarify its implementation requirements to make it more effective and more readily enforceable." Do you agree the Rule is in need of updating to reflect the latest science?

Yes.

70.Do you believe all covered water systems should follow EPA's drinking water analytical methods when testing drinking water for contamination? If so, what efforts will you undertake to ensure all water systems are brought into compliance?

If confirmed, I will fully carry out EPA's authorities, including its authorities under the Safe Drinking Water Act. To achieve this, I will focus on EPA's core missions, such as provision of safe drinking water.

71.In a November 2016 interview with the New York Times, President-elect Trump specifically called out "crystal clear water" as a priority. Do you agree "crystal clear water" should be a priority of the EPA? If so, please list the specific steps you would take as Administrator to make the President-elect's vision a reality.

Yes, I agree that clean water is a priority of the EPA. If confirmed, I will ensure that EPA focuses on the core missions as directed under laws enacted by Congress, including clean water and safe drinking water.

72.Over 40,000 water bodies in the United States are considered "impaired" under Section 303(d) of the Clean Water Act, meaning they do not meet water quality and health standards. Six hundred and thirty-five of these are in Oklahoma. What specifics steps did you take as Attorney General and as a state legislator to improve the water quality in these impaired waters in Oklahoma?

Regulation of water quality in Oklahoma is the responsibility of Oklahoma's environmental regulators at agencies like the Oklahoma Water Resources Board and Oklahoma Department of Environmental Quality. Those agencies would be best situated to describe the actions taken by Oklahoma to improve water quality in impaired waters.

73.What clean water initiatives undertaken by the EPA in the last five years do you support?

I support the Mach 2011 nutrient framework issued by the Assistant Administrator for the Office of Water entitled "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions," which prioritizes state action to encourage on the ground activities over establishment of numeric nutrient limits. I support EPA's May 2012 Integrated Municipal Stormwater and Wastewater Planning Framework, which directs EPA enforcement and permitting officials to allow municipalities to integrate multiple CWA responsibilities in a single plan and prioritize the actions with the greatest health and environmental benefits, and to allow extended compliance schedules to carry out that prioritization. I support EPA's efforts to promote green infrastructure to meet Clean Water Act requirements. Green infrastructure can be a neighborhood solution to meet national standards. I support the new Water Infrastructure Finance and Innovation Act loan program authorized by Congress in 2014 that recently received its first appropriations. The WIFIA program creates tremendous opportunities to increase water and wastewater infrastructure investment because every federal dollar appropriated can leverage as much as $60 in infrastructure investments.

74.How will you address EPA's National Pollutant Discharge Elimination System permitting backlog without undermining any environmental protections or subverting the goals of the Clean Water Act?

First, I would note that at the end of FY 2016, 96.9 percent of Oklahoma's permits were current. Making sure permits are current is one of core functions under the statutory responsibilities given to EPA and in turn carried out by authorized states. However, in recent years states have been asked to shift their focus and resources to other activities. If confirmed, I would return EPA's focus to ensuring that core functions under our environmental laws are carried out.

75.Factory farming of animals is known to cause multiple forms of pollution, such as contaminating local groundwater with nitrates, contributing to hypoxia and "dead zones" in rivers and coastal waters, and releasing the potent greenhouse

gas methane. Considering your close ties with the animal agriculture industry in Oklahoma, your previous history of unsuccessfully prosecuting lawsuits against states with animal welfare laws, your opposition of EPA's attempt to conduct a survey of CAFOs, and your pursuit of punitive yet failed investigations of nonprofit advocacy groups working for animal welfare, do you believe you should recuse yourself from any decisions related to enforcing the CWA and CAA to the fullest extent of the law against these facilities? If not, will you commit to disclosing to the EPW Committee any solicitations you have made to interested parties before you make any decisions related to this topic? If not, what assurances can you provide that you will be able to discharge your duties in this area impartially?

If confirmed, I will faithfully execute the Clean Water Act and Clean Air Act as enacted by Congress. My track record with regard to CAFOs, which includes suing a CAFO together with EPA and collecting what EPA at the time said was the largest civil penalty ever assessed against a CAFO for CWA violations, demonstrates that I can, and will, approach such issues with a fair and open mind.

76.Explain your reasons for opposing EPA's 2012 attempt to conduct a survey of CAFOs. Has your thinking changed since then? Please explain why or why not.

For the purpose of this response, I am assuming that you are referring to EPA's 2011 proposed animal feeding operation reporting rule, published at 76 Fed. Reg. 65431 (October 21, 2011), and the January 19, 2012 comments on that proposed rule filed by 12 state attorneys general, including myself. This proposed rule is an example of an attempt to impose new regulatory requirements without complying with either the law or proper administrative process. Under the Clean Water Act, only facilities that discharge pollutants can be regulated. Despite this limitation on EPA's authority, it had twice before attempted to regulate non-discharging facilities. In 2005, the Second Circuit vacated parts of EPA's 2003 CAFO rule that purported to require non-discharging CAFOs to apply for permits. Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency, 399 F. 3d 486. In 2011, the Fifth Circuit vacated the part of EPA's 2008 CAFO rule that would have required all CAFOs "proposing to discharge" to apply for NPDES permits regardless of whether they had actual discharges. National Pork Producers Council v. United States Environmental Protection Agency, 635 F. 3d 738 (5th Cir. 2011). Further, EPA's authority to require reporting (section 308 of the CWA) applies only to point sources that discharge. That was made clear by the 8th Circuit in Service Oil, Inc. v. Environmental Protection Agency, 590 F. 3d 545 (8th Cir. 2009). Despite the clear limitations of the Clean Water Act, in the CAFO reporting rule EPA proposed to require facilities that are not subject to the Clean Water Act to submit reports to EPA. As such, that proposed rule exceeded EPA's authority.

77.According to the CDC, in 2014 Oklahoma reported the second highest rate of exposure to pesticides in the nation. At a time when pesticide/herbicide usage is on the rise across the country, how would you protect American workers, consumers, and landscapes from the toxic effects of agricultural chemicals?

I am not personally familiar with the data referenced in this question or generally the rate of pesticide usage in Oklahoma. If confirmed as Administrator, I would expect to be briefed by EPA staff before taking action on this issue and would work to ensure EPA followed all applicable legal requirements and made its decisions based on sound science in an open and transparent process.

78.Your close ties to the fossil fuel industry have given a strong appearance of pay-to-play politics favorable to that industry. As you well know, the agrichemical and seed biotechnology industry has a similar history of major lobbying, campaign financing, and maintaining close relationships with lawmakers and agency administrators. Monsanto, the Oklahoma Farm Bureau, and other agricultural interests contributed more than $90,000 to your previous campaigns. Do you believe you should recuse yourself from any decisions related to this industry? If not, will you commit to disclosing to the EPW Committee any solicitations you have made to interested parties before you make any decisions related to this topic? If not, what assurances can you provide that you will be able to discharge your duties in this area impartially?

It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules. In any matters involving specific parties where I believe that my impartiality may be questioned, I will consult with relevant federal ethics officials to determine whether to participate in a particular matter, provide them with all relevant facts, and follow their guidance. Following these procedures, along with all the other commitments I have made to comply with applicable ethics rules, will ensure that I discharge my duties impartially.

79.How should the EPA consider the synergistic effects of chemicals when considering approval of these chemicals under FIFRA?

If confirmed, I would expect to be briefed by staff about EPA's relevant legal authorities concerning pesticide registration and current practices in this area before taking any action.

80.The Fish and Wildlife Service recently listed the rusty patched bumble bee as endangered, the first wild bee in the lower 48 states to receive this distinction. Pesticides were listed as part of the blame for the bee's current status. Other

bumble bee species are also at risk due to increased pesticide use and other environmental challenges. How can the EPA assist in bettering the understanding of pesticides' role in declining bee and other pollinator species?

I am generally aware of the important role bees play as pollinators, but I am not personally familiar with the details of the Endangered Species Act listing decision referenced in the question. If confirmed as Administrator, I would expect EPA to be briefed on the matter concerning EPA's legal authorities and any ongoing activities in this area before taking action.

81.Under your leadership, what role will EPA play in the management and control of vector borne illnesses like Zika?

If confirmed, I would expect to be briefed by staff about EPA's relevant legal authorities and operations in this area before taking any action.

82.With respect to the Rule of Law Defense Fund, please provide the following: A written explanation of the role you or any person under your supervision has played in the establishment and operation of the Fund; a list of all donors who have contributed to the Fund since its inception, total donated, and their affiliations; a list of all requests you have made for funding and what was given and from whom in response; a list of all expenditures of over $1,000 made by the Fund since its inception; details of any Fund expenditures over $100 that have benefited you or any person under your supervision, including travel; all communications, including e-mails, between you and the Fund and between you and any individuals related to the establishment of the Fund or the conduct of the Fund's activities; a list of all meetings and fundraisers organized by or sponsored in whole or in part by the Fund that you or any person under your supervision attended, including the dates, locations, agendas and attendees; and a list of all federal and state legislation or regulations the Fund has taken a position on, Fund-organized legal briefs and letters to federal lawmakers, and all actions you have taken with respect to those matters.

I did not play a role in founding or forming the Rule of Law Defense Fund, and no one on my staff played such a role. My understanding from the time I was a member of that entity's board is that its staff operates the fund. A list of contributors to the Fund since its inception is in the custody of RLDF and I do not personally have records of or have knowledge of that information. Expenditures by the fund are in the custody of RLDF, and I do not personally have records of or have knowledge of that information. Any records relating to requests for funding to individuals or to corporate entities would be in the possession of RLDF. RLDF has paid for flights and accommodations when I attended RLDF events or panel discussions.

Because those flights or accommodations were booked directly by RLDF staff, I am not in possession of any receipts for such flights or accommodations.

83.Please list all matters you or your office has had with the US EPA since you became Attorney General of Oklahoma. For the purposes of this and the following questions, "matters" refers to lawsuits (including lawsuits in which your office filed a "friend of the court" brief), enforcement actions, investigations, rulemakings, or any other matter which included an adjudication between parties.

In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.

84.For each matter you identify in the previous question, please list the following: The names of the attorneys in your office who worked on the matter, and the names and affiliations of all attorneys with whom you or the attorneys in your office had communications about the matter. The names and affiliations of any person with whom you had communications about the matter, and the dates of the communications, and a summary of the substance of that communication. For any person listed the previous subpart, or corporation represented by that person, any contribution or payment made to Scott Pruitt for Attorney General, the Republican Attorney General Association, the Republican Attorney Generals Association, the Rule of Law Defense Fund, Liberty 2.0, Oklahoma Strong, or any other political action committee or 501(c)(4) organization with which you are or have been affiliated in any way.

In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office and the Oklahoma Ethics Commission under the Oklahoma Open Records Act and the individual political organizations.

85.Please list all matters you or your office has had with the US Department of Interior since you became Attorney General of Oklahoma. For the purposes of this and the following questions, "matters" refers to lawsuits (including lawsuits in which your office filed a "friend of the court" brief), enforcement actions, investigations, rulemakings, or any other matter which included an adjudication between parties.

In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct

you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.

86.For each matter you identify in the previous question, please list the following: The names of the attorneys in your office who worked on the matter, and the names and affiliations of all attorneys with whom you or the attorneys in your office had communications about the matter. The names and affiliations of any person with whom you had communications about the matter, and the dates of the communications, and a summary of the substance of that communication. For any person listed the previous subpart, or corporation represented by that person, any contribution or payment made to Scott Pruitt for Attorney General, the Republican Attorney General Association, the Republican Attorney Generals Association, the Rule of Law Defense Fund, Liberty 2.0, Oklahoma Strong, or any other political action committee or 501(c)(4) organization with which you are or have been affiliated in any way.

In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office and the Oklahoma Ethics Commission under the Oklahoma Open Records Act and the individual political organizations.

87.Please list all matters in which your office participated in any way challenging a law, rule, or regulation of a state other than Oklahoma. For each matter listed, please include the following: Your understanding of the effect of that law, rule, or regulation on the people of Oklahoma. The names of the attorneys in your office who worked on the matter, and the names and affiliations of all attorneys with whom you or the attorneys in your office had communications about the matter. The names and affiliations of any person with whom you had communications about the matter, and the dates of the communications, and a summary of the substance of that communication. For any person listed the previous subpart, or corporation represented by that person, any contribution or payment made to Scott Pruitt for Attorney General, the Republican Attorney General Association, the Republican Attorney Generals Association, the Rule of Law Defense Fund, Liberty 2.0, Oklahoma Strong, or any other political action committee or 501(c)(4) organization with which you are or have been affiliated in any way.

In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office and the Oklahoma Ethics Commission under the Oklahoma Open Records Act and the individual political organizations.

88. As Attorney General you have played a major rule challenging EPA's Clean Power Plan and seven other major rules protecting the public from air pollution, water pollution, and toxic threats. Professional ethics rules prohibit attorneys from changing sides, as you would be doing if confirmed. Federal ethical guidelines specifically require that a public official should not act on a matter if a reasonable person who knew the circumstances of the situation could legitimately question his or her fairness. Will you commit to recusing yourself from substantive matters that include EPA's climate rules, its mercury and air toxics rules, its most recent clean water rule, and others related to the eight pending cases you have against EPA as an Attorney General?

It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules. With respect to my professional obligations as a member of the bar, I am not permitted to "switch sides" as counsel in any matter in which I participated as a lawyer. The standards that would apply to me as EPA Administrator are different as I would not be representing the EPA as a lawyer. Nonetheless, in any matters involving specific parties where I believe that my impartiality may be questioned, I will consult with relevant federal ethics officials to determine whether to participate in a particular matter and provide them with all relevant facts.

89.You have taken credit for the lawsuit State of Oklahoma et al. v. Mahard Egg Farm. What was the date on which the complaint in that case was filed? What are the dates of the allegations in the case? Had any Oklahoma state agencies taken any steps to investigate that matter before you became Attorney General? If so, please specify the agencies, their roles investigating the case, and the dates on which they were taken. Did the Oklahoma Attorney General's office take any steps to investigate that matter before you became Attorney General? If so, please specify what was done and when. Please indicate the date on which the Attorney General's office first contacted defendant(s) in this matter.

As I have testified, it was a lawsuit that I initiated together with the State of Texas and the EPA. The complaint was filed on May 23, 2011. The consent decree was entered into on August 10, 2011. There was no case when I took office, but the matter had been investigated by the Office of Attorney General, the Oklahoma Department of Agriculture, the EPA, and the State of Texas. I do not know the first date that the Office of Attorney General first contacted the defendants in that matter.

90.Have you ever met or spoken with Richard "Rick" Berman, who has been affiliated with Center for Consumer Freedom? If so, please describe the substance and dates of your communications with him. Did you or the Attorney General's Office during your tenure ever receive communications of any sort from

Mr. Berman or the Center for Consumer Freedom? If so, please specify the date and content of those communications.

I do not recall ever having met Mr. Berman. I am not aware of any communications with Mr. Berman, but a request for such information can be made to the Office of Attorney General pursuant to Oklahoma's Open Records Act.

91.Before March 12, 2014, had your office received any complaints about the Humane Society of the United States [HSUS] from a resident of the State of Oklahoma? If so, please identify the date of the complaint, the allegations in the complaint, and the city or town of residence of the complainant.

I believe that our office had received such a complaint, but I do not know the residency of any such complainant. A request for such information can be made to the Office of Attorney General pursuant to Oklahoma's Open Records Act.

92.In March 2014, your office issued a consumer warning about HSUS. Based on what evidence did you issue this warning? Did you or your office communicate to any person or entity outside the Attorney General's Office about the timing or substance of your consumer warning about HSUS before it was issued? If so, please state the names of those with whom you or your office communicated, the dates, and the substance of those communications.

The consumer warning was based on information suggesting that HSUS's solicitations for contributions might be misleading Oklahoma consumers. A request for communications can be made to the Office of Attorney General pursuant to Oklahoma's Open Records Act.

93.On July 1, 2014, your office issued a Civil Investigative Demand (CID) to HSUS. Based on what evidence did you issue that CID?

The purpose of a CID is to gather such evidence.

94.On or about July 21, 2014, after the New York Attorney General entered into a settlement with the direct mailing firm Quadriga Art, you were quoted as saying "We believe what happened in New York potentially has happened in Oklahoma." Based on what evidence did you make that statement? Did you issue a Civil Investigative Demand or subpoena to any organizations other than HSUS as a result in whole or in part because of the NYAG's Quadriga Act settlement? If so, please specify the names of the organizations, the dates of the CID, and the result of any investigation conducted pursuant thereto. If not, what evidence did you have that distinguished HSUS from any of the other clients of Quadriga Art?

As I recall, the Office believed that Quadriga Art may have been the vendor for direct mailers used by HSUS in Oklahoma. I am not aware of any other CIDs issued as a result of the Quadriga Art settlement. I am not aware of the Office having received any complaints or having any open investigations relating to other Quadriga Art clients.

95.During the 2010 election cycle, did Devon Energy and Koch Industries max out to your campaign? During the 2014 election cycle, when you ran unopposed, did Devon, Koch Industries, and ExxonMobil max out to your campaign? How much total money has "Scott Pruitt for Attorney General" received from fossil fuel and agricultural interests? Please list your fossil fuel and agricultural donors, dates, and amounts.

A full list of contributors to my campaigns for the state senate and attorney general may be found at the Oklahoma Ethics Commission's websites. For state campaign committee from 2002-2014, please use this site: https://www.ok.gov/ethics/public/candidate.php. For 2015 to the present, the Commission uses this site: http://guardian.ok.gov/PublicSite/SearchPages/Search.aspx?SearchTypeCodeHook=1F26BA5E-71EA-48E4-8D50-C1013E9FE0A7. Attached is a letter from the Oklahoma Ethics Commission regarding materials prior to 2002.

96.How much total money did Oklahoma Strong, your leadership PAC, receive from fossil fuel and agricultural interests? Please list your fossil fuel and agricultural donors, dates, and amounts.

I do not manage or control Oklahoma Strong PAC. Questions relating to its donors would need to be directed to those who do.

97.How much total money did Liberty 2.0, the SuperPAC created to help get you elected, receive from fossil fuel and agricultural interests? Please list your fossil fuel and agricultural donors, dates, and amounts.

I do not manage or control Liberty 2.0. Questions relating to its donors would need to be directed to those who do.

98.Did you or anyone working for you or on your behalf ever solicit money for Oklahoma Strong or Liberty 2.0 from fossil fuel and agricultural interests? If so, when, from whom, and what was the result? Please note any solicitations that were made in which you mentioned work done in your official capacity as Attorney General of Oklahoma and what that work was.

I solicited funds for Oklahoma Strong PAC from a broad array of individuals and corporations representing many different industries. While I do not recall specific solicitations, given my state's deep ties to farming and oil and

gas, I do not doubt that I at some point fundraised from individuals with some connection to those industries. Staff members of the Oklahoma Strong PAC may have records of such solicitations, so requests for details would have to be made to that entity. I have on occasion solicited funds for Liberty 2.0, and records of those solicitations may be maintained by the staff of that organization, so requests for details would have to be made to that entity. I do not recall the contents of any specific conversations that I may have had in this context.

99.During the hearing, I asked if you led the Rule of Law Defense Fund. In response, you stated you had "been an officer of the organization [Rule of Law Defense Fund] for 2016." Your EPW questionnaire states you were a board member or chairman at the Rule of Law Defense Fund between November 2013 and December 2016 while your OGE disclosure says you were a member of the board or Chair between April 2014 and December 2016. Please clarify when you were you a board member of the Rule of Law Defense and when were you the Chair.

I served on the Board of Directors of the Rule of Law Defense Fund from April 2014 until November 2016. I served as Chairman of the Board of Directors of the Rule of Law Defense Fund from November 2015 to November 2016.

100.During the hearing, I asked if you've ever solicited funds for RAGA and you stated you "did not serve in an officer capacity at that entity [RAGA]." On your EPW disclosure form you stated you were a member of the executive committee between November 2013 and November 2015. As discussed, OGE doesn't require you to disclose your relationship with RAGA or other 527 political organizations. Your LinkedIn and campaigns pages state you were chair of RAGA for two terms and RAGA's website indicates you were the RAGA chair in 2012 and 2013. Please clarify when you've been chair of RAGA and when you've been on RAGA's executive committee. Did you provide any information about your relationship with RAGA to OGE or EPA when they were reviewing your conflicts of interest?

I served as Chairman of the Republican Attorney Generals Association from November 2011 to November 2013. These dates represent "two terms" of serving as Chairman. Thereafter, I was a member of the Executive Committee from November 2013 to November 2015. I made all required disclosures to OGE and EPA ethics counsel, including disclosures about my relationship to RAGA.

101.RAGA has given other Republican attorneys general call sheets to solicit on its behalf. Have you or any person working on your behalf ever received call sheets from RAGA asking you to solicit money or event sponsorships? If so, when, for what purpose, who was on your list to contact, who if anyone did you or

any member of your staff make contact any of the listed people/entities, and how much money and which sponsorships was given to RAGA as a result?

I did receive call sheets to solicit funds and/or event sponsorships for RAGA and I did make contact with the listed people/entities. The exact dates, the purpose, and who was called are records that are kept by RAGA, and those requests would need to be made to RAGA. Similarly, I do not have records of how much money or sponsorships were raised as a result - those records are kept by the Republican Attorneys General Association.

102.Besides call sheet efforts, did you or any person working on your behalf ever solicit money for RAGA? If so, when, from whom, for what purpose, and what was the result?

No one else working on my behalf has solicited funds for RAGA. In addition to call sheet efforts, I have asked for funds from individuals/entities in person for RAGA. Records of exact dates, names of individuals and entities and how much money was solicited are kept by the staff of RAGA.

103.In 2015, you were on the agenda to speak on a panel entitled, "The Dangerous Consequences of the Clean Power Plan and other EPA Rules" during RAGA's National Summer meeting that included several fundraisers. The agenda for that meeting included private meetings with attorneys general and Murray Energy, Southern Company, and American Fuel Petrochemical Manufacturers. According to RAGA's 2015 and 2016 member benefits descriptions, donors that contribute $50,000 or more have an "annual opportunity to lead private briefings with Republican attorneys general during RAGA events" and attend other private events, including private dinners and retreats, at which Republican attorneys general are present. Did you or any person working on your behalf attend any of the private meetings with Murray Energy, Southern Company, and/or the American Fuel Petrochemical Manufacturers during the 2015 Summer National RAGA meeting? If yes, please provide a list of meeting attendees, any minutes/notes taken, and describe any conversations about EPA matters.

I do not recall which meetings I attended at the event you reference.

104.During your time as a member of RAGA, have you or any person working on your behalf attended any private meetings or functions with co-plaintiffs or amici for any of the 14 cases you brought against EPA? If yes, please provide a description of the meeting, the date, a list of meeting/event attendees, any minutes/notes taken, and describe any conversations about EPA matters.

I do not recall private meetings or functions with a co-plaintiff or amici while at a RAGA event, and do not know of any instance where a person working on my behalf attended such a meeting. In instances where a case is being litigated, counsel for each plaintiff or amici will routinely speak about matters related to the litigation, as court rules and other procedural matters often require such communications.

105.RAGA indicates that it raises and spends considerable amounts of money to support the election campaigns of Republican attorneys general. Please detail all expenditures from RAGA used to support your position in office, including but not limited to election campaign spending, contributions to other groups and PACs, and opposition research. Please detail any actions that you or your staff have taken to support the fundraising of RAGA for its campaign spending.

RAGA's Oklahoma PAC contributed $5,000 to Scott Pruitt for Attorney General in April, 2014. Inquiries about what other groups and third parties RAGA may have contributed to, or research they conducted would have to be directed to RAGA.

106.RAGA has indicated it has chartered flights for Republican attorneys general. Have you ever been a passenger on a RAGA-chartered flight? If so, when and where did you travel to and from? Did RAGA ever cover or reimburse you for transportation and accommodation? If so, please itemize when, for what, and the value.

Yes, I recall I was a passenger on a chartered flight to and from Las Vegas, Nevada in the fall timeframe of 2014. RAGA has covered the cost of flights and accommodations for me when I have attended RAGA meetings. I do not keep itemized records of these expenses, flights and accommodations are booked directly by RAGA staff.

107.While you were on the board of RLDF, did it cover any chartered flights on which you were a passenger or any of your transportation and accommodation costs? Please itemize any chartered or commercial flights, accommodations, and other travel-related expenses that exceed $100, and the value that RLDF covered.

As far as I am aware, RLDF has never covered the cost of chartered flights for me or my staff. RLDF has covered costs of transportation and accommodations when I traveled on behalf of RLDF for meetings, panels, and other policy-related events. The staff of RLDF booked travel and accommodations for me directly, and records of the costs and expenses are kept by Rule of Law Defense Fund staff and are not in my possession.

108.In 2014 and 2015, while you were on the board or Chairman of RLDF, it contributed over half a million dollars to RAGA. Please list each transaction and the purpose of the transaction.

Records of transactions between those entities are held by Republican Attorneys General Association staff and Rule of Law Defense Fund staff and are not in my possession.

109.As Attorney General, you have jointly signed numerous letters with other Republican attorneys general, such as your letter of June 15 2016 outlining your opposition to state investigations of ExxonMobil. What role did the Rule of Law Defense Fund have in preparing and coordinating release of any letters signed by you as Attorney General? What role did the Republican Attorneys General Association have in preparing and coordinating release of any letters signed by you as Attorney General? What role did any corporate funder of Rule of Law Defense Fund or Republican Attorneys General Association have in preparing and coordinating release of any letters signed by you as Attorney General?

I am not aware of what steps may have been taken by the Rule of Law Defense Fund in preparing or coordinating letters. Day to day operations of the Rule of Law Defense Fund are delegated to staff of the organization. I am unaware of any role by RAGA in preparing or coordinating release of letters. My understanding is that such letters are typically released by the office who took the lead on preparing the letter. I am unaware of any corporate funder of either RAGA or RLDF having any role in preparing or coordinating the release of letters signed by my office.

110.During your time on the board or as Chairman of Rule of Law Defense Fund, did corporate donors to that organization participate in any meeting of the executive committee, including board meetings, phone calls or retreats, during which any EPA matters were discussed? If yes, which corporations participated, what was the nature of the event, and how did they participate (e.g., in person, by phone)?

During my time as Chairman of Rule of Law Defense Fund, I cannot ever recall a time when "corporate donors" participated in a meeting of the executive committee, including board meetings, phone calls or retreats during which EPA matters were discussed. However, members and funders of the Rule of Law Defense Fund were invited to attend large group panel discussions hosted by RLDF where several EPA matters were discussed. Any records of attendees at those meetings would be in the possession of the Rule of Law Defense Fund staff.

111.During your time as attorney general, have you received gifts or in-kind donations that exceed $100 from any entities besides RAGA and RLDF? If so, please list when, from whom, and describe if it was related to a specific event or commitment.

I do not recall receiving gifts with a value of more than $100 from RAGA and/or RLDF. I have, as stated before, had travel and accommodations provided for me when I traveled to and from RAGA or RLDF meetings.

112.Will you commit to recusing yourself from matters before EPA involving any party from whom you have solicited funds during your time as Attorney General of Oklahoma?

Before participating in any matters involving specific parties where I believe that my impartiality may be questioned, I will consult with relevant federal ethics officials and provide them with all relevant facts.

113.Under your predecessors, senior EPA managers' schedules have been available to the public. If confirmed, do you agree to make senior managers' schedules available as well?

If confirmed, I will commit to following applicable laws concerning the public availability of schedules for senior managers.

114.How many email addresses have you used since becoming Attorney General of Oklahoma? How many do you still use? Please provide the domains of all email addresses you've used during your time as Attorney General of Oklahoma, along with the dates used, and note whether they were personal, professional, or both.

I have used two e-mail addresses since becoming Attorney General of Oklahoma. I use a personal e-mail address for personal e-mail, and an official e-mail address for official business. The domain of my personal e-mail address is me.com and the domain of my official e-mail address is oag.ok.gov.

115.Have you ever conducted business using your personal email accounts, non-official Oklahoma Attorney General email accounts, text messages, instant messenger, voicemails, or any other medium? If yes, please provide all business-related emails, texts, from those mediums and any others you've used to conduct official business.

I use only my official OAG email address and government issued phone to conduct official business.

116.In a recent Oklahoma Strong fundraising email, you said:"...As Chairman of the Rule of Law Defense Fund, the policy arm for Republican Attorneys General, I asked my fellow AGs to sign onto a letter urging Senate Majority Leader McConnell and Judiciary Chairman Grassley to stand strong and continue to hold fast against this [Merrick Garland] nomination." What email address did you use to get the other attorneys general to sign onto this letter? What if any groups solicited signatures from other attorneys general? Did you ask Democrats to sign the letter or just Republicans?

I do not recall using any email address to solicit signatures. I have no knowledge of what other groups may have solicited signatures from attorneys general. I do not recall asking any Democrats to support the letter.

117.If confirmed, do you commit to notifying the Committee of all of the email addresses you plan to use upon confirmation and within seven days of using a new email address, including any aliases or pseudonyms? Do you commit do conducting all business using official email addresses and other means and to refrain from any mediums that are outside the Freedom of Information Act's reach?

If confirmed, I commit to notifying the Committee of the e-mail address I use for official business. I will use my official e-mail address for official EPA related business.

118.The office of the Oklahoma AG's budget and FTEs have grown significantly while you've been in office and you indicated you have seven FTEs, accounting for $679,000 in salaries, focused on "environmentally-related responsibilities." What is the breakdown of budget and FTEs dedicated to challenging EPA vs. criminal and civil environmental cases?

The Office's budget and expenditures can fluctuate greatly year over year depending on the timing of case settlements and related distributions. For example in fiscal year 2014, the Attorney General's Office distributed higher than normal case settlement funds that inflated the budget over typical levels. Conversely, that total came down in fiscal years 2015 and 2016. Thus, fluctuations such as the one assumed by your question do not accurately reflect the size of the Office's budget. In my tenure as Attorney General, the Oklahoma Office of the Attorney General streamlined legal services for dozens of agencies, returned $29 million to the General Revenue Fund, distributed mortgage settlement restitution funds to impacted citizens, strengthened tobacco enforcement, and led the Office in such a fiscally responsible manner that the Office was able to forego all $6.4

million in state-appropriated operating funds for fiscal year 2017--that in addition to the Office having its annual appropriation cut in every prior year. The Office of Attorney General was the only state agency to voluntarily do this. During my tenure, the Office assumed the statutory duties of the Human Rights Commission through our Office of Civil Rights Enforcement, strengthened tobacco settlement enforcement efforts, and launched the Solicitor General's Unit. The Office also increased by one third the number of agencies, commissions, or boards which it represents. This has led to a precipitous decline in state agency usage of costly private counsel. It is these and other efforts that have permitted the Office to contribute approximately $29 million to the General Revenue Fund over the last six years. With regard to FTEs related "to challenging EPA vs. criminal and civil environmental cases," the Office currently has four FTEs whose responsibilities would include (among many other things) challenges to EPA rulemakings or other actions.

119.As submitted for the record, here are some statistics from Drew Edmonson's Environmental Unit (1997 to 2010): Criminal matters
142 criminal investigations; 56 federal or state prosecutions; 110 felony counts convictions of individuals; 21 misdemeanor count convictions of individuals; 10 felony counts convictions of corporations; 3 misdemeanor count convictions of corporations; 28 years of jail time; $8M in fines. Is it still your position that the Environmental Protection Unit was only handling one case when you took office?

I am not familiar with the cases being handled prior to my taking office. As I have stated, when I took Office, the primary focus of the "environmental protection unit" was a single lawsuit relating to poultry farms.

120.We reviewed the Oklahoma Attorney General's website between when you took office and the present and found no press releases on criminal or civil environmental enforcement matters. For this review, we did not include lawsuits by Oklahoma against EPA. Why were there no environmental enforcement matters listed on your website as of January 17, 2017?

I have not reviewed the website, so I am not familiar with what matters are or are not listed.

121.What specific reductions in air, water, or solid waste pollution have resulted from your environmental enforcement actions as Attorney General?

Environmental regulation in Oklahoma is the responsibility of Oklahoma's environmental regulators at agencies like the Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board. The

Office of Attorney General sometimes provides legal services to those agencies with regard to environmental issues, and in that capacity the Office has, for example, negotiated a consent decree requiring a large concentrated animal feeding operation to clean up its operations to prevent water pollution, and negotiated an agreement whereby Arkansas agreed to a stringent phosphorous standard in the Illinois River.

122.How many criminal investigations, federal prosecutions, state prosecutions, felony count convictions of individuals, misdemeanor count convictions of individuals, felony count convictions of corporations, misdemeanor count convictions of corporations, years of jail time, and cumulative fines resulted from environmental cases you initiated? Please list and describe any civil suits and actions you initiated.

To list and describe every civil suit and action initiated by the Office of Attorney General would be all but impossible. Each attorney is responsible for maintaining their own case files, and the Office employs many attorneys across many different units who litigate civil matters of all kinds. In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act, and to the extent it is even possible to compile such a list, the Office would make efforts to do so.

123.The Center for Media and Democracy ORA request is dated on or about January 5, 2015. During the hearing, you said, "I actually have a general counsel and an administrator in my office that are dedicated to performing or providing responses to open records requests." In response to questions about the January 5, 2015 request, your general counsel apologized for the delayed response and explained she was busy with other duties. What percentage of time do each of the two staff you mentioned dedicate to responding to Open Records Act requests? Have you communicated with your office's general counsel or any other attorney handling ORA requests to discuss the timing of your office's response to any specific request? If so, please identify which requests you discussed, the dates of those discussions, and the substance of your discussions.

The Office of Attorney General employs a paralegal who intakes requests, opens files, and searches for documents responsive to each Open Records Act request. Once the search is complete, the office's general counsel must review each document to ensure it does not contain information required to be kept confidential under state and federal laws. Along with overseeing the Open Records Act process, the office's general counsel is responsible for overseeing many other programs and statutory duties with which the Office is tasked. I am unaware of what percentage of time is spent solely on Open Records Act requests. I do not recall any conversations with individuals in my office regarding the timing of Open Records Act responses.

124. In a letter regarding this request, your general counsel stated your office processes "these requests in the order in which they are received." How long has that been the policy of your office? Have you fulfilled any ORA requests submitted since at least January 5, 2015?

To my knowledge, that is how the office has historically processed such requests. I am not aware of which requests submitted since January 5, 2015 have or have not been responded to.

125.According to a recent E&E article, your office has 52 outstanding open records requests. Please provide a list of all pending FOIA, Open Records Act or other similar information requests under Oklahoma state law, by whom, and when each was a filed.

I am not familiar with the pending requests. Such a requests should be directed to the Office of Attorney General's general counsel, who can provide such a list.

126.The public and this Committee, in fulfilling our constitutional advice and consent duties, have a right to see information pursuant to the Open Records Act. Please produce all of the following material that has been requested under the Open Records Act prior to November 8, 2016: related to RAGA, RLDF, Liberty 2.0, Oklahoma Strong, and any other 527s, 501(c)(3), and 501(c)(4)s, including the State Policy Network and ALEC; correspondence with the fossil fuel and agriculture industries and any other industries regulated by EPA; any other material related to energy, environment, agriculture, and EPA.

If Open Records Act requests for such information have been made, as your question suggests, those requests will be answered in the normal course.

127.Please provide a list of all Open Records Act requests your office has received during your tenure, from whom and when, the number of days it took to produce the requested documents or decline the request, the outcome of those requests including whether any decisions have been or currently are being challenged in court, and share the following material that has been disclosed as a result of those requests with the Committee: related to RAGA, RLDF, Liberty 2.0, Oklahoma Strong, and any other 527s, 501(c)(3), and 501(c)(4)s, including State Policy Network and ALEC; correspondence with the fossil fuel and agriculture industries and any other industries regulated by EPA; any other material related to energy, environment, agriculture, and EPA.

In order for you to receive a comprehensive response to a voluminous request of that nature, I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.

128.What was the average length of time it took your office to fulfill open record act requests to your office between January 2011 and December 6, 2014? What was the average length of time it took your office to fulfill open record act requests to your office from December 7, 2014 to the present? What, if any, steps has your office taken to improve the timeliness of your open records act responses?

I am not aware of what the average length of time my office took to fulfill open record act requests is. I have directed my staff to respond to all open records act requests in a timely and efficient manner.

129.Under what circumstances would it be appropriate for EPA to fail to respond to a FOIA request for 700 days?

I am not in a position to render an opinion a hypothetical given that different open record requests raise issues specific to the particular requests at issue. However, I appreciate the importance of openness and transparency, and if confirmed I will work to ensure EPA complies with all legal requirements concerning the implementation of the Freedom of Information Act and other statutes EPA is responsible for administering.

130.Why did you fail to disclose records on your office's expenditures on outside attorneys, as is required under Oklahoma state law, until contacted by a reporter? Why did you not hold your own office's spending practices to the same standard expected of other Oklahoma state offices?

The Office of Attorney General complies with its legal obligations relating to outside counsel, and discloses any outside counsel contracts when asked.

131.Is it correct that your office has spent over $1 million in outside lawyer expenses during your tenure? Please explain the unreported increase in expenses.

The bulk of the outside counsel expenses incurred by the Office during my tenure relate to a single dispute over water rights in southeastern Oklahoma. The Legislature specially appropriated funds to my office for the specific purpose of retaining outside counsel with expertise relevant to that tribal water law issue.

132.Oklahoma state law requires that state agencies select attorneys from a pre-approved list. Several of the outside attorneys that your office has hired are not included on the list of approved attorneys. Why didn't you comply with this requirement?

Because the Office of Attorney General maintains the referenced list, and is authorized to allow representation from attorneys not on the list, the Office of Attorney General plainly has the discretion to allow representation from attorneys not on the list.

133.You have not released records on your contracts with outside attorneys, as required under Oklahoma state law. Please provide all contracts, including any related to pro-bono work. Have any private interests been funding outside attorneys representing your office in lawsuits against the federal government? If so, who, why, and in what amounts? For any pro-bono work, is that an in-kind donation that should be recorded and accounted for in your office's accounting? Has your office done so? Please provide a list of these in-kind donations, from whom, when the work was done, and the value.

A requests for such contracts can made to the Office of Attorney General pursuant to Oklahoma's Open Records Act. When my office retains outside counsel to assist on a matter, it either compensates those attorneys itself, or the outside counsel provides the services pro bono. I am not aware of any outside funding of pro bono counsel, and would not retain any pro bono counsel if they were being so funded. I am not aware of any requirement that pro bono legal services be considered an in kind donation to the Office of Attorney General.

134.You received campaign contributions from at least one of the attorneys that provided outside representation for Oklahoma—David Rivkin, of D.C. law firm BakerHostetler. Is there a prohibition on receiving campaign contributions from those in a contractual relationship with your office? Was your contribution from Mr. Rivkin in compliance with such requirements?

I am not aware of any such requirements. In any event, Mr. Rivkin received no compensation from the Office for the legal services he provided.

135.Are you aware of any payments made to Mr. Rivkin from other parties in return for his representation of your state?

I am unaware of any payments made to Mr. Rivkin from any other parties in return for his representation.

136.Did you contact Mr. Rivkin about representing the State of Oklahoma, did he contact you, or did a third-party made the connection? Please explain.

I cannot recall the exact circumstances leading to Mr. Rivkin's representation, or who initiated the contact. Mr. Rivkin has represented over half of our Nation's states on various matters, and is a well-recognized expert on constitutional questions, particularly those relating to States and their federalism interests.

137.According to your questionnaire, you've given dozens of environment-related speeches in Oklahoma and around the country, many to industry groups. Have you ever given one to a public health group, environmental NGO, or scientific society? You've received various awards, several from industry groups. Have you ever received an award from a public health or environmental group for protecting public health? How about environmental quality? Have you ever received an award from a scientific society?

I have given dozens of speeches on a wide variety of topics to many different groups and industries. I do not recall a specific public health group, NGO or scientific society I have spoken to. I do not recall receiving awards from a public health or environmental group or a scientific society.

138.Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

I am not aware of any such correspondence.

139.You wrote an op-ed attacking efforts to investigate whether Exxon deliberately misled investors and the public despite internal research confirming that climate change is real. Please describe any conversations you've had with political donors to you or your affiliated political action committees, RAGA, Rule of Law Defense Fund, or co-plaintiffs or amici in your cases against EPA about ExxonMobil's potential liability under federal or state law regarding climate change (e.g., federal RICO, New York state's Martin Act, etc.), including the date and substance of those conversations.

I do not recall any such conversations.

140.During your time as the Attorney General of Oklahoma, have you or anyone in your immediate family owned any stocks of companies that were co-plaintiffs or amici in any of your 14 cases against the EPA, including ExxonMobil, Devon Energy, Murray Energy, Southern Company, and Continental Resources. If yes, please list the stock, dates held, and amount.

To my knowledge, no, and a list of my investments has been provided as part of my financial disclosures.

141.In implementing the Lautenberg Act, EPA, consistent with congressional intent, issued a notice making it clear that substantiation of all non-exempt confidential business information (CBI) claims is required upfront. Do you commit to ensuring the EPA follows and upholds that requirement?

As I have previously stated I believe the Lautenberg Act struck an appropriate balance between protecting confidential business information and informing the public and I intend to apply the law as drafted by congress.

142.In a speech at Hillsdale College on June 30, 2016, you referred to a three-hour private, basement meeting with Supreme Court Justices Scalia and Thomas, Leonard Leo of the Federalist Society, and other unidentified people. Referring to Justice Scalia, you said: Leonard [Leo] blessed me on a number of occasions to spend some quality time, personal time, with the previous justice. In fact, I remember one year about three years ago, I was here for a Federalist Society event, their annual meeting that occurs in November. Leonard said 'Scott, stay over, I'd like for you to go dinner on Friday night'… we went to a basement in Washington DC, there were about ten of us in attendance. Two of those folks in attendance were Justice Scalia and Justice Thomas. And we spent three hours talking about the constitution and things that were involved in as attorneys general. It was a fabulous time.

What was the date of this basement meeting? Please provide a complete list of the participants. Please list all cases pending before the Supreme Court at the time of this meeting in which the State of Oklahoma was a party and/or on which you or an attorney in your office was counsel of record. During the basement meeting, was there any discussion or mention of EPA, the environment, public health, environmental or public health regulations, environmental laws including but limited to the Clean Air Act, the Clean Water Act, NEPA, mercury, cross-state air pollution, Renewable Fuels Standards, ozone standards, endangerment from GHGs, regional haze, or climate change. If so, please identify the specific topics that were discussed or mentioned. Have you ever had any other private meetings with any other state or federal judges or justices while you had cases pending before their courts? Which cases? Please describe any such meeting, including the dates, locations, attendees, and topics discussed.

I do not recall the date of the dinner to which you refer, but I believe it was in November 2013. It was a private dinner. I am not aware of any matters that my office had pending before the Supreme Court at the time. As far I recall, none of the topics you mentioned was discussed, nor was any specific matter of any sort discussed. I am not aware of any other meetings of the sort to which you refer. In my capacity as attorney general, I am often at events with judges or justices of various sorts, but no discussion of pending matters would ever occur in any social interactions we might have.

143.The lifetime emissions of any energy source should be considered in the context of necessary extraction techniques as well as transportation of the fuel, among other issues. For example, transporting crude via pipeline clearly creates fewer emissions than transporting it via other sources in terms of fossil fuel energy. Without knowing the specifics of all of these factors in a given instance, it is difficult to identify which sources may result in greater emissions.

The role of the United States in the Paris Agreement is a State Department matter. If confirmed, I will work to advance the mission of the EPA, which is to protect human health and the environment, consistent with the State Department's strategy for international engagement on climate change.

144. Do you support the amendment to the Montreal Protocol to phase down HFCs?

Should the State Department decide to advance the Kigali Amendment to the Montreal Protocol and if I am confirmed as Administrator, I will work with all involved agencies and impacted stakeholders to ensure that EPA's actions related to hydrofluorocarbons (HFCs) are coordinated accordingly.

To: Roose, Rebecca[Roose.Rebecca@epa.gov]
From: Grifo, Francesca
Sent: Mon 1/30/2017 11:18:16 PM
Subject: RE: lunch

Have a tight day with 11 and 1 meetings. Where shall we meet and where shall we go?
Thanks
Francesca
Francesca T. Grifo, Ph. D.
Scientific Integrity Official
US EPA Office of the Science Advisor
202-564-1687
http://www.epa.gov/osa/basic-information-about-scientific-integrity

-----Original Appointment-----
From: Roose, Rebecca
Sent: Wednesday, January 25, 2017 11:51 AM
To: Roose, Rebecca; Grifo, Francesca
Subject: lunch
When: Tuesday, January 31, 2017 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

To: Roose, Rebecca[Roose.Rebecca@epa.gov]
From: Grifo, Francesca
Sent: Mon 1/30/2017 11:29:06 PM
Subject: RE: lunch

Great - meet you in front of AuBon Pain!

Francesca T. Grifo, Ph. D.
Scientific Integrity Official
US EPA Office of the Science Advisor
202-564-1687
http://www.epa.gov/osa/basic-information-about-scientific-integrity

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From: Roose, Rebecca
Sent: Monday, January 30, 2017 6:28 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: lunch

Let's meet in RRB. Want to grab something at Au Bon Pain and then find a spot in the food court to eat? If it turns out the place is overrun by school groups, we'll hoof it to Commerce.

Rebecca Roose
Acting Chief, Water Branch
Office of Compliance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-0001
tel 202.566.1387
mobile 202.329.5041

From: Grifo, Francesca
Sent: Monday, January 30, 2017 6:18 PM
To: Roose, Rebecca <Roose.Rebecca@epa.gov>
Subject: RE: lunch

Have a tight day with 11 and 1 meetings. Where shall we meet and where shall we go?
Thanks
Francesca
Francesca T. Grifo, Ph. D.
Scientific Integrity Official
US EPA Office of the Science Advisor
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-----Original Appointment-----
From: Roose, Rebecca
Sent: Wednesday, January 25, 2017 11:51 AM
To: Roose, Rebecca; Grifo, Francesca
Subject: lunch
When: Tuesday, January 31, 2017 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Snowden, Christine[Snowden.Christine@epa.gov]
From: Clarke, Robin
Sent: Tue 1/31/2017 1:58:11 AM
Subject: Re: Travel

Ok I will let you know tomorrow and you are presenting correct

Sent from my iPhone

On Jan 30, 2017, at 6:15 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

Hi there – The travel office won't start on the TA or other arrangements until they get the travel form -SF- 182. When can I tell them they will get it?

Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Clarke, Robin[Clarke.Robin@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 1:59:07 AM
Subject: Re: Travel

Yes
Thanks very much !

Sent from my iPhone

On Jan 30, 2017, at 8:58 PM, Clarke, Robin <Clarke.Robin@epa.gov> wrote:

Ok I will let you know tomorrow and you are presenting correct

Sent from my iPhone

On Jan 30, 2017, at 6:15 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

Hi there – The travel office won't start on the TA or other arrangements until they get the travel form -SF- 182. When can I tell them they will get it?

Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Tue 1/31/2017 2:19:01 AM
Subject: Jan. 31 -- BNA, Inc. Daily Environment Report

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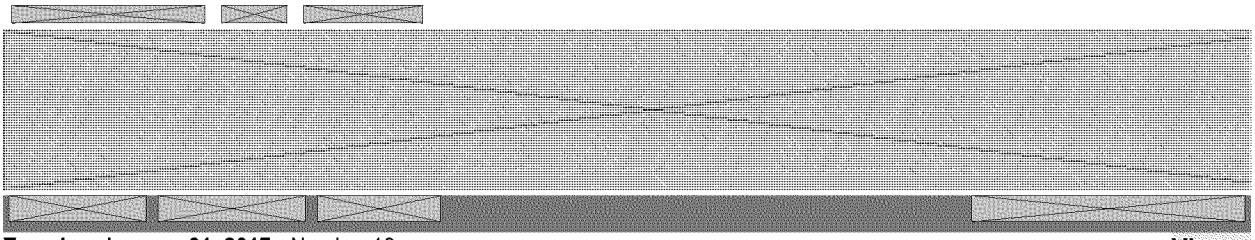

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LEADING THE NEWS

Congress
Tillerson Clears First Floor Hurdle, Final Vote Expected Feb. 1
President Donald Trump's pick for secretary of state easily cleared his first hurdle toward confirmation on the Senate floor Jan. 30, with senators voting 56-43 on a procedural vote on the nomination of former Exxon Mobil CEO Rex Tillerson....

NEWS

Chemicals
Fewer Chemicals May Get Regulatory Reprieve Under Amended TSCA
Fewer chemicals may get a regulatory reprieve under the amended Toxic Substances Control Act than chemical manufacturers hoped for, according to an attorney specializing in TSCA. ...

Chemicals
Target Tightens Grip Over Chemicals to Make Goods Safer
Target Corp. introduced a sweeping new policy governing chemicals in products, a move that will push hundreds of suppliers to list ingredients in everything from fragrances to floor cleaner....

Climate Change
World Hits Carbon Brake, but Emissions Don't Slow Fast Enough
The growth of carbon dioxide concentrating in the Earth's atmosphere is slowing but not fast enough to avert potentially-catastrophic climate change, according to new research....

Climate Policy
Trump Likely to Keep Pledge to Exit From Paris Climate Pact, Ebell Says

President Donald Trump is likely to pull the U.S. out of the landmark Paris climate pact, according to a former adviser....

Coal Mining
Democrats Hope for Party Unity to Preserve Interior Stream Rule
Democrats admit they don't have the numbers to stop Republicans from repealing an Obama-era coal mining rule, but if they can vote against it as a bloc, they hope to frame the repeal bid as a nakedly partisan effort....

Energy
FERC Seeks to Give Staff Bigger Role While Waiting for Nominees
The Federal Energy Regulatory Commission looks to provide staff more authority in the event the agency lacks the quorum needed to approve certain transactions, Cheryl LaFleur, acting chairman of the agency, said in a podcast recording on...

Energy
Japan's 'Unresolved' Disaster Sways Atomic Opposition Symbol
The man blocking the world's largest nuclear plant says he grew opposed to atomic energy the same way some people fall in love....

Energy
Kept in the Dark: Modi Power Plans Are Slow to Light Rural India
Screams alerted Dadasaheb Vidhate to the fire trapping three of his children in the family's thatched-roof hut in rural India....

Energy
Kristine Svinicki Takes Helm at NRC as Two Vacancies Remain
Kristine Svinicki, the new chairman of the Nuclear Regulatory Commission, is praised by a nuclear advocacy group and professional society for her experience, but criticized by anti-nuclear groups for not meeting with them in the past....

Energy
Rio Unit Born in Death Valley Is Retooled to Supply Battery Boom
During the financial crisis, Rio Tinto Group needed cash and tried to unload its oldest mining business—one that began in 1872 hauling borates salts by mule from Death Valley to make U.S. laundry soap. The company gave up on a sale...

General Policy
Some Companies Must Join Pollution Tracking System This Year, China Says
Businesses in more than 20 industries in China must join a new pollution registration system during the next 11 months that will let officials track and ultimately tax a company for excess air and water pollution, the government announced....

Oil & Gas
Trump Set to End U.S. Free Market for Oil: Industry Analyst
The U.S. free market for oil that was ushered in by President Ronald Reagan in 1981 will come to an end under President Donald Trump, Philip Verleger, president of PKVerleger LLC, said....

Regulatory Policy
GOP Drive to Deregulate Risks Turning Gas Sniffers to Roadkill
House Republicans are poised to give oil companies a big win by repealing a Bureau of Land Management regulation that requires them to keep a lid on methane, but it comes at the expense of a burgeoning industry that sells the tools to find...

Regulatory Policy
Trump Bid to Slash Regulations Faces Bureaucratic Road Blocks
President Donald Trump set a daunting goal for government agencies bound by complex procedures, ordering his department heads to kill two regulations for each new one they issue....

Renewable Energy
Tesla's Battery Revolution Just Reached Critical Mass
Tesla Motors Inc. is making a huge bet that millions of small batteries can be strung together to help kick fossil fuels off the grid. The idea is a powerful one—one that's been used to help justify the company's...

Vehicle Fuels
GM, Honda Set Up $85 Million Joint Venture for Fuel Cell Cars
General Motors Co. and Honda Motor Co. will jointly manufacture fuel cell systems starting around 2020, strengthening a partnership formed more than three years ago to develop technology that eliminates tailpipe emissions....

Water Pollution
Farmers Applaud New York Permits for Concentrated Animal Farms
The agriculture industry is welcoming new water permits to regulate Concentrated Animal Feeding Operations (CAFOs) in New York, but environmentalists describe the permits as a mixed bag....

Water Pollution
German Fertilizer Bill Expected to Reduce Water Pollution
A compromise on a long-awaited amendment to Germany's Fertilizer Law clears the way for ratification of a bill that proponents said will help agriculture meet strict European environmental standards....

BNA INSIGHTS

Internal Investigations
The Future of Internal Investigations After the Yates Memorandum
On Sept. 9, 2015, Deputy Attorney General Sally Quillian Yates became the fifth deputy attorney general in 15 years to issue a memorandum addressing prosecution of corporate wrongdoing. Deputy Attorney General Yates' Memorandum, entitled...

REGULATORY AGENDA

TODAY'S FEDERAL REGISTER

TODAY'S STATE REGISTERS

Daily Environment Report
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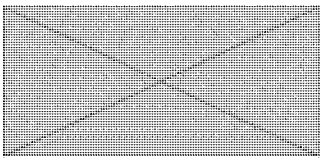
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Tue 1/31/2017 8:44:21 AM
Subject: Trump's Order On New Regulations Tightens Reins On EPA



ENVIRONMENTAL

Tuesday, January 31, 2017

TOP NEWS

Analysis

Trump's Order On New Regulations Tightens Reins On EPA

President Donald Trump's executive order calling for the elimination of two existing regulations for the creation of every new one underscores his new administration's hostility to rulemaking and makes it much tougher for the U.S. Environmental Protection Agency to advance any rules that aren't required by law, experts say.

Trump Signs 'One In, Two Out' Order On Rulemaking

The reach of federal regulations could soon be sharply curtailed, as President Donald Trump on Monday morning signed an executive order that requires two regulations be nixed for each new rule passed, potentially grinding future rules to a halt this year.

Trump Order Prompts Judge To Halt Keystone Denial Suit

A Texas federal judge on Monday froze a lawsuit from TransCanada Corp. challenging former President Barack Obama's denial of a Keystone XL permit now that President Donald Trump has allowed the company to move forward with a second application.

Tillerson Won't Have To Testify In Kids' Climate Suit

An Oregon magistrate judge on Friday rejected a bid to depose U.S. Secretary of State nominee and former Exxon Mobil Corp. CEO Rex Tillerson in a suit accusing the federal government of failing to protect future generations from climate change, saying that he isn't obligated to testify because he no longer works in the oil industry.

Sioux Tribe Fears Trump Memo Dooms Dakota Pipeline Fight

The Standing Rock Sioux Tribe expressed fears Monday that Dakota Access LLC will finish construction on its $3.8 billion pipeline before the tribe can mount an emergency legal challenge, suggesting little optimism about a federal review of the project in the wake of an executive order from President Donald Trump.

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Analysis

Clean Energy Developers Fret Over Trump Tax Reform Talk

President Donald J. Trump's recent call to slash corporate tax rates has unnerved renewable energy developers, who fear significant cuts may stymie projects by decreasing the appetite for tax equity investments that have been their financial lifeblood, experts say.

POLICY & REGULATION

Trump Will Exit Paris Climate Deal, Ex-Transition Aide Says

President Donald J. Trump will pull the U.S. out of the landmark global climate change agreement brokered in Paris in 2015, the former head of Trump's transition team for the U.S. Environmental Protection Agency said Monday.

EPA Chief Says Grants Back On Track After Trump Review

The U.S. Environmental Protection Agency's acting head said Friday that its grant program, which had been under review by the administration of President Donald Trump, is now back up and running.

ENFORCEMENT

Monsanto Says Port Of Portland's PCB Suit Is Time-Barred

Monsanto Corp. told an Oregon federal court on Friday that allegations made by the Port of Portland that the company is liable for the cleanup of polychlorinated biphenyls, a class of toxic and once-common chemicals the company allegedly kept manufacturing even after it knew they would end up accumulating in the environment, violate the statute of limitations.

LITIGATION

Hilcorp Can't Beat La. Fishermen's Clean Water Act Claims

A Louisiana federal judge on Monday rejected Hilcorp Energy Co.'s bid to completely escape a lawsuit in which an association of oyster fishermen accuses the oil and gas producer of dredging without a permit in violation of the Clean Water Act.

No Proof NY Nuke Plant Subsidies Flout Feds, State Says

New York state utility regulators told a federal judge Friday that power providers and energy groups challenging the state's plan to subsidize three struggling nuclear power plants as part of its clean-energy program haven't shown any evidence that the plan is federally preempted.

Chem Case Belongs In Indiana State Court, Homeowners Say

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A proposed class action against Johnson Controls Inc. over alleged groundwater contamination should be remanded to Indiana state court because a statistical analysis shows the plaintiffs satisfy the local controversy exception to the Class Action Fairness Act, according to a motion filed in Indiana federal court Friday.

VA Search For Tainted-Water Docs Inadequate, Vets Says

Veterans groups urged a Connecticut federal court Friday to reject the U.S. Department of Veterans Affairs' bid to gut their suit for information on the disposition of disability claims connected to contaminated military base water, saying the agency has done a shoddy document search.

Calif. Tribe Wins Bid To Revise Geothermal Lease Ruling

A California federal judge on Friday granted the Pit River Tribe's bid to alter his judgment in its suit against the U.S. Bureau of Land Management to block geothermal leases on land sacred to the tribe, saying he ordered the agency to reconsider the leases under the wrong version of a federal law.

Enviros Fight Sanctions Bid In Barge Facility Suit

An environmental group challenging the U.S. Army Corps of Engineers' now-rescinded approval of a Texas industrial barge facility on Friday hit back at a sanctions bid from the company behind the facility, saying the motion was frivolous and based on a rule of civil procedure that has no application.

Calif. County Challenges BIA Over 1,400 Trust Acres For Tribe

The county of Santa Barbara sued the Bureau of Indian Affairs in California federal court on Saturday to challenge a decision taking more than 1,400 acres of land into trust for the Santa Ynez Band of Chumash Indians for tribal housing and economic development, claiming the decision flouted trust acquisition regulations and environmental law.

PEOPLE

Sive Paget & Riesel Announces New Principal In New York

Sive Paget & Riesel PC has announced the addition of a seasoned environmental attorney to its offices in New York City, saying she has come from Hunton & Williams LLP after spending about three decades at the firm.

EXPERT ANALYSIS

Calif. Forges Ahead With Sweeping Climate Change Regs

California's new "2017 Climate Change Scoping Plan Update" proposes a 10-year extension of the state's carbon cap-and-trade program, in addition to new greenhouse gas emission regulations aimed at the refinery sector. But confronted with a pending lawsuit and linkage

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obstacles with other carbon trading systems, the Golden State's cap-and-trade program is not without its own challenges, say attorneys at Morrison & Foerster LLP.

A Look At New EPA Composite Wood Formaldehyde Limits

Last month, the U.S. Environmental Protection Agency published the final Formaldehyde Standards For Composite Wood Products Rule. The Trump administration has postponed the effective date of the rule, creating the potential that it will be amended or further delayed. But many in the industry are looking forward to a consistent national standard, say attorneys from Latham & Watkins LLP.

Opinion

Love And Law In The Age Of Trump

Love is not a subject that lawyers typically devote themselves to professionally. But as we witness this historic transition to a new administration, lawyers in particular are reminded that love is tied, however imperfectly, to our cherished founding ideals, says Kevin Curnin, president of the Association of Pro Bono Counsel.

LEGAL INDUSTRY

A Cheat Sheet To Trump's Supreme Court Nomination

If his Twitter account is to be trusted, President Donald Trump on Tuesday night will reveal his choice to replace the late conservative Justice Antonin Scalia on the U.S. Supreme Court, the opening in what will be a series of chess moves by Democrats and Republicans over the political balance of nation's top bench.

BigLaw Springs Into Action Following Immigration Ban

Attorneys from a number of BigLaw firms over the weekend rushed to the aid of immigrants and refugees attempting to enter the U.S. following President Donald Trump's Friday executive order suspending immigration from seven predominantly Muslim countries and temporarily halting the nation's refugee program.

Trump Order May Signal Softer Stance On Lobbyist Loophole

President Trump's executive order on lobbying ethics may hurt BigLaw hiring from the executive branch, experts said, but the changes should also give lobbying firms reason to be optimistic that the administration isn't bent on pushing through legislation to close lobbyist registration loopholes.

Legal Tech Download: AI On The March

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments in legal tech.

Dewey Trustee Relents On Bid To Destroy Records

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The liquidation trust for bankrupt megafirm Dewey & LeBoeuf told a New York bankruptcy judge on Monday that it had reached détente with the U.S. Securities and Exchange Commission and the New York County District Attorney over its proposal to destroy all Dewey records as part of a motion to close the Chapter 11 case.

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Californi Environr Protecti Agency

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Federal Trade Commis

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Army Corps of Engineers

Executive Office of the President

New York Attorney General's Office

Securities and Exchange Commission

U.S. Army

Bureau of Indian Affairs

Bureau of Land Management

California Environmental Protection Agency

Cheyenne River Sioux Tribe

Federal Energy Regulatory Commission

Federal Trade Commission

Interior Board of Indian Appeals

Louisiana Department of Natural Resources

National Aeronautics and Space Administration

National Institute of Standards and Technology

Port of Portland

Santa Ynez Band of Chumash Mission Indians

Standing Rock Sioux Tribe

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Tue 1/31/2017 12:15:31 PM
Subject: The Morning Headlines from InsideEPA.com -- January 31, 2017

The critical environmental policy-making news you need as you begin your day

January 31, 2017

Latest News

Trump's Court Prospects Lack EPA Records But Likely To Back Deregulation

The three appellate court judges President Donald Trump is considering selecting as his nominee to the Supreme Court lack records, as judges, on EPA regulations, though each of them is expected to strongly support the administration's deregulatory efforts given their rulings or their records prior to being tapped for the bench.

EPA Leaders Seek To Quell Staff Fears Of Trump Administration Cuts

EPA's career and political leaders are seeking to calm employees' fears of coming staff cuts, budget reductions and other rollbacks at the agency, with recent internal messages saying the Trump administration is following routine procedures for reviewing existing policy at the start of a new term while warning that media reports on some proposals are “just not accurate.”

States Seek To Intervene In Suits Over EPA's ESPS Reconsideration Denials

A coalition of states is seeking to intervene in consolidated litigation brought by a separate coalition of states and industry groups over EPA's denial of administrative petitions to reconsider various aspects of its greenhouse gas standards for existing power plants, litigation that could allow the Trump administration to overturn key parts of the rule should it be upheld.

CARB Chief Says Trump Blocking Vehicle Rules Would 'Destroy' GHG Plan

California's top air regulator says that if the Trump administration or Congress succeeds in blocking the state's ability to enforce its current vehicle greenhouse gas standards or adopt future rules, such a move would “destroy” the state's sweeping regulatory plan to meet its 2030 GHG target.

EPA Highlights Template For Future Superfund Financial Regulations

EPA is highlighting three areas of its proposed first-ever Superfund financial responsibility rule for the hardrock mining sector that could serve as a template for any future financial assurance regulations for other industrial sectors, even as the

rule is at risk of being scrapped by GOP lawmakers.

CSAPR Update Rule's Opponents Outline Issues In New D.C. Circuit Suit

State and industry opponents of EPA's updated Cross-State Air Pollution Rule (CSAPR) for power plant emissions trading are setting out their arguments in litigation against the rule in the U.S. Court of Appeals for the District of Columbia Circuit, amid doubts over whether the Trump EPA will defend the rule.

Trump Signs Order Setting 'One In, Two Out' Mandate For New Regulations

President Donald Trump signed an executive order Jan. 30 directing EPA and other regulatory agencies to eliminate two existing rules for every one they enact, while also setting an overall "budget" for new regulatory costs each year -- the first concrete step in the new administration's plan to slash environmental rules they consider too burdensome.

Daily Feed

Transition: Democrats question DOJ review of Trump orders

Democrats say Trump's executive orders have been issued without Department of Justice review, which would break a policy in place since the Kennedy era and cloud their legality.

Opinion: Scalia's ruling on EPA's mercury rule may doom border wall

Scalia's ruling requiring EPA to assess the costs and benefits of its mercury rule could hamper Trump administration plans to build a wall along the southern border, three law professors say.

Congress: EPW schedules Feb. 1 vote on Pruitt's nomination

The nominee is widely expected to win approval from the committee and head to the floor when he will win support from Republicans and some Democrats.

Litigation: D.C. Circuit sets argument date for RFS suit

The arguments could force the Trump administration to indicate how it plans to address portions of the controversial program.

Our most read: Trump's EPA, one week into a new era

From our most read stories: rules were suspended, a deregulatory plan readied and the agency braced for more changes -- all in the first week.

Ewire: A daily news roundup

EPA rules escape congressional repeal. Plus: EPA lifts temporary grant freeze and more.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 1/31/2017 12:44:08 PM
Subject: January 31 -- Energywire is ready

Read today's Energywire on the web

AN E&E NEWS PUBLICATION

ENERGYWIRE — Tue., January 31, 2017

READ FULL EDITION

1.INFRASTRUCTURE:

Energy industry says 'no thanks' to Trump aid

Shopping lists for billions of dollars in potential construction projects that circulated last week raise questions about whether the nation's sprawling energy sector will share in the spoils of an infrastructure plan coming out of Trump's White House.

TOP STORIES

2.WHITE HOUSE:
Travel ban forces Big Oil to grapple with Trump

3.PUBLIC LANDS:
Zinke deflects on fracking authority question

4.OFFSHORE:
Canada treads murky waters in bid to drill in int'l zone

ELECTRICITY

5.UTILITIES:
Texas bid ignites rivalry between NextEra, NRG

6.TRANSMISSION:
Wind contract looms large as Mo. weighs Clean Line project

7.MARKETS:
New England grid faces challenges without more gas

8.SECURITY:
Solar firm falls victim to spear-phishing attack

9.GRID:
Power surge causes fires, damage in tiny Pa. town

OIL AND GAS

10.LAW:
Court freezes Keystone XL lawsuit

11.DAKOTA ACCESS:
Timeline again hazy for oil pipeline

12.STATES:
Spurred by pipeline spats, GOP lawmakers introduce 'protest bills'

13.REGULATION:
Ohio governor proposes higher tax on Utica Shale drilling

14.PIPELINES:
Human error increasingly responsible for leaks

15.KEYSTONE XL:
Alberta town sees economic uptick after pipeline's revival

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Energywire is written and produced by the staff of E&E News. Energywire is designed to bring readers deep, broad and insightful coverage of the transformation of the energy sector. Energywire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. Energywire publishes daily at 9:00 a.m.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
Cc: Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Simons, Andrew
Sent: Tue 1/31/2017 12:47:23 PM
Subject: RE: Coordination Meeting OGC - Quarterly

Francesca and Martha:
Tracy is out of the office today and Carol Ann and I are tied up in a meeting from 2-3 with the transition team. Could we shift this meeting to later in the day or later this week?
Andy

Andrew Simons
Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7522C

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From: Grifo, Francesca
Sent: Thursday, July 21, 2016 10:33 AM
To: Grifo, Francesca; Otto, Martha; Siciliano, CarolAnn; Sheppard, Tracy; Simons, Andrew
Cc: Hawkins, CherylA
Subject: Coordination Meeting OGC - Quarterly
When: Tuesday, January 31, 2017 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomRRB41107-1; DCRoomRRB41107-2

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 1/31/2017 1:09:58 PM
Subject: Morning Consult Energy: Ebell Expects Trump to Pull Out of Paris Agreement

By Jack Fitzpatrick

Washington Brief

- Myron Ebell, who led Trump's EPA transition team, said he expects Trump to pull out of the Paris climate agreement, saying his supporters "would prefer not to have a seat at the table." (Bloomberg News)
- President Donald Trump signed an executive order requiring the White House to rescind two regulations for every one that is added, drawing complaints from supporters of Environmental Protection Agency regulations, among others. (The Washington Post)
- A lawyer for the Army Corps of Engineers said he did not know when the corps would issue a construction easement for the Dakota Access pipeline as mandated by Trump's recent executive order. (The Hill)

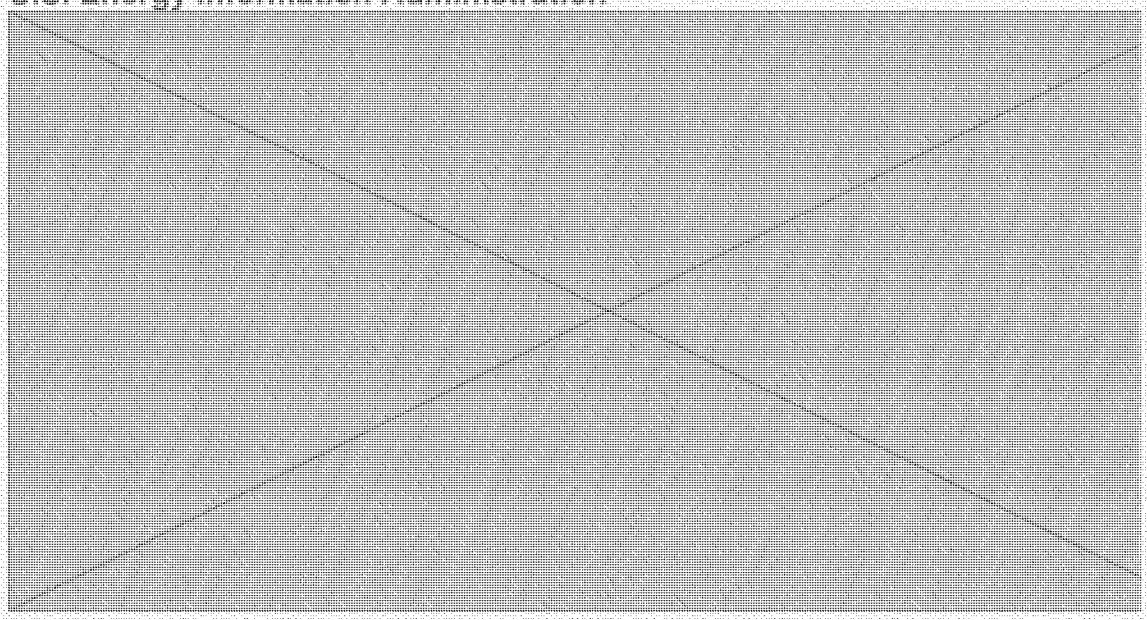
Business Brief

- Royal Dutch Shell agreed to sell offshore oil and gas assets in the North Sea to Chrysaor for $3.8 billion, and in Thailand to the Kuwait Foreign Petroleum Exploration Company for $900 million. (Financial Times)
- Bangladesh's energy minister said the country's government is hiring a firm to assess Chevron's natural gas fields there before making an offer to buy the assets. (Reuters)
- Brent crude oil futures rose 0.11 percent to $55.29 while West Texas Intermediate futures dropped 0.29 percent to $52.48 as traders awaited data on countries' compliance with the OPEC deal to cut output. (The Wall Street Journal)

Chart Review

Natural gas-fired generating capacity likely to increase over next two years

U.S. Energy Information Administration



Events Calendar (All Times Local)

Tuesday

Senate Energy and Natural Resources Committee votes on Zinke, Perry nominations	9:30 a.m.
House Transportation and Infrastructure Committee organizational meeting	10 a.m.
Atlantic Council discussion on Transatlantic energy cooperation	10 a.m.
CSIS discussion on deep decarbonization efforts	10 a.m.
U.S. Energy Association State of the Energy Industry Forum	10:30 a.m.

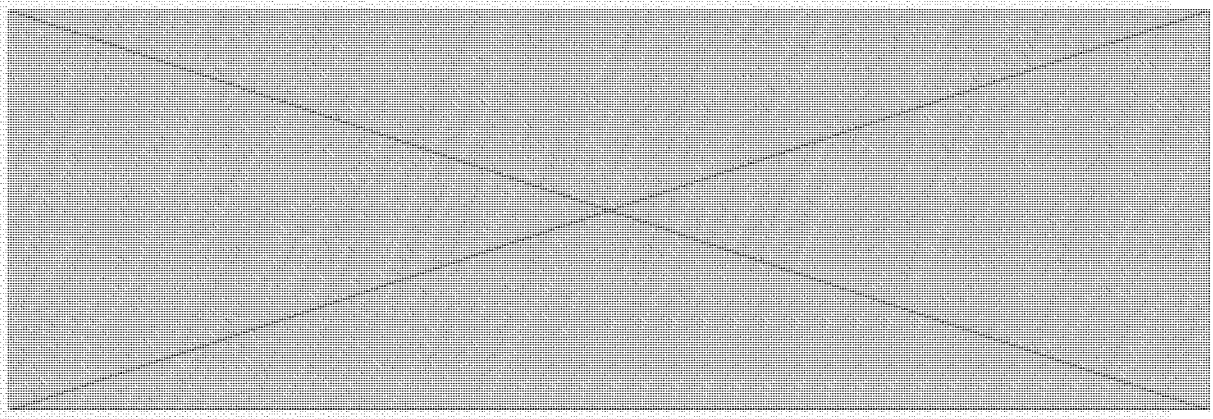
Wednesday

BP energy outlook	9:30 a.m.
House Energy and Commerce subcommittee hearing on grid security	10:15 a.m.
Senate Environment and Public Works Committee votes on Pruitt confirmation	10:45 a.m.

Thursday

Friday No events scheduled

Journalists' guide to energy and environment 3 p.m.



General

Trump wants to scrap two regulations for each new one adopted
Steven Mufson, The Washington Post

President Trump signed an order Monday aimed at cutting regulations on businesses, saying that agencies should eliminate at least two regulations for each new one. The White House later released the text of the order, which added that the cost of any new regulation should be offset by eliminating regulations with the same costs to businesses.

Trump administration lifts temporary freeze on EPA grants
Brady Dennis, The Washington Post

The Trump administration has lifted a temporary freeze on billions of dollars of grants from the Environmental Protection Agency, saying the programs will continue as planned. An email sent late Friday from the EPA's acting administrator, career official Catherine McCabe, informed staffers that officials had completed a review of the agency's extensive list of grants and that all "are proceeding normally, and nothing has been delayed," including revolving grants to states and Native American tribes.

Scientists, Lobbyists Fret Over EPA Climate Change Data Under Trump
Jack Fitzpatrick, Morning Consult

Scientists and energy industry lobbyists are concerned they won't be able to access key data from the Environmental Protection Agency after political

appointees are done reviewing the agency's website. Officials will finish their review this week or next, and won't rule out deleting public links to the agency's data on climate change, Doug Erickson, a spokesman for the Trump administration's transition "beachhead team," told Morning Consult on Monday.

President Trump Has Not Yet C[illegible]ence Advisor
Justin Worland, Time

President Trump has issued a series of executive actions linked to a range of scientific issues since taking office earlier this month, but he has yet to name a science advisor. Formally known as the Director of the Office of Science and Technology Policy, the science advisor is responsible for consulting with scientists inside and outside of government to ensure the President has the best available information on any policy issue related to science.

Bush-era official seen as front-r[illegible]o. 2 slot
Robin Bravender, Greenwire

A high-ranking George W. Bush administration Interior Department lawyer could soon be making a comeback as the agency's No. 2 official. David Bernhardt, who served as the department's top attorney under Bush and worked on the Trump transition team, is the front-runner to become Interior's next deputy secretary, according to a source close to the Trump administration.

U.S. lawmaker moves to scrap S[illegible]rce extraction' rule
Sarah N. Lynch, Reuters

A senior U.S. lawmaker unveiled a legislative plan on Monday to scrap a rule devised under the 2010 Dodd-Frank financial reform law requiring publicly-traded mining, oil and gas companies to disclose payments they make to foreign governments. Michigan Republican Bill Huizenga, who chairs the House of Representatives Financial Services subcommittee on capital markets, took aim at the U.S. Securities and Exchange Commission's so-called "resource extraction" rule, saying it makes it harder for U.S. energies companies to compete.

Bonds Slump as Inflation Tilts E[illegible] Stocks
Garfield Clinton Reynolds and C[illegible]cher, Bloomberg News

European bonds fell and stocks rose as inflation data prompted investors to switch into assets that may benefit from a regional economic revival. Gold advanced as Donald Trump's firing of the U.S. acting attorney general added to concern over the unpredictability of decisions in the new administration.

Oil and Natural Gas

Shell sells North Sea oil assets [illegible]ebt reduction push
Andrew Ward, Financial Times

Royal Dutch Shell has struck deals worth up to $4.7bn to sell offshore oil and gas assets in the North Sea and Thailand, adding momentum to the debt-reduction programme launched after its $50bn takeover of BG Group. The Anglo-Dutch group said on Tuesday it had agreed to sell a package of UK North Sea assets to Chrysaor, a small British company backed by EIG Partners, a US private equity company, for up to $3.8bn.

Bangladesh to bid for Chevron [illegible]fter assessing reserves
Ruma Paul, Reuters

Bangladesh is hiring an international firm to assess reserves at Chevron Corp's natural gas fields in the country before placing a formal bid to buy the assets, its energy minister told Reuters on Monday. Energy-starved Dhaka meets half of its gas needs through the three Chevron-operated fields at Bibiyana, Jalalabad and Moulavi Bazar in the northeast of Bangladesh, highlighting their importance for the poor country.

Oil Prices Mixed as Market Awai[illegible]EC Production Data
Kevin Baxter, The Wall Street Jo[illegible]

Oil prices were mixed Tuesday ahead of official data from OPEC expected later in the week regarding compliance with agreed production cuts from members of the cartel. The March contract for global benchmark Brent gained 0.11% to $55.29 a barrel while March deliveries of its U.S. counterpart West Texas Intermediate fell 0.29% to $52.48.

Analysts See Oil Prices Rising a[illegible]oduction Cut Bears Fruit
Georgi Kantchev, The Wall Stre[illegible]

Analysts are raising their oil-price forecasts for the first time in five months, even as they continue to see a plethora of risks for this market. Members of the Organization of the Petroleum Exporting Countries and other big producers said this month that they are abiding by their historic agreement last year to cut production.

Utilities and Infrastructure

Lawyer: No timetable for allowin ccess construction
Devin Henry, The Hill

A government lawyer said Monday that he didn't know when the Army Corps of Engineers will issue a construction easement for the Dakota Access pipeline, a move mandated by an order from President Trump. Trump ordered the Army Corps last week to issue an easement allowing construction on the most controversial stretch of the 1,170-mile $3.8 billion Dakota Access Pipeline.

Donald Trump increases pressu ne makers, his latest industry target
Tom DiChristopher, CNBC

President Donald Trump on Monday reiterated his insistence that pipeline makers use U.S. materials when they build projects in the United States, a sign that he will keep pressure on companies in the middle of the energy sector. In a meeting with small business leaders, Trump clarified that he not only wants pipeline companies to purchase pipes fabricated in the United States, but also expects the pipe suppliers to use raw U.S. steel.

Trump Ordered An Expedited D ss Pipeline Review. But Feds Don't Know How Long It Will Ta
Zoe Tillman, BuzzFeed News

The US Army Corps of Engineers doesn't know how long it will take to "expedite" its review of the Dakota Access pipeline following President Trump's executive actions last week on the topic, a lawyer from the US Department of Justice told a federal judge on Monday. Pressed by the judge to at least provide a timeframe for when the Army Corps would know how long the review will take, the lawyer said he didn't know that either.

Tesla Gives the California Powe tery Boost
Diane Cardwell, The New York T

Just off a freeway in Southern California, 396 refrigerator-size stacks of Tesla batteries, encased in white metal, have been hastily erected with a new mission: to suck up electricity from the grid during the day and feed it back into the system as needed, especially in the evening. The installation, capable of powering roughly 15,000 homes over four hours, is part of an emergency response to projected energy shortages stemming from a huge leak at a natural gas storage facility.

Renewables

Developer accuses Duke Energy [illegible] restricting solar power deals
John Downey, Charlotte Busine[illegible]

Cypress Creek Renewables says Duke Energy has abruptly decided to refuse long-term power-purchase agreements for larger, utility-scale solar projects in violation federal and state law. The California-based solar company filed a formal complaint against Duke with the N.C. Utilities Commission Friday afternoon.

Mission Solar slashing 170 jobs
Rye Druzin, San Antonio Expres[illegible]

San Antonio-based renewable energy company Mission Solar is laying off 170 employees, more than half of its current workforce, according to a notice sent to the state. The Workforce Adjustment and Retraining Notification (WARN) notice dated Jan. 27 says 170 employees will lose their jobs effective March 31.

Smokies solar grid project mov[illegible]
Karen Chavez, Asheville Citizen[illegible]

The N.C. Utilities Commission public hearing on a Duke Energy solar grid project planned in the park has been canceled. No complaints or concerns were voiced to the Utilities Commission or to Duke Energy, leading to the cancellation and a green light for the project to move forward.

Coal

Slowing Climate Change Will Re[illegible]y More Carbon Capture, Study Says
Zahra Hirji, Inside Climate News[illegible]

Countries must radically scale up their use of carbon capture and storage (CCS) technologies soon or risk missing the targets of the Paris climate agreement, new research suggests. The authors of a study published on Monday in the peer-reviewed journal Nature Climate Change examined how big countries are approaching the daunting task of attaining the treaty's central goal-keeping the world well below 2 degrees Celsius of warming since the industrial era.

McConnell pushes for action on [illegible]oal-mining rule

Devin Henry, The Hill

Senate Majority Leader Mitch McConnell (R-Ky.) pledged Monday to undo a coal-mining rule issued in the closing days of the Obama administration. McConnell introduced a Congressional Review Act (CRA) resolution blocking the Interior Department's Stream Protection Rule, days before the House is set to vote on a similar measure.

Nuclear

Nuclear fuel debris possibly fou[illegible]eactor at Fukushima No. 1
Kazuaki Nagata, Japan Times

Tepco on Monday found what may be melted nuclear fuel debris inside reactor 2 at the Fukushima No. 1 plant. Tokyo Electric Power Company Holdings Inc. said it needs more analysis and investigation before confirming that the black lumps at the bottom of the reactor's containment vessel are indeed fuel debris.

Three upstate New York nuclear [illegible] new life, but Indian Point to close
The Associated Press

New York is betting big on the future of three aging upstate nuclear plants - even as it moves to close a nuclear facility closer to the city. The three facilities upstate include Nine Mile Point in Oswego, which shares the distinction of being the oldest operating nuclear plant in the country.

Japan's 'Unresolved' Disaster S[illegible]er Advocate of Nuclear Power
Stephen Stapzcynski and Emi U[illegible]nberg News

The man blocking the world's largest nuclear plant says he grew opposed to atomic energy the same way some people fall in love. Previously an advocate for nuclear power in Japan, Ryuichi Yoneyama campaigned against the restart of the facility as part of his successful gubernatorial race last year in Niigata.

Climate

Trump Likely to Withdraw From [illegible]te Pact, Ebell Says
Jessica Shankleman and Joe Ry[illegible]berg News

President Donald Trump is likely to pull the U.S. out of the landmark Paris climate pact, according to a former adviser. Myron Ebell, who headed Trump's Environmental Protection Agency transition team, told reporters in London that the president had made a number of "clear black and white" promises on climate and energy during his campaign.

Opinions, Editorials and Perspectives

A Climate Change Economist S larm
Mark Buchanan, Bloomberg Vie

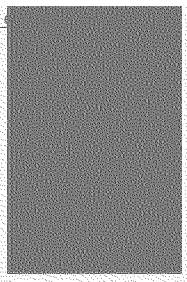
Yale's William Nordhaus finds that our current response to global warming is probably inadequate to prevent temperatures from rising more than 2 degrees Celsius above their pre-industrial levels, a stated goal of the Paris accords. Worse, the analysis suggests that the required carbon-dioxide reductions are beyond what's politically possible.

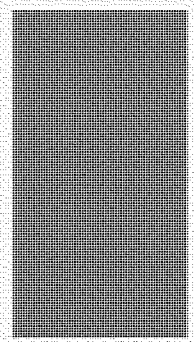
Research Reports

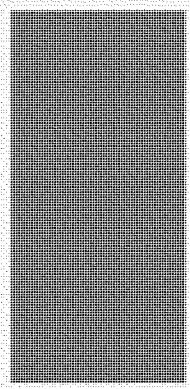
Vigorous lateral export of the m tflow from beneath an Antarctic ice shelf
Alberto C. Naveira Garabato et a

The instability and accelerated melting of the Antarctic Ice Sheet are among the foremost elements of contemporary global climate change. The increased freshwater output from Antarctica is important in determining sea level rise, the fate of Antarctic sea ice and its effect on the Earth's albedo, ongoing changes in global deep-ocean ventilation, and the evolution of Southern Ocean ecosystems and carbon cycling.

Manage your

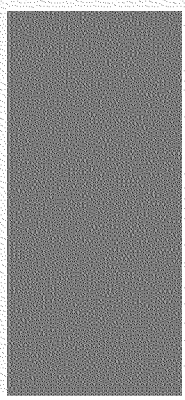


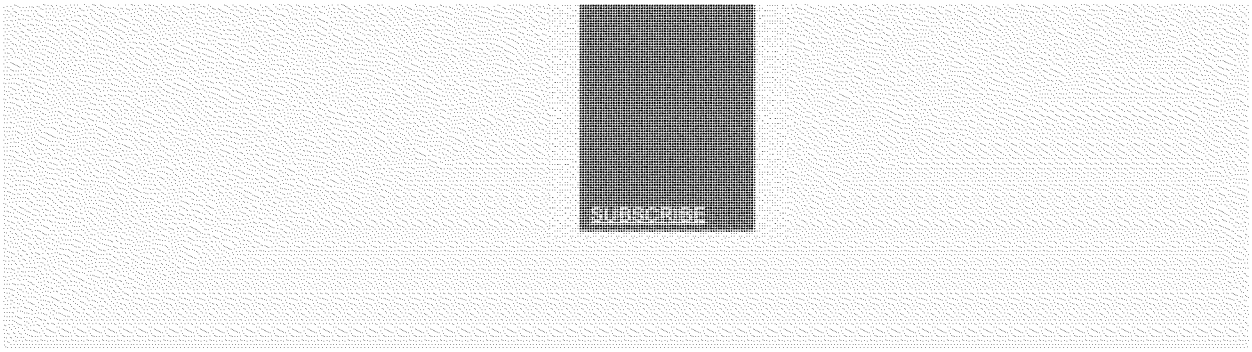




This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US




SUBSCRIBE

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 1/31/2017 1:09:13 PM
Subject: January 31 -- Climatewire is ready

Read today's Climatewire on the web

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Tue., January 31, 2017

READ FULL EDITION

1.WHITE HOUSE:

Inside the Trump administration's power struggle over CO2 regs

Transition officials debated internally about whether the Trump administration should seek a major reversal of U.S. EPA's core authority to regulate greenhouse gases, and it continues today, according to sources.

TOP STORIES

2.STATE DEPARTMENT:

Where would Rex Tillerson stand on oil corruption?

3.REGULATIONS:

Legal world questions Trump's 2-for-1 approach

4.SCIENCE:

Travel ban hits climate researchers, DOE labs

TRUMP TRANSITION

5.CABINET:

Senate panels likely to approve Zinke, Perry confirmations

6.PARIS AGREEMENT:

Climate experts cast doubt on claim of imminent withdrawal

7.POLITICS:

Canadian scientists have advice on dealing with Trump administration

IMPACTS AND CONSEQUENCES

8.SCIENCE:

Carbon capture necessary to meet Paris goal — study

9.SEA-LEVEL RISE:

Once unthinkable, 'planned retreat' enters the climate dialogue

10.ADAPTATION:

Farmers tackle climate change without acknowledging it

11.ADAPTATION:

Are artificial islands the answer to sea-level rise?

12.SPECIES:

Fish adapting reproductive cycle to warming

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Forgot your passcodes? Call us at 202-628-6500 now and we'll set you up instantly.

To send a press release, fax 202-737-5299 or email editorial@eenews.net.

ABOUT CLIMATEWIRE – Policy. Science. Business.

Climatewire is written and produced by the staff of E&E News. It is designed to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, Climatewire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Matt Ogren
Sent: Tue 1/31/2017 1:36:45 PM
Subject: Reminder: please share your insights and reward a charity of your choice [WARNING: SPF validation failed]

Hello Francesca Grifo,

I am contacting you to follow-up on my previous invitation to participate in a study that will provide insights about how Washington, D.C. professionals view energy and environmental issues. I recognize your time is valuable and that these invitations can get lost in the shuffle, but believe that you will find the topic interesting and encourage you to participate in the survey.

In appreciation for your time we will make a $50 charitable contribution to a charity of your choice upon successful completion of the survey.

We are only contacting a select number of individuals and hope you will take the time to share your views. The online survey is easy to complete; it will only take about 14 minutes of your time or less.

Please click on the button below to complete the survey online.

Start now →

Alternatively, you can copy and paste the following URL into your internet browser:
http://vxonline.luceresearch.com/SE/?st=dsTEMSLmZJf6nLATYMIXojPStgUGpJEv&p=F

Rest assured, this survey is completely confidential; your name and affiliation will not be reported with the responses you provide, and we recognize that you are sharing your personal opinions and not those of any organization.

Every voice is very important. I hope you will set aside about 14 minutes to complete this online survey today; I realize that your time is very valuable and sincerely appreciate you taking the time to participate in this important survey.

Should you have any questions or difficulties completing this survey, please feel free to contact me.

Thank you,

Matt Ogren
Study Director

5086 List Drive, Colorado Springs, CO 80919
Unsubscribe

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Integrity.gov
Sent: Tue 1/31/2017 2:31:55 PM
Subject: Integrity.gov: Filing Reminder Assignment

This notice is a reminder that your 2017 Annual report is due on 05/15/2017. You may access the report by logging into Integrity at https://integrity.gov. If you have any questions concerning the filling out of the form, you can send a note to ethics@epa.gov and we'll get back to you within 48 hours.

Please let us know if you need an extension by sending an email to Justina Fugh or sending a request to ethics@epa.gov.

Also, check out our intranet site in INTEGRITY for more information:
http://intranet.epa.gov/ogc/Integrity/Landingpage.html

For additional guidance about filling out the OGE-278 annual and OGE-278-T periodic financial disclosure form, see: https://www2.oge.gov/Web/278eGuide.nsf

From: Otto, Martha
Importance: Normal
Subject: Marti on A/L
Start Date/Time: Mon 2/27/2017 1:00:00 PM
End Date/Time: Mon 2/27/2017 1:30:00 PM

From: Otto, Martha
Importance: Normal
Subject: Marti on A/L
Start Date/Time: Mon 2/27/2017 1:00:00 PM
End Date/Time: Mon 2/27/2017 1:30:00 PM

From: Grifo, Francesca
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: Coordination Meeting OGC - Quarterly
Start Date/Time: Tue 1/31/2017 8:30:00 PM
End Date/Time: Tue 1/31/2017 9:00:00 PM

From: DCRoomRRB41107-1
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: Accepted: Coordination Meeting OGC - Quarterly
Start Date/Time: Tue 1/31/2017 8:30:00 PM
End Date/Time: Tue 1/31/2017 9:00:00 PM

Your request was accepted.

Sent by Microsoft Exchange Server 2016

From: DCRoomRRB41107-2
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: Accepted: Coordination Meeting OGC - Quarterly
Start Date/Time: Tue 1/31/2017 8:30:00 PM
End Date/Time: Tue 1/31/2017 9:00:00 PM

Your request was accepted.

Sent by Microsoft Exchange Server 2016

From: Simons, Andrew
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: Accepted: Coordination Meeting OGC - Quarterly
Start Date/Time: Tue 1/31/2017 8:30:00 PM
End Date/Time: Tue 1/31/2017 9:00:00 PM

From: Brown, KendraR
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: Accepted: Coordination Meeting OGC - Quarterly
Start Date/Time: Tue 1/31/2017 8:30:00 PM
End Date/Time: Tue 1/31/2017 9:00:00 PM

From: Otto, Martha
Importance: Normal
Subject: Marti on A/L
Start Date/Time: Fri 9/15/2017 4:00:00 AM
End Date/Time: Wed 9/27/2017 4:00:00 AM

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Parkinson, Lorna[parkinson.lorna@epa.gov]
From: Maxfield, Robert
Sent: Tue 1/31/2017 4:18:37 PM
Subject: Q&A for All Hands meeting with staff tomorrow - Transition

Francesca –

We are preparing for an all hands meeting with staff tomorrow. In preparation we are trying to anticipate possible questions and prepare responses. Do you have any suggestions or edits for the following SI question?

I am concerned that the integrity of Agency or my unit's science may in some way be compromised.

We are all obligated to ensure that we convey what the science says and to ensure that our work is built on sound and defensible scientific data. The Agency incorporates many factors, including science, in developing environmental policy; however, scientific conclusions are always based on a factual analysis of the data independent of policy. . If you have specific concerns, you should contact our SI Official or the regional SI Deputy and follow the procedures that are outlined in our SI policy.

We will be briefing our new leadership on the principles and obligations of the agency's Scientific Integrity Policy and our Quality Management Plan as they come on board.

Regards,

Rob Maxfield

Senior Science Advisor

Advanced Monitoring Technology

EPA New England

617 918-8640

857 829-8204 (C)

maxfield.robert@epa.gov

To: Roose, Rebecca[Roose.Rebecca@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 5:02:31 PM
Subject: Re: lunch

On my way

Sent from my iPhone

On Jan 31, 2017, at 12:01 PM, Roose, Rebecca <Roose.Rebecca@epa.gov> wrote:

> Restroom and then heading over
>
> Sent from my iPhone
>
> On Jan 30, 2017, at 6:29 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:
>
> > Great – meet you in front of AuBon Pain!
> >
> > Francesca T. Grifo, Ph. D.
> > Scientific Integrity Official
> > US EPA Office of the Science Advisor
> > 202-564-1687
> > http://www.epa.gov/osa/basic-information-about-scientific-integrity
> >
> > ---
> > **From:** Roose, Rebecca
> > **Sent:** Monday, January 30, 2017 6:28 PM
> > **To:** Grifo, Francesca <Grifo.Francesca@epa.gov>
> > **Subject:** RE: lunch
> >
> > Let's meet in RRB. Want to grab something at Au Bon Pain and then find a spot in the food court to eat? If it turns out the place is overrun by school groups, we'll hoof it to Commerce.
> >
> > Rebecca Roose
> > Acting Chief, Water Branch
> > Office of Compliance
> > U.S. Environmental Protection Agency
> > 1200 Pennsylvania Avenue, NW
> > Washington, D.C. 20460-0001
> > tel 202.566.1387
> > mobile 202.329.5041

From: Grifo, Francesca
Sent: Monday, January 30, 2017 6:18 PM
To: Roose, Rebecca <Roose.Rebecca@epa.gov>
Subject: RE: lunch

Have a tight day with 11 and 1 meetings. Where shall we meet and where shall we go?
Thanks
Francesca
Francesca T. Grifo, Ph. D.
Scientific Integrity Official
US EPA Office of the Science Advisor
202-564-1687
http://www.epa.gov/osa/basic-information-about-scientific-integrity

-----Original Appointment-----
From: Roose, Rebecca
Sent: Wednesday, January 25, 2017 11:51 AM
To: Roose, Rebecca; Grifo, Francesca
Subject: lunch
When: Tuesday, January 31, 2017 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

To: Maxfield, Robert[Maxfield.Robert@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 5:09:21 PM
Subject: Re: Q&A for All Hands meeting with staff tomorrow - Transition

Looks good to me! We have a fact sheet on the intranet that might also be useful.

Sent from my iPhone

On Jan 31, 2017, at 11:18 AM, Maxfield, Robert <Maxfield.Robert@epa.gov> wrote:

Francesca –

We are preparing for an all hands meeting with staff tomorrow. In preparation we are trying to anticipate possible questions and prepare responses. Do you have any suggestions or edits for the following SI question?

I am concerned that the integrity of Agency or my unit's science may in some way be compromised.

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Regards,

Rob Maxfield

Senior Science Advisor

Advanced Monitoring Technology

EPA New England

617 918-8640

857 829-8204 (C)

maxfield.robert@epa.gov

From: Siciliano, CarolAnn
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: Declined: Coordination Meeting OGC - Quarterly
Start Date/Time: Tue 1/31/2017 8:30:00 PM
End Date/Time: Tue 1/31/2017 9:00:00 PM

Francesca, I cannot join you for this meeting. Andy will cover it.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
From: Ex. 6, 7 (b) (c)
Sent: Tue 1/31/2017 6:20:00 PM
Subject: FW: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

The below message may be discussed tomorrow as a pending referral to your office. Ex. 6, 7(b)

Ex. 6, 7 (b) (c)
US EPA, OIG, Office of Investigations HQ
1200 Pennsylvania Ave NW Mailcode 2431T
Washington, DC 20460
Ex. 6, 7 (b) (c)

Hotline - 202-566-2476 or 888-546-8740

Hotline Fax 202-566-2599 Web Address oig_hotline@epa.gov

Hotline records are protected under the Privacy Act 5 U.S.C. § 552a. All EPA employees handling protected information have a legal and ethical obligation to hold that information in confidence and to actively protect it from improper uses. Except as specifically authorized, EPA employees shall not disclose, directly or indirectly the contents of any record about another individual to any person or organization. EPA employees who willfully release protected information, without authority, may be guilty of a misdemeanor and fined up to $5,000. In addition, any employee violating the Privacy Act or EPA regulations is subject to disciplinary action, which may result in dismissal.

From: Ex. 6, 7 (b) (c)
Sent: Monday, January 30, 2017 4:56 PM
To: Copper, Carolyn <Copper.Carolyn@epa.gov>
Subject: FW: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Ex. 6, 7 (b) (c)
US EPA, OIG, Office of Investigations HQ
1200 Pennsylvania Ave NW Mailcode 2431T
Washington, DC 20460

[redacted]

Hotline - 202-566-2476 or 888-546-8740

Hotline Fax 202-566-2599 Web Address oig_hotline@epa.gov

Hotline records are protected under the Privacy Act 5 U.S.C. § 552a. All EPA employees handling protected information have a legal and ethical obligation to hold that information in confidence and to actively protect it from improper uses. Except as specifically authorized, EPA employees shall not disclose, directly or indirectly the contents of any record about another individual to any person or organization. EPA employees who willfully release protected information, without authority, may be guilty of a misdemeanor and fined up to $5,000. In addition, any employee violating the Privacy Act or EPA regulations is subject to disciplinary action, which may result in dismissal.

From: Elkins, Arthur
Sent: Thursday, January 26, 2017 6:02 PM
To: [redacted] Ex. 6, 7 (b) (c) >; Sheehan, Charles <Sheehan.Charles@epa.gov>
Cc: [redacted] Ex. 6, 7 (b) (c) >; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Williams, Allan C. - DC OIG <Williams.Allan@epa.gov>; Ulmer, Craig <Ulmer.Craig@epa.gov>; Hanger, Eric <Hanger.Eric@epa.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; Kaplan, Jennifer <Kaplan.Jennifer@epa.gov>
Subject: RE: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Thanks, [redacted] Ex. 6, 7 (b) . Please schedule a 30 minute meeting through [redacted] Ex. 6, 7 (b) (c) for tomorrow to discuss.

Art

From: [redacted] Ex. 6, 7 (b) (c)
Sent: Thursday, January 26, 2017 3:57 PM
To: Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>
Subject: RE: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Art and Chuck, see the email below. This is not the first one and I have had callers First I wanted to give you a heads up what is coming from the public. Moreover, any thoughts on how to handle these in the future. Thanks [redacted] Ex. 6, 7 (b)

Ex. 6, 7 (b) (c)
US EPA, OIG, Office of Investigations HQ
1200 Pennsylvania Ave NW Mailcode 2431T
Washington, DC 20460
Ex. 6, 7 (b) (c)

Hotline - 202-566-2476 or 888-546-8740

Hotline Fax 202-566-2599 Web Address oig_hotline@epa.gov

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From: OIG Hotline
Sent: Thursday, January 26, 2017 3:43 PM
To: Ex. 6, 7 (b) (c) >
Subject: FW: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

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From: Ex. 6, 7 (b) (c)
Sent: Thursday, January 26, 2017 3:42:55 PM (UTC-05:00) Eastern Time (US & Canada)
To: OIG Hotline
Subject: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Inspector General,

Recent public statements made by EPA Transition Communications Director Doug Ericksen suggest that the Transition Team is flagrantly violating the EPA's 2012 Policy on Scientific Integrity. I am writing to ask that you begin an immediate investigation into this matter to ensure that the public can continue to trust scientific information disseminated by the Agency.

Mr. Ericksen was quoted by NPR as saying that "he expects scientists will undergo an unspecified internal vetting process before sharing their work outside the agency. 'We'll take a look at what's happening so that the voice coming from the EPA is one that's going to reflect the new administration.' " (Full article here)

This is clearly in violation of the Policy on Scientific Integrity which explicitly "prohibits managers and other Agency leadership from intimidating or coercing scientists to alter scientific data, findings, or professional opinions or inappropriately influencing scientific advisory boards."

While investigating Mr. Ericksen, I urge you to explore whether other Presidential Transition members or Agency officials have also violated this policy. Please also investigate whether the implementation of this gag order has also violated federal whistleblower protection standards by failing to remind EPA employees of their rights under the Whistleblower Protection Enhancement Act.

Thanks for your time and consideration.

Sincerely,

--

Ex. 6, 7 (b) (c)

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 1/31/2017 6:46:17 PM
Subject: January 31 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION

GREENWIRE — Tue., January 31, 2017

READ FULL EDITION

1.WHITE HOUSE:

Yates firing seen having 'chilling effect' on workforce

Stinging comments from the White House and the very public firing of the acting attorney general yesterday have spooked government workers who fear a Trump administration crackdown on dissenting views.

TOP STORIES

2.NOMINATIONS:

Dems join with GOP to advance Zinke, Perry

3.FERC:

White House mum as worries grow over commission vacancies

4.BRISTOL BAY:

Trump's arrival revives Pebble's hot-button mining plan

TRANSITION

5.DOE:

Trump team overhauls Obama-era energy shop

6.NATIONAL PARKS:

Jarvis blasts Trump admin's efforts to 'suppress' rangers

7.VW SCANDAL:

Conservatives urge Trump to scrutinize EV settlement

8.FEDERAL AGENCIES:

Trump to keep LGBT protections for contractors

CONGRESS

9.EPA:

Barrasso resists call to delay Pruitt vote

10.PUBLIC LANDS:

ENR moves monument issue to full committee, names panel members

11.BLM:

Chaffetz asks IG for info on agent's Burning Man misconduct

12.CLIMATE:

House Democrats request hearing on Interior directives

13.FEDERAL WORKFORCE:

Connolly proposes 3.2% employee pay raise

POLITICS

14.TRIBES:

Pipeline protests seen invigorating Native American youth

NATURAL RESOURCES

15.NATIONAL PARKS:

Yellowstone proposes upgrading cellular coverage

16.FISHERIES:

Gulf dead zone drives jumbo shrimp price spike — study

17.OCEANS:

Bay of Bengal struggles with fishery depletion, dead zone

LAW

18.OREGON STANDOFF:
Prosecutors ask judge to summon blogger to court

19.CLIMATE:
Judge voices skepticism about warming in activist's trial

20.FOREST SERVICE:
2nd lawsuit targets PolyMet land swap

CLIMATE CHANGE

21.OCEANS:
Global warming could boost mercury levels in fish — study

ENERGY

22.CALIFORNIA:
World's largest energy storage project opening in San Diego

23.PEOPLE:
Former DOE senior counsel joins Valero Energy

24.GRID:
Government unveils years of space weather data

AIR AND WATER

25.DRINKING WATER:
States on edge as Air Force addresses contamination

26.DAKOTA ACCESS:
Cleaning starts at N.D. protest site

27.PIPELINES:
Texas pipeline ruptures, spews oil

28.PIPELINES:
Iowa diesel spill smaller than estimated, company says

TRANSPORTATION

29.RAIL:
Amtrak to get new CFO

30.AUTOS:
Honda, GM will team up on fuel cells

STATES

31.UTAH:
GOP breaks state rules to push for anti-Bears Ears resolution

32.WEST VIRGINIA:
Sluggish abandoned mine cleanup frustrates officials

INTERNATIONAL

33.MONGOLIA:
Protesters call for action on air pollution

34.KENYA:
Nation bans python exports on rapid species decline

Get all of the stories in today's Greenwire, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at http://www.greenwire.com.
Forgot your passcodes? Call us at 202-628-6500 now and we'll set you up instantly.
To send a press release, fax 202-737-5299 or email editorial@eenews.net.
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To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Otto, Martha
Sent: Tue 1/31/2017 7:25:49 PM
Subject: FW: January-25-2017 EPA Scl Meeting Participant List 26Jan2017.docx
January-25-2017 EPA Scl Meeting Summary DRAFT-Clean Version.docx

Hi, All,

I have not yet reviewed the attached draft meeting summary, but I am forwarding this to you to provide the link to the recording of the ScIC 1/25/17 meeting.

Thanks,

Marti

From: Glendie Marcelin [mailto:gmarcelin@scgcorp.com]
Sent: Tuesday, January 31, 2017 2:19 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Maria Osvald <MOSVALD@scgcorp.com>
Subject: RE: January-25-2017 EPA ScI Meeting Participant List 26Jan2017.docx

Hi Marti,

Here are the two remaining deliverables for this Task Order:

•□□□□□□□ Attached is the ScI Committee meeting summary. Thank you for confirming the attendees!

•□□□□□□□ Below is a link to the audio of the entire meeting. It is a FTP site where you can enter a username and password for access.

Click Here to Download:

Username: Ex. 2

Password: Ex. 2

Please note that after 2 weeks, the link will expire so please download the MP3 file upon opening.

Thank you,

Glendie

Glendie Marcelin, Ph.D.

Scientific Writer/Editor

The Scientific Consulting Group, Inc.

656 Quince Orchard Road, Suite 210

Gaithersburg, MD 20878-1409

Tel.: 301-670-4990, ext 229

Email: gmarcelin@scgcorp.com

Website: www.scgcorp.com

From: Otto, Martha [mailto:Otto.Martha@epa.gov]
Sent: Monday, January 30, 2017 4:43 PM
To: Glendie Marcelin <gmarcelin@scgcorp.com>
Subject: FW: January-25-2017 EPA ScI Meeting Participant List 26Jan2017.docx

Hi, Glendie,

Here are the participants that I noted.

Thanks,

Marti

From: Otto, Martha
Sent: Thursday, January 26, 2017 3:19 PM
To: Parkinson, Lorna <parkinson.lorna@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: January-25-2017 EPA ScI Meeting Participant List 26Jan2017.docx

Hi, All,

Please take a quick look at my list of participants from yesterday's meeting. Did I overlook anyone?? Were there any others on the phone that I missed?

Thanks!

Marti

U.S. Environmental Protection Agency (EPA)

SCIENTIFIC INTEGRITY (ScI) COMMITTEE MEETING

Chair: Dr. Francesca Grifo, Scientific Integrity Official

Wednesday, January 25, 2017

3:00–5:00 p.m. EST

Room Location: Conference Room 51161, Ronald Reagan Building,
Audioconference No. 1-866-299-3188, Access Code Ex. 2
(The Tandberg Conferencing System was used.)

DRAFT MEETING SUMMARY

Scientific Integrity Committee Participants: David Allnutt (Region 10), David Bloom (OCFO), Erica Canzler (OECA), Francesca Grifo (Scientific Integrity Official), Randy Hill (OITA), Lynnann Hitchens (OARM), Robert Maxfield (Region 1), Marilyn Maycock (Region 4), Al McGartland (OP), Eugenia McNaughton (Region 9), David (Wes) McQuiddy (Region 6), Bruce Rodan (ORD), Mike Shapiro (OW), Betsy Shaw (OAR), Nigel Simon (OLEM), Tom Sinks (OSA), Cecilia Tapia (Region 7), Deb Thomas (Region 8), Louise Wise (OCSPP) and Linda Mauel (Region 2).

Other Attendees: Stanley Barone (OCSPP/OSCP), Emily Brantner (Student Services Contractor in OSA), Stiven Foster (OLEM), Cheryl Hawkins (OSA), Kelly Maguire (OP), Ed Ohanian (OW), Martha Otto (EPA/OSA), Lorna Parkinson (Student Services Contractor in OSA), John Shoaff (OAR) and Glendie Marcelin (The Scientific Consulting Group, Inc., Contractor Support).

Introductory Remarks and Updates

Dr. Grifo (the Scientific Integrity Official or ScIO) opened the meeting and conducted the roll call. She welcomed the participants to EPA's ScI Committee meeting and thanked Deb Thomas, Mike Shapiro, Steven Fine and David Bloom for deciding to remain on the ScI Committee while being active Assistant Administrators. She introduced the new members of the ScI Committee: Tom Sinks (OSA) (for Mary Green, [OSA]), Bruce Rodan (ORD) (for Bob Kavlock [Science Advisor, Acting Assistant Administrator]), Erica Canzler (OECA), Nigel Simon (OLEM) (for Barry Breen [OLEM]) and Harvey Simon (OEI) (for Steven Fine [OEI]).

Outreach

Dr. Grifo summarized the outreach efforts for the last quarter (October 1, 2016–December 30, 2016). There have been 12 ScI presentations within EPA. Dr. Grifo and Martha Otto, ScI Program Lead, visited Region 5 (Duluth, Minnesota), Region 10 (Seattle, Washington) and the Designated Federal Officer. They presented to various groups within the Office of Inspector General (OIG). They visited the Office of Research and Development (ORD) Executive Council meeting and delivered two presentations to external audiences (Bard College and Interagency Working Group on ScI and Scientific Misconduct).

Allegations

There have been 115 reported allegations from February 2012 to December 30, 2016: 42 are active, 36 adjudicated, 12 are "unable to proceed", 12 were withdrawn, 8 were not ScI related and 5 were

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reassigned. Dr. Grifo noted that there were two peak times for reported allegations. Most of the allegations were informal internal submissions, whereas the external allegations were mainly formal. These results mirror the typical pattern of reporting. She explained that the majority of the allegations were related to "suppressing/delaying report or information," "interference with science by manager" and "conflict of interest." There were no new authorship issues since ScI released the Best Practices Policy. Other allegations included "concerns about methods" and "scientific misconduct." ScI will be partnering with the Conflict Resolution Center to address allegations for resolution of Differing Scientific Opinion. Dr. Grifo noted that ScI has 5 allegations that fall within this category.

Training: Status and Evaluation

The Committee submitted 5,719 names of employees who have completed ScI Policy training, resulting in 1,030 returned evaluation surveys. Dr. Grifo indicated, however, that there remained some employees who have not yet completed the training. She mentioned that another set of surveys will be sent 6 months from now to evaluate employee learnability. Within those who were surveyed, 75 percent agreed that the material covered in the training met their expectations, 79 percent agreed that the training included appropriate topics for the subject matter and 62 percent recommended the training to a colleague. Ninety-four percent of people agreed that the ScI Policy applies to all employees, contractors, grantees, volunteers and collaborators; 87 percent agreed with "all of the above" for the preferred methods (OIG Hotline, ScIO, Dr. Grifo's Deputy ScIO) of reporting an instance/allegation related to a loss of ScI. Dr. Grifo expressed the need for the Committee to appropriately address a certain response from the survey. Specifically, 51 percent of people agreed that their work was accurately represented in a decision document, but the document put forth a different policy conclusion than their scientific product. Dr. Grifo emphasized that the Committee must determine how to eliminate this apparent confusion of how ScI policy statutes work and indicated that this is not a ScI issue unless the science changes. She expressed her approval of how the training status is moving forward overall. Next year's training will focus on managers, the addition of a case study and increased Agency engagement.

Some minor changes (URL, ScI Policy Errata) were made to the ScI Policy, which is currently on the Intranet and eventually will be posted on the Internet. Supplemental information will be added to the policy, such as the Whistleblower Enhancement Protection Act.

Projects

Ex. 5

Dr. Grifo highlighted recent ScI products—Preserving Scientific Integrity in Federal Policymaking, which shows the "grade" or ranking of EPA, the Office of Science and Technology Policy review of Federal Agency Policies on ScI. The United States Department of Agriculture has released an updated and improved ScI Policy and handbook; the Department of Energy also has updated their ScI Policy.

FY 2017 Work Plan

Dr. Grifo informed the Committee that the goal of the Work Plan is to fully implement EPA ScI Policy and respond to issues raised by the EPA ScI survey. The objectives of the Work Plan involve:

- Fulfilling ScI Policy annual mandates.
- Adjudicating ScI allegations.
  - Ex. 5
  - Posting reports quarterly on the Internet and Intranet.
  - Using the Conflict Prevention and Resolution Center contractor to address allegations.
- Increasing the visibility of ScI.
  - Creating tombstones (pictures/posters) for authorship, clearance and the Differing in Scientific Opinions (DSO) as they are released.
  - Holding a ScI anniversary celebration.
  - Devising a system for geographically based Assistant Deputy ScI officials.
  - Finalizing the language for Grants and Contracts.
  - Creating a ScI handbook.
- Ex. 5
- Increasing Agency transparency.
  - Finalizing the Clearance Best Practices document internally.

A Committee member offered his thoughts regarding a recent event where The University of Chicago decided to decline a certain contract because they were not allowed to publish without EPA's consent. Dr. Grifo refuted this claim and stressed that the Committee must address this issue. There will be discussions with the OGC.

Management Survey and Training

Dr. Grifo noted that there will be training that involves a small booklet of ScI Best Practices for Leaders, a ScI planner and a case study. An annual "climate" survey will be developed to ascertain the commitment level of members, the current work and what is being done to maintain a culture of ScI. The management training and survey will be built around four themes:

Ex. 5

consistent with the ScI Policy.

Scientific Integrity 5-Year Anniversary

Dr. Grifo informed the Committee of the ScI 5-year anniversary celebration. An open house will be held in Room 5020, where members may discuss ScI issues. An updated brochure, new posters and internal blog will be developed as well. She mentioned that she will conduct day trips to the various regional offices and emphasized that a GS-12 level employee must not conduct the training if the upper senior level (SL/STs) employees are to participate. She expressed the need for having a deputy administrator to support the ScI celebration.

Important Dates

The ScI celebration will occur on February 15, 2017. The next three ScI Committee meetings for 2017 will be held on April 13, June 6 and September 14.

Other Business and Discussion

- A member stated that finding a deputy administrator who will participate in the training is important; Dr. Grifo agreed with this idea.
- In response to a member's comment of a possible "pushback" of the training from managers, Dr. Grifo emphasized that the training will be "fun", different and short in duration (1 hour).
- A member suggested replacing the word "training" with "conversation" and using the anniversary event to invite and incentivize managers to participate in the training. Dr. Grifo agreed with these recommendations.
- Debra Thomas suggested for region training that a senior official (i.e., deputy regional administrator) provide opening remarks that will strengthen the message for the regional offices. Dr. Grifo agreed and said that talking points will be created for this effort.

Ex. 2

Summary of Action Items

The ScI Committee members will:

Ex. 4

- Coordinate each other's schedules for training and deputizing new employees.
- Bring in the ScI founders to attend the ScI anniversary celebration and add the new Committee members to the current e-mail list.
- Change the description of the manager training from "training" to "annual management conversation"; request senior management to provide opening remarks and to present their "three main points."
- Attend the ScI anniversary celebration.
- Use the 49 percent "yes", 61 percent "no" slide from Dr. Grifo's presentation for discussion.

Ex. 5

- Obtain the SOP, tracking sheet, slide set for training on authorships and links to the reports.

The meeting was adjourned at 4:33 p.m.

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From: Otto, Martha
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: Accepted: Coordination Meeting OGC - Quarterly
Start Date/Time: Tue 1/31/2017 8:30:00 PM
End Date/Time: Tue 1/31/2017 9:00:00 PM

To: Snowden, Christine[Snowden.Christine@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Christine Snowden
Sent: Tue 1/31/2017 7:53:48 PM
Subject: A Authorization, Agreement and Certification of Training submitted by Christine Snowden on 01/30/2017 12:37:54 PM EST was taken back.

A Authorization, Agreement and Certification of Training submitted by Christine Snowden on 01/30/2017 12:37:54 PM EST was taken back.

To: ORD-ALL Feds and NonFeds and RSLs[ORDALL_Feds_and_NonFeds_and_RSLs@epa.gov]
Cc: lomax, bonnie[lomax.bonnie@epa.gov]; Guerry, Jacqueline B[Guerry.Jacqueline@epa.gov]; frankel, michael[frankel.michael@epa.gov]; Landy, Ronald[Landy.Ronald@epa.gov]; Widener, Charles (Chuck)[Widener.Charles@epa.gov]
From: EPAResearchCompass
Sent: Tue 1/31/2017 8:00:00 PM
Subject: Weekly Compass: January 31, 2017

Weekly Update: 1/31/2017

Welcome to the Weekly Compass, your gateway to information about recent and upcoming ORD activities. If you have ideas for the Weekly Compass, please send them to the editors. To see each full article on ORD@work, please click on the text that is hyperlinked.

Quick Updates

•□□□□□□□ Two important messages from Acting Administrator Catherine McCabe last week: Mass mailer message from the Acting Administrator providing a transition update with information about the hiring freeze, pause on external communications and engagements, a review of EPA grants and contracts information, and more. Video message from the Acting Administrator also providing an update about the transition.

•□□□□□□□ In Case You Missed It: Message from the Senior White House Advisor Don Benton

•□□□□□□□ Some of you may have received a request to complete a survey from a Science Advisory Board with the subject line "Opinion research – agency's role under the new

administration". The survey is not connected with ORD.

•□□□□□□□ Some of you have received a federal work-life survey from the U.S. Office of Personnel Management. This is a legitimate survey to a nationwide sample of approximately 190,000 federal employees, including about 1,700 EPA employees. Recipients will have six weeks to complete this voluntary and confidential survey.

•□□□□□□□ Did you have a fitness goal or resolution for 2017? The 2017 Step It Up Challenge can help you reach that goal by motivating and supporting you as you track your daily steps and "step up" your activity level to accrue as many steps as possible

•□□□□□□□ Check out the list of ORD Program Support Standouts. Congrats!

•□□□□□□□ You can read the This Week @ EPA newsletter here.

- Upcoming webinars:
  - Small Systems Webinar: Disinfectant Residuals: Tuesday, January 31, 2-3:30 pm ET
  - Tribal Science 2017 Webinar Series: Arctic Research, One Health and the Local Environmental Observer (LEO) Network: Ongoing Activities and Expansion to Lower 48: Tuesday, January 31, 3-4:30 pm ET
  - ACE FY16 Highlights; EM Topic-level Webinar: Monday, February 6, 1-2 pm ET
  - SERDP & ESTCP Webinar Series: Award Winning Projects: Environmental Restoration: Thursday, February 9, 12-1:30 pm ET
  - ACE FY16 Highlights; CIVA Topic-level Webinar: Thursday, February 9, 1-2 pm ET

Photos of the Week: What a Difference a Year Makes at WED

In the Lab:

Field Studies to Support Cleanup at Delatte Metals Superfund Site

NRMRL's Steve Acree and Randall Ross are working with Region 6 and the State of Louisiana this week to conduct field studies on an organic permeable reactive barrier installed to remediate groundwater contamination at the Delatte Metals Superfund Site and investigate the impact on groundwater flow. The site in Ponchatoula, LA was formerly a facility where spent lead-acid batteries were processed and smelted into ingots, resulting in soil, sediment, surface water, and groundwater contamination.

ORD Assisting CDC's *Shigella* Investigation in Flint

Last week ORD participated on a CDC call to answer questions about water use data and water age predictions from the Flint hydraulic model. The CDC has been investigating a *Shigella* outbreak in Flint (about 60 cases between March 2016 and October 2016). To date, the investigation has not shown evidence linking the outbreak to water. To complete the investigation, CDC will conduct a geospatial analysis of the data to include ORD's water use data, the model water age predictions, chlorine residual sampling data, and chlorine residual model predictions from Flint. CDC is planning to compare these factors at the homes of those affected by the outbreak and compare them to control homes throughout the city.

Interagency Interim Planning Guidance for the Handling of Contaminated Solid Waste Released

The 2014 Ebola outbreak and subsequent cases that were treated at health care facilities in the US generated large quantities of medical waste potentially contaminated with the Ebola virus. Management of this waste was exceedingly difficult. Rigorous Department of Transportation packaging requirements, coupled with an unwillingness of waste treatment and disposal facilities to accept the waste, highlighted the need for guidance. OSHA led an interagency effort with EPA, DOT, CDC and the Assistant Secretary for Preparedness and Response to develop federal guidance, which was released on January 19. ORD provided scientific support for EPA's contributions to the guidance.

TSCA Support

ORD continues to provide significant scientific support for a number of TSCA-related activities including:

- Support for the OPPT asbestos workgroup in the preparation of the Use Dossier and Scoping Documents. Asbestos is one of the first ten chemicals to be evaluated under TSCA. ORD's current focus is on the characterization of hazard and dose-response.
- Procedures for Chemical Risk Evaluation under the Amended Toxic Substances Control Act
- Regulation of Certain Uses under TSCA Section 6: Methylene chloride, N-methylpyrrolidone, and Trichloroethylene

Contaminants of Emerging Concern (CECs) in Drinking Water

EPA scientists Susan Glassmeyer, Angela Batt, Dawn King, Mitchell Kostich, Heath Mash, Stacy Pfaller, Kathleen Schenck, Eunice Varughese, Stephan Vesper, Eric Villegas and Maura Donohue (NERL), Jane Ellen Simmons and Vickie Wilson (NHEERL), Robert Benson (R8), J. Scott Boone (OCSPP), and Octavia Conerly (OW), in collaboration with Edward Furlong and Dana Kolpin (USGS), published the manuscript, Nationwide reconnaissance of contaminants of emerging concern in source and treated drinking waters of the United States, in *Science of the Total Environment*. In this study, source and treated drinking water samples from 29 drinking

water treatment plants (DWTPs) were analyzed as part of a two-phase study to determine whether chemical and microbial constituents, many of which are considered CECs, were detectable in the waters. The data collected as part of this project will be used to help inform evaluation of unregulated contaminants in surface water, groundwater, and drinking water.

Provisional Peer-Reviewed Toxicity Values for p-Chlorobenzenesulfonic Acid

NCEA's assessment products include the Provisional Peer-Reviewed Toxicity Values (PPRTV) assessments which are developed for Superfund and hazardous waste sites. In mid-January, NCEA posted the final PPRTV assessment for p-Chlorobenzenesulfonic acid (p-CBSA). p-CBSA is one type of benzenesulfonic acid, a class of chemicals used in the development of other chemicals in various industrial sectors. Development of this PPRTV was a high priority to the State of California and Region 9, which was transferred to the region this week.

Grantee Publication on Whether Wildfires Affect Drinking Water

Following the Colorado wildfires of 2012, EPA grantee R. Scott Summers and his co-authors investigated the effects of wildfires on drinking water quality. Their research concluded that water samples collected from water sources in areas affected by wildfires contained significantly high amounts of dissolved organic carbon and nitrogen after snowmelts and rainstorms. On the basis of their results, they recommended that water utilities that depend on these sources of water apply higher coagulant doses to remove the higher levels of organic matter. However, some of their samples did not respond to conventional treatment, in which case the corresponding utilities opted to switch to alternative water supplies.

SOT Poster Templates

The Society of Toxicology's 56th Annual Meeting and ToxExpo will be held March 12-16 in Baltimore. To achieve a more consistent EPA ORD appearance and to maximize the size of your SOT poster, please use an EPA template. The templates are available on the ORD share drive - O:\Public\ORD PowerPoint Templates\ORD Poster Templates\44X88 (SOT Size). To ensure your poster is printed in time please see the following info:

- Submit your requests as early as possible.
- Requests for final poster printing must be submitted no later than COB March 7.
- To request poster printing, go to the RTP Graphics and Web Request System (http://www.rtord.epa.gov/request/, complete your request and indicate whether it's a proof or final (and, if a final, whether it's to be printed on paper or fabric), specify the size, and attach your file. [Note: A new request with the details above and attached file is required for each poster to be printed.]
- Turnaround times for poster printing are 24 hours for paper and 48 hours for fabric.

Contact Monica Linnenbrink or Keith Tarpley, (919)541-1835 with questions.

New Partners for Smart Growth Conference

This week, a number of staff from ORD will participate in the New Partners for Smart Growth Conference in St. Louis, MO. It is the nation's largest smart growth and sustainability event underscoring an emphasis on implementation tools and strategies and new technologies that will help communities achieve economic development in an environmentally sustainable fashion. This year's theme "Practical Tools and Innovative Strategies for Creating Great Communities," is a great opportunity for ORD to demonstrate our community-based tools for linking human well-being to environmental quality.

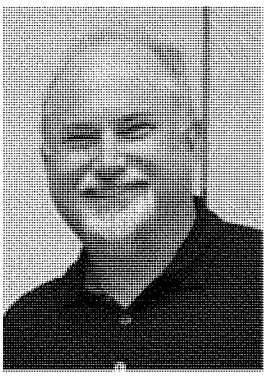
In the Office:

Personnel Announcements

OSIM: David Updike has been selected as the Office of Science Information Management's (OSIM) permanent Deputy Director. David has held various impactful roles within OSIM including Associate Director and Acting Deputy Director. Prior to joining OSIM, David served as Director of EPA's National Computer Center and represented EPA on the government-wide Federal Data Center Consolidation Task Force. Congratulations, David!

IOAA: Dr. Bryan Hubbell has joined the IOAA as Senior Advisor on Social Science. This is a newly created position intended to lead the effort to meet ORD's goal to build social science

capacity by 1) establishing a strong social science infrastructure within ORD, 2) developing key internal and external partnerships, and 3) integrating social science insights and principles into ORD's research. Bryan comes to ORD from the Office of Air Quality Planning and Standards, where he was the Senior Advisor for Science and Policy Analysis in the Health and Environmental Impacts Division. Bryan will report to Bruce Rodan, Associate Director for Science in the IOAA and will be located in RTP. If you are interested in social sciences and how they can play a role in your research program, give him a call. Welcome to ORD and to this important role!



PubMed Central

Researchers now have the option to create an account and start uploading manuscripts into PubMed Central. An automatic upload process has also been created for manuscripts to be entered into PubMed Central from STICS. PubMed Central (PMC) is a free archive of biomedical and life sciences journal literature at the U.S. National Institutes of Health's National Library of Medicine (NIH/NLM). PMC serves as a digital counterpart to NLM's extensive print journal collection. It's one of the major research databases within the suite of resources that have been developed by the National Center for Biotechnology Information.

In the News:

News coverage of the Utah Fine Particle Study

The Utah Fine Particle study has garnered some attention in the area's local press. The study is being led by Utah Department of Environmental Quality and NOAA, and includes participation from EPA and other organizations. Articles about the study have appeared in Deseret News Utah, KSL, Fox 13, H J News, and Daily Herald. The KSL and H J News articles include quotes from NERL's Russell Long.

Accolades:

Melvin E. Andersen Trainee Award

NERL's Jeremy Leonard, a postdoctoral fellow in the Computational Exposure Division's Human Exposure and Dose Modeling Branch, has been selected by the Society of Toxicology's Biological Modeling Specialty Section to receive the 2017 Melvin E. Andersen Trainee Award. Leonard was selected from among a number of nominees and has been invited to accept the award at a reception during the Society of Toxicology's annual meeting being held in Baltimore, Maryland in March.

Two Children's Centers Researchers Win PECASE Awards

Two researchers from the NIEHS/EPA Children's Centers, Catherine Karr from University of Washington and Manish Arora from Mount Sinai School of Medicine, were named as recipients of the Presidential Early Career Awards for Scientists and Engineers (PECASE). This award is the highest honor bestowed by the U.S. Government on science and engineering professionals in the early stages of their independent research careers. Awardees are selected for their pursuit of innovative research at the frontiers of science and technology and their commitment to community service as demonstrated through scientific leadership, public education, or community outreach.

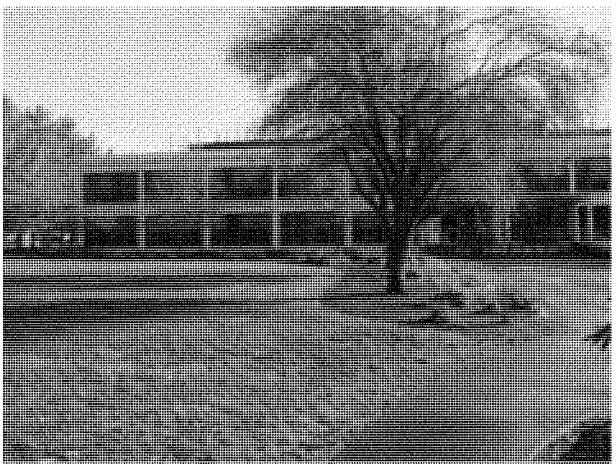
In the Community:

RTP STEM Events

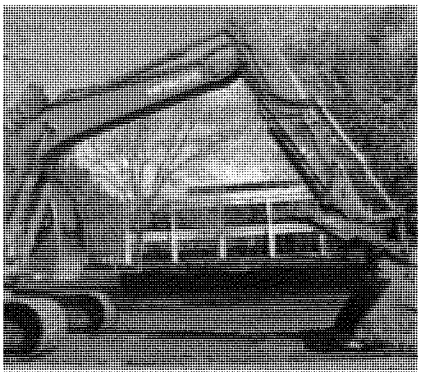
- On Thursday, EPA-RTP STEM Outreach will host its first EPA College Day on the EPA-RTP campus. The event will host approximately 200 students from local colleges and universities for tours, job shadowing, speed mentoring, and hands-on science activities.
- EPA employees will volunteer at the North Carolina Science Olympiad Regional Tournament at Southeast Raleigh High School on Saturday.

Photos of the Week: What a Difference a Year Makes at WED

The Lab Modernization Project at NHEERL's WED facility is underway, some of our colleagues in WED took photos showing the progress of the geothermal well drilling project. The photos below illustrate the work that has gone on over the past year.

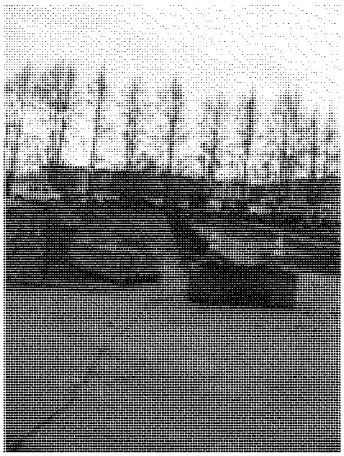


January 2016

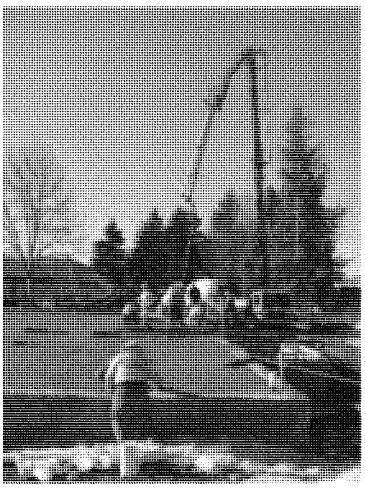


March 2016

April 2016



November 2016



January 2017

To: Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 8:19:31 PM
Subject: Fwd: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

FYI

Sent from my iPhone

Begin forwarded message:

From: Ex. 6, 7 (b) (c)
Date: January 31, 2017 at 1:20:00 PM EST
To: "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Otto, Martha" <Otto.Martha@epa.gov>
Subject: FW: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

The below message may be discussed tomorrow as a pending referral to your office. Ex. 6, 7 (b)

Ex. 6, 7 (b) (c)
US EPA, OIG, Office of Investigations HQ
1200 Pennsylvania Ave NW Mailcode 2431T
Washington, DC 20460
Ex. 6, 7 (b) (c)

Hotline - 202-566-2476 or 888-546-8740

Hotline Fax 202-566-2599 Web Address oig_hotline@epa.gov

Hotline records are protected under the Privacy Act 5 U.S.C. § 552a. All EPA employees handling protected information have a legal and ethical obligation to hold that information in confidence and to actively protect it from improper uses. Except as specifically authorized, EPA employees shall not disclose, directly or indirectly the contents of any record about another individual to any person or organization. EPA employees who willfully release protected information, without authority, may be guilty of a misdemeanor and fined up to $5,000. In addition, any employee violating the Privacy Act or EPA regulations is subject to disciplinary action, which may result in dismissal.

From: Ex. 6, 7 (b) (c)

Sent: Monday, January 30, 2017 4:56 PM
To: Copper, Carolyn <Copper.Carolyn@epa.gov>
Subject: FW: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Ex. 6, 7 (b) (c)
US EPA, OIG, Office of Investigations HQ
1200 Pennsylvania Ave NW Mailcode 2431T
Washington, DC 20460
Ex. 6, 7 (b) (c)

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From: Elkins, Arthur
Sent: Thursday, January 26, 2017 6:02 PM
To: Ex. 6, 7 (b) (c) >; Sheehan, Charles <Sheehan.Charles@epa.gov>
Cc: Ex. 6, 7 (b) (c); Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Williams, Allan C. - DC OIG <Williams.Allan@epa.gov>; Ulmer, Craig <Ulmer.Craig@epa.gov>; Hanger, Eric <Hanger.Eric@epa.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; Kaplan, Jennifer <Kaplan.Jennifer@epa.gov>
Subject: RE: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Thanks, Ex. 6, 7 (b). Please schedule a 30 minute meeting through Ex. 6, 7 (b) (c) for tomorrow to discuss.

Art

From: Ex. 6, 7 (b) (c)
Sent: Thursday, January 26, 2017 3:57 PM
To: Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>
Subject: RE: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Art and Chuck, see the email below. This is not the first one and I have had callers First I wanted to give you a heads up what is coming from the public. Moreover, any thoughts on how to handle these in the future. Thanks Ex. 6, 7 (b)

Ex. 6, 7 (b) (c)
US EPA, OIG, Office of Investigations HQ
1200 Pennsylvania Ave NW Mailcode 2431T
Washington, DC 20460
Ex. 6, 7 (b) (c)

Hotline - 202-566-2476 or 888-546-8740

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From: OIG Hotline
Sent: Thursday, January 26, 2017 3:43 PM
To: Ex. 6, 7 (b) (c)
Subject: FW: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

From: Ex. 6, 7 (b) (c)
Sent: Thursday, January 26, 2017 3:42:55 PM (UTC-05:00) Eastern Time (US & Canada)
To: OIG Hotline
Subject: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Inspector General,

Recent public statements made by EPA Transition Communications Director Doug Ericksen suggest that the Transition Team is flagrantly violating the EPA's 2012 Policy on Scientific Integrity. I am writing to ask that you begin an immediate investigation into this matter to ensure that the public can continue to trust scientific information disseminated by the Agency.

Mr. Ericksen was quoted by NPR as saying that "he expects scientists will undergo an unspecified internal vetting process before sharing their work outside the agency. 'We'll take a look at what's happening so that the voice coming from the EPA is one that's going to reflect the new administration.' " (Full article here)

This is clearly in violation of the Policy on Scientific Integrity which explicitly "prohibits managers and other Agency leadership from intimidating or coercing scientists to alter scientific data, findings, or professional opinions or inappropriately influencing scientific advisory boards."

While investigating Mr. Ericksen, I urge you to explore whether other Presidential Transition members or Agency officials have also violated this policy. Please also investigate whether the implementation of this gag order has also violated federal whistleblower protection standards by failing to remind EPA employees of their rights under the Whistleblower Protection Enhancement Act.

Thanks for your time and consideration.

Sincerely,

Ex. 6, 7 (b) (c)

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Snowden, Christine[Snowden.Christine@epa.gov]
From: Clarke, Robin
Sent: Tue 1/31/2017 8:37:05 PM
Subject: RE: Travel

Hi Francesca,

I told Cynthia Howell do go ahead and start your travel because you are presenting at this conference and this is not consider as you being trained. Christine is now preparing the PR which we will get put on a bankcard.

Thanks

From: Grifo, Francesca
Sent: Monday, January 30, 2017 8:59 PM
To: Clarke, Robin <Clarke.Robin@epa.gov>
Subject: Re: Travel

Yes

Thanks very much !

Sent from my iPhone

On Jan 30, 2017, at 8:58 PM, Clarke, Robin <Clarke.Robin@epa.gov> wrote:

> Ok I will let you know tomorrow and you are presenting correct
>
> Sent from my iPhone
>
> On Jan 30, 2017, at 6:15 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:
>
> > Hi there – The travel office won't start on the TA or other arrangements until they get the travel form -SF- 182. When can I tell them they will get it?
> >
> > Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Otto, Martha[Otto.Martha@epa.gov]; Dalton, Deborah[Dalton.Deborah@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Tracy, Lee-Ann[Lee-Ann.Tracy@csra.com]; [redacted] Ex. 6
Cc: [redacted] Ex. 6
From: Ross, Margaret
Sent: Tue 1/31/2017 8:44:01 PM
Subject: RE: interview #1 for facilitator for TO-080
CONCUR Presentation 1.31.17.pdf

Please find attached a PDF version of CONCUR's submission during the interview this morning.

Best,

Margaret

Margaret Ross
Conflict Prevention and Resolution Center
U.S. Environmental Protection Agency
"Making Agreement Easier"
(202) 564-3221 | intranet.epa.gov/adr

Work Schedule: Monday-Thursday, 8:30am-5:00pm

-----Original Appointment-----
From: Otto, Martha
Sent: Tuesday, January 17, 2017 6:07 PM
To: Otto, Martha; Dalton, Deborah; Grifo, Francesca; Ross, Margaret; Tracy, Lee-Ann; Ex. 6 [redacted]
Cc: Ex. 6
Subject: interview #1 for facilitator for TO-080
When: Tuesday, January 31, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomRRB41213/ORD

Hi, All,

The purpose of this meeting is to interview candidate #1 for the position of facilitator under TO-

080.

This interview will be held in the Ronald Reagan Building, 4th floor, in the EPA space, in conference room RRB 41213.

Detailed instructions on finding and entering the building can be found at:

https://www.epa.gov/aboutepa/visiting-epa-headquarters

Call-in Information:

1-866-299-3188

Code Ex. 2

Please let me know if you have questions.

Martha

202-564-2872

Otto.martha@epa.gov

I I CONCUR_

NEGOTIATING EFFECTIVE ENVIRONMENTAL AGREEMENTS

January 12, 2017

CONCUR Approach
Just-in-Time Decision Support
Provides Scientific
Integrated Risk Analysis

Prepared for the United States Environmental
Protection Agency

Developed by the
January 2017 CONCUR
Berkeley,

Ex. 4

[redacted]

Section 2: Models to Structure Deliberation

2a. Panel: Alternate Models of Timber Harvesting
2b. Panel: Alternate Desalination Intake Methods
2c. Eliciting Feedback on Alternate Hypotheses
2d. Assigning "Plausibility Points" in Alternate Explanation

2a. Panel: Alternate Models of Timber Harvesting

Final Report

Sediment Transport Framework for the Effective Use of Resources of the Jordan River Watershed

Authors: Stephen Wu, Watershed Independent Review Panel

Under the auspices of
North Coast Regional
Water Quality Control Board

Convened: Facilitator: CONCUR Inc.
2 DECEMBER 2

WE, THE UNDERSIGNED MEMBERS OF THE HUMBOLDT WATERSHED INDEPENDENT INTERVENER TEAM, AUTHOR AND HEREBY CONFIRM OUR CONCURRENCE WITH THE FULL TEXT OF THIS REPORT:

ANDREW WOLLISCH, P.D.
Philip Williams & Associates

WILLIAM H. CUNNINGHAM, P.D.
Oregon State University

FRED H. EVEREST, P.D.
University of California Southeast

WILLIAM C. BERGER, P.D.
Private Consultant

RICHARD DORSTOM, P.D.
Oklahoma State University

DAVID TARBOTON, P.D.
Utah State University

ROBERT WISE, P.D.
U. C. Berkeley

EXECUTIVE SUMMARY

The North Coast Regional Water Quality Control Board (NCRWQCB) invited independent Scientific Review Panel (SRP) August 2001 to address three questions which asked the NCRWQCB if the State Water Board's Fresh Water Quality Standards for the Humboldt Bay Watershed, as specified in the SRP Preliminary Report, were technically and scientifically defensible. Appendix A of the compendium document was transmitted to the Panel August 14 along with additional information made available upon request. The Panel conducted a site visit during the week of August 19 through December 2001.

The Panel concluded that the Eureka Plain watershed, during that time, the Panel participated in a series of stakeholder discussions, visited the watershed, assigned by NCRWQCB. The Panel made several recommendations regarding the quality of the scientific analysis.

The three questions addressed by the Panel in the Panel's summary based on the changes proposed by the Panel, the approach addressed in the Panel's questions, the Panel's knowledge of the watershed, the Panel's assessment of the technical and scientific approach, the Panel's assessment of the technical and scientific approach, the Panel's assessment of the technical and scientific approach

EXECUTIVE SUMMARY

Physically based watershed models (such as the Model Sediment Budget approach) are a useful tool for understanding watershed-level sediment transport processes, and for evaluating the effectiveness of various management actions. However, these models require a large amount of data, and the quality of the model results is highly dependent on the quality of the input data. In many watersheds, the data needed to calculate the sediment budget are not available, or are of poor quality. In such cases, the Model Sediment Budget approach can still be used to establish a qualitative understanding of the watershed, but it cannot be used to establish measurable sediment reduction targets.

The Panel concluded that although the Model Sediment Budget approach can be a powerful tool for long-term, major planning, the complexity of the approach allows for bias and error. For example, the quality of the input data, the quality of the output data, and the availability of data for calibration and validation are all critical factors. The Panel also noted that the approach is time-consuming and resource-intensive, and that it requires a large amount of data and a large amount of time to develop and calibrate the model. The Panel also noted that the approach is not easily transferable to other watersheds, and that it requires a large amount of data and a large amount of time to develop and calibrate the model in each new watershed.

EMPIRICAL SEDIMENT BUDGET

The Empirical Sediment Budget approach (Reid 1998) has been used in many watersheds (Reid & Reid 2000) to prioritize sediment reduction efforts. The approach is based on the premise that the sediment yield of a watershed is a function of the amount of sediment produced by the watershed and the amount of sediment that is transported through the watershed

FINDINGS

QUESTION 1

Please review the provided documents and any other relevant information regarding the appropriateness of imposing a numeric nutrient criterion for water quality objectives in the Russian River watershed. Do the documents and other information provided demonstrate that the proposed numeric criterion is technically and scientifically defensible? Do the documents and other information provided demonstrate that the proposed approach is an appropriate method for the protection of the beneficial uses of the Russian River watershed?

Background

The Panel was asked to review the information provided in the documents and other relevant information regarding the calculation of the numeric nutrient criterion for water quality objectives in the Russian River watershed. The Panel was also asked to consider the technical and scientific defensibility of the proposed approach to the protection of the beneficial uses of the Russian River watershed.

as not adequate to impede recovery water quality. The Board's proposal is based on a "fair" assessment of allowable zones of dilution within which high percentage exceedances of the proposed effluent limits would be allowed. The Board's proposal is based on the assumption that the discharges of pollutants upon the issuance of the proposed waiver would not impede recovery of the Russian River watershed. The Board's proposal is based on the assumption that the discharges of pollutants would not impede the attainment of water quality objectives in the Russian River watershed. The Board's proposal is based on the assumption that the discharges of pollutants would not impede the attainment of the beneficial uses of

FINDINGS

wood product ion. a Thidden hai yntigmej in a Cas pCarre ek sew i(s1 9 9a8n)d Leewtai ls(.2 0 0 1) c l e a h a u r t i e s t h e i g h p l r y o d u c r t e i d w e o f o d r - s h o w e d t h a t t i m b e r h a r t h e e l s 9 t 7 i 0 n s g d u r i e s t t y p e s h m o o t h a d c k e d l y t r h e e q u u a c n e t o i r t y i n c r e a t s a e d n u s a u l s p e n s d e e d t i m b e o a a d t t h e q u a l o i f t y o p l r o d u F e r o b a n w a t e q u a l s i t t a y n d S o u F l o w l e i b r y 2 1 2 p e r c e n t . d S a u t f a r s o e n q u e n t p o i s n p t r e a d h e u g a t m o n d g i f f e w r a e t r e t r s h e d s n d i v i d u a a h a v g e t s t i h r e N 5 o t w k a t e r s h e d , t h a c u t t i i s n g d o n c e n t w r i a t t h e i d r e w a t e r s h w d i o w l e r l e o g g u e n d d e c o n d i t m i o o r n e s e p r e s e n t a - o v e a r s h t o i r n t v e i t h e I r p e d u p c e e a f k l o w s s d e d i - t i v o e f t h e C a l i f o F r o n r i e B s r t a c t R u e o s f t h e m e n t a t i o n . 1 9 9 0 s s h , o w e a c h 8 9 p e r c e i m t c r e i a n s a m m e d s t o r l m o a d e l a t o t h e p t r e d i c t o u e n d d i s t u r b e d c o n d i t m i o n s d s f w h i c w h a s d u e t c a s i n g l l a e n d - M e c h a n i s m o f S e d i m e n t D e l i v e r y T h e r a t a e w h i c s h e d i m e s p t o d u a n d e m o v e d s l i D a t f a r o a n l b l u d n o e f t h w a t e r s w e d s a i n f r o a n w a t e r s i h s e c d n t r o b l y l e d e a c t (o e r s g . t , h N o r F b r d k r a i n s a u g g e g e s a t n e n d c r e i a s s u e s - K n i g h t o n , t h e 1 9 9 a 8 v) h : i c e h r o d i m b a l t e e r i i s a p e n d e d d i m e n a f d o l l o w i n g h e a r r v e b s u t t , p r o d u c b e y p h y s i a c n a d t h e m i w e a t h e o i f n g o w n s t r e e f a f n e a c p t p s e a t e b d e s m a d h a b s e n t b e d r o t c l k e a t a e w h i c s h e d i m e i s t t r a n s p o r t b e d a u t s h e e d i m e a n d o y e r t e a c h t e d o w n - d o w n s l b o y p n e a s w a s a t o m s g l o w p a s p h r o c e s s e s r e m a e m a s u r e s m e a t i L o e n w s i (s 1 9 9 a 8 n) L e w i s a n d h e a t a e w h i c s h e d i m i e s n e t m o v f e r d o v m a l l e e y t a l (. 2 0 0 s 1 u) g g e s t t h e a n t u c b o f t h e s u s p e n d e d b o t t o b n y s f l u v p i r a o l c e s s e s a n d t W e e c t t o n i c s a e l d l i y m i e n d c r e a a t s t e r i b o t e d i m b o r e v r e s w t a i s n g a c t i a v r e e a u s n d e r b a y w e a k o c k w s i p l r o d u c e e l a t t e r o b b s e r i v r e d r e i a p s e e a f k l o w v o i l n u m e l a r g a m o u n o f s s e d i m e n v t e i n t h e c o m p l e t t e h y e e a i r n a m e d i a f t o e l l l y o w i n g a t r i v n w s h e i r c h a b s e r o c h e u m a a n c t i R e t i (y d 1 . 9 9 8 f b e y x a m p l e t , h e e y x p e c t t d e e s h o r t - T h i e v y e d f . u c r o t n h c e l r u d - u s e d l i m a t i c t r o d e e c m o o r n d s s t t r h a a t f e i v e - f e d t d h a t t h e f f e c c f t h s l t i d p i l s e t u r b w a i n t b e a i s n i n c r e i a n s e e b r f i l s o w s a n o r t h C e a r l n i f e t o n d s w a t e r s w h e e r d e p p r o x i m a a d t d e i l t y F i i v r e a . l l y , t h e y a r e c a o u b d a t t r i b t o a t n e n d c r e a s e d f o r f e c t o e n r c d y u t c h e a s t e d i m e n t c r e a s e s d b e a v e r e h i g h - i n s t e o s c h u s t r y i t n h g e a t l e 3 0 T s h e r e f o r e d u c b e y a d v o i d a i c n t g i v t i h t a t e g s r a t c h e e a n k s i t s n o a s i m p m l a e t t t e c t i s t i n g h u a i n s c h u n o f o f s m a l l c h a a n n d n h e a l t s d i m e n t a l s a e f f e c t e d s e d i m e h a v b u l h d a v b e e p r o d u b y s n d a t u r a a l s m u c b y c h a n r c e h d i t a i s s e d i m e e l i v e r y p r o c e s a s r e q s a r t i c e k a i r e n y a e t u e a e n t s f , r o a n d j a c h e i n l t l s i d e s . f r o m p t h a d u a s t c h e e s o f l t a m n d a n a g e m e n t O t h e s r t u d i h e a s v e x a m i n t e h d e r e l a t i o n s h i p a c t i v s i u t c a h s t s i m b h e a r r v e s i t n t i h w g a t e r s h e b d e s t w e e n h a m b v e s a t n i d h a g n d s l (i c d o i t n h g e r o f i n t e t e d s h E a n e l . f o r m s f n a s w a s t a m g f) o u a p l o s i t o v e e l a t i o n A n a b u n d a n o f p e u b l i s s h c e i d e n t i l i f e c a t b u e r t e w e t e h r t e w (e . F g u . r , b a i s R i c e , 1 9 8 3 ; S i d l e p o i n t t o t s h r e o b e f t i m b h e a r r v e s i t n c r e a s e i d n i g a l 1 . 9 , 8 B y l e s a l 1 . 9 , 9 8 M o n t g o m e t a y 2 0 , 0 0 ; m e n p r o d u c t a i b e s . L e w s i u s g (d 9 t 9 8 a d t S i d l e W u a 2 0 0) O t h e s t u d (i e g . , B r a r d i a m c d n i t h r e e l a t i o n e s t w e t p i r m b h e a r r v e s s t e i c h i g m , e n S t l a y m a 2 k 0 e 0 r s ,) u g g e t s h a n t o d e r l r o g g i n g p r a c - p r o d u c t a i n o s n e , d i m e n t d i e a l c i o v m e p r l y i c a t e d p e r s o d u n o d e e t e c t i a n t o l r e i a n s a e n d s l T i h d e i n g . w e b t h a i t n c l u n d a e n s y f e e d b a c o l o p l s m . p o r t a n r t c r e i a n s a e n d s l i i g d e i m e g r a e t l t l y i b o a t e c h - f a c t i o n r o s l t u d r e b f e e r l l (i w n h g i c c a h i n c r e s a o s i e l b i n a t o i f i o m c r e a s o e n d o i s t a u r d e e d u c r e o d o b t m o i s t u r e , d e r e e r o e o a t s e e n g t o b r e a s e s t h e n A g l t h h o u g h l m o i s t u r e p r o b a b e l a y s e s l i k e l i h b o l o o d w d o o f a v m d , n c r e c a h s a e n m e o l u g h - p l a a y n i n s i g n i f i c a v r e t t s e r a o s l b e a n d s l i d i n g , n e s t s h r o u g h e d d i t o i f w o n o d y d e b r i s) , b e y c a a r u d s h i e n u g s c e p s t l i c b p l e e a e l r e s a a l t y u r c a r t e d a n d s k i d d (i w n h g i c c a h o m p a s c o t i d e s c , r e i a n s f e i h e a r s b y , m a i y t n c r e a s t e m p l o v r i a n l d d w r i n g t r a t r i a o t h e a s s d i n c r e r a u s n e o f b a c n d a n d i n v g h i c s h l o p a e r s e u s c e p t t o s b l e d (i S h i g a l h W u , c o n s t r u (c w t h i b o n a h n i n c r e a s a e s w e u a r i s o f 2 f 0 0) M o s s t t u d d f t s i m b h e a r r v e s a t n i d n a g n d s l i d - i n c r e t a h s b e i k e l o l f l c a o n d t s l i b d u i r m g i ( ) n v g h i c h i n g a v c e o n c e n t o r m a t e d a r c u t h a u r d v a e t s a t i n g , c a n i n c r e a s e e b r y o c h i e a i t b l i a i n t g e y o u a n d d , c o l l e i c h t u e n d b o C d o t n o t n y b e h a o l P f A L C s O u g - i n s o m e a s e c s r , e a h t y e d r o p h s o o b i l l b s a i n c r e a g e s t t h a s t e l e c h t a i r v v e e s c t a i a n l g s i o n c r e l a a s n e d - r u n o a f n f $, j f a c t (o s r u s a s t g e o l o p g r i e c d i s p o s s l i i a d c e t i (v F l a t d y W a f t i e c r s A h s e s c b c i 1 a 9 t 9 e 8 s a ,) . t i c n o l a n d s I r i e d g i a n r g c b l f l e a s m n d a n a g e m e n t) O ' C o n r (c 2 0 0 d 2 e) v e l o a p s e e d d i m e n d g f e d r I m a p a i r w e a t e r s h t e u d o y N o r t a l m S o u t h F r e s h w C a r t e e b r a s e o d a c o m b i n a o t f c i o c o m p u t e r

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modeáasd i eolbds e r v a S é d i n m e o n t u r d e s b e h a r v e satst h g r y e l a t t e h l N C R W Q C B ' s m i s - t h e y e a r 1 s 9 8 8 h r o u 1 g 9 h 9 7 n c l u s d t e r d e a m b a s n i k o W a t e r s h e a d l y i s s c e n d u c d r e a d s c a l e s l i d s e o s i c, l r e e b p a, n t e r o s i s c h n a, l l c a w n d s l i d e p p r o p f r d t a h t a e s s e s s m e n t m u l a i t m i p v æ c t s , d e e p - s e a t e d l s i c d e u s f t , r a c t o a r f v e s t , w s h u i r s - h t a n i d n s o n t r t a t s h t e w n e r s h i p S Y P a s e d f a c e r o s i o n , r o l a a c h - d r s e l a i n a d t e e s a l s d u r f a c e n a r r o f w o l c y u T e l P s . e r o s H e f u r t a h t e t r r i t o a t e t i u a c t o i f e a n c s h F r o m h P a n e p l e s s p e c w t a i t v e e r , s a h n e a d l y s e s o f t h e c s a t e g d t o i a e c s k g r p u n d e s t a v b u l d w o u l n d e e t d c h a v t e h e o l l o w t n g i t u o t e a s h a v a e c t e v d e i n r t h a e b s e r o c h e u m a a n c t i v e g y - e f f e c t o i d V a e t e r s a h n e a d l y w s o e u s l a d m i n i m u m : c y s o u r d t e a s k i a s s t h r e e s o f p t r i l o o r g g p r n g c - 1 p e c o m p l e p t r e i d o o t h a p p r o v f E H P S 2) c o n - t i c a e r s m a n a g e m e n t - s r o e u l r a c t e e c d o t n h t a t i b s u i t d e t h r e a t o e f d i s t u r b 3 a) n c r e s i t d h e p r r o p o r - s e d i m e v n e t u n n d r e o d e f r o r p s a c t i u c t e s . t i o n f t h v e a t e r s t h d e e d i s t u r i b a e g d v e r i m e p e r i e d d 4) c o n s i t l e e r o c a t o i f o u n r r e n t a n d f u t u T H P s e l a t o s v l e o p g e e , o l o l g a y n , d s r l i i s l e , a n d e l a t e d o n s d i i t t E i u o r n t s h . e r , t b h e e n a u l s y e - T h P a n e o n s i d e a r e d d f t h e x i s t r i e g g u l a t e e w i t e q u t i h a e p p l i c a f s d o e n a t n i d f e i c h n i - p r o c e s s e s e s t e r m i f h e x i s f i a r g e w c o r u k l d c a j l u d g e m u e n d c o n d i t o i f o n w s i d e e r t a i n t y , p r o v i a n h e a n f s o e r n s u r r i e n g o v o e f b y n e f i c t i h a e l s y h o u b l e p r e p a b y a t n i n d e p e n d e n t r i t d u s e T h e f i r m s e t g u l a p t r o o r c y e s o n s i d e l y t e h d e p a r f T y h e m e t h o d o l a c s g s y u m p t i a o n r d c s o , n c l u - P a n w a T H P s h o w e v l e r e ç a u e s a c T h H P i s v a l u s - i o w i s h e e t d c o e s u b j e d t r e i d g o r a o n u d s i n d e - a t e o c h a n i n d i v b d a s a l s s p o p o s s i t b a l s e s e s p e n d e s n c t i e n r t e i v f i i e c w . t h e o m b i n i e n c p a c c n t v a t e q u a l a i n t d y h u T s H P s T h i i s p a r t i c s u d i a f h a e y a l y a s r e t e s o i n c o r p o - f o a r r e a s w i m t p h a i i w a e t l e r s h e d s t c o b e t i a u i e n n o v a b t u i t v e t e s d e n d c e p t s l a s t h e a p p r o T h e c u m u l a e t f i f v e e c o t n s s i d e r i a t t h i e o P A L C M a s W a s t i A n r g e a o s C o n c e (r M W A C) o r T H P d o n o i t n c l a u f d i e p m r o j e o t a i d c l n i t n e a a l o t h e c o m p u r h e d e t l s d e l i n a e c t a e s p o t e n t i a l t e r h m a r v p e s a m s o d o t h e y a p p o e f a f a e s r s u r i - n s t a W a l t i e t r y s a h n e a d l y c s o e n s d u c i t a e n c a n n e r a n c e a s s t o t h e p r o p o r d f i a o w n a t e r s h e b d e t h a r t e s p e t c h t e s i s p a r t a i n t s e c a l u e p s o w h i c h d i s t u w b i e t t a i g n i v e n p t e i m i e o u d c a h s t h r e e x t g e o l o p g r i o c c e s a s n e h s u m a r w s o r w k o u l a d l s b o e f i o e t e y n e a F s u r t h a e s s µ m p t i i r t o h m T e H P t h a t b e n e f i T c h i e a s l t . a b l i s o h t m a e c n k t g r o u a r t d a s , m i t i g a b i u d w s e i g n p a c t s t b a e c a o d n s c l u s i d o i n s c u s s e d t h b a e t a l k o e v t a c o c o u t h n e a g n i t u d e t h a t h e n r e e b t d e n o l i m o i n t a b e f i s t u r b o t h e e a n d p e r i o d b i g c e i o t l y o g i c t l a e a e n t s i s t a e u d t i e - t o t p a r l o p o r o t f l i i o s n t u r b a n g e v w a t e r s h e n d n t e g a r d o l f a s s l a m n a g e m e n c t i v i t i e s T h P a n t h e c n o n s i d t e h r S e Y d P O . n e o f t h n e a i n w o u l r d e n d t e h r a n a l y m s o e r s e o b u s t . g o a l s o m a x i m s z e t a i t r i e n d p e r r o d u c t i y i o n e n s u r t i h n e g b r t e i m b i e p r r o d u c t l e a h n a r v e s t A e s d s e s s m e n t S e d i m e n t C r e d i t / D A t a l y s e s (C a l i f D o e r p n a i r a t m o e f F i d r e s 2 0 0 9 2 T) h . e S Y P T h e f o l l o w d i i s n g c u s s d i r o n e t h e u s s e e d o i f - d o e s o r e l n y v i r o n m d e o n c t u a m l e n t a h t a t b n - m e n t c r e d a i n t d s d e b i S t e s d " i . m e n t e d r i e t f s t e o r s i d e p r o s t e n i t m i p a l d t w s i l d h a l b e a t r a d t a t e r f u t u p r l e a , n n r e e d l u c t i i n e s d i m e n t o m m i t i g a - q u a l H i d w y e v l e r e ç a u t s h e Y P b a s e d o h o w n e r - t i o n m e a s u r s e u s c , a s s t o r m - p r o o f a d s g a n d s h i p d , o e n s o p r o v a r d e a n t s c a s s e t s h s e u m u - r e m o v i H n u g m b o l c d r t o s s i T n h g e s o t i o s t h a t l a t e v f e o c f t t i s m b h e a r r v i e a n t p n w a t e r s h e d e d u c t i i n e d s i m e a c t r e d i t e d s a e g d a i n m e s n t t T h e C P f o c u e s w s i l d H a i t f i e c t c a n t s e r v i a r t i o m c , r e a c s e l s f t r s o) m o t t i m e b h e a r r v a s t i v i t i e s . w h i c h w a t e p r e s q e u l a y d i e t f y i n a s t e i c o n n d a r P A L C E n C D F a r g u t e h a n t o r e a r v e s w t i i n l g c o n c e a r m d o e a o t i n c l a d i e n t e g s r c a i e n c e e a t d n o r e e c o v b e e r c y a u t s h e c i a r l c u l s h o w n s b a s e n d o n i t o c o m p o n e t n t a f t u l a d y d r e s s e l s a t h e r e d a i s t s s o c i w a i t t e h d i t i g a t i o n e x c e e d w a t e q u a l F t y m u t i m i t e d i e p p i e a t w h s a t d e b i a t s s s o c i v a i t t e h d i m b h e a r r v e (s J t e B f a f r r e t t , t h E H P S Y P H C P s t r u c t a r c l e s o f t m h e k e y l e - p e r s o n c a m m u n i c a 1 t 0 i / o 9 n 4 0 2 M u n n p , e r - m e n t n s e e d e c h o v e o w a r d a n d a t a t s a s i u n m e s n o t h a o m m u n i c a 1 t 0 i / o 1 r 0 H 0 2 e) v e n i t i g a t i o n o f w a t e q u a l s i t t a y n d a r d s . a c t i v s i u t c i a h e s t s h s e t o p m o o f d e g o m m i s s i o n - T h P a n s u p p o r t h t g s e n e c o a h c o p f w a t e r - i n g a n d p r o p æ b r a n d o n m o e f n c t a d v s i l d l e , s p i t e s h e a d n a l y t s a i s s s e t s h s e u m u l a i t m i p v æ o f t s i m - t h e p r o b a b d o n g - t b e e r m e f a l t n q s e r t a i n l y

h a v s e h o r t - n t e g r a n t i i n v p e a c A t s s t. u c b y f r o a d b e e x p e c t t o e d u l c o e n g - t s e d n i m p e n c t d u c t i o n
r e m o v i a R l e d w o l d a t i c P n a a r (I K M a d 2 0 0 4 e s) t i b y a f a c o d h r o n t u c t m o r t e h a f n o w o m f i a a e d h a t
m a t e t d h a e t a c n h i t i g a t e d c a m o s s p i r n o g d u c e t d h s e d i m e a t i n g e a l i f z e o t h h p r o p e r a b a n -
5 0 m 3 c s f e d i m e w n h t i , c i h a b o w t h e - f o i f f t h l a t d o n m e o n f t o a d s i k t e d y l e s s .
w h i c n h i g h t a v t e e e n p r o k l a c t a n d i t i g a t i G n i v e h s e c a r o f s t c y i e n t i r o b c u s a t t l u d y t i h e a s t
n o d c c u r U a e d f o r t u r s a h t o e r l t y - i , t m e p r a m s t u s h m i g h r t e d u c c r e o n s t t l a e i m c e r t a i s a d o y i a t e d
a s t h e s e m c a t v e e i n n c l u i d n e l d e b s i t c b e f w i t p h o t e n t e i f a f l e l d y t u i t v n e t e s m t i e t d i g a t t e i c h n -
P A L C S n C D F e s t i m a t F i u o r n t s h . e r e m b t l e o u g h i q u c e r s e , p t i w c o n u b d e f o P r A L C D c t e p t o m i s -
m i t i g a t i o n m a y r t e i d w u t c h e i e r e p a f c r t o p n r e - i n n g e t h o a d n s d v a l i d a h t e e i f r f e c t i v h e m c e u s g s h
v i o u i s m i p y r o p e r l y a h t a a r n v d e o s r e a t a t S R e a n e l t h e o u f s a r e f d u e l s l i y g a n r e d l x e c u n t c e n d i t o r i n g
q u e s t i t c h r e s o n c e o p f w t h e t h e r m t i h t e i s g e a t i p o r n o s g r a m s . P a i r e d w a t e r s h e d s t u d i e s
s h o u b l e d t r e d r i e t I s a t t a v a r a t u b r a a c l k g r o a n d e s i d e r l a b g b l e n t h e e f f e c t i o v f e o a t d s r s e a t m e n t s
o f s e d i m e n c t d u c t i o n . a n d e m o v o a H l u m b o b c d b s s D m g e s p . p r o t a c h
T h P a n a e l s q u e s t i b v e e s r a o f t h e x t r e m e b e c o n s i d i e s t e d i m h i a t r v e a t u e n s t t i h l e f f e c -
l y h i g h e s t o i f m r a e t d a i s t s s o c i w a i t t e h d i t i g a t i o v n e n o e f t s h s p e r o m i s n e d i g a a t p i p o r n o a c h a e s s
a p p a r e n a t l l c y u l w a i t t e h d o r s t - a c s a s u e m p t i o b n e s e . n v a l t i h d r a o t u e g d h m i t i g a r t e i l o i n a p b e i l i t y
T h e P a n e n l a d e e f f o t r o s s e e k u n e a s u r e m e n f o r m a m c o r e i t o T h e g t e r m a p t p i r v o e a c h p e r -
b a s e d u d t i h e a s t i g l s t u p p o h o l s i e g e h s t i m a t n e i s t , t a i n c g e l e t i a n h l e h e l a r r v e a s t h e a s s e c h t h e
b u w t a s u n a b t l o f e i r s d u f f i e c v i i e c h e t i n s c u e p p o f t u n t e s p t r e c d m i o s f n e i t i g a s t t i r o a n t e v g i l i d n t s , h e
t h e v a l u s e u s g g e s b t y e P d A L C Q c f M a , d e 2 0 0 1 ; o p i n i o d t n h R e a n e l , t d a e a g n i f i u c n a c n e t r l t y a i n
M c C a s h a i n d R i c 1 e 9 , 8 3 M a d e (j 2 0 0 v 1 r) o t e t b a t c o m n e e r m s d o w n s t r s e e a d m i m e n t a a n t d i o n
d e c o m m i s s i s o t n r e e d a c m r o s s i n g R s e d w o o d w a t e q u a l s i t t a y n d l a e d m a g t .
N a t i P n a a r l k e d u s e d i m p e n c t d u c b t y a d r e a s t
a f a c b d f r o u a r n , p o s s i b l y c o m m o p r a e r t , e t d h a t B a c k g r o u R a d t e e s f S e d i m e n t I n p u t
w h i c h m h i a g b e e t e e n x p e c f t r e d m n t r e a r t e s l s A s s e s s t h i e m p a o t h s u m a n a c t b i y o v c i m p i a e s -
i n g C s o m p l e d i e d c y m m i s s i o n a i n s t g h p a r k i n g a t e q u a l s t e y l i m e n t p r o d a u n c p t t i h o e n r ,
r e d u s e e d i m p e n o t d u c b t y a i f o a n c o d t h r t e d e e n e n v i r o n m v e a n r t i a a t l b a l n e a t u r a c l c l u y r b a n c g -
c o m p a r t e c s s e d i m e p n r t o d u c f r o m n t r e a t g e r d o u n d a t i e s a n a p p r o a c h s e t e h n a i s t n t u i t i v e l y
r o a d s a n a d j a c w e a n t t e r s T h e e d l e c o m m i s s i a r t e d c a a r t d o g i c a l . B a a k l g o v e n a l n e ,
r o a d s o w e v e r , s t i a l n a l v e p r o g 4 e B o n e 3 d f h a r d l o d e f i S e d i m e p n r t o d u c (a o n d p o n s e -
s e d i m e n k t i l o m e f r o a d . S i M h d i G a s r H i y c q n u e n t t l u y r , b i d i a t f y u) n c t o i f e p i s o t d e i c c t o n i c
a n R i c (e 1 9 8 3) n c l u t c h e a c h l a y b o o t h e - q u a r u t p e l r b t e d r d c y l p i e n , c l u t h i n g f l u c e f f i c a c t u r -
o f t h e r o s f o o f m o r e s s a d s o r t h w e G a t e i r i n a g n d o l d c i n g m a r t e a t h p e a r r , t i c p r l e a r l y
f o r m c i a n m b i e t i g a s e d g n v e n t i o n a l e c r i g p i i n t e f e d i r f c e r e q u e a n n c d y u , m a a n c t i t i v e T s h u s ,
i n g m e t h o d T s h . e r e m a i n t i h m g e e - q u v a e r t e e s s e d i m e n c t d u c a t n i c b u n r b i c d a i b t e y x p e c t t o e d
a t t r i b o s t i e d e n d i t a n o d n s i g n m e n t c h o v i a c e c y o n t s h i a d t e i r e s t p l a y c e a (m i o r e v g a , t e r s h e d s
c o u h o b t b e c h a n g E d n a t h P a n e b t e s h a t a n d w i t h i n w a s a e f u s k t e d o f g e o l o a g n y d
s o m e P A e L S C D i m a f n e i s t i g a e t f i f c e n c t i a v r e e n e o p o g r a a p n h d y i) m r e e g a r d o l f e u s n s a a n c t i v i t i e s .
b a s e d w o r s t - s c c a e s n e a f i o e r x s a ; m p t l h e a , t v e r y B a c k g r c u o n d i t a i r o e n I s s l o i k t e d o y e e p i s o d i c ,
m i t i g a t h e a d h n c e r l o s s w i c n u g l h d a v e o m p l e t e v l i y t h o n g e r i c o d f s r e l a t q i u v i e e s c e n c e - l a s t i n g
f a i l a e d c o n t r i b l u d a e g l a n d s u e n d t i m e o n t d e c a d e s , c o e r e v e n m i i l e l s e , n n i a - p u b n y c t u a t e d
t h w e a t e r s (P e A d L 2 0 0 2) n o r l e i k s e i l t y u a i t s i e v e n o t f s h o d u t r a t b i u o l n a r n g a e g n i t T l d e u r -
t h a n l s y o m e f t h e r o s s w i c n u g l s d a t h a n o s o t f t h e b a c o k n e o o k n s r e o v t h e m o r u e n c e r t l a e n
t h f a i l w o r e l n o b h a v e b c e e n p l e B e e s t l . g e o l o r g e i c o o b r e d c o m a e n s d h r e o r e i f f i c s d o t
1 9 9 5 M a d e 2 0 0 1 a n d t h a s t o m e c r o s s w i n g c h i n f a e n r y t h m i n g e h a g n r o s s a v e h a f g a e i s l t o
f a i l e d n w o c t u o l n d t r i t h t h e a e x i m u a n m o u n o f c a p t u h e p i s c n d a i t c u o r f e a t e r s c h h e a c h g T h e
s e d i m e T r h t u s a 1 0 0 % a i l u r a s s u a n p e t w i i d n l r e s u l t t h a a t n y a b e r f o r m w l i a l l l t i m a b t e a l y
p r o b a l b e l a y c d o v e r e s t o n f t a h t a e n s o u o f s e d i p r o d o c p t r o f e s s a i n c s n c a i l e n j t u i d f g i m c e n n a t d , e
m e n t t h a i t a c t u a s l a v y e l d i t . s t h e r e t f l o R e a n e l ' w s i t h a i c r o n t e f n t i g v h a r i a l a n t w i i t h y o s i m p l y
o p i n i o n o m p a l e d t e e c l o y m m i s s r i o c a n d e l s c o u l e m e r g e o t m h e a t a .

FINDINGS

Ittecaraeppardeunrtitnhgeanewlo'rstkhathe preddiucttpugtisv,en inhnpbtcasien,pumtasy relevwaonrtkidnegfin btfbiaonkgrdiunrcdudéaclubtlaereoafforesltaentdhaithsarvesotred mosdftth2-0 tChent uartyi,mdeurinwnhgidHhum- the oéstuet,exfaomrpwlheei,dtetpmatysinclude bolCdunty watverrsbheeidhsgeavily lowgagteydri.edrsledimyeinéld. Thergeenærrealtwo Sciendcinsotksnotwowla2-0 tchentsuerdyimeratpproadhmeusmerimcoadleIianngd,hmeodels producithlomboCdtunwtayterschendpsaredsescribedwfallcaitnetgoorbioetsh. tqpeakistthgeolorgeiccobrudtt,hRanestonfi-Empirmcodelrepreserenitronmseynsttaelms dentthaittsabovtehleasellienveetlhsextisteidrtermsrelatsivmprlyeegressione-qduear-ived betwereanrseediment-pevedunbtesfhgtrhee tiotnhsatelatetionuptuptUSthseayrmeodistrib- advemftommerdbagtgiTnhgeNCRWQCnBustutendeanitnhgathepyrodwcuetptuhtactarraies decwchee tlteaisnapproprdcreifaitmeoitfbáokn-valdietrhwshole sy(setsegemdimyimédflodar grouMdrworiksneedtedocumetmhleistomwih-olweatersHTehde)q.uaticoonnstaonstants cawlatequalfidtryhéivsdreamttshteimtehe andoeffitchiætntasdrierenmcettllayttqeldysical- standavredrsedoptaenddsubsequtrenhfdosrlymeasurpbrbpeerotftihessystWrhemdevel- eacshtreSimnctleentwatershaedcdechis-opinagnempirmodletlhemphasisussually turbaetvdaribumeistheas5y)eaosepticoplacoendbtaithlaegsptossifbibleetween pre- woubdetsotablish background lelvicltasmdwbistehrovreedsplbtctdftheomplexfity nearby minimalolrrye fdeirsvetanutbrebrschedtsh.environmseynsttaelmsconceawlietdhtilme Onpromisaipmgrotadlevelowpaitnegquali'-blaolo'fthempirrieclaaltiovmlshmlpeans tystandaimsduscchomplleaxndscvapesd rethyetmpiricalambedsastsidmreseaernvhi- onarelatiobnesthwiepseunspensledim(ntronmewltesrtehperimáoyusnunderstanding turbidinitsyt)realmschafrogtreess-distthrienetdepnadeandsheiinrterarcattilbdmn, watershtchdastreotherwsiismeitetrhéiveongetteixnagctthlÉyrigahnts"wBecauosftheeir watersbécbsnceArthheamémseuspendesdimplaoidthyeadchaintepmatesasrsesot sediment-driatbmgrgceosubddeveloperdirectly simulamcedle,hsemmpeilraitciavlely foFreshwÆtlSr,t,iBzaaan,dJordwater-lowtatraequireamnechrtesasyaptply. shedPsa.ired watershoefsdhiafmtshysates PBDMussuarlelpyreesrenitronnseynsttavhisa ingurvweosulhdelapgencsieepsarsaitgenificlairfffereeqnutaitaWlorsaeltlhteermisthequa- increasfseesdimelnutetotimblearrvefsrbmtioanrsmeasurpbyeiqcuæaIntitireasin(fea.lgl., thosleavbulhdavœccurwrietdhburmaanctivsioéfodibeitlcT.h)y.ir amptbuttspatsepa- tieRse.sideimntlsFreshwÉterwlatershédadlilsytrinbeuatreidfn,ger,xamptlhea,bédodi- havtbeemollectingdastfaoijrtuatbhlteypoef bilitybemasltculfaotreldtiffesrœinltshén analyasredsPAb6®ndicadeslitrdeeginwatersahredsleparvaatleuæpsplifedt saulbl- simiwatreqrualnidryitoefifngTlhsP.anelwatersAédsee,dimyeinetilsdalcualaatsepda- undersctohreesnteedlevelop sseedimadettially arraoynimtghe ub-waterWshheends. rating fcouerravcehfthéiwatersfTedlsor-developPiEnDgMt,hemphasisgsenerpallayed danB,eaaan,Stiwtaztersbaedsdoccupbyedonhavitnhgaosstcientirfiigcoarrlodupsresenta- permaneenstidlemtasmaorteectonacalvtyiorftnmaiphysipcrocbesasnetsheiinrtercon- andsteepnthaveexperiemnodcdbdlyferentiWlmislaccuracfoytpiustighdleysired histoofrtymbhearrvest. andsougahfttRÆBrDMasrgeenermaolrlwaylufeodr accurarteeplryesehhtéimtgewroarlkionftshe environmseynsttaelmafnoprroductihnègright' answ.Becauosftheeciormplexnidtyéadthat

Approachtoo Calculation of Allowable Rates

Inordtecolaritdfsiyscusosnsipencaipfpcoachaelslquatirenqsuphryesimæalsyurptalreame- tocalculoafttlibonwlabtlreeasttlsRanlasls tertsh,ehyavveerhyigdhatraequirerenmatrse prepatrhefdollowumrgaorfgeneaapproache-ruynrelwlabltlhedcatarreoavailable. esT.hmethoddisscubsédawreodedfwater-Asagenermaullempirmodelslasrsedin shetdlehavairodrespothstimbhearrvesSsutch "applicentviomo"nwlarttshemphasisos modelsetkorepresemplpehxysiecnavlirogettlhmgosaccurate anrswirmdaalttah mentsaylstensslsesscsmplneuxmersyatetmos,collewthiidPnB,DMasrseidrl"reseaernvhi"-

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ronmenwhse rlea rgeatcao l l e c t i o n a l e f b u d g e s t u s c a h s t h o p e o p o s e y D r O ' C o n r f o r j u s t b f e i c e a d o s f t e h i e n s i i g n h t t o h i e n t e b e a l a v - t h E e r s h w a w t e r s r h e e c l u l a e g r o u n d t s i o o r f t h e n v i r o n m s e y r n s t t a e h m a i g a i n b e y d u n - d a t a a n d c a l i b r r a e t l i a c t m o v t e h p e o r t e n t u i s a e l f l u y l n i n s g u c a h m o d e W h i l e P B D M t s o n a c r e e p t u a a l p l p y r o a c T h e W S E . P R h o d e f l o e r x a m p l e l , o e s m o r e e a l a s t h i a c v t e h p e o t e n t t c i e m l o r p e o w - v e r d y e t a s l i e c d a r a c t e f r o s r m s a w a t s e r s h e d s e r f p u r l e d i m o d e t e l s a e m p i r m i c a d e l o s t a i n t - h a r t e q u a r e e f f i u e h l e d a s u r e m r e o n a t v s a i l a b l e i n g m o r e a c c u r a t e a a P S B V D E M i r s r a f r e m i f r o m s e c o n d a r y T h s e m o u d c e l a s s e d l y D r . c o m p l e x v i r o n m s e y n s t a d t m e s c a u s e t h a e O r ' e C o n o o b r e h a o l P f A L C O r a l s v c e r s y e n s i t i v e a l m o s t e v e s r u f f i c i a e t m a b p a r a m e t e t h i e z t e o t h m e o d e l u s e t l o c a l c u s e d i e m e m t r a n s p o r t m o d e l l m o s s t e t t i e n m g p s i , r m o d e l a s m e o r e r a t e m a e n t c h o u d s s e t l o e s t i m t a h t e e e s i d e n m e l i k t e d o y a c c u r a t e . o f s e d i m e n t o r i e n t d h e h a n n e l . P r b e a d s i e c d t i o n s T h p e a s k t r e d a i m s c h a p g e o a r c h E m p i r p u r e o l n y m o d e l r e e d s u a l r t s u b j e c o t n e t o t w o i c S e d i m E n t u d g a e p t p r o d e l a c r b l e e d a w r e o r d e o r f s a g n i t v u a d r e i a i t r e o t i m a t e d s e d i m e n t e x a m p l o e f e s m p i r m o d e l I T s h . e M o d e l S e d i - t r a n s p a t e d e s p e n d c i m t g h e a t e o f s e d i m e n t m e n E t u d g a e p t p r o a r c h o r p c a l a t r n g u e m b e r f t r a n s a p r o d r t t o r a l g a e t a s s e m e d . b o t e h m p i r i a c p e l h y s i c a l s l e y d s t r i n t o c u d t - e d T h e l a r g n e u m b e o r f c a t e g o (r m e s a g e m e n t e l A s a n o v e r a e p l p l r o a t l a r s a n y f t h e h a r a c s - o u r c e s , l e g a n d p a s k g r e e s d c a e n s d) t e r i s t a P B S D M . s c a r c o i f e t m y p i r i c a a t r a e q u i D r e O ' C o n t c o r e s t i m a h t e s e d i m e i m t p u f t o e l e v e y p e o s f s o u r c (e s s c i r l e b p a , n e k r o s i a o n s m a s l t r e a m - t s i i c l r e a n d s l d i e d e e p s e a t l e a d n d s l s i h d a e l s l l , a v n d - a r t i c u b l y M a r t M e u d n o C D F i b a s e p d i m a o r n a l y s l i d e h s a r v e a t t s s u r f a c e e f l o a s n i d c s n l i d e s , c o n s i d e o f a t h i e n f l u c e f p c e p o s i e n d b h e a r r - s u r f a c e s i i c h n a r v e s t u n i t o s f t r a c b e i e n v e s a c t i v o h p e s a l s t r e a m d i s (c M i u a n r g f i l d h e a d n n e h o s o d n l o o r w d e a l l f e i y l d a d - 1 / 1 4 / 2 1 0 0 0 2 e n) s o t t a k i e n t a c c o s e t d i m p e n d c t - r e l a s t h e a l l l a v n d s l s i u d e f s e a c e s o d r n o a d s , d u c t o c r h a n g i e r t s h s e d i m e n a t n s p a o p r a t c i g t y l l a i n e d s u l v e r f t a - i f l i u u l r s l e i s a) g l e a f s i t v d e i f - o f c h a n n t e h l e a t i g h r e s u f r t o h m a r v E s u t r i t n h g e f e r e n r e t t h o t d h s a t r f a r n o g n e e l d s t u c a r e v e i y a s l P a n e l ' s d i w s i c t h u h i s n M , i r M n n a l s i o n d i c a t p e h d o t o g r i a n p v h e n t d o c i e n s p u t m e o r d e l l s t i s t h a t t h E C D F a p p r o a t c o l e v a l u a c u i m g l a t i t v h e e r e v f e o r d y e f f i c a u s l e t s h s e e g r o e f e e l i a b i l i - i m p a c i t s l s e s i g h e n d a i n t a h i e u r r é e v o e f l t y o r u n c e r t a e i s r s t o y c i w v t é d l a c l s e d i m e n t i m p a r c a t t h t e h r a p n r o m o t t h e e e c o v o e f r n y p a i r e s c b u r e c s e t i m T a h e P a n e q l u e s t i f o n e r s x , a m p l e , w a t e r s h A e s s l s c h h , a s p p r o a c d l m , i n i s t l y e r w h e t h s e o r t e e p u a l c y c o u f n o t a r s n o r d e f m a g - C D F y , i e l a d h s i g r h i s h a c t u r r e a t v e a t v e i s I n i t u m d o e r s e d i m e h a h n a r v e s t s t u r f a c e - n o a c h i e v e e o v o e f r y n e f i i s e o a f W a t é r t h e s i o a n n d v h e t h i e t r s t r u a l b y a c k g n d p r o c e s s . i m p a i w r a e t d l e o d i e s . L i e k v i s i e t , s l i f f f o u I P t a h n e e d u n d e r s t a e d l o g b i e c h i o n d l a s s i 4 f 0 y % o f s g h a l l l a v n d s l i n d e s h a r v e r s i t a t s s a t u r o a c l c l u y r e v i e n g t s . n T o h t i s i s t o s a y h a a t n y g i v e l a n d s w o d e o d r w o u l d n o t n h t a v e c c u r r é d l a b i s e n o c f h e a r v e o s r t t h , a o t n e c o u l n o b h a v m a d e a r e a s o n g l o b y e s t i m a t e g i v e m o u g h a t n d m e n e y b u t a t h t e h r a i t t s i m p o s s i b l e v e a l u a t h e e r a c o i f s y c h l a i m s f r o t m h e n f o r m a p t r i o o v n i t l e a d T h e P a n e a l l s o n o t e l s a t c s r o e i a p d l e e - s p e a t l e a d n d s l w i e d r e e s i n t e r p a s b t a e c d k g r o a u n r d i d n d e t e r m s i e n d a i t - e m e n t s o u r c r e e s s , p e c t O i n v e e a l y a s a l r y u t h a t - d a t c a a l i l n s t q o u e s t s i o o m e f t h e f e i n d i e n s g p s e , c i a h g e c a u s t e p h y ! ' p l e a a s t i g o n t é t e h r a u p s - l y w h e n t h f e i s e d i d n i g s s a g w r i e t e h d a t a o n b a l s o e p d a r v e s t i n g e a t s h e e s m o u n o t f w a t e r e m p i r s e d l m b u d g e M t o s d . e l - b a s e d i m e n i t n f i l t i m a t t h i s n l g o p T h e r e f o o n r e e a , n n i o n t f e r ,

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i rt hæb s e rod seu p p o rdtai trtagh, a t lbæ ne ep s l i dme p s ar ce t l a t dbv a e c k g r o luens ds a t h ha n e s h o l d
a r ne e v é r i g g tæ y h e a d v e s t - pr r e a l c a t t i e c d e s . r a t i o (R e i w d h i u c s h e c d u m t t. o a 2 2 0 % i n c r e a s e
F i n a t y h, P a n e o t é a i f D r O ' C o n n o r ' s i s s e d i i m e n t o b t a h s N e C d R W Q C E B a s P r n a p r o l i c y
m e n b u d g i e s a c c e p a t f d a c v e a l u i e s , h o w t s h a t t h a t u r b i s d h i a t l y l b e n i o n t c r e a n s o e r d e t h a n 2 0 %
m a n a g e m e n t - s r e u a c p e r s b d u 5 e l 8 % * m o r æ b o v b e a c k g r d u e n v d e l s) . I m p o r t a n t a s s u m
s e d i m t e l m a b n a c k g r o n o u d b e s w e 1 e 9 n 8 a 8 n d t h E m p i r S e d i m B u d g a p p r o a s a h p p l i e d
1 9 9 7 . f T i h g i u i s m e c r e a t s 7 e 0 s % i f e g a s c o y u r c e t s 6 e a r C a r r e e : k
a r æ d d e t d t h e e f f e o c f r t e s c e t n i m b h e a r r v e s a t s i n g ,
t h e p y r o b a s h l o y u a l d e v e l m i g h i e s f r o m e f t h e
a r b i t a a s i g b y r æ c d k g r o u i m c d l e t e r m a i e d a t e
i m e n s t o u r c æ r s e a c t u a m l a l n y a g e m e n t - r e l a é e a l a n c a t l e a n t b y r i a e f d a c L o r
A l t h o u g h a p e r c e n t c a a g n e n s t o e d i r e c t h y
v e r t i e n d a o n e s t i m o a f t x e c e s s t u t h t s c i y l d e i a t r y l , y
i m p l t y h a m t o d e r t n i m b h e a r r v e p s r t a c t i c e s i m p
m e n t e b d y P A L C G t i r l e l s u l i t r e s d i g n i f i c a n
i n c r e a s s e e d d i m e p r r t o d u c t i n t o b h m e F r e s h w a t e r
C r e w a t e r s i h r t e h d e a $ é e v e c a d e s .

T h e P a n e o n c l u t d h e a t h l , t h o u g h M o d e l e d
S e d i m B u d g m e t t h o d p r o m i o s v e e t r h t e o n g -
t e r m m a j p r o b l e m i s t s h t a r i e n h e r i e t n h t e s e
o f a c o m p l i c s æ t l e i d n h e n d g e t a p t p o r s o t a s t h -
l i s a h l l o w a t b i l m e b h e a r r v e r s a t t e F s o . r e x a m p l e ,
m a n y q u a l i t j a u t d i g v m e e a n t i s s u b u r o e f s s e d i -
m e n á r p o o r s l u y p p o r b t y e d a n t i s a t u i d v i e s .
A l s t o h e q u a l a i n t d y u a n t o i f e t m y p i r d a s t a t a h a t
a r a v a i l a t b l i e t e d o y e c o m a e v a i l a v b e t h e
s h o r t - p t a e r m m i , c u é g a r t d y h e g f i o a p c r y o -
p o s e n d i t i g a t e i c d m i a q u k e e s y , i m i f a n g o r s .

E M P I R I S E A D I M E N U T D G E A T P P R O A C H

T h e a p p r o a n g g e s b t y E d R e i o d f t h R e d w o o d
S c i e n L c a e b s o r a (t R o e r l y 0 9 & R e i 2 1 0 , 0 0) a , I s o
a s e d i m e n u t d g a p p r o a b c u h t i , t i s e m p i r i c a l l y
b a s e o d n o b s e r v d e d f e r b a c t v e e l e a r v e s t e d
a n d h o n - h a r v æ r s e t a E s a l . c w h a t e r s i h s t e i d v i d e d
i n t a c s e r i o e f l s a n c d l a s s R e e s i i d n i t i u a s t e t d w o
c l a s h a e s v e a t u d h o n - h a r v E e a s c t h e d t . a n d s
h a a n a s s u m t e a d c k g r o e e d d i m p e n c t d u c r t a i t o e n
(t o n s / y A r n / e r m i p 2 i) r . i a t f d a c t t o n e q n u a n t i f i e s
t h e e f f e c t a r v e s s t e d i m e n t T h i s p a t f a c t o r
i s l e n o t g e c h e r a a s L h y e r e a (f a t u s s r e b d y O ' C o n -
n o R e i u d s e t d h s p e c i n t i m b e r . 6 B) a . s e o c h t h e
f r a c b i f a o n a r e s a u b j e c h t a r v e s t d f r a c b i f o n
s e d i m é a i s n f e r r e d e f r p d a n t o t g r i a p l d -
s l i v d e l u r e e s t i m a f t r e o s m a r v e s t e d L c a a r n e a s
b e e s t i m a a h e u d s e i d n a c a l c u l a t d i e d e r m i n e
t h e a l l o w a r t a l t o e f t i m b h e a r r v e t s o s t u s t a i n n

*O ' C o n n (2 0 0 f 2 i) g , u t r 0 e i s t h s e o l l o p v e n g e n t f a o g r e d i m e n t
i n p u o t v s e t r h E r e s h w a v a e e r s h n r e c o m 9 8 8 - 1 5 9 % n a n a g e -
m e n t 3 , 7 % b a c k g r o a u m c 1 % l e g a T b y i g s i v é 5 6 3 7) /=3571 %
m o r e r (5 - 6 7 3 7 -) /=3 7 1 % n o r e l t e g a e c f y f e a c r t e s n c l u d e d .

- A i x e d r p e o v i e e x d i y s d t e s n p o t n e , d
  d u r i n g w h i c h s e d i m æ t h h t e p r o d u c t i o n
- F o l l o w h i n g r i o o f r d y e a s s e d i m e n t
  p r o d u c r t e i v o e b r a t c s k d t h t e a c k g r o a n d .
  R l e e i u d s e n d 1 - 5 y e a r s b e c a u s d e e n h a t
  P a c W a f t i e c r s A h s e s c b c i 1 a 9 t 9 e 8 8 a 9 , 9 8 b ,
  1 9 9 9 a , i n 8 9 9 e g o w a z i e m g a h s e d s
  h a r v e s m e o d e y e t n h o u s g h h s e l i e t v h e a d t
  1 5 y e a w a s a n u n d e r e s b i f t m h a t r e e
  r e c o v t e i m y e i f . i t s r u t e h a h e e c o v t e i m y e
  i s u b s t a n g t r i e a f t h e g i n 5 y e a t s h , i s
  a s s u m p w t i i b h t t o e v n e d r e s t t i h m e a t e
  b a c k g r b a m d s r l a i s t d e e p r o d u h d i g h e r
  a l l o w a b m h e h e a r r v e a s t t e s .
- T h e e d i m e n o t d u c i t p i r c o r p o r t i o n a l
  l a n d s v l o i l d u e m a s e r o v n a d e r i a l
  p h o t o g r T a h p i a s s s u m p w t i i t b e h n t c b
  o v e r e s t a i l m a o t w l e a b r l v e e a s t t b e e s c a u s e
  l a n d s a i n e d c e t t s h o e n l p y r o c e s i s n c r e a s e d
  s e d i m e n o t d u c d t u i e c t n i m t h e a r r v e s t .
  I n c r e a s e d s e d i m d e u n e t c h a p r v o e d s u c t i o n
  a e r p i a o l t o g r h a p s h o s t e e a n c c o u r f b e r d
  A n y o v e r e s t i i a m l a e t a p s a t r t i o a f l s y a t n
  u n d e r e s t i n m a b e y i d n t e r p r o e f t e a r t i i a o h
  p h o t o p g h y A a e r p i a d o t o g r a p h i a r v e e n t o r i e s
  k n o w t n o u n d e r e s t h m u a m t b e e f o l d
  l a n d s l i m d e e a s v f i o l r y e s t e r d t a h i e n r , e b y
  o v e r e s t i t n m æ t h i f r i g o e f n e e e t r i n t m b e r
  h a r v æ c s t t i v a i n t b i s a e c s o n s e q u e n c e ,
  u n d e r e s t t m a e l t l i o v g h a b r l v e e a s t t e
  (P y 2 0 s 0 E D r ; a r d i a m 6 n l i a y m a 2 k 0 e 0) r 1 ,
- A n y i n c r e i a t s u e r b i i d s i q t u y a d t h e
  i n c r e i a s s e e d i m e n o t d u c e t s i t o i n m a t e d
  f r o h a n d s v l o i l d u e m e s .
- A l t h o t u h g a e h b s o l r u a t b e s s e d i m e n t d e l i v e r y
  f o r e a c h l a n t s a s y p o d a f u n c b i f v o e n a t h e r

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and lima tree, latrhaietvieodsi fffoedrnaendt clasasreeson stiamdtesperodiveerattther and limSitetaendotwayt,hreafeactor L, thquantrifliaitsnicvreeased sedimtehleighhazazrodneTsh.eallowanbyleehrarvest producftriobmarveasrteeidsson stant. Reidt'sarhegytsthatheotvaollumfe sedimfemotbmrotchlasmsaeysseexpecttoed incredausrsiwnegyeabsatrecently harvestevaldontrLtiumhasmuch sedimpeenurtnatreaaacomplehteallyed are-eagardofiveasstlaendlimTaltes assumpatniothnuseefrelasteidviement inpruattteosuntaprrsinccirpiltetichDstrm. Reid's estfinmrateleasredtsloinding recehatlryestamedtheiasbeedcatusbey arbeasepdochatfarourmusuvedyleyars.

A secorsd,igmotfgomplicaantældyfsoirsth Nor FbrEklRkivvearsexpandeichcltuhdteime-dependeefnfteocftosn-landsedimdeentiveryytpesunittimfeothleigh-haazrærads tanred intermofs anpruaplorotfiaomopeymovTahli.slower hazard ahraeraysie.sthabpeopofrtion extensisieldanrdlarsasfactors fardcomptheetdhwaterschleadssashiieglhazaarddlecared resuolftsst-hasrevdeismtpenddufctriobmhe CaspCarreekperimweanttearlshed.

Dr. ReitdEnkpeprtSieodailment aBpupdrgpeatihrannyear peorftihopdrporodfwcanertershed simpolyesithgrleaerdclasses:

- Highhazaarrdetalsavtinlevleharvestey butyewnithbsatvesmtaiynngoduce sedimæntantatleovtehbackgroandd of lchvaezraarrdeas.
- Averatgleowazaarrdetalsavtere harvesmbrethannyeaarsgca,re complehteallyendpdrousceedimæint backgroandds.
- Averatgleowazaarrdetalsavtere harvestedthannyeaarsgca,rreot completelyanhdehaelreedf,rordeuce sedimæintatætsovbackgroand.

OnefthertiicfDsRhesidapsprotaceltimap slide-dseerdivnredeltiv(esreye AppCe)nnddix fourtdhathperoporotfsiedimfendlmighhaz-arsdreasslearrellyattdetdlperoportairoenaal ,ttheqtuantrifliaitsnicvreeased sedimtehleighhazazrodneTsh.eallowanbyleehrarvest proporctaiboeexpresesqeudivalaesntly

$$N_T = \frac{(S_{RT} - 1)(1 - R_1 R_2)(1 + R_1 R_2)^{a+1} - R_1]^a}{(L-1)(1-a_h)} \qquad (1)$$

or

$$N_T = \frac{S_{RT} - 1}{(L-1)(1-f_h)} \qquad (2)$$

imwhiSRhristhallowabtresledidment yield rat(iSo=1.i2RReidtlasculaLtiisohnese)d,iment producrtaitfoenc forrecently harrevlested 9.f6oBreaCrreekRReidtlasculaatrioh)hist,e propoorotfsieochimsenupplbiyaldghhazaarrdeas

$$f_h = \frac{a_h(1 - R_1 R_2)}{1 - R_1 R_2 + a_h(1 - R_1 R_2)} \qquad (3)$$

Equat(i3ss)thowtshafthisa non-uqiuanteity thaitsontrolyalceodmbinaotftiholeighhazard arevaithhferlodhhaamvdehseatoitfoackgroand sedimpenddufctriobfenchrighhazaradd harvesatraebTlesutsh,earreaeninfimuimtbeef combinadR1R2,sandhthatagivreistcany

OnefthertiicfDsRhesidapsprotaceltimap partivcallonrfhE.quat(i3o)eductefs=hfor ingandslidesedimmeaslleenthaitloes thspeccifasbefR1 = R2. ThePandtbelsowever, noetxpliacdctdlyrotrhperoporotftiowaterrotteh DtRepdrobaobvleyrestthmeatlodtl shetdhaitslecLaurneadvaifahbalrevbeetaus(9f6BreaCrreekd3f0NorFbrEklRkivley) ofhiglhandsthazlards (O9.9Blancshteiatdinclduldaimndgstheslesfstriotmgmberhialrowest specitfhipersoporotftbeotwaalterssheedli-tcaverageahraezaasvedlashighhazaarrdeias mentproductthiatomefsrolmighhazard arwehaisd.hutlogpingsumably wouldheot occ ThePanthlasse-derived Reidf'ostraequsattuidb(inRsacWafiersAhsesdocia1998,1998b,

ED_001292B_00001188-00024

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1 9 9 91a9,9 9tbh)ÃDtrR e ibdas shde c a l c u l a th i otnasi ri ttyh ie n i tr iaa tle f a c tc o m ss e a qru e inn c e s
t h e e d i m e p m t o d u c ft ri o m m o v a n c h i g h h a z a r d e r m s d o w n s t r s e e a d m i m e n t a a n t o v i a o t n e q u a l i -
a r e a s m a k y b a e s p e c i f e i x c c a l l u l d y e d h a f r v e r s a t t y a, n d e c o n o m i m p a c o t n s h e a n o d v n e r (s o t h
n o s t e p a r a t u w r d e t h h e o l u m e s e d i m e n t f i r o m t h a e n r d o w n s t r r e e a s m i d e n t s) .
h a r v e s t e i d s s e p o r T t h e e d r . e f t o m e a f e a c t o r T h e P a n s u g g e t s h t a s h e o l l o s w t i e n p g s t a k e n
t h e R e i u d s e i d a n a g g r e g a r b t e m o t l h o v a n d i g h t o r e f i t h m E m p i r S e d i m e B n u t l g a e p t p r o a o h
h a z a a r r d e A T s o c . a l c u a l n a t e o w l a b a l v e e r s l t o w t h p e o i w h t e r i e t a b e u s e b d y t h N e C R W O C B t h e r
h a z a a r r d e a r s l u y s i e n g u a t (t o h r (s 2 r) e q u i r e s r e d g u a l t a t o r y a g e a n o d e t s h e i r P A h e a C r O v e s t
L b e e s t i m a t o t e h d l e o w h a z a a r r d e a l s A p p e n D i x e n t i t o c e a s l c u t l i a m t b e h e a r r v e a t t e l s a v t i h o t
w e e x p l o t r h e s d e n s i t t i L v a i n t d y o u r t h a u h l e s s i m p e t l e e e c o v o e f i r m y p a i w r a e t d e r s h e d s .
t h e o g g i n a g e i n f c a r c e t a o i s r e e d u c e o c h s i d e r -
a b l f y r o R m e i d e 's s t i m a t D e e S r 1 3 d o w h o v a l u e s F i r o s o t n , d u e x t p l o r a d t a c t s a e y a r t c d l e t e r -
a p p r o a c 4 H t h r a t g h p e r o p o r o t f a i r o e a a v a i l f a c b r l e m i n t e h e a v a i l a p r i e f e y i a r d b i l g y i t a l f o r m a t
h a r v p e s r t y i e a s t i g n i f i c a n t e l a y s e d . a m e n a b t l o S I S a n a l y s f g s e , o l o m a p s ,
O v e r a l h R a n f e d u n d E m p i r S i c c a i l m B u n d - l a n d s h l a i z l a a r r a d p s l , a n d s i l n i v d e e n t a e r e s ,
g e a p p r o a c o l a f u n d a m e r s b a u h a t h y a t a l e v e l i a p l h o t o g r a m p c h o s p o g r a m p a l p i s c
o f l e t a o i n h m e n s u w r i a t t h h e l e i n a t r s e a l m o u n o t f s
d a t t a h a a t r a e v a i l a b a l a e m a d e v a i l a n b l h e , S e c o n d e y e l f a p n i o f l e a s n c d l a r s a s t f a c t o r s
n e a f r u t u T r h e e f . i e l d - l b a a n s d e a l r s a s t f a c t n o e r c s - a c c o r d t i o b n e g d r o g c e k o l o g e y o , m o r p h o l o g y
e s s a t r o y u s e t h i a s p p r o a a l b e e s t i m a f t r e c h (e . g . , i n n e r p g l o a r n g a e r , - c s o l w n a v p e e x s) ,
e x i s a e m g l a d t o g r p a u p t h l s a , o a y l g a e b o l l e o g i a n c h a r v e m s t h o d s . g n , t e o r f c s a n o p y
a n d g e o l o h g a i z c a m r a d p s a , n p u b l i s h t e u d t o é s r e m o v p a e l r c e n t f a c g e r e a s c y h f t h é i w e a t e r -
w a t e r s h u e c o h s C a s p a r C r e s e t a f s e T h i m e n t s h e c S e d i m p e n d d u c a t s i s o o n c i w a i t t r e h c l a d s
p r o d u c r t a i t o i n c a s t , t e h a t r h a e b s o l r u a t t e a s l , e v i s h o u i l t h , e a r e s u f f i c i e b n e t c o d a t e d e r e d
a t e n s u c b f t h e i f f i a c s u s l o t c y i w a i t t t e h e d c k g r o u n a d s a s e p a r c a a t t e e g T o h r e y a n s e l r o m g e b y o m -
r a t e e s t i m a b t e i c o a n u i s t e s g e n e r a a s i y t e e r s t i - m e n d s t h a t a v p a u b l l i a n t c f l b e y r m l a e u i s c e n d
m a t c e n e a t o i f o a t e s t h i a n d e p w e r c d a t e r s . t c d e v e l l a p c d l a r s a s t f a c t o r c s a s w a b e r e
T h E m p i r S e d i m B n u t l g a e p t p r o a c s h u i t - t h e e c e s s i a n r f y o r m a i t s t i h o e r u b j e c a t n i d v e
a b l f e o r u s e a w a d t a p t p e v e f o r m a n c e - b i a n s t e e d r p p r e c t d i o v e f e r o f e s s i u d g a m f e o r t ,
a l l o w a b o r h b h e a r r v e a t c u l T a h t e a h c u l a t i e o x a m p l l a e n d s h l a i z l a e r d t m h a R p a s n , é u r t h e r
t h a R e i p d e r f o r h m a e v d e e e o r r i t i f c o i n z e e l d i a n c e e c o m m e t n h d a s h N e C R W O C B s g t i v c e n g p r e f -
o n d a t f a r o h o c a t d b a n i s m e o d t e p r e s e n o t f a t i e v r e e n t c o d o c u m e n h t a t a v u e n d e r g r o i n g e o r -
t h w e a t e r s a h t a d a l d o w e v e r , a l t h c r u i g h i o t u h s e n s d e n d e p e n p d e e e n r t e v i d w v o u l b d e
c i s m a v r e e r i i t m , a n y a s t e l w a s t h e e s d t a t a i n s t r u t c o t o i m v p e a t r h e e a n d c r l a t f s a s c t o r s
a v a i l a P b A l L e C . G o n s u l t h a a n v t e j s u s t i T T H R e d g e n e r a u t s e d n a g l t e r n a t a i z a e z o b n a t i o n
r e q u e b s a t s s e o d h m o d e l e s t o i f s m e a d t i e n s p e n d - s c h e m s e u s c a h s t h E A L O n O a s v s a s t a r v g o i d -
d u c t i M o n d . e b s f s e d i m e p m r b d u c t a i l d t h p u g h a n c e s t o r m a t a e g y m p u r h e d e T s h e f i r s t
s t a d t f t h e a r t c , o r h s a i v d e e u r a b d e t a F i u n r t - y . g e n e r a d t f e o s n t i m a h t c e v s e , v e s h p u b d
t h e r m o t r h e e , l a i o n f s e f f e c t i o v é m n i e t s i s g a t i b a s e o d n p u b l i a c v l a y i l a b d p e e r - r e v i e w e d
m e a s u a e a l s u c n c e r a d a d i n t e s A t e d m p r e - m a p s r a t h t e h r a p n o t e n t u i s a e l f b u y u l t a s y e t
h e n s i n v e a i t o p r i n g g r i a n t h h e a t e r s h e d s b u e n i t n e g s s t o e u d r c e s .
h a r v e s c b e u d b e u s e t d o g e t w h i e t t h h E m p i r i c a l
S e d i m B n u t l g a e p t p r o a d e l v e l o t p y R d e i d a n d T h i n r d e y i t e l w é i g s e t h e r a c t f l a n c d l a s s e s
e x p a n d e A d p p e n D i t x a d a p a t l l o w a b l e h a a n v d b e i r f a r c a t t t o s h e s t e r n v i h n a e t d d i t i o n -
r a t i e s a c w h a t e r s a h s t e l t h e o n i t o o f s i e g i m e n t a l i n f o r m a t a b e u n s e t d o r e f i t h e l a s s e s ,
y i e l l d e s a t l e r e f i e s e t l i m a o t f t e h s e r f a e t c e t o r s c o n s o l i d a e k p r a g n d t i h n e g n s a p p r o p r i a t e .
i n v o l V T e h d i s w o a u d d l r e c s r s i t i c o i f s m o s t h
a p p r o a b l y u e s s i n g d a t a a d t o w a l t t e h r e s h e d F o u r c t a h l , c u l a t i n o d a t s h a d w h a a b r l v e e a t t e s
b e i n g a r v e s t e d m a R e s t e t c y i i n g t i a l a b l e r o i w g - o r a n s i h y d e p e n p l e e n t e l v y i e w e d
a b l h e a r v e a t r e s e t l o v e i g t h o g e t t h h e a r n c e r -

FINDINGS

Fifty permitting agencies were asked to comment on the use of current formula and methods for calculating harvest rate factors based on the available harvest calculations.

Six tables containing the following harvest rates (upward and downward bias) and the outcomes from the formula and methods comments were given.

The suggestion was made that the harvest rate be lowered to a level at which the harvest rate assessed by the formula and methods comments.

QUESTION 2

What options are available for reducing sediment inputs, modifications to harvesting practices, or other actions that can be implemented immediately to effectively reduce the adverse effects of logging on the beneficial uses of the watershed? Are there any other options for a watershed?

The Panel has identified four major categories of impacts on efforts to reduce sediment inputs from logging: (1) large increase in suspended sediment in streams, (2) moderate increase in surface water runoff (Lafin Carver 1992, Sommerfeld 2002). The available evidence suggests that logging increases the frequency of flooding, primarily in the lower elevations (Dunne and Leopold 1978, 1998, Reid 1981, Reid and Dunne 1984). Logging increases the frequency of flooding, primarily in the lower elevations (Dunne and Leopold 1978, 1998, Reid 1981, Reid and Dunne 1984). Logging increases the frequency of flooding, primarily in the lower elevations (Dunne and Leopold 1978, 1998, Reid 1981, Reid and Dunne 1984).

Large increase in Suspended Sediment

Aggradation occurs when sediment input exceeds the stream's capacity to transport it. The effects of aggradation are most pronounced in the lower elevations (Dunne and Leopold 1978, 1998, Reid 1981, Reid and Dunne 1984). Logging increases the frequency of flooding, primarily in the lower elevations (Dunne and Leopold 1978, 1998, Reid 1981, Reid and Dunne 1984).

Thus, logging aggradation increases the frequency of flooding, primarily in the lower elevations (Dunne and Leopold 1978, 1998, Reid 1981, Reid and Dunne 1984). The influence of logging on flooding

2b. Panel: Alternate Desalination Intake Methods

Final Report: Technical Feasibility Study for the Proposed Pose Water Reclamation Facility Huntington Beach, California

Authority Lead Agency: City of Huntington Beach

Technical Advisory Committee

Under the Auspices of the California Coastal Commission's Coastal Resources (Surfline Cde)

Convened and Facilitated by CONCORD, Inc.

- N.V.R -

October 2014

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d. Findings

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[5] ThleSTAPéstee r"mssuzopfgal laenf'dtyéegahlienrtye"rchiatmhgRiesapbolryt.

Table 3-2 Subsurface Screening Matrix

	Sub-factor	Vertical wells completed above confining unit	Vertical wells completed below confining unit	Vertical wells completed above and below confining unit	Radial collector wells in shallow aquifer	Slant wells completed in Talbot aquifer	Engineered seafloor infiltration gallery	Surf zone infiltration gallery	HDD wells in shallow aquifer	Water tunnel
Hydrogeology										
	Impact of fresh water aquifers	Yes	Yes	Yes	No	Yes	No	No	No	No
Design constraints										
	Performance degree of uncertainty outcome	Low	Low	Low	Medium	Medium	Medium	Medium	High	Unknown
Oceanographic										
	Sensitive vaity levels	High	High	High	High	Medium	Low	Low	Low	Low
Geochemistry										
	Risk of adverse fouling	Low	High	High	Low	High	Low	Low	Unknown	Low
Precedent large scale similar geological conditions		Jeddah, Saudi Arabia 5 MGD from wells	No precedent	No precedent	Pemex system Mexico, control valve to capacity 1.2 Mgd	No precedent	Fukuda Japan. 2 MGD capacity	No precedent	Alicante Spain; design 3.4 MGD, operating at 1.7 MGD	Alicante Spain, 1.7 MGD
Key considerations fatal flaw(s)		Performance inadequate aquifer capacity and great drawdown yield would require extremely high number of wells quality	Complications with saltwater intrusion management and production Groundwater Basin	Complications with saltwater intrusion management and production Orange Groundwater Basin	Higher performance risk due to inappropriate geologic conditions	Complications with saltwater intrusion management production Orange Groundwater Basin; geochemical impacts	Construction complexity allowable construction times / beach closure, impacts of beach renourishment	Construction complexity energy environment potential concerns with construction time / cost / maintenance	Performance uncertainty long term performance	Complex construction involving dredging over 1 mile. Performance no precedence project. Cost likely prohibitive
Technically Feasible?		N	N	N	N	N	y	y	N	N

i iSii .g n aPtaugree

WE, THE UNDERSIGNED MEMBERS OF THE CC - POSE PROPOSED UNTING STANDARDS BOARD DESALINATION AFTA CONSULTING INDEPENDENT TECHNICAL ADVISORY PANEL AUTHORIZED HEREBY CONFIRM CONCURRENCE WITH THE FULL TEXT OF THIS PHASE 1 REPORT:

ROBERT BITTNER

MICHAEL KAVANAUGH

MARTIN FINNEY

ROBERT MALIK

THOMAS MISSIMER

Ex. 4

2c. Eliciting Feedback on Alternate Hypotheses

Ex. 4

[redacted]

[redacted]

2d. Assigning "Plausibility Points" in Alternate Explanation

Ex. 4

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 1/31/2017 9:07:46 PM
Subject: Energy News Ticker: Committee Set to Vote on Pruitt Despite Democrats' Objections

Committee Set to Vote on Pruitt Despite Democrats' Objections

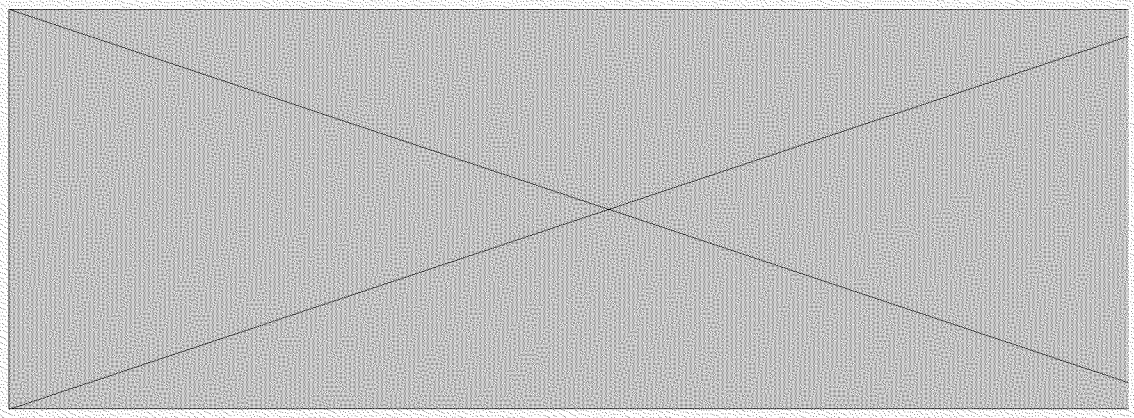
1/31/17 3:16 PM

The Senate Environment and Public Works Committee is set to vote on Scott Pruitt's nomination to lead the Environmental Protection Agency on Wednesday, despite complaints from Democrats that he didn't thoroughly answer all their questions.

Senate Panel Votes to Confirm Perry, Zinke

1/31/17 10:52 AM

The Senate Energy and Natural Resources committee voted in favor of confirming Rick Perry as secretary of the Department of Energy and Rep. Ryan Zinke (R-Mont.) as secretary of the Department of the Interior on Tuesday.



Best of Today's Morning Consult

Mnuchin, Price Votes Delayed by Senate Democrats

1/31/17 11:56 AM

Confirmation votes scheduled by the Senate Finance Committee spiraled into a partisan showdown on Tuesday after Democrats refused to participate in proceedings until they receive more information about Treasury secretary nominee Steven Mnuchin and Health and Human Services secretary nominee Rep. Tom Price (R-Ga.).

Chao Confirmed as Transportation Secretary

1/31/17 1:59 PM

The Senate on Tuesday easily confirmed Elaine Chao as the next transportation secretary, making her the fifth of President Donald Trump's nominees to receive Senate confirmation.

Ryan Backs Travel Ban, but Calls Rollout 'Confusing' and 'Regrettable'

1/31/17 11:42 AM

House Speaker Paul Ryan said the rollout of President Donald Trump's executive order restricting travel from seven Muslim-majority countries was "confusing" and "regrettable," but defended the underlying policies, some of which have set off scores of protests across the country.

With SCOTUS Pick, Trump Set to Fulfill Key Campaign Promise

1/31/17 6:00 AM

President Donald Trump is set to nominate a conservative to fill the vacant Supreme Court seat Tuesday at 8 p.m., making good on a pledge which helped motivate the Republican base in the lead-up to his victory.

This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

Manage your email preferences

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To: Otto, Martha[Otto.Martha@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Parkinson, Lorna
Sent: Tue 1/31/2017 9:18:20 PM
Subject: Information for Communications Stylebook
Relevant Information from IQG.docx

Hi Marti,

I've attached the information I could pull from the OMB's IQG and EPA's IQG. Both have contradictory information in them by stating that information that approved by the agency is considered "sponsored," but that employees publishing information (EPA uses the term research) in the same manner as their academic colleagues are not covered and need disclaimers.

Ex. 5

Please let me know if you need anything else!

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

Relevant Information from OMB Information Quality Guidelines (2002):

In February 2002, Office of Management and Budget (OMB) issued Information Quality Guidelines for Federal agencies. These Guidelines were designed to ensure the quality of data and information that is disseminated Federal Agencies.[1]

On page 8454, OMB Guidelines defines information that Federal agencies 'initiate' vs. 'sponsor.' It states "the agency does not 'initiate' the dissemination of information when a Federally employed scientists or Federal grantee or contractor publishes and communicates his or her research findings in the same manner as his or her academic colleagues, even if the Federal agency retains ownership or other intellectual property rights because the Federal government paid for the research." In this situation, the Guidelines recommend that scientists use a disclaimer. Specifically, it says, "To avoid confusion regarding whether the agency agrees with the information (and is therefore disseminating it through the employee or grantee), the researcher should include an appropriate disclaimer in the publication or speech to the effect that the "views are mine, and do not necessarily reflect the view" of the agency." This section seems to indicate that an EPA scientist publishing their results would not be considered "initiated" by the agency and would require a disclaimer.

However, in the next paragraph, the Guidelines state that agency "sponsored" distribution refers to "situations where the agency has directed a third party to disseminate information, or where the agency has the authority to review and approve the information before the release." Later on, the Guidelines states that "if the Agency provides the funding to support the researcher and it [sic] the research, not the Agency, who decides whether the disseminated the results - if the results are to be released - who determines the content and the presentation of the dissemination, the agency has not "sponsored" the dissemination even though it has funded the research and even if the Federal agency retains ownership or other intellectual property rights because the Federal government pad for the research." The Guidelines suggest use of a disclaimer to avoid confusion on whether the agency has sponsored dissemination or not.

Scientific products that are authored by EPA employees, as part of official duty, are required to go through clearance. This means EPA has the ability to make a final decision on whether to disseminate information and to approve the content and presentation of the dissemination, and the product should therefore be considered "sponsored" by EPA. Sponsored products should not not require disclaimers.

Relevant Information from EPA's Information Quality Guidelines (2002):

In response to the OMB Information Quality Guidelines, EPA released *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity, of Information Disseminated by the Environmental Protection Agency*.[2] Section 5.3 states the Guidelines apply when EPA "initiates or sponsors the distribution of information to the public."

Section 5.4 details what is not covered by the Guidelines. It states:

"These Guidelines do not apply to information distributed by recipients of EPA contracts, grants, or

[1] Office of Management and Budget (OMB), *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies,* 67 FR 5365, February 2002. https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/omb/fedreg/reproducible2.pdf

[2] U.S. EPA, Office of Environmental Information (OEI), *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity, of Information Disseminated by the Environmental Protection Agency*, EPA/260R-02-008, October 2002. https://www.epa.gov/sites/production/files/2015-08/documents/epa-info-quality-guidelines.pdf

cooperative agreements, unless the information is disseminated on EPA's behalf, as when EPA specifically directs or approves the dissemination. These Guidelines do not apply to the distribution of any type of research by Federal employees and recipients of EPA funds, where the researcher (not EPA) decides whether and how to communicate and publish the research, does so in the same manner as his or her academic colleagues, and distributes the research in a manner that indicates it does not necessarily represent EPA's official position (for example, by including an appropriate disclaimer). The Guidelines do not apply even if EPA retains ownership or other intellectual property rights because the Federal government paid for the research."

However, if EPA employees can use official time and resources, can use subordinates and EPA email address, can refer solely to the EPA position and title, the product goes through clearance. In those situations, the Agency has the final say in whether the product is disseminated and approves the communication of the research. These products *should not* require a disclaimer.

The big picture questions:

- Can a scientific or professional journal article that is authored by and EPA employee, as part of official duties and using EPA resources, contain information that does not represent the Agency's official viewpoints?
- Would such an article be cleared if it did not match up with Agency official viewpoints?
- Does clearance infer the Agency agreement with the viewpoints put forth in the product?
-

To: Snowden, Christine[Snowden.Christine@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Otto, Martha
Sent: Tue 1/31/2017 9:28:54 PM
Subject: more requests for OSA Supplies

Hi, Christine,

Here is a list of supplies from Francesca, Lorna, Emily, and me:

- USB drives
- 2 staple removers
- 2 rulers
- 2 sets of highlighters
- Pilot pens ("Begreen Precise V5 Extra Fine")
  - 2 boxes of blue
  - 2 boxes of black
  - 1 box of red
- Notepads (8.5x11), lined, unbleached
- Notepads (8x5), lined, in assorted colors
- Toner for a Canon Pixma MG5520 – Francesca needs all of the colors plus some extra black
- 2 pairs of scissors
- 6 rolls of scotch tape
- Three of us would like adjustable stands for our computers (so that we could stand while using our computers): Marti, Lorna, and Emily
- Lorna and Emily would like to have headsets for their telephones.

Thank you! Please let me know if you have any questions.

Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Snowden, Christine
Sent: Monday, January 30, 2017 4:29 PM
To: Bender, Michael <Bender.Michael@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>; Hawkins, CherylA <Hawkins.CherylA@epa.gov>; Anand Mudambi <Mudambi.Anand@epa.gov>; Susanke, Greg <Susanke.Greg@epa.gov>; O'Farrell, Thomas <OFarrell.Thomas@epa.gov>; Downing, Jim <Downing.Jim@epa.gov>; Broder, Michael <Broder.Michael@epa.gov>; Fitzpatrick, Julie <Fitzpatrick.Julie@epa.gov>; Martin, Lawrence <Martin.Lawrence@epa.gov>; Mebane, Sheryl <Mebane.Sheryl@epa.gov>
Cc: Greene, Mary <greene.mary@epa.gov>
Subject: OSA Supplies

Good Afternoon OSA Staff:

Can you please send me a list of supplies you may need, I would like to consolidate an order for the staff. Please send your request no later than **Friday, February 3rd** so the order can be placed. Thanks.

Christine T. Snowden

Budget Analyst

DC Services Branch

OARS/ORD

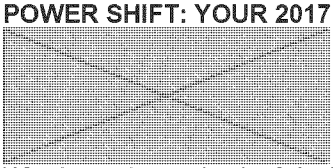
202-564-0617

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 1/31/2017 9:31:41 PM
Subject: January 31 -- E&E News PM is ready

Read today's E&E News PM on the web

AN E&E NEWS PUBLICATION

POWER SHIFT: YOUR 2017 TRANSITION GUIDE



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E&E NEWS PM — Tue., January 31, 2017

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Trump spokesman skirts specifics on climate actions

3.PUBLIC LANDS:

Westerners want Trump to boost renewables, not drilling — poll

4.SUPREME COURT:

White House bets on quick confirmation

5.NATURAL RESOURCES:

House panel shakes up leadership

6.CALIFORNIA:

Water district paid for sports, Katy Perry tickets — audit

7.NOMINATIONS:

Chao confirmed as Transportation secretary

8.PEOPLE:

Ex-EIA chief lands at policy research organization

UPCOMING HEARINGS AND MARKUPS

9.CALENDAR:

Activity for January 30 - February 5, 2017

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E&E News PM is written and produced by the staff of E&E News. A late afternoon roundup providing coverage of all the breaking and developing policy news from Capitol Hill, around the country and around the world, E&E News PM is a must-read for the key players who need to be ahead of the next day's headlines. E&E News PM publishes daily at 4:30 p.m.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]; Sauerhage, Maggie[Sauerhage.Maggie@epa.gov]
From: Maguire, Megan
Sent: Tue 1/31/2017 9:36:34 PM
Subject: FW: TRANSITIONAL QUESTION FOR ORD AND OARM-- INSIDE EPA DDL 5:00 pm Today

Hi Francesca- I looked and the policy on the website is dated 2012, but I saw there are two additional documents that were recently added. When did those get uploaded? Would we call those updates?

https://www.epa.gov/osa/policy-epa-scientific-integrity

Megan

Megan Maguire

US EPA, Office of Research and Development

RRB 41261

O: (202)564-6636

C: (202)731-9378

From: Milbourn, Cathy
Sent: Tuesday, January 31, 2017 3:14 PM
To: Amorosi, Joanne <Amorosi.Joanne@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>
Cc: Valentine, Julia <Valentine.Julia@epa.gov>
Subject: TRANSITIONAL QUESTION FOR ORD AND OARM-- INSIDE EPA DDL 5:00 pm Today

Joanne and Megan- I think each of your office's have a part in this. Can you answer by 5?

I'm working on a story about EPA's scientific integrity policy with a 5:00 pm deadline. Has EPA updated the scientific integrity policy since it was published in 2012?

Also, are transition/landing team/beachhead team members considered EPA employees? Would they be subject to the policy?

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Imprint.Com
Sent: Tue 1/31/2017 9:51:29 PM
Subject: Your Imprint.Com Order (#IM903E2BB250)

Thanks for your order, Francesca Grifo!
If you need to make an order please visit our website at Imprint.Com or call us at TOLL FREE 1 855-712-4467.

Purchasing Information:

Email Address: grifo.francesca@epa.gov

Billing Address:

Francesca Grifo

Ex. 6

Shipping Address

Francesca Grifo

Ex. 6

Payment Method: Credit Card
Order Subtotal: $290.00
Coupon Discount: -$29.00
C/H & Insurance: 21.53
Production/Shipping: 29.15
Order Total: $311.68
Notes: Purchases will appear in your bank/credit card statement as Netbrands Media Corp

Our W9 can be download at https://imprint.com/pdf/W9.pdf

Order Summary:

Order #: IM903E2BB250
Order Status: Pending

Item #1:

Product: 2 Inch Round Custom Buttons
Quantity: 1000

Customize Details: {"Product Color Hex":"#000000","Button Type":"Economy Button","Customized In":"USA","Eco Ink":"Yes (FREE)","Comments":"We\'d like our image to be as big as possible without the words or the circle of the magnifying glass wrapping over the edges. I think we sized it pretty close to that."}
Delivery By Feb 15, 2017 ($29.15)

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Customer Service: 713-332-2715

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: imprint.com
Sent: Tue 1/31/2017 9:51:28 PM
Subject: Account details for Francesca Grifo at Imprint.Com

Hello Francesca Grifo,
Thank you for registering at Imprint.Com. Your customer account has been created.
You may login to https://imprint.com using the following username and password:
Username - Ex. 6
Password - Ex. 6

To: Greene, Mary[greene.mary@epa.gov]
Cc: Kumar, Manisha[Kumar.Manisha@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Parkinson, Lorna
Sent: Tue 1/31/2017 10:01:58 PM
Subject: Scientific Integrity Policy Desk Statement and Background Materials
Final Scientific Integrity Policy Desk Statement Feb 2012.docx

Hi Mary,

Please find attached the original Desk Statement and Background Materials for the Scientific Integrity Policy. The document is dated February 15, 2012, and the Policy became effective the following day on the 16th.

Please let me know if you have any questions.

Thank you,

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

Desk Statement & Background Materials

EPA Releases Final Scientific Integrity Policy

Final February 15, 2012

Key Messages:

- Science is the backbone of EPA's decision-making. The integrity of our science is central to our identity and the credibility of our work. Our ability to pursue the Agency's mission to protect human health and the environment depends upon it.
- It is EPA's responsibility to conduct, utilize, and communicate science with the highest degree of honesty, integrity, and transparency to the American public.
- This policy will make our historic, exemplary programs for quality, peer review, and independence even stronger and more cohesive to ensure that our scientific work is conducted in an environment that is free of political interference or suppression.
- As prescribed by OSTP, the Scientific Integrity Policy focuses on the following 4 areas:
    - Promoting a culture of scientific integrity within the Agency,
    - Communicating scientific information to the public,
    - Using peer review and Federal Advisory Committees, and
    - Developing our scientists and engineers to become leaders in the scientific community
- EPA has set up a Scientific Integrity Committee to oversee the implementation, adoption, and adherence to the practices outlined in the policy in each the four areas described above

Q&A:

1. **What are the differences between EPA's draft scientific integrity policy and the final scientific integrity policy? Why were those changes made?**
    - The policy has been expanded to include all Agency employees, contractors, grantees, collaborators, and student volunteers of the Agency.
    - The policy establishes an Agency scientist's right to express a differing scientific opinion and extends whistleblower protections to those who do so.
    - All allegations of scientific misconduct will be handled by the Office of the Inspector General.
    - The policy details annual scientific integrity reporting requirements within the Agency.

2. **Why did EPA miss OSTP's deadline for finalizing its Scientific Integrity Policy?**

EPA has not missed any deadlines for finalizing its Scientific Integrity Policy. OSTP set "a deadline of December 17, 2011, for departments and agencies to submit for OSTP review their draft final policies—that is, versions they consider to be ready for a final round of internal review" and EPA complied with this request. Since 17 December, the final draft of the policy has been undergoing review by the senior leadership of the Agency, including the

Administrator, Deputy Administrator, Science Advisor, and all Assistant and Regional Administrators.

3. **Who is the Agency Scientific Integrity Official?**

With the retirement of the acting SIO, Dr. William Sanders, and the recent announcement that Dr. Anastas will be leaving the Agency, a new SIO will be appointed by the incoming Science Advisor upon assuming that position.

Background:

Since its inception, the EPA has implemented policies that establish and uphold the principles of scientific integrity. This policy promotes these principles and clearly articulates the Agency's expectations for all employees.

On December 17, 2010, Dr. John Holdren, Assistant to the President for Science and Technology, sent a memo to the heads of Executive Departments and Agencies with guidance for developing and implementing the Administration's scientific integrity policies within their Departments and Agencies.

On April 18, 2011, Dr. Paul Anastas, EPA Science Advisor, sent a letter to Dr. Holdren detailing Agency initiatives for scientific integrity. The letter outlined ways EPA will strengthen its commitment, including the development of an Agency-wide scientific integrity policy.

The Agency committed to 1) forming an *ad hoc* Scientific Integrity Policy Workgroup tasked with developing an EPA scientific integrity policy, 2) appointing an Agency senior Scientific Integrity Official, and 3) forming a standing committee of Deputy Scientific Integrity Officials representing each EPA office and region, to be chaired by the Scientific Integrity Official.

The policy focuses on four specific areas: Foundations of Scientific Integrity in EPA, Communication of Scientific Information, Use of Peer-Review and Federal Advisory Committees, and Professional Development of Government Scientists and Engineers.

Agencies and Departments submitted their draft policies in August 2011. EPA sent its draft policy to OSTP and released it for public comment. Final draft policies were submitted to OSTP in December 2011. EPA submitted a near final draft and performed an internal review of the policy throughout the entire Agency. This review is now complete, and upon completion EPA's finalized scientific integrity policy was submitted to OSTP and became effective on February 16, 2012. It is available online at http://www.epa.gov/research/htm/scientific-integrity.htm.

ED_001292B_00002671-00002

To: Otto, Martha[Otto.Martha@epa.gov]; Snowden, Christine[Snowden.Christine@epa.gov]
Cc: Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 11:09:59 PM
Subject: RE: more requests for OSA Supplies

The small notepads described below are made by Post it Notes and stick to pages and such. I realize this is a long list but it has been 6 or 8 months since we last ordered any supplies so thank you very much!

Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Otto, Martha
Sent: Tuesday, January 31, 2017 4:29 PM
To: Snowden, Christine <Snowden.Christine@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Parkinson, Lorna <parkinson.lorna@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: more requests for OSA Supplies

Hi, Christine,

Here is a list of supplies from Francesca, Lorna, Emily, and me:

•□□□□□□□ USB drives

•□□□□□□□ 2 staple removers

•□□□□□□□ 2 rulers

•□□□□□□□ 2 sets of highlighters

•□□□□□□□ Pilot pens ("Begreen Precise V5 Extra Fine")

➢· 2 boxes of blue

➢· 2 boxes of black

➢· 1 box of red

•□□□□□□□ Notepads (8.5x11), lined, unbleached

•□□□□□□□ Notepads (8x5), lined, in assorted colors

•□□□□□□□ Toner for a Canon Pixma MG5520 – Francesca needs all of the colors plus some extra black

•□□□□□□□ 2 pairs of scissors

•□□□□□□□ 6 rolls of scotch tape

•□□□□□□□ Three of us would like adjustable stands for our computers (so that we could stand while using our computers): Marti, Lorna, and Emily

•□□□□□□□ Lorna and Emily would like to have headsets for their telephones.

Thank you! Please let me know if you have any questions.

Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782

otto.martha@epa.gov

From: Snowden, Christine
Sent: Monday, January 30, 2017 4:29 PM
To: Bender, Michael <Bender.Michael@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>; Hawkins, CherylA <Hawkins.CherylA@epa.gov>; Anand Mudambi <Mudambi.Anand@epa.gov>; Susanke, Greg <Susanke.Greg@epa.gov>; O'Farrell, Thomas <OFarrell.Thomas@epa.gov>; Downing, Jim <Downing.Jim@epa.gov>; Broder, Michael <Broder.Michael@epa.gov>; Fitzpatrick, Julie <Fitzpatrick.Julie@epa.gov>; Martin, Lawrence <Martin.Lawrence@epa.gov>; Mebane, Sheryl <Mebane.Sheryl@epa.gov>
Cc: Greene, Mary <greene.mary@epa.gov>
Subject: OSA Supplies

Good Afternoon OSA Staff:

Can you please send me a list of supplies you may need, I would like to consolidate an order for the staff. Please send your request no later than **Friday, February 3rd** so the order can be placed. Thanks.

Christine T. Snowden

Budget Analyst

DC Services Branch

OARS/ORD

202-564-0617

To: Joanne Carney[jcarney@aaas.org]
From: Grifo, Francesca
Sent: Tue 1/31/2017 11:10:40 PM
Subject: RE: Attending the Annual Meeting in Boston

Hi there – Any further updates on this?

Thanks

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Joanne Carney [mailto:jcarney@aaas.org]
Sent: Thursday, January 26, 2017 9:41 AM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Attending the Annual Meeting in Boston

Francesca,

I left you a voicemail, but thought I would send an email as well. I know you usually attend the Annual Meeting and wanted to know whether you were planning on attending this year's meeting in Boston. Would be great to catch up.

Thanks!

Joanne

Joanne Padrón Carney

Director, Office of Government Relations

American Association for the Advancement of Science

1200 New York Avenue, NW

Washington, DC 20005

Ph: 202/326-6798

E-Mail: jcarney@aaas.org

www.aaas.org/gr

To: Clarke, Robin[Clarke.Robin@epa.gov]
Cc: Snowden, Christine[Snowden.Christine@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 11:11:28 PM
Subject: RE: Travel

Thanks very much!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Clarke, Robin
Sent: Tuesday, January 31, 2017 3:37 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Snowden, Christine <Snowden.Christine@epa.gov>
Subject: RE: Travel

Hi Francesca,

I told Cynthia Howell do go ahead and start your travel because you are presenting at this conference and this is not consider as you being trained. Christine is now preparing the PR which we will get put on a bankcard.

Thanks

From: Grifo, Francesca
Sent: Monday, January 30, 2017 8:59 PM
To: Clarke, Robin <Clarke.Robin@epa.gov>
Subject: Re: Travel

Yes

Thanks very much !

Sent from my iPhone

On Jan 30, 2017, at 8:58 PM, Clarke, Robin <Clarke.Robin@epa.gov> wrote:

> Ok I will let you know tomorrow and you are presenting correct
>
> Sent from my iPhone
>
> On Jan 30, 2017, at 6:15 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:
>
> > Hi there – The travel office won't start on the TA or other arrangements until they get the travel form -SF- 182. When can I tell them they will get it?
> >
> > Thank you!
> >
> > Francesca
> >
> > Francesca T. Grifo, Ph. D.
> >
> > Scientific Integrity Official
> >
> > US EPA Office of the Science Advisor
> >
> > 202-564-1687
> >
> > http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 11:21:13 PM
Subject: FW: OIG coordination request
Notification of OIG of research regarding a hotline complaint - C-FERST.pdf

Do we have anything related to this? Can you let me know prior to the OIG meeting?

Thanks

FTG

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Brym, Monica
Sent: Monday, January 30, 2017 4:58 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Kohler, James <Kohler.James@epa.gov>; Barnes-Weaver, Erin <Barnes-Weaver.Erin@epa.gov>; Adrian, Raul <Adrian.Raul@epa.gov>; Brady, Claire <brady.claire@epa.gov>; Gilbride, Patrick <Gilbride.Patrick@epa.gov>
Subject: OIG coordination request

Greetings Dr. Grifo,

I was part of Carolyn Copper's team in OIG's Office of Program Evaluation that met with you last year in DC to obtain a better understanding of the coordination role between the OIG and ScIO. Thank you again for taking the time to meet with us. It was helpful to our review. Our work on that project, reviewing the internal controls for fraud prevention in EPA's Contract

Laboratory Program, is wrapping up and our final report should be issued in the next few weeks.

[redacted] Ex. 2 [redacted] You may already be aware of this initiative via your coordination meetings with our office. However, given that this hotline complaint involves, in part, the availability of science for an ORD tool, our team felt it was important to coordinate with you directly about this inquiry. We would like to learn if you have received any similar complaints about C-FERST and if you might also be examining aspects of this tool.

Some of the concerns raised by the anonymous hotline received by OIG in August 2016 are with the usability of the tool and that it does not contain adequate science for exposure risk screening. Attached is an email that was sent to ORD providing notification of our work. This email identifies the areas of concerns we are examining. You may also contact our Project Manager, Erin Barnes-Weaver, directly if you'd like to discuss the details of this hotline inquiry in greater detail. (barnes-weaver.erin@epa.gov or 303-312-6871). Erin and/or our team is available to meet with you to discuss further. We look forward to hearing from you.

Thank you.

Respectfully,

Monica Brym

Monica Brym | US EPA Office of Inspector General | 1595 Wynkoop St. 4th floor, Denver CO 80202 | (303) 312-6516

From:	Gilbride, Patrick
To:	Slimak, Michael; Orme-Zavaleta, Jennifer
Cc:	Hingeley, Maureen; Cursio, Heather; Copper, Carolyn; El-Zoghbi, Christine; Grzegozewski, Nicholas; Barnes-Weaver, Erin; Brym, Monica; Adrian, Raul; Kohler, James
Subject:	Notification of OIG of research regarding a hotline complaint - C-FERST
Date:	Monday, January 09, 2017 7:35:13 AM

Michael and Jennifer,

In response to a hotline complaint, our office plans to being research to review the EPA's Community-Focused Exposure and Risk Screening Tool (C-FERST). Our objective is to identify how ORD planned, developed and implemented C-FERST. It will include an examination of: the processes ORD's Sustainable and Health Communities (SHC) Research Program and National Exposure Research Laboratory (NERL) followed; evaluations conducted of community needs; existing EPA tools that perform similar functions; peer reviews conducted; funding justifications and cost analysis; and how the performance of the tool is monitored (e.g., extent to which C-FERST is being used, meets its intended purpose, and meets user needs).

This email serves as notice of our initiating this research. We plan to begin contacting staff, managers and/or contractors to set up interviews and obtain documents.

We are planning to visit your offices in RTP the week of January 23, 2017. We would like to hold a kick-off meeting with you and your team (preferably on January 24, 2017) to discuss this hotline complaint and our research objective. We would like a demonstration of the C-FESRT tool during this week, and we plan to hold separate, individual meetings with relevant NERL and SHC personnel located in RTP (listed below). In addition to our meetings with you and any others you identify we should meet with in RTP, we request your assistance in setting up any needed additional meetings during our visit. Please arrange for a small team/conference room for our use during our visit (or let us know if we should use OIG space in RTP).

- Tim Watkins, NERL Deputy Director
- Michael McDonald, Branch Chief, NERL/SED/EHCAB

- Bruce Mintz, project lead C-FERST
- Andrew Geller, Deputy National Program Director, SHC
- David Kryak (to discuss coordination role of moving C-FERST to rest of agency)

Erin Barnes-Weaver will be the Project Manager. If you or your staff have any questions, please contact me at me at (303) 312-6969 or gilbride.patrick@epa.gov or Erin at (303) 312-6871 or barnes-weaver.erin@epa.gov.

Thank you,
Pat

Patrick Gilbride
Director, Environmental Research Programs
U.S. Environmental Protection Agency
Office of Inspector General
Office of Program Evaluation
1595 Wynkoop St.
Denver, CO 80202
303-312-6969

To: Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 11:24:57 PM
Subject: Happy Birthday

Hi there – Can you transform the tombstone we agreed on into a pdf invitation with time, date place…? I want to send it out to the Committee. Any idea how we could collect RSVPs?

Thanks

FTG

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: lorna.mparkinson@gmail.com[lorna.mparkinson@gmail.com]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Grifo, Francesca
Sent: Tue 1/31/2017 11:56:06 PM
Subject: News

Hi there – I need one of you to compile clippings every day in which scientific integrity is mentioned. You can do this with google or there may be a better way. But I need to see this clips as early in the day as possible. Lots going on and we need to understand how the world is perceiving us.

Thanks

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Bannerman, Douglas (USDA)[Douglas.Bannerman@osec.usda.gov]
From: Grifo, Francesca
Sent: Wed 2/1/2017 12:08:11 AM
Subject: FYI
2017-01-30-acs-scientific-integrity-letter.pdf

Wanted to make sure you had seen this.

FTG

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

American Society of Agronomy • Crop Science Society of America • Soil Science Society of America
5585 Guilford Road, Madison WI 53711-5801 • Tel. 608-273-8080 • Fax 608-273-2021
www.agronomy.org • www.crops.org • www.soils.org

January 30, 2017

President Donald Trump
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Trump:

Federal scientists spur new discoveries that drive innovation and new technologies – keeping our Nation's businesses competitive, creating jobs, and developing new industries. Private sector successes depend in part on the accurate and reliable research performed by federal scientists and the data they produce. On behalf of over 20,000 crop, soil, and agronomic scientists and practitioners, the membership of the American Society of Agronomy, Crop Science Society of America, and Soil Science Society of America, we ask that you protect and defend the scientific integrity of federal scientists.

Scientific discovery is inspiring, essential and cost-beneficial to all Americans. It serves the public interest through new technologies and services, protects communities with accurate forecasts, and provides decision-makers with a wealth of information crucial to effective public policy. But these benefits rely upon the scientific freedom of researchers and the open exchange of sound, peer-reviewed data. Federal scientists must be free to draw evidence-based conclusions and communicate their findings with the general public. Without such freedom, public trust in information coming from federal institutions will erode, and technological advancements in the private sector will slow.

All scientists rely on robust federal science and data to benefit Americans' daily lives – ensuring a safe, nutritious, affordable, and plentiful food supply that is produced with sustainable technologies. We ask that you act quickly to protect federal scientists, bolstering the integrity and credibility of your Administration, and ensuring America continues to lead the world in scientific research and innovation.

We stand ready to work with you to ensure America's food and agricultural research enterprise remains strong and continues to drive innovation and new technologies.

Sincerely,

Ellen Bergfeld CEO	Jessica G. Davis President, ASA	E. Charles Brummer President, CSSA	Andrew N. Sharpley President, SSSA

Cc: Brantner, Emily K.[brantner.emilyk@epa.gov]
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Lorna Parkinson
Sent: Wed 2/1/2017 12:17:55 AM
Subject: Re: News

Hi Francesca,

I get notifications on any news that mentions "scientific integrity" - all I have to do is go through my emails and pull those. I'll get this done asap in the morning.

- Lorna

Sent from my iPhone

On Jan 31, 2017, at 6:56 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

> Hi there – I need one of you to compile clippings every day in which scientific integrity is mentioned. You can do this with google or there may be a better way. But I need to see this clips as early in the day as possible. Lots going on and we need to understand how the world is perceiving us.
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>
> Scientific Integrity Official
>
> US EPA Office of the Science Advisor
>
> 202-564-1687
>
> http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Grifo, Francesca
Location: My Office
Importance: Normal
Subject: Discuss Survey Report
Start Date/Time: Wed 2/1/2017 3:15:00 PM
End Date/Time: Wed 2/1/2017 4:15:00 PM

From: Grifo, Francesca
Location: My Office
Importance: Normal
Subject: Discuss Survey Report
Start Date/Time: Wed 2/1/2017 3:15:00 PM
End Date/Time: Wed 2/1/2017 4:15:00 PM

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 2/1/2017 1:23:03 AM
Subject: Greenwire News Alert: Trump taps Gorsuch, son of Reagan EPA chief, for Supreme Court

Read this news alert on the web

NEWS ALERT

GREENWIRE — Tue., January 31, 2017 at 8:08 PM

SUPREME COURT:

Trump taps Gorsuch, son of Reagan EPA chief, for top court

President Trump will nominate Neil Gorsuch, a federal appeals judge, to replace the late Justice Antonin Scalia on the Supreme Court.

Get all of the stories in today's Greenwire, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at http://www.greenwire.com.
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From: Briskin, Jeanne
Sent: Wed 2/1/2017 1:34:15 AM
Subject: How Pruitt's Hearing Illuminated His View of His Role as EPA Administrator | Resources for the Future

In case you're interested
http://www.rff.org/blog/2017/how-pruitt-s-hearing-illuminated-his-view-his-role-epa-administrator

To: Lorna Parkinson[lorna.mparkinson@gmail.com]
From: Grifo, Francesca
Sent: Wed 2/1/2017 2:11:05 AM
Subject: Re: News

I went through them tonight so only new stuff for me every day - well for all of us I guess. Can we make a place on the L drive to keep them?
Thanks!

Sent from my iPhone

On Jan 31, 2017, at 7:18 PM, Lorna Parkinson <lorna.mparkinson@gmail.com> wrote:

> Hi Francesca,
>
> I get notifications on any news that mentions "scientific integrity" - all I have to do is go through my emails and pull those. I'll get this done asap in the morning.
>
> - Lorna
>
> Sent from my iPhone
>
> On Jan 31, 2017, at 6:56 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:
>
>> Hi there – I need one of you to compile clippings every day in which scientific integrity is mentioned. You can do this with google or there may be a better way. But I need to see this clips as early in the day as possible. Lots going on and we need to understand how the world is perceiving us.
>>
>> Thanks
>>
>> Francesca
>>
>> Francesca T. Grifo, Ph. D.
>>
>> Scientific Integrity Official
>>
>> US EPA Office of the Science Advisor
>>
>> 202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Wed 2/1/2017 3:51:39 AM
Subject: Feb. 1 -- BNA, Inc. Daily Environment Report

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Wednesday, February 1, 2017 · Number 20

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LEADING THE NEWS

Courts
Trump Supreme Court Pick Opposes Broad Deference to Agencies
President Donald Trump's Supreme Court nominee, Neil Gorsuch, opposes giving broad deference to EPA and other federal agencies in interpreting unclear statutes....

EPA
Possible Democratic Boycott Blurs Pruitt's EPA Confirmation
An emerging and unexpected hurdle now looms over the nomination of Scott Pruitt for Environmental Protection Agency administrator. ...

NEWS

Air Pollution
Cash for VW's Clunkers: Diesel Buybacks Boost U.S. Auto Demand
Scott Nichols was happy with his 2013 Jetta SportWagen TDI and planned to keep it for years. Then it surfaced Volkswagen AG had been breaking emissions laws, souring him and his wife on the brand and thrusting them back into the market for a new...

Chemicals
Importers Get More Time to File TSCA Certifications Online
The effective date of a final Customs and Border Protection rule giving importers the option to file Toxic Substance Control Act certifications online has been delayed until March 21. ...

Chemicals
Innovation Harmed by EPA's New Chemicals Practices: 3M, Dow

The EPA is considering too many potential uses of new chemicals before reaching a decision about whether to allow them onto the market, the Dow Chemical Co. recently told the agency....

Climate Policy
Burning Wood Beats Coal at J-Power as Abe Fights Climate Change
Japan's biggest electricity wholesaler knows it'll take more than cutting-edge coal technology to save the environment....

Climate Policy
Trump EPA Transition Head Meets at U.K. Premier Office
A former adviser to President Donald Trump who denies the world is experiencing global warming attended a meeting at the official residence of British Prime Minister Theresa May Jan. 31....

Coal Mining
House Republicans Nudge Stream Rule Repeal Forward
House Republicans nudged their bid to repeal the stream protection rule one step forward Jan. 31, approving a joint resolution (H.J. Res. 38) that tees up a Congressional Review Act vote for Feb. 1....

Congress
Rep. Smith Shakes Up House Science Committee Leadership
House Science, Space and Technology Committee Chairman Lamar Smith (R-Texas) is shaking up two of its subcommittee chairmanships and seizing on the "enhanced opportunity to create and implement" preferred policies under the Trump...

Courts
Trump Picks Religious-Rights Backer Gorsuch for Supreme Court
President Donald Trump selected federal appellate judge Neil Gorsuch to fill the year-old U.S. Supreme Court vacancy, triggering what promises to be a contentious confirmation fight as Republicans look to entrench a conservative majority...

Drinking Water
Flint Residents Cite 1946 Law in $722 Million Water Lawsuit
A lawsuit using a 1946 claims statute alleges the Environmental Protection Agency failed to protect Flint, Mich., residents from harmful drinking water and seeks $722.4 million in damages (Burgess v. United States , E.D. Mich., No. 17-cv-10291,...

Energy
China's Nuclear Power Fleet Seen Overtaking U.S. Within Decade
China's rapid nuclear expansion will result in it overtaking the U.S. as the nation with the largest atomic power capacity by 2026, according to BMI Research....

Energy
Cybersecurity Improvements, Rescinding Rules Welcomed by Energy CEOs
Energy industry CEOs said industry-government partnerships to defend against cyber and physical attacks on the electric grid should continue in the new administration....

Energy
Japan Focuses on Lost Nuclear Fuel With Fukushima Pictures
New photographs show what may be melted nuclear fuel sitting under one of Japan's wrecked Fukushima reactors, a potential milestone in the search and retrieval of the fuel almost six years after it was lost in one of the worst atomic...

Energy

Sempra to Use Moon-Mission Technology to Back Up Substations
Sempra Energy's San Diego utility unit is turning to a technology used during the Apollo moon missions to provide backup power for its systems: hydrogen fuel cells....

EPA
Transition Veterans Spar Over Significance of EPA Social Media Ban
An ongoing EPA social-media freeze is generating contradicting reactions from veteran transition members on opposite sides of the aisle as Republicans argue the freeze comports with standard transition clampdowns. ...

Natural Resources
Perry, Zinke Move Closer to Energy, Interior Cabinet Posts
President Donald Trump's choices for Energy Department secretary and Interior Department secretary moved a step closer to confirmation Jan. 31 when the Senate Energy and Natural Resources Committee approved their nominations....

Oil & Gas
Contradictions for SEC if Oil Payment Rule Nixed
A plan by Republican lawmakers to wipe out a Securities and Exchange Commission regulation affecting oil, gas and mining companies would give the agency conflicting mandates....

Oil & Gas
Oil Braces for Trump Ban Fallout as Halliburton Says Stay Put
Oil-services giant Halliburton Co. told employees to stay put. Another global oil company is reconsidering whether to place a crude trader in Houston. And universities that train energy workers across the country estimated that hundreds...

Oil & Gas
Seaway Oil Pipeline Shuts After Rupture in Northeast Texas
Seaway Crude Pipeline Co.'s 400,000-barrel-a-day Legacy line shut after it was ruptured by road workers near Dallas, cutting crude flows to the Gulf Coast....

Oil & Gas
Trump's Border Tax Could Further Reduce Mexico Oil's U.S. Ties
U.S. President Donald Trump's proposed tariff on Mexican goods has the country's oil industry considering just how much it needs the American market....

Renewable Energy
German Utility Pushes Clean Energy With Onshore Wind Plan
German utility Energie Baden-Wuerttemberg AG plans to triple onshore wind capacity by 2020 as it seeks to narrow its dependence on nuclear and fossil fuel power....

Renewable Energy
U.S. Wind, Solar Power Focus on Rural Jobs as Trump Touts Coal
The renewable-energy industry has a message for the Trump administration about bringing energy jobs to rural communities: get out of the coal mines and look to the sky....

Superfund
$23M Cleanup Set for New York Site Near Lake Ontario
A cleanup plan estimated to cost $23 million will be carried out at a former industrial area in Lockport, N.Y., contaminated with polychlorinated biphenyls, lead and other pollutants, the Environmental Protection Agency announced Jan....

Water Pollution

Plastic Consumed by Fish Hooks Researchers to Probe Deeper
Swallowing small pieces of plastic in water found in lakes, rivers and oceans may harm fish and other aquatic organisms. How harmful is a question that scientists say needs further research....

BNA INSIGHTS

Practitioner Insights: The Peril and Imperative of TSCA Reform
In June, former President Barack Obama signed the Frank R. Lautenberg Chemical Safety for the 21st Century Act—an overhaul of the law responsible for regulating the tens of thousands of industrial chemicals in everyday products such...

REGULATORY AGENDA

TODAY'S FEDERAL REGISTER

TODAY'S STATE REGISTERS

Daily Environment Report
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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: DCOGCLN1/DC/USEPA/US
Sent: Wed 2/1/2017 8:01:00 AM
Subject: Gentle reminder from OGC/Ethics: Any transactions to report?

---- This is your gentle reminder from OGC/Ethics: Do you have a periodic transaction to report?? ----

Dear 278 Filer –

Because you file the OGE 278e, you are also required to file periodic transaction reports using the OGE 278T using INTEGRITY, the new online financial disclosure system created and maintained by the Office of Government Ethics (https://www.integrity.gov). You must file a periodic transaction report when you purchase, sell, or exchange certain investments like stocks, bonds, commodities futures, options or other forms of securities if the amount of the transaction exceeds $1,000. These transactions are reportable even if they occur within brokerage accounts, managed accounts, or other investment vehicles that you own or that are owned by anyone else whose interests are imputed to you (i.e., spouse and/or dependent children).

Please note that not all transactions are reportable on this periodic basis. Don't report transactions of less than $1000 at a time. And you don't have to file a 278T for transactions involving investments such as mutual funds, exchange traded funds, real estate, or U.S. Treasury notes.

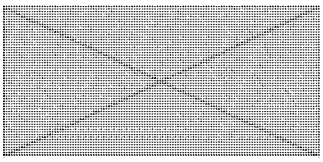
If you have a reportable periodic transaction, then you must file the OGE 278T in INTEGRITY within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You can be fined $200 for any missed periodic report. If you don't have any reportable transactions, then don't submit a negative report. Keep track of your transactions because even if they aren't reportable periodically, they may still be reportable Schedule B of your next annual filing. Also, the INTEGRITY system will allow you to upload your transactions automatically into the appropriate annual report.

For more assistance on INTEGRITY, check out the OGC/Ethics help page at:
http://intranet.epa.gov/ogc/Integrity/Landingpage.html

Thanks!

The OGC/Ethics team

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Wed 2/1/2017 8:41:13 AM
Subject: 3 Gorsuch Opinions You Need To Read Right Now



ENVIRONMENTAL

Wednesday, February 1, 2017

SUPREME COURT

Analysis

3 Gorsuch Opinions You Need To Read Right Now

President Donald Trump's U.S. Supreme Court nominee Judge Neil Gorsuch is a 10-year veteran of the Tenth Circuit and has under his belt hundreds of opinions that can be mined for clues as to what kind of Supreme Court justice he would be. Here are three opinions by Judge Gorsuch to read right now.

Gorsuch's Credentials Could Prove Troubling To Opposition

The praise for Tenth Circuit Judge Neil Gorsuch following his nomination to the U.S. Supreme Court Tuesday night came from many prominent legal figures, reflecting how it will be hard for Democrats to challenge President Donald Trump's selection given the judge's impeccable resume.

Analysis

Gorsuch Likely To Restore Scalia-Era High Court Balance

With a solid conservative bent, President Donald Trump's nominee for the U.S. Supreme Court, Circuit Judge Neil Gorsuch, is unlikely to shift the high court's jurisprudence significantly away from where it stood with the late Justice Antonin Scalia, legal experts say.

Trump Nominates Judge Gorsuch For High Court Seat

President Donald Trump on Tuesday nominated Tenth Circuit Judge Neil Gorsuch to fill a Supreme Court seat that has remained vacant since the death of Justice Antonin Scalia in February 2016, picking a well-respected figure in the conservative legal establishment who would restore the nation's top bench to a Republican majority and likely break the recent spate of 4-4 ties.

TOP NEWS

LAW FIRMS

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Greenbe Traurig

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7th Circ. Dismisses Discovery Appeal Over Superfund Site

The Seventh Circuit on Tuesday shot down paper manufacturer P.H. Glatfelter Co.'s attempt to force rival Windward Prospects Ltd. to cough up documents related to the $700 million cleanup of a Wisconsin Superfund site.

Tepco, GE Urge 9th Circ. To Toss Sailors' $1B Fukushima Suit

Tokyo Electric Power Co. and General Electric Co. on Monday told the Ninth Circuit that a proposed $1 billion class action filed by U.S. sailors allegedly exposed to radiation while responding to the Fukushima nuclear disaster belongs in a Japanese court, not an American one.

POLICY & REGULATION

Trump's Interior, Energy Noms Coast To Final Senate Vote

Secretary of the Interior nominee Ryan Zinke and Secretary of Energy nominee Rick Perry were easily approved by the Senate Committee on Energy and Natural Resources on Tuesday, paving the way for their likely confirmation by the full Senate.

Republicans Move To Block Obama Stream, Methane Rules

Republican lawmakers from both congressional chambers floated pieces of legislation Monday to repeal controversial Obama administration rules aimed at minimizing coal mining's harm to surface water and groundwater and limiting methane releases from drilling operations on federal and Native American lands.

ENFORCEMENT

Oil Shipping Co. Seeks 5th Circ. Review of $20M Spill Case

American Commercial Lines LLC on Monday asked the Fifth Circuit to overturn a lower court's refusal to cap its liability in a $20 million oil spill caused by a barge collision on the Mississippi River.

LITIGATION

Flint Residents File $772M Suit Saying EPA Ignored Lead

A group of about 1,700 residents of Flint, Michigan, filed a $772 million joinder suit in Michigan federal court on Monday against the federal government, alleging that the U.S. Environmental Protection Agency injured local residents by ignoring the dangers of elevated lead found in the city's drinking water.

DOE Tells DC Circ. LNG Export Approvals Were Sound

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Morvillo Abramo

The U.S. Department of Energy on Monday defended its approvals for liquefied natural gas export projects in Texas and Louisiana, telling the D.C. Circuit that it can't be required to evaluate speculative climate change impacts caused by increased gas drilling allegedly spurred by the projects.

States Make Final Push To Remand VW Diesel Cases

A number of states made their final pleas to remand their lawsuits in the multidistrict litigation over Volkswagen AG's diesel emissions scandal, asking a California federal court Tuesday to send their suits back to state court based on lack of jurisdiction over their respective consumer protection and environmental claims.

EXPERT ANALYSIS

Wind Power In Texas: Not Just Hot Air

Last fall, the U.S. Energy Information Administration reported that in 2015, Texas lagged far behind states in the Midwest, Plains, Northwest and Northeast regions in utilizing wind energy as a percentage of total net electricity generation. But Texas is still the highest wind electricity-producing state in the nation, making up 24 percent of the national total in 2015, and is on track to grow even further, says Cody Vasut of BakerHostetler.

LEGAL INDUSTRY

Nearly Half Of GCs May Fire A Firm In 2017

In-house hiring has stabilized, outside budgets are rising, and a third of general counsels anticipate that they'll increase the amount of work they outsource, according to a survey of chief legal officers. But the news is not all rosy, as some law firms may face the chopping block.

Greenberg Says Giuliani, Not Firm, Acted On Immigration Ban

Greenberg Traurig LLP acknowledged controversial comments made by former New York Mayor Rudy Giuliani related to President Donald Trump's executive order temporarily banning immigrants from seven Muslim-majority nations from the U.S., but distanced itself from the remarks, saying Giuliani acted in his own personal capacity.

How GCs Can Build A Cohesive Outside Team

Assembling the best outside counsel teams typically means hiring experts from different firms, which can lead to miscommunication, competition and infighting. Here's how GCs can assert their leadership skills to create a united, effective team.

Obsolete Legal Tech Hurting Lawyer Morale, Innovators Say

Clunky document systems, stultifying client intake work, and repetitive fill-in-the-blank tasks are killing lawyer moral along with opportunities to win new clients or build on the work they already have, a group of legal technology leaders said at a Tuesday panel in New York.

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Security Experts See Client Disconnect On Hacker Defense

BigLaw and their corporate clients may be more aware than ever of the dangers of hacking and online attacks, but that doesn't mean negotiating the best way to handle sensitive information is getting any easier.

Dewey Exec Wants Ex-Firm Head On The Witness Stand

An attorney for the former chief financial officer of Dewey & LeBoeuf LLP on Tuesday told a New York state judge they want to call former Dewey Chairman Steven Davis to the witness stand in the second trial stemming from the fallout of the law firm's collapse.

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DISH Network Corpora

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LM Ericssor Telepho Compan

Midwest Indepen Transmi System Operato

NCR Corpora

Natural Resourc Defense Council

Oracle Corp.

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The Cato Corpora

Tokyo Electric Power

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GOVER AGENC

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Energy Informat Adminis

Federal Energy Regulat Commis

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Michigar Departm of Health & Human Services

Montana Departm of Environr Quality

Office of Surface Mining Reclama and Enforcer

Texas Legislat

Texas State Senate

U.S. Departm of Defense

U.S. Departm of Energy

U.S. Departm of Health and Human Services

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eBay Inc.

GOVERNMENT AGENCIES
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U.S. Supreme Court

Bureau of Land Management

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Environmental Protection Agency

Energy Information Administration

Federal Energy Regulatory Commission

Michigan Department of Environmental Quality

Michigan Department of Health & Human Services

Montana Department of Environmental Quality

Office of Surface Mining Reclamation and Enforcement

Texas Legislature

Texas State Senate

U.S. Department of State

U.S. Department of the Interior

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Wed 2/1/2017 12:15:29 PM
Subject: The Morning Headlines from InsideEPA.com -- February 1, 2017

The critical environmental policy-making news you need as you begin your day

February 1, 2017

Latest News

Trump's 'One For Two' Rule Order May Create Confusion Over EPA Agenda

President Donald Trump's executive order (EO) forcing EPA and other agencies to "identify" two existing rules for withdrawal for every new rule they issue might spur massive regulatory confusion, sources say, because it is likely to complicate development of new rules required by statute and may jeopardize some existing rules that industry groups support.

Networks Seek To Archive, Protect Environmental Information From Trump

Informal networks of academics, computer experts and librarians are working together to copy, archive and mirror as much environmental information as possible from EPA and other federal websites, working against fears that the climate and other scientific data may disappear under the Trump administration.

Federal District Court Adds To EPA Wins On Key Aspects Of NSR Program

A federal district court in Missouri is reiterating its support for the Obama EPA on key aspects of enforcing the Clean Air Act new source review (NSR) air permit program, adding to a recent appellate court victory that backed the agency's enforcement approach -- though the Trump EPA's plans on enforcing NSR remain unknown.

Refiners, Ethanol Groups Ramp Up Legal Attacks On EPA's Multi-Year RFS

Groups suing EPA over the Obama administration's multi-year renewable fuel standard (RFS) volumes rule are ramping up their legal attacks in new briefs, with refiners doubling down on their claim that its compliance mechanism is flawed while ethanol groups argue the agency should have set more ambitious fuel production targets.

Trump EPA Weighs CPP Repeal Options, Including 112 Exclusion Reversal

The Trump EPA is expected to soon begin weighing options for targeting the agency's power plant greenhouse gas rule, with sources saying the administration faces a dilemma in deciding whether to scrap the rule by reversing the agency's

current interpretation of the so-called “112 exclusion,” or to retain the rule but significantly weaken its requirements.

State Officials, Flint Residents Spar Over Intent Of EPA Lead & Copper Rule

In recently filed supplemental briefs, state officials and plaintiffs in a Safe Drinking Water Act (SDWA) citizen suit over Flint, MI, drinking water compliance are sparring over the intent of EPA's lead and copper rule (LCR) and its requirement for drinking water systems to optimize corrosion control to reduce lead levels.

Iowa Court Denies Damages But Utilities' Novel CWA Suit May Still Proceed

The Iowa Supreme Court has denied a suit by a local water utility seeking damages from agricultural drainage districts for nitrate pollution in its drinking water supply but a source with the utility says while the ruling is “disappointing,” it is inconsequential to the utility's novel federal suit seeking to impose first-time Clean Water Act (CWA) permits on the district.

Daily Feed

Breaking News: Trump picks Gorsuch as Supreme Court nominee

The 10th Circuit judge, and son of controversial former Reagan-era EPA Administrator Anne Gorsuch Buford, is thought to be strikingly similar to whom he will replace, the late Justice Antonin Scalia.

Litigation: Conservative groups urge reopening of VW deal

It is unclear whether the Trump administration would agree to reopen the multiparty VW deal.

Climate: House bill seeks to exempt GHGs from environmental laws

Some lawmakers are also moving beyond attacks on EPA's GHG authority to question federal support for carbon capture and sequestration technology.

Congress: Democrats mull boycott of Pruitt vote

Democrats are considering boycotting the vote, leaving the committee short of a quorum that is needed to proceed.

Congress: Free-market groups urge lawmakers to expand reach of CRA

If lawmakers begin targeting rules issued prior to the law's 60-day window, that could make scores of EPA rules issued under the Obama administration eligible for repeal.

Transition: 'Increasing indications' of Trump's Supreme Court pick

If Gorsuch is selected, it would likely bring an aggressive opponent of the *Chevron* doctrine to the high court.

E-Wire: A news roundup

Reaction to President Trump's "one-in, two-out" deregulatory order. Plus, the new TSCA law's impact on asbestos and the new head of DOJ's ENRD.

Read all the latest EPA news, analysis and documents →

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 2/1/2017 12:38:27 PM
Subject: February 1 -- Energywire is ready

Read today's Energywire on the web

AN E&E NEWS PUBLICATION

ENERGYWIRE — Wed., February 1, 2017

READ FULL EDITION

1.SUPREME COURT:

Gorsuch light on energy issues but 'smart as hell'

A federal judge from Colorado is President Trump's pick to replace the late Justice Antonin Scalia on the Supreme Court. Following a suspenseful buildup to last night's announcement, Trump chose Judge Neil Gorsuch from the 10th U.S. Circuit Court of Appeals as his nominee for the open seat on the high court. The judge's record on energy and environmental issues is light, but experts have described the Colorado native as well-qualified and traditionally conservative — a logical successor to conservative icon Scalia.

TOP STORIES

2.NOMINATIONS:
Big stakes for Exxon as Tillerson closes in on State

3.METHANE:
Could BLM rule go back to the drawing board after CRA?

4.COAL:
Kemper carbon capture project misses startup date

5.SECURITY:
Trump promises to tackle grid cybersecurity

ELECTRICITY

6.UTILITIES:
State regulators reach out to Trump admin

7.ELECTRICITY:
Alaska utilities agree to pool power in bid to slash costs

8.MICHIGAN:
MISO sees demand response as a key to reliability

9.UTILITIES:
TVA trying to figure out Trump's federal hiring freeze

10.GRID:
Talks on Western power system stall

11.POLITICS:
Canadian electricity exporters hold out hope despite Trump

OIL AND GAS

12.BUSINESS:
Enterprise Products to build new isobutane processing unit

13.METHANE:
Laser technology could solve gas leaks

E&ETV'S ONPOINT

14.UTILITIES:
TVA president on the future of coal, nuclear and carbon policy under the Trump administration

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ABOUT ENERGYWIRE – The Transformation of the Energy Sector

Energywire is written and produced by the staff of E&E News. Energywire is designed to bring readers deep, broad and insightful coverage of the transformation of the energy sector. Energywire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. Energywire publishes daily at 9:00 a.m.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 2/1/2017 12:53:50 PM
Subject: February 1 -- Climatewire is ready

Read today's Climatewire on the web

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Wed., February 1, 2017

READ FULL EDITION

1.CLEAN POWER PLAN:

Will EPA 'repeal and replace' climate regs, or just repeal?

White House press secretary Sean Spicer declined yesterday to detail the timing of President Trump's potential efforts to revoke the Clean Power Plan, a cornerstone of the past administration's climate policies.

TOP STORIES

2.EPA:

Protesters make last stand against Pruitt

3.STATE DEPARTMENT:

3 D's and an I will put Tillerson over the top today

FEDERAL AGENCIES

4.PUBLIC LANDS:

Zinke renews debate over Forest Service jurisdiction

STATES

5.BUSINESS:

States were busy with solar policies in 2016 — study

6.CALIFORNIA:

More than 2,000 academics urge Trump to uphold Paris Agreement

7.TECHNOLOGY:

Clean coal project set to launch in Wyo.

8.WYOMING:

Coal output from Powder River Basin dips to new low

SCIENCE AND TECHNOLOGY

9.POLITICS:

House Science panel aims to make EPA 'great again'

10.SCIENCE:

Vehicles are top culprit for Siberian Arctic soot

11.OCEANS:

In Alaska, waters are warming and animals are dying

INTERNATIONAL

12.UNITED KINGDOM:

Utility chiefs urge walking away from coal

E&ETV'S ONPOINT

13.UTILITIES:

TVA president on the future of coal, nuclear and carbon policy under the Trump administration

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ABOUT CLIMATEWIRE – Policy. Science. Business.

Climatewire is written and produced by the staff of E&E News. It is designed to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, Climatewire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bannerman, Douglas - OSEC
Sent: Wed 2/1/2017 12:54:19 PM
Subject: RE: FYI

Thanks for passing this along!

Doug

Doug Bannerman, Ph.D.

Departmental Scientific Integrity Officer

U.S. Department of Agriculture (USDA)

Office of the Chief Scientist (OCS)

1400 Independence Ave., S.W.

Room 335A, Whitten Bldg.

Washington, DC 20250-0110

Tel: (202) 690-0745

E-mail: Douglas.Bannerman@osec.usda.gov

From: Grifo, Francesca [mailto:Grifo.Francesca@epa.gov]
Sent: Tuesday, January 31, 2017 7:08 PM
To: Bannerman, Douglas - OSEC <Douglas.Bannerman@osec.usda.gov>
Subject: FYI

Wanted to make sure you had seen this.

FTG

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 2/1/2017 12:57:53 PM
Subject: Morning Consult Energy: Democrats Threaten to Boycott Pruitt Vote

By Jack Fitzpatrick

Washington Brief

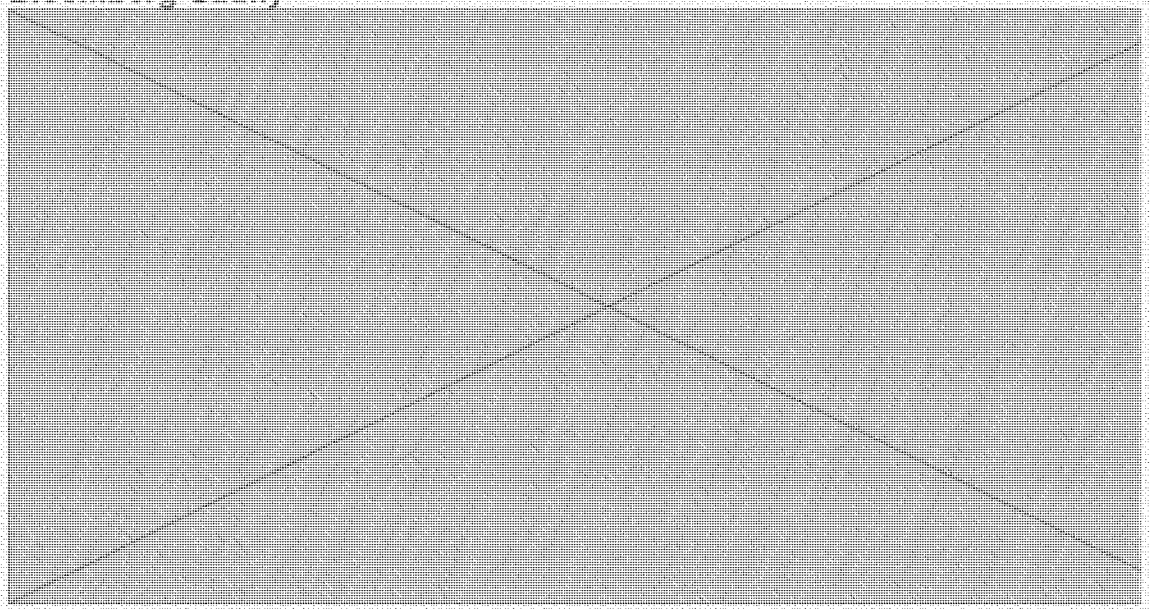
- Democrats on the Senate Environment and Public Works Committee are threatening to boycott today's vote on Scott Pruitt's nomination to lead the Environmental Protection Agency. (The Wall Street Journal)
- Myron Ebell, who led the Environmental Protection Agency transition team, met with advisers to British Prime Minister Theresa May. (Financial Times)
- The Senate Energy and Natural Resources Committee voted to confirm Rick Perry as Energy secretary and Rep. Ryan Zinke (R-Mont.) as Interior secretary. (The Associated Press)
- More than 1,700 residents of Flint, Mich., sued the EPA over its lack of action on the city's water crisis. (Reuters)

Business Brief

- The Army Corps of Engineers has been directed to allow the completion of the Dakota Access pipeline, despite an ongoing environmental review, according to Sen. John Hoeven (R-N.D.). (CNN)
- China is on track to surpass the U.S. as the country with the most nuclear power capacity by 2026. (Bloomberg News)
- BlackRock is buying $3.7 billion in two funds that invest in power plants and energy infrastructure. (The Wall Street Journal)

Chart Review

Shell's North Sea Retreat
Bloomberg Gadfly



Events Calendar (All Times Local)

Wednesday

BP energy outlook	9:30 a.m.
House Energy and Commerce subcommittee hearing on grid security	10:15 a.m.
Senate Environment and Public Works Committee votes on Pruitt confirmation	10:45 a.m.

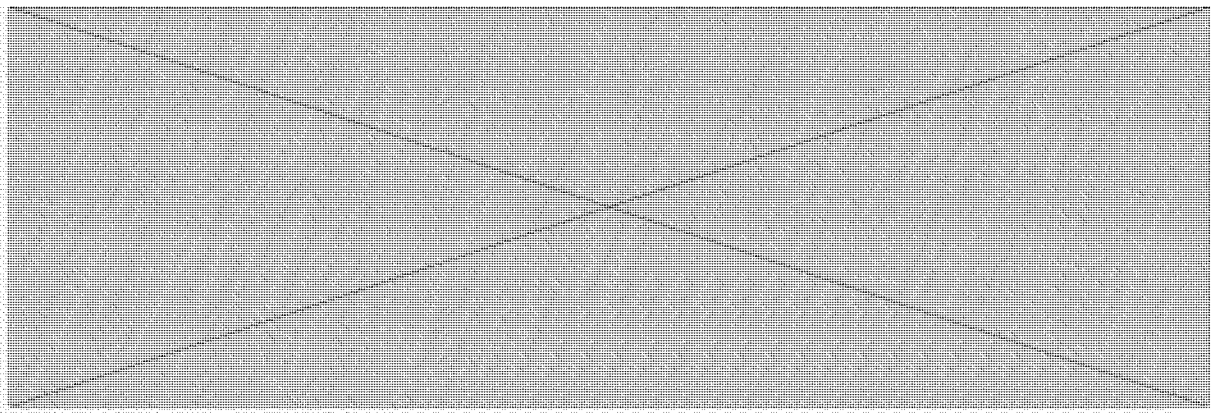
Thursday

No events scheduled

Friday

Journalists' guide to energy and environment	3 p.m.

This email was sent by: Morning Consult



General

Senate Democrats Threaten to Boycott Committee Vote on EPA Nominee Scott Pruitt
Amy Harder, The Wall Street Journal

Senate Democrats are threatening to boycott a planned committee vote Wednesday on President Donald Trump's pick to head the Environmental Protection Agency, arguing Oklahoma Attorney General Scott Pruitt hasn't fully answered their questions or addressed their concerns, according to multiple Senate aides. The move, if executed, would be the latest setback for Mr. Trump's top nominees in the face of staunch Democratic opposition. Because Republicans are in the majority in the Senate, the tactics employed by the Democrats likely only delay the inevitable approval of most if not all of Mr. Trump's nominees, but nonetheless the actions emphasize the opposition coming from the minority party.

Leading Trump climate change sceptic visits No 10
Pilita Clark, Financial Times

A former adviser to Donald Trump who says fears about global warming have been exaggerated by a "climate-industrial complex" met with Theresa May's advisers in Downing Street on Tuesday. Myron Ebell, a prominent climate sceptic who led the Environmental Protection Agency transition team for the Trump administration, met advisers but not senior staff or ministers, a Number 10 spokesman said.

GOP-led Senate panel approves Perry, Zinke
Alan Fram, The Associated Press

Republicans pushed President Donald Trump's nominees to head the Energy and Interior Departments through a Senate panel on Tuesday while other

committees moved toward votes on his picks to head agencies in the thick of partisan battles over health care, legal protections, education and the economy. The Senate Energy and Natural Resources Committee quickly approved former Texas Gov. Rick Perry as Energy secretary by 16-7, and Rep. Ryan Zinke, R-Mont., to head Interior by 16-6.

1,700 residents of Flint, Michiga over water crisis
Dan Whitcomb, Reuters

More than 1,700 residents of Flint, Michigan who say the Environmental Protection Agency mismanaged the water crisis that exposed thousands of children to lead poisoning have sued the U.S. government, seeking class action status for their claims. The lawsuit, filed in U.S. District Court in Michigan on Monday, asserted that the EPA failed to warn them of the dangers of the toxic water or take steps to ensure that state and local authorities were addressing the crisis.

A new battle over politics and s d be brewing. And scientists are ready for it
Chris Mooney, The Washington

Over a decade ago, George W. Bush's presidency attracted plenty of attention for charges that it had all-too-often mistreated scientific information. By the middle Bush years, reports were rampant that the administration had presented inaccurate or incomplete information on issues such as climate change and stem cell research, edited scientific reports to skew their contents, or had prevented scientists on the government payroll from speaking with the media about their findings and knowledge.

Trump Nominates Neil Gorsuch eme Court
Julie Hirschfield Davis and Mark he New York Times

President Trump on Tuesday nominated Judge Neil M. Gorsuch to the Supreme Court, elevating a conservative in the mold of Justice Antonin Scalia to succeed the late jurist and touching off a brutal, partisan showdown at the start of his presidency over the ideological bent of the nation's highest court. Mr. Trump announced his selection during a much-anticipated evening ceremony that unfolded in prime time at the White House.

Corporate Outlook Spurs Stock urn to Fed
Samuel Potter, Bloomberg News

An upbeat mood in Europe's corporate sphere underpinned a rebound in global stocks, while the dollar stabilized as investors prepare to scour the Fed statement for clues on the path of interest rates this year. European stocks climbed with S&P 500 Index futures after companies including Apple Inc.,

Siemens AG and Volvo AB posted results that exceeded expectations, along with optimistic forecasts for the year ahead.

Oil and Natural Gas

Saudi Oil Minister Praises Trum Policy, Welcomes Increased U.S. Production
Benoit Faucon and Michael Am l Street Journal

Saudi Arabia's oil minister on Wednesday praised President Donald Trump's energy policies and said he welcomed an increase in American oil production "as long as they grow in line with global energy demand."

Oil Braces for Trump Ban Fallou rton Says Stay Put
Ryan Collins and David Wethe, News

Oil-services giant Halliburton Co. told employees to stay put. Another global oil company is reconsidering whether to place a crude trader in Houston. And universities that train energy workers across the country estimated that hundreds of students may be affected.

Exxon says it can more than do in Permian Basin
Ed Crooks, Financial Times

ExxonMobil, the world's largest listed oil company, has said it will be able to more than double its output in the Permian Basin region of the US and maintain it at that level for decades, in a vote of confidence in the outlook for North American shale production. The company told analysts on Tuesday morning that it could add 350,000 barrels of oil equivalent per day from the Permian region of Texas and New Mexico, thanks to the $6.6bn acquisition of companies from the Bass family announced in January. Its current output in the region is 140,000 b/d.

ExxonMobil earnings 40% lower ted
Ed Crooks, Financial Times

ExxonMobil has become the second large oil company to report earnings well below analysts' expectations, following Chevron on Friday. Exxon's earnings per share were 41 cents for the fourth quarter of 2016, with net income of $1.68bn, 40 per cent lower than expected.

Utilities and Infrastructure

Army Corps ordered to approve [illegible] o finish Dakota Access Pipeline
Madison Park and Keith Allen, C[illegible]

The US Army Corps of Engineers has been directed to allow the completion of the Dakota Access Pipeline, North Dakota Sen. John Hoeven said on Tuesday. Although the official easement from the Army Corps has yet to be released, Hoeven and Rep. Kevin Cramer praised the move, which will pave the way for the final phase of the controversial $3.7 billion project.

Court halts lawsuit over Keysto[illegible]
Timothy Cama, The Hill

A federal court has put a hold on a lawsuit filed by the developer of the Keystone XL pipeline in an effort to force the U.S. government to approve the controversial project. Houston-based Judge Kenneth Hoyt wrote in a late Monday order that TransCanada Corp.'s lawsuit should be paused after President Trump's memo last week to restart the application process for the oil pipeline.

Shutdown of Texas Pipeline Bo[illegible] rices
Dan Molinski, The Wall Street Jo[illegible]

The rupture and closure of a major crude oil pipeline in Texas jointly-owned by Enterprise Products Partners and Enbridge Inc. helped to push oil prices higher Tuesday as crews worked to clean up the spill. The 30-inch diameter Seaway S-1 pipeline pumps up to 400,000 barrels a day of crude oil from a commercial hub in Cushing, Okla., to to refineries 500 miles away near the Gulf Coast.

Renewables

Maryland House overrides Hoga[illegible] nergy bill
Pamela Wood, The Baltimore Su[illegible]

The House of Delegates on Tuesday took the first step to reverse Gov. Larry Hogan's veto of a renewable energy bill, voting 88-51 to overturn it. The state Senate plans to vote on Thursday. To override a governor's veto, three-fifths of the members in both houses of the General Assembly must vote to do so.

Maine regulators strike middle c olar incentives
Tux Turkel, Portland Press Hera

Homeowners with solar-electric panels as of the end of this year will be compensated for the power they produce at a full retail rate for 15 years, but those who wait until 2018 and thereafter to install solar units will see the credit gradually reduced over time. That was the upshot of a rule finalized on Tuesday by the Maine Public Utilities Commission.

NextEra eyes big solar project a ant
Thomas Content, Milwaukee Jo el

Wisconsin's largest solar project, comprising hundreds of thousands of solar panels, would be built adjacent to the Point Beach nuclear plant in Two Rivers, under a proposal announced by the nuclear plant's operator on Monday. NextEra Energy Resources announced the project, to be called the Point Beach Solar Energy Center, in conjunction with WPPI Energy of Sun Prairie. WPPI plans to buy electricity generated by the project for 20 years.

Coal

Illinois overtakes Kentucky in c on as nearly 1 in 4 jobs disappears
Bill Estep, Lexington Herald-Lea

There was a slight uptick in coal production in Kentucky in the last three months of 2016, but for the year, production and employment continued the steep slide that's been going on since 2011. Production fell so much that the state dropped to the fourth biggest coal producer in the nation.

Japanese government planning new coal fired power stations to diversify supply
Babs McHugh, Australian Broad rporation

The Japanese government is moving ahead with its plans to build up to 45 new coal fired power stations. The power plants will utilise high energy, low emissions (HELE) technology that use high-quality black coal.

Ban coal from backup power su me, says Scottish Power
Adam Vaughan, The Guardian

Ministers should ban coal power stations from a scheme paying their owners

subsidies to provide backup power, a leading energy company and green energy group have urged. Scottish Power and RenewableUK said it was an "obvious paradox" and "counterproductive" that the government had committed to closing all coal power stations by 2025 while continuing to support them through the capacity market, its system for ensuring power when supplies are low.

Nuclear

China's Nuclear Power Capacity [illegible]rtake U.S. Within Decade
Stephen Stapczynski, Bloomber[illegible]

China's rapid nuclear expansion will result in it overtaking the U.S. as the nation with the largest atomic power capacity by 2026, according to BMI Research. The world's second biggest economy will almost triple its nuclear capacity to nearly 100 gigawatts by 2026, making it the biggest market globally, analysts said in a note dated Jan. 27.

Climate

Burning Wood Beats Coal at J-P[illegible]e Fights Climate Change
Tsuy0shi Inajima et al., Bloomb[illegible]

Japan's biggest electricity wholesaler knows it'll take more than cutting-edge coal technology to save the environment. Electric Power Development Co., known as J-Power, is looking to build its first major power plant that burns natural gas near cities such as Tokyo as well as use more woody biomass instead of fossil fuels, Executive Officer Hitoshi Kanno said.

Opinions, Editorials and Perspectives

Winning the Fight on Stream Pr[illegible]
Rep. Bill Johnson et al., Mornin[illegible]

For close to a decade, Republicans have been leading the charge against the

regulatory onslaught on coal communities. But now, with an ally in the White House, we can finally begin to roll back some of the punishing regulations of the last eight years.

With Trump Now in Office, Cana[illegible]o Build a Carbon Wall
Michael Binnion, Morning Cons[illegible]

Former Canadian Prime Minister Pierre Trudeau once said that living next to the United States is like "sleeping with an elephant," with Canada having to pay attention to every "twitch and grunt." With the ascension of Donald Trump to the White House, that elephant just rolled over.

Shell's North Sea Retreat
Chris Hughes, Bloomberg Gadf[illegible]

Royal Dutch Shell Plc is selling more than half of its North Sea oil production. It may be a big pullback from Britain for the Anglo-Dutch oil major.

Remember that time when Neil [illegible]nother tried to dismantle the EPA?
Lisa Hymas, Grist

Anne Gorsuch - whose son has just been nominated by President Trump for the Supreme Court - was administrator of the EPA from 1981 to 1983, under Ronald Reagan. And much like Scott Pruitt, Trump's EPA nominee, she wanted to rip the agency apart.

Research Reports

Skilful seasonal predictions for [illegible]an energy industry
Robin T. Clark et al., Environme[illegible]ch Letters

We assess the utility of seasonal forecasts for the energy industry by showing how recently-established predictability of the North Atlantic Oscillation (NAO) in winter allows predictability of near-surface wind speed and air temperature and therefore energy supply and demand respectively. Our seasonal prediction system (GloSea5) successfully reproduces the influence of the NAO on European climate, leading to skilful forecasts of wind speed and wind power and hence wind driven energy supply.

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This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Hawkins, CherylA
Sent: Wed 2/1/2017 1:04:32 PM
Subject: RE: OIG coordination request

No we don't have an allegation related to C-FERST.

I have some familiarity with this tool from when I was in OSRTI. The question I think to ask is what sort of internal review and external peer-review was done on the tool before it was released?

Cheryl A. Hawkins, Ph.D.

US EPA/ORD/Office of the Science Advisor (on Detail)

RRB 41235

(202)564-7307

hawkins.cheryla@epa.gov

From: Grifo, Francesca
Sent: Tuesday, January 31, 2017 6:21 PM
To: Hawkins, CherylA <Hawkins.CherylA@epa.gov>
Subject: FW: OIG coordination request

Do we have anything related to this? Can you let me know prior to the OIG meeting?

Thanks

FTG

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Brym, Monica
Sent: Monday, January 30, 2017 4:58 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Kohler, James <Kohler.James@epa.gov>; Barnes-Weaver, Erin <Barnes-Weaver.Erin@epa.gov>; Adrian, Raul <Adrian.Raul@epa.gov>; Brady, Claire <brady.claire@epa.gov>; Gilbride, Patrick <Gilbride.Patrick@epa.gov>
Subject: OIG coordination request

Greetings Dr. Grifo,

I was part of Carolyn Copper's team in OIG's Office of Program Evaluation that met with you last year in DC to obtain a better understanding of the coordination role between the OIG and ScIO. Thank you again for taking the time to meet with us. It was helpful to our review. Our work on that project, reviewing the internal controls for fraud prevention in EPA's Contract Laboratory Program, is wrapping up and our final report should be issued in the next few weeks.

[redacted] Ex. 2 [redacted] You may already be aware of this initiative via your coordination meetings with our office. However, given that this hotline complaint involves, in part, the availability of science for an ORD tool, our team felt it was important to coordinate with you directly about this inquiry. We would like to learn if you have received any similar complaints about C-FERST and if you might also be examining aspects of this tool.

Some of the concerns raised by the anonymous hotline received by OIG in August 2016 are with the usability of the tool and that it does not contain adequate science for exposure risk screening. Attached is an email that was sent to ORD providing notification of our work. This email

identifies the areas of concerns we are examining. You may also contact our Project Manager, Erin Barnes-Weaver, directly if you'd like to discuss the details of this hotline inquiry in greater detail. (barnes-weaver.erin@epa.gov or 303-312-6871). Erin and/or our team is available to meet with you to discuss further. We look forward to hearing from you.

Thank you.

Respectfully,

Monica Brym

Monica Brym | US EPA Office of Inspector General | 1595 Wynkoop St. 4th floor, Denver CO 80202 | (303) 312-6516

To: ORD-OSA[ord-osa@epa.gov]
From: Sinks, Tom
Sent: Wed 2/1/2017 1:31:44 PM
Subject: FW: weekly notes

Weekly notes from OSA to IOAA and executive council are now due to the IOAA by noon on Wednesday. The primary objective is to highlight IMPORTANT dates, events, and that are coming up during the next week (Friday through Thursday). Secondary objective is to highlight things that recently occurred (e.g. past week if we hadn't reported it before).

From: Blackburn, Elizabeth
Sent: Tuesday, January 31, 2017 7:50 PM
To: ORD-Exec-Council-Directors <Execcouncildirectors@epa.gov>; ORD-Mgmt-Council <ORDMgmtCouncil@epa.gov>
Cc: ORD-IOAA-Front Office Support <ORDIOAASUPPORT@epa.gov>
Subject: weekly notes

Hi all,

Bob is now required to send his weekly note to the acting Administrator by COB Thursday. Please send your notes to the Executive Council with a copy to the MC and IOAA Front Office Support team no later than noon on Wednesday. Sorry for the late notice about the note due tomorrow. And thanks in advance for your notes.

Liz

Liz Blackburn

Chief of Staff

EPA Office of Research and Development

202-564-2192

Mobile: 202-436-2453

From: Otto, Martha
Location: DCRoomRRB41213/ORD
Importance: Normal
Subject: Accepted: Coordination Meeting OIG - Quarterly
Start Date/Time: Wed 2/1/2017 6:00:00 PM
End Date/Time: Wed 2/1/2017 7:00:00 PM

From: Parkinson, Lorna
Location: My Office
Importance: Normal
Subject: Accepted: Discuss Survey Report
Start Date/Time: Wed 2/1/2017 3:15:00 PM
End Date/Time: Wed 2/1/2017 4:15:00 PM

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Parkinson, Lorna
Sent: Wed 2/1/2017 2:04:07 PM
Subject: Scientific Integrity in the News

Hi Francesca- this article came out yesterday but I wanted to make sure you had seen it.

http://www.huffingtonpost.com/entry/donald-trump-scientific-integrity-letter-jeff-ruch_us_5890b515e4b02772c4e95311

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Kavlock, Robert[Kavlock.Robert@epa.gov]
Cc: ORD-OSA[ord-osa@epa.gov]; Radzikowski, Mary Ellen[Radzikowski.Maryellen@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Rodan, Bruce[rodan.bruce@epa.gov]; Deener, Kathleen[Deener.Kathleen@epa.gov]; Corona, Elizabeth[Corona.Elizabeth@epa.gov]; Gwinn, Maureen[gwinn.maureen@epa.gov]; Plotkin, Viktoriya[Plotkin.Viktoriya@epa.gov]; Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]; Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]
From: Cox, Taylor
Sent: Wed 2/1/2017 2:52:42 PM
Subject: OSA Weekly Report
Weekly Report2_3_17.docx

Good morning Bob,

Please find the OSA Weekly Report attached to this email for your information. Enjoy the remainder of your week.

Best,
Taylor

Taylor Cox

Office of the Science Advisor

ORAU for U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20460

W: (202) 564-5406

cox.taylor@epa.gov

California Environmental Laboratory Accreditation Program (ELAP): This week the ELAP Expert Panel convened to assess progress made since release of its "Findings and Recommendations by the Expert Review Panel for the State of California's Environmental Laboratory Accreditation Program" (2015). Lara Phelps serves as chair of the panel.

Innovation Challenges:

•□□□□□□□□ **Transform Tox Testing Challenge:** The Innovation Team received nine submissions from industry and academia for stage 2 of this challenge, a collaboration with NIH (National Toxicology Program and National Center for Advancing Translational Sciences). The challenge seeks to add metabolic competence to existing high-throughput screening assays used to evaluate the potential health effects of thousands of chemicals. In Stage 2, semi-finalists were challenged to put their ideas into practice.

•□□□□□□□□ **Nutrient Sensor Challenge – Judging Complete and Winners Announced Early March:** The Nutrient Sensor Challenge targets he need for accurate, dependable, and affordable water sensors for nitrate and phosphate. Testing and evaluation of the sensors has been completed. Judging decisions will be finalized in a webinar on February 6th. Sensors were evaluated on accuracy, precision, range, deployment length, and cost of each. Winners of the Nutrient Sensor Challenge will be announced at the Association for the Sciences of Limnology and Oceanography meeting in March 2017.

Human Subjects Research OIG update: On Wednesday, January 31 OIG provided an update of its assessment of how EPA responded to recommendations from their 2014 report *Improvements to EPA Policies and Guidance Could Enhance Protection of Human Study Subjects*, Report No. 14-P-0154. A positive discussion occurred.

To: Bahadori, Tina[Bahadori.Tina@epa.gov]; Benson, William[Benson.William@epa.gov]; Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]; Blancato, Jerry[Blancato.Jerry@epa.gov]; Costa, Dan[Costa.Dan@epa.gov]; Frithsen, Jeff[Frithsen.Jeff@epa.gov]; Hauchman, Fred[hauchman.fred@epa.gov]; Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]; Johnson, Jim[Johnson.Jim@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Orme-Zavaleta, Jennifer[Orme-Zavaleta.Jennifer@epa.gov]; Radzikowski, Mary Ellen[Radzikowski.Maryellen@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Rodan, Bruce[rodan.bruce@epa.gov]; Sayles, Gregory[Sayles.Gregory@epa.gov]; Silzer, Stefan[Silzer.Stefan@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Slimak, Michael[Slimak.Michael@epa.gov]; Sonich-Mullin, Cynthia[Sonich-Mullin.Cynthia@epa.gov]; Steenbock, John[Steenbock.John@epa.gov]; Thomas, Russell[Thomas.Russell@epa.gov]; Vandenberg, John[Vandenberg.John@epa.gov]; vanDrunick, Suzanne[vanDrunick.Suzanne@epa.gov]
Cc: ORD-Mgmt-Council[ORDMgmtCouncil@epa.gov]; ORD-OSA[ord-osa@epa.gov]
From: Cox, Taylor
Sent: Wed 2/1/2017 3:02:57 PM
Subject: OSA Weekly Report
Weekly Report2_3_17.docx

Good morning,

Please find the OSA Weekly Report attached to this email for your information. Enjoy the remainder of your week.

Best,
Taylor

Taylor Cox

Office of the Science Advisor

ORAU for U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20460

W: (202) 564-5406

cox.taylor@epa.gov

California Environmental Laboratory Accreditation Program (ELAP): This week the ELAP Expert Panel convened to assess progress made since release of its "Findings and Recommendations by the Expert Review Panel for the State of California's Environmental Laboratory Accreditation Program" (2015). Lara Phelps serves as chair of the panel.

Innovation Challenges:

•□□□□□□□□ **Transform Tox Testing Challenge:** The Innovation Team received nine submissions from industry and academia for stage 2 of this challenge, a collaboration with NIH (National Toxicology Program and National Center for Advancing Translational Sciences). The challenge seeks to add metabolic competence to existing high-throughput screening assays used to evaluate the potential health effects of thousands of chemicals. In Stage 2, semi-finalists were challenged to put their ideas into practice.

•□□□□□□□□ **Nutrient Sensor Challenge – Judging Complete and Winners Announced Early March:** The Nutrient Sensor Challenge targets he need for accurate, dependable, and affordable water sensors for nitrate and phosphate. Testing and evaluation of the sensors has been completed. Judging decisions will be finalized in a webinar on February 6th. Sensors were evaluated on accuracy, precision, range, deployment length, and cost of each. Winners of the Nutrient Sensor Challenge will be announced at the Association for the Sciences of Limnology and Oceanography meeting in March 2017.

Human Subjects Research OIG update: On Wednesday, January 31 OIG provided an update of its assessment of how EPA responded to recommendations from their 2014 report *Improvements to EPA Policies and Guidance Could Enhance Protection of Human Study Subjects*, Report No. 14-P-0154. A positive discussion occurred.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Anley-Mills, Melissa
Sent: Wed 2/1/2017 3:02:53 PM
Subject: Scientific Integrity tweet

Hi Francesca,

Great to chat, I only had one tweet about SI in my "first tweets", but can do additional, if you wished, to highlight elements that are most important.

Also – is there an image you would prefer to accompany the tweet(s)?

TWEET:

Read our Scientific Integrity Policy, a framework to promote scientific & ethical standards & a culture to support them. https://www.epa.gov/osa/basic-information-about-scientific-integrity

Thanks!

Melis

Melissa Anley-Mills
Social Media Lead, Office of Research & Development
US Environmental Protection Agency
anley-mills.melissa@epa.gov
Desk: 202.564.5179
Mondays & Thursdays Cell: 202.664.7272

To: Parkinson, Lorna[parkinson.lorna@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Wed 2/1/2017 4:27:23 PM
Subject: Draft email message to OGC re: Disclaimer Chart
Draft email for OGC regarding disclaimer chart 1Feb2017.docx

Hi, Lorna, Francesca,

Thank you, Lorna, for drafting this document. I made some edits to the document and added a draft email message to Tracy Sheppard. The revised document is attached.

Could you both please review this document and please make suggestions for additional options at the end?

Thank you!

Marti

From: Parkinson, Lorna
Sent: Tuesday, January 31, 2017 4:18 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Information for Communications Stylebook

Hi Marti,

I've attached the information I could pull from the OMB's IQG and EPA's IQG. Both have contradictory information in them by stating that information that approved by the agency is considered "sponsored," but that employees publishing information (EPA uses the term research) in the same manner as their academic colleagues are not covered and need disclaimers.

Ex. 5

Please let me know if you need anything else!

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

Dear Tracy,

The Scientific Integrity Program has worked with Justina Fugh to develop the attached, "Final Ethics Disclaimer Chart," which we intend to use in our upcoming best practices for clearance of scientific products and also as a reference in the EPA "Communication Product Standards Stylebook."

For a journal article written as part of an EPA employee's official duties, the Final Ethics Disclaimer Chart states that the article would have to go through clearance procedures, but does not require a disclaimer. On the other hand, ORD clearance procedures require a disclaimer for such journal articles (even though they were prepared as part of official duties and have been approved through the clearance process). Therefore, ORD is concerned about us posting a document that is not as strict as its own clearance procedures.

I have provided background information below and a discussion of this issue. I would appreciate your advice.

Thank you,

Francesca

Relevant Information from OMB Information Quality Guidelines (2002):

In February 2002, Office of Management and Budget (OMB) issued Information Quality Guidelines for Federal agencies. These Guidelines were designed to ensure the quality of data and information that is disseminated by Federal Agencies.[1]

On page 8454, OMB Guidelines defines information that Federal agencies 'initiate' vs. 'sponsor.' It states that "the agency does not 'initiate' the dissemination of information when a Federally employed scientist or Federal grantee or contractor publishes and communicates his or her research findings in the same manner as his or her academic colleagues, even if the Federal agency retains ownership or other intellectual property rights because the Federal government paid for the research." In this situation, the Guidelines recommend that scientists use a disclaimer. Specifically, it says, "To avoid confusion regarding whether the agency agrees with the information (and is therefore disseminating it through the employee or grantee), the researcher should include an appropriate disclaimer in the publication or speech to the effect that the "views are mine, and do not necessarily reflect the view" of the agency." This section seems to indicate that a product from an EPA scientist publishing their results (but not publishing under the Agency's flag) would not be considered "initiated" by the agency and would require a disclaimer.

However, in the next paragraph, the Guidelines state that agency "sponsored" distribution refers to "situations where the agency has directed a third party to disseminate information, or where the agency has the authority to review and approve the information before the release." Later on, the Guidelines states that "if the Agency…provides funding to support research, and it [is] the researcher (not the Agency) who decides whether to disseminate the results and -- if the results are to be released -- who determines the content and presentation of the dissemination, then the agency has not "sponsored" the dissemination even though it has funded the research and even if the Federal agency retains ownership or

[1] Office of Management and Budget (OMB), *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies,* 67 FR 5365, February 2002. https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/omb/fedreg/reproducible2.pdf

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other intellectual property rights because the Federal government paid for the research." The Guidelines suggest use of a disclaimer to avoid confusion on whether the agency has sponsored dissemination or not.

Scientific products that are authored by EPA employees, as part of official duty, are required to go through clearance. This means that EPA has the ability to make a final decision on whether to disseminate information and to approve the content and presentation of the dissemination, and the product should therefore be considered "sponsored" by EPA. Sponsored products should not require disclaimers.

The OMB guidelines also suggest use of a disclaimer whenever dissemination of information is not technically "initiated" or "sponsored."

Relevant Information from EPA's Information Quality Guidelines (2002):

In response to the OMB Information Quality Guidelines, EPA released *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity, of Information Disseminated by the Environmental Protection Agency*.[2] Section 5.3 states the Guidelines apply when EPA "initiates or sponsors the distribution of information to the public."

Section 5.4 details what is not covered by the Guidelines. It states:

"These Guidelines do not apply to information distributed by recipients of EPA contracts, grants, or cooperative agreements, unless the information is disseminated on EPA's behalf, as when EPA specifically directs or approves the dissemination. These Guidelines do not apply to the distribution of any type of research by Federal employees and recipients of EPA funds, where the researcher (not EPA) decides whether and how to communicate and publish the research, does so in the same manner as his or her academic colleagues, and distributes the research in a manner that indicates it does not necessarily represent EPA's official position (for example, by including an appropriate disclaimer). The Guidelines do not apply even if EPA retains ownership or other intellectual property rights because the Federal government paid for the research."

However, if EPA employees can use official time and resources, can use subordinates and EPA email address, can refer solely to the EPA position and title, the product goes through clearance. In those situations, the Agency has the final say in whether the product is disseminated and approves the communication of the research. These products *should not* require a disclaimer.

Issue:

- The OMB Guidelines and the EPA Guidelines state that a scientific or professional journal article that is authored by an EPA employee, as part of official duties and using EPA resources, and that goes through the clearance process, does <u>not</u> require a disclaimer.
- Justina Fugh helped us to develop the "Final Ethics Disclaimer Chart."
    - In that chart, we state that products developed in a personal capacity do not go through clearance, but <u>do</u> require a disclaimer. This is consistent with the OMB Guidelines.
    - In that chart, we also state that a journal article that is developed as part of an EPA employee's official duties, using Agency resources, on Agency time, must go through the

[2] U.S. EPA, Office of Environmental Information (OEI), *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity, of Information Disseminated by the Environmental Protection Agency*, EPA/260R-02-008, October 2002. https://www.epa.gov/sites/production/files/2015-08/documents/epa-info-quality-guidelines.pdf

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clearance process, but does not require a disclaimer. This is also consistent with the OMB Guidelines and EPA Guidelines.

- ORD requires a journal article developed as part of an employee's official duties to go through the clearance process and also requires the use of a disclaimer.
- ORD is concerned about us publishing the Final Ethics Disclaimer Chart because it contradicts this requirement.

[redacted]

Ex. 5

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Williams, KatherineB
Sent: Wed 2/1/2017 4:29:42 PM
Subject: Travel for 2/16

Hi Francesca,

Can you provide me with credit card info, your card exp on 1/17.

Katherine Williams

202-564-0565

To: Greene, Mary[greene.mary@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Anand Mudambi[Mudambi.Anand@epa.gov]; Benforado, Jay[Benforado.Jay@epa.gov]; Phelps, Lara[Phelps.Lara@epa.gov]
From: Sinks, Tom
Sent: Wed 2/1/2017 4:48:59 PM
Subject: FW: Joint OMB-OPM Memo Attached: Federal Civilian Hiring Freeze Guidance
M-17-18 Federal Civilian Hiring Freeze Guidance.pdf

FYI

From: Radzikowski, Mary Ellen
Sent: Wednesday, February 01, 2017 11:21 AM
To: ORD-Exec-Council-Directors <Execcouncildirectors@epa.gov>; ORD-Mgmt-Council <ORDMgmtCouncil@epa.gov>
Cc: McPherson, Mark <McPherson.Mark@epa.gov>; Osaka, Anna <Osaka.Anna@epa.gov>
Subject: Joint OMB-OPM Memo Attached: Federal Civilian Hiring Freeze Guidance

EC and MC, attached please find a copy of the joint OMB-OPM memo issued yesterday providing guidance, effective immediately, on the Federal civilian hiring freeze. The memo provides information on the types of exemptions authorized under the hiring freeze. Several key points are noted below.

1. No vacant position existing at noon on January 22, 2017, may be filled and no new positions may be created, except in limited circumstances.

2. Internal merit promotion actions are paused during the hiring freeze.

3. Pathways Internship and Presidential Management Fellows appointments are exempt from the hiring freeze, the Recent Graduates Program is not exempt. Agencies are to ensure that such hires understand the provisional nature of these appointments and that conversion is not guaranteed.

4. Conversion in the ordinary course to the competitive service of current employees serving in positions with conversion authority, such as the Pathways Internships, are exempt from the hiring freeze.

5. Internal career ladder promotions are exempt from the freeze.

6. Term and temporary appointments of existing Federal employees may be extended up to the maximum allowable time limit, consistent with the requirements of the legal authority originally used to appoint the employee.

Please let either me or Chris Robbins know if you have any questions.

Thank you.

Mary Ellen Radzikowski

Acting Associate Assistant Administrator

Office of Research and Development

Radzikowski.maryellen@epa.gov

202 564 6757

U.S. Office of
Management & Budget

U.S. Office of
Personnel Management

January 31, 2017

M-17-18

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: MARK SANDY
ACTING DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
KATHLEEN McGETTIGAN
ACTING DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT

SUBJECT: Federal Civilian Hiring Freeze Guidance

1. Purpose. This memorandum provides additional guidance regarding the freeze on the hiring of Federal civilian employees as directed by the President on January 23, 2017, via Presidential Memorandum (PM) entitled "Hiring Freeze." This guidance is in addition to the initial implementation guidance issued by the Acting Director of the Office of Management and Budget (OMB) on January 25, 2017. This guidance provides information on the types of exemptions authorized under this hiring freeze as well as instructions on how departments and agencies can request exemptions from the Director of the Office of Personnel Management (OPM) for critical situations where additional exemptions may be warranted.

2. Coverage. This memorandum applies to all Executive departments and agencies regardless of the sources of their operational and programmatic funding and to all types of Federal civilian appointments, regardless of the length of the appointment, except as provided for below or otherwise provided in law. No vacant positions existing at noon on January 22, 2017, may be filled and no new positions may be created, except in limited circumstances. For the purposes of this memorandum, a position is not considered vacant if an individual has been given an offer of employment prior to noon on January 22, 2017, has accepted the position, and has a designated start date on or before February 22, 2017.

   Contracting outside the Government to circumvent the intent of the PM shall not be permitted. For example, agencies shall not acquire by contract with a commercial vendor services that are substantially similar to those that would have been provided by a Federal civilian in a vacancy covered by the PM. However, nothing in this memorandum is intended to restrict agencies from continuing, modifying, or entering into service contracts for other purposes, consistent with law, regulation, and any applicable management direction.

The guidance in this memorandum should be implemented consistent with any lawful collective bargaining obligations that may apply.

3. Exemptions. The following exemptions to the Federal civilian hiring freeze are permitted:

   a. Military personnel in the armed forces and all Federal uniformed personnel, including the U.S. Coast Guard, the Commissioned Corps of the U.S. Public Health Service, and the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration.

   b. Filling of positions under programs where limiting the hiring of personnel would conflict with applicable law.

   c. Nomination and appointment of officials to positions requiring Presidential appointment, with or without Senate confirmation.

   d. Appointment of officials to non-career positions in the Senior Executive Service or to Schedule C appointments in the Excepted Service, or the appointment of any other officials who serve at the pleasure of the appointing authority (i.e., "appointed" positions of a political/non-career nature).

   e. Appointment of seasonal employees and short-term temporary employees necessary to meet traditionally recurring seasonal workloads, provided that the agency informs its OMB Resource Management Office in writing in advance of its hiring plans.

   f. Hiring by the U.S. Postal Service.

   g. Federal civilian personnel hires made by the Office of the Director of National Intelligence (ODNI) and the Central Intelligence Agency (CIA).

   h. Appointments made under the Pathways Internship and Presidential Management Fellows programs (this does not include the Recent Graduates program). Agencies should ensure that such hires understand the provisional nature of these appointments and that conversion is not guaranteed.

   i. Conversions in the ordinary course to the competitive service of current agency employees serving in positions with conversion authority, such as Veteran's Recruitment Act (VRA) and Pathways programs.

   j. Appointments made under 5 C.F.R. § 213.3102(r) (time limited positions in support of fellowship or professional/industry exchange programs) provided that the total number of individuals employed under this authority does not exceed the number of employees onboard (hired under this authority) on January 22, 2017.

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k. Placement of persons with restoration rights accorded by law, such as restoration after absence with injury compensation and restoration after military duty.

l. Job offers made prior to January 22, 2017, for which the individual has a confirmed start date on or before February 22, 2017. Those individuals should report to work according to their respective designated start dates.

m. Job offers made prior to January 22, 2017, but for which the individual has a confirmed start date that is later than February 22, 2017 (or does not have a confirmed start date), should be decided on a case-by-case basis and must go through an agency-head review. The agency head should review each position to determine whether the job offer should be revoked, or whether the hiring process should continue. Agency heads should consider essential mission priorities, current agency resources, and funding levels when making determinations about whether or not to revoke job offers.

n. Internal career ladder promotions.

o. Reallocations (i.e., noncompetitive reassignments and details) of current Federal civilian employees within an agency to meet the highest priority needs (including preservation of national security and other essential services) are not affected. Details (reimbursable and non-reimbursable) between agencies are also not affected; however, agency leadership should ensure that any reimbursable details between agencies are not being used to circumvent the intent of the hiring freeze.

p. Term and temporary appointments of existing Federal employees may be extended up to the maximum allowable time limit, consistent with the conditions/requirements of the legal authority originally used to appoint the employee.

q. A limited number of voluntary transfers of current SES between agencies, as necessary to secure the leadership capacity of agencies, and where needs cannot be met by reallocation of resources within an agency's current workforce; however, filling of such vacancies is subject to OPM approval in accordance with section 4 below.

r. The head of any agency may exempt any positions that it deems necessary to:
   i. Meet national security (including foreign relations) responsibilities, or
   ii. Meet public safety responsibilities (including essential activities to the extent that they protect life and property). Agencies may refer to longstanding guidance, which provides examples of such activities in *OMB Memorandum, Agency Operations in the Absence of Appropriations,* dated 11/17/1981 [see examples 3(a) to 3(k)].

Agency heads should consult with appropriate personnel, including the agency Chief Human Capital Officer (CHCO) or equivalent and agency counsel when

determining what positions to exempt from the hiring freeze. Agency heads are also required to consult with OPM and the agency's OMB Resource Management Office on their intent to exempt positions using their agency head authority before implementing these exemptions. Note that in the case of an Inspector General's (IG) office, the Inspector General is considered the agency head for the purposes of determining which positions in the IG office are exempt based on the definitions above, as well as for the purposes of the agency-head review of job offers in the IG office that either do not have a start date or have a designated start date beyond February 22, 2017.

4. Exemptions Granted by the Director of OPM. The Director of OPM may grant additional exemptions from the hiring freeze for critical situations. Accordingly, if an agency head assesses that circumstances warrant additional exemptions to the hiring freeze other than those specified above, a request must be made in writing to the Director of OPM and signed by the agency head. The request must:
    - Explain the critical need and how it relates to essential services or critical mission requirements.
    - Explain why reallocation (reassignment/detail) of existing staff within the agency is not possible to meet the needs outlined in the request.
    - Explain the urgency of the need and the consequences of not filling the position within a 3 to 6 month timeline.

    Agencies must also notify their respective OMB Resource Management Office of exemption requests to OPM under this provision.

5. Effective Dates. The guidance in this memorandum is effective immediately. Within 90 days of the publication of the PM issued on January 23, 2017, the Director of OMB, in consultation with the Director of OPM, shall recommend a long-term plan to reduce the size of the Federal Government's workforce through attrition. The hiring freeze will expire upon implementation of the OMB plan.

6. Inquiries. Questions from departments and agencies regarding the instructions and guidance in this memorandum should be addressed to agency OMB Resource Management Officers and OPM contacts provided to Chief Human Capital Officers and HR Directors.

ED_001292B_00002548-00004

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 2/1/2017 6:34:38 PM
Subject: February 1 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION

GREENWIRE — Wed., February 1, 2017

READ FULL EDITION

1.EPA:

Dems boycott committee vote on Pruitt

Democratic senators boycotted a committee vote today on the nomination of Scott Pruitt to be U.S. EPA administrator. "We're going to the gym," joked Sen. Tom Carper (D-Del.) as Democratic members of the panel passed the hearing room.

TOP STORIES

2.SUPREME COURT:
Would Gorsuch's skepticism on *Chevron* spell doctrine's demise?

3.DOE:
Ex-official slams science march, warns of budget cuts

4.EPA:
Déjà vu for staff as Gorsuch makes headlines

CONGRESS

5.NOMINATIONS:
Judiciary panel advances Sessions to be attorney general

6.EPA:
House freshman drafting bill to abolish agency

7.DOE:
Trump's national security forum reshuffling prompts outcry

8.TAX POLICY:
Hatch raises doubts about border adjustment tax

POLITICS

9.EPA:
McCarthy to Trump team: 'We're not storming an enemy here'

10.NATIONAL MONUMENTS:
Utah House passes bills targeting Obama, Clinton designations

TRANSITION

11.FEDERAL AGENCIES:
White House announces exemptions for hiring freeze

NATURAL RESOURCES

12.FISHERIES:
Observers face harassment, threats aboard ships

13.PUBLIC LANDS:
Feds slash grazing fees, sparking cheers and jeers

14.ENDANGERED SPECIES:
Alaska wood bison herd has 1st poaching casualty

15.FISHERIES:
Lobstermen skeptical of new regulations

16.ENDANGERED SPECIES:
Ranchers seek to remove Calif. protections for gray wolf

17.WILDLIFE:
'Tinder for orangutans' promotes international romance
18.CHESAPEAKE BAY:
Md. bill would prohibit ray hunt

LAW

19.VW SCANDAL:
Automaker, supplier will pay drivers of 3.0-liter diesel cars
20.PESTICIDES:
Greens sue Calif. agency over fumigant

CLIMATE CHANGE

21.ADAPTATION:
Winter storms highlight growing threat of sea-level rise

ENERGY

22.NUCLEAR WASTE:
Separate repository studies missed billions in costs — GAO
23.COAL:
Landowners, greens protest first Wyo. mine in decades
24.NUCLEAR:
NRC says Mass. plant can stay open despite safety problems

TRANSPORTATION

25.AUTONOMOUS CARS:
Uber partners with German carmaker for self-driving vehicles
26.AUTOS:
Tesla Model S lags behind competitors in safety test

AIR AND WATER

27.FLOOD INSURANCE:
Advocates want rates tied to risk
28.AIR POLLUTION:
EPA greenlights Alaska fine particles plan

PUBLIC HEALTH

29.AIR POLLUTION:
Particulate exposure linked to Alzheimer's — study
30.TOXICS:
Teflon chemical found in fast-food wrappings

STATES

31.MARYLAND:
Lawmakers try to push renewable energy bill past veto
32.ARIZONA:
Bill would let city residents shoot snakes, rats in yard
33.CALIFORNIA:
Hummingbird egg stalls bridge project
34.FLORIDA:
Tribe bars federal python research on its land

E&ETV'S ONPOINT

35.UTILITIES:
TVA president on the future of coal, nuclear and carbon policy under the Trump administration

Get all of the stories in today's Greenwire, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at http://www.greenwire.com.
Forgot your passcodes? Call us at 202-628-6500 now and we'll set you up instantly.
To send a press release, fax 202-737-5299 or email editorial@eenews.net.
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To: Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Grifo, Francesca
Sent: Wed 2/1/2017 7:04:56 PM
Subject: Hiring
M-17-18 Federal Civilian Hiring Freeze Guidance.pdf
ATT00001.txt

Sent from my iPhone

U.S. Office of
Management & Budget

U.S. Office of
Personnel Management

January 31, 2017

M-17-18

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: MARK SANDY
ACTING DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
KATHLEEN McGETTIGAN
ACTING DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT

SUBJECT: Federal Civilian Hiring Freeze Guidance

1. Purpose. This memorandum provides additional guidance regarding the freeze on the hiring of Federal civilian employees as directed by the President on January 23, 2017, via Presidential Memorandum (PM) entitled "Hiring Freeze." This guidance is in addition to the initial implementation guidance issued by the Acting Director of the Office of Management and Budget (OMB) on January 25, 2017. This guidance provides information on the types of exemptions authorized under this hiring freeze as well as instructions on how departments and agencies can request exemptions from the Director of the Office of Personnel Management (OPM) for critical situations where additional exemptions may be warranted.

2. Coverage. This memorandum applies to all Executive departments and agencies regardless of the sources of their operational and programmatic funding and to all types of Federal civilian appointments, regardless of the length of the appointment, except as provided for below or otherwise provided in law. No vacant positions existing at noon on January 22, 2017, may be filled and no new positions may be created, except in limited circumstances. For the purposes of this memorandum, a position is not considered vacant if an individual has been given an offer of employment prior to noon on January 22, 2017, has accepted the position, and has a designated start date on or before February 22, 2017.

   Contracting outside the Government to circumvent the intent of the PM shall not be permitted. For example, agencies shall not acquire by contract with a commercial vendor services that are substantially similar to those that would have been provided by a Federal civilian in a vacancy covered by the PM. However, nothing in this memorandum is intended to restrict agencies from continuing, modifying, or entering into service contracts for other purposes, consistent with law, regulation, and any applicable management direction.

The guidance in this memorandum should be implemented consistent with any lawful collective bargaining obligations that may apply.

3. Exemptions. The following exemptions to the Federal civilian hiring freeze are permitted:

   a. Military personnel in the armed forces and all Federal uniformed personnel, including the U.S. Coast Guard, the Commissioned Corps of the U.S. Public Health Service, and the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration.

   b. Filling of positions under programs where limiting the hiring of personnel would conflict with applicable law.

   c. Nomination and appointment of officials to positions requiring Presidential appointment, with or without Senate confirmation.

   d. Appointment of officials to non-career positions in the Senior Executive Service or to Schedule C appointments in the Excepted Service, or the appointment of any other officials who serve at the pleasure of the appointing authority (i.e., "appointed" positions of a political/non-career nature).

   e. Appointment of seasonal employees and short-term temporary employees necessary to meet traditionally recurring seasonal workloads, provided that the agency informs its OMB Resource Management Office in writing in advance of its hiring plans.

   f. Hiring by the U.S. Postal Service.

   g. Federal civilian personnel hires made by the Office of the Director of National Intelligence (ODNI) and the Central Intelligence Agency (CIA).

   h. Appointments made under the Pathways Internship and Presidential Management Fellows programs (this does not include the Recent Graduates program). Agencies should ensure that such hires understand the provisional nature of these appointments and that conversion is not guaranteed.

   i. Conversions in the ordinary course to the competitive service of current agency employees serving in positions with conversion authority, such as Veteran's Recruitment Act (VRA) and Pathways programs.

   j. Appointments made under 5 C.F.R. § 213.3102(r) (time limited positions in support of fellowship or professional/industry exchange programs) provided that the total number of individuals employed under this authority does not exceed the number of employees onboard (hired under this authority) on January 22, 2017.

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k. Placement of persons with restoration rights accorded by law, such as restoration after absence with injury compensation and restoration after military duty.

l. Job offers made prior to January 22, 2017, for which the individual has a confirmed start date on or before February 22, 2017. Those individuals should report to work according to their respective designated start dates.

m. Job offers made prior to January 22, 2017, but for which the individual has a confirmed start date that is later than February 22, 2017 (or does not have a confirmed start date), should be decided on a case-by-case basis and must go through an agency-head review. The agency head should review each position to determine whether the job offer should be revoked, or whether the hiring process should continue. Agency heads should consider essential mission priorities, current agency resources, and funding levels when making determinations about whether or not to revoke job offers.

n. Internal career ladder promotions.

o. Reallocations (i.e., noncompetitive reassignments and details) of current Federal civilian employees within an agency to meet the highest priority needs (including preservation of national security and other essential services) are not affected. Details (reimbursable and non-reimbursable) between agencies are also not affected; however, agency leadership should ensure that any reimbursable details between agencies are not being used to circumvent the intent of the hiring freeze.

p. Term and temporary appointments of existing Federal employees may be extended up to the maximum allowable time limit, consistent with the conditions/requirements of the legal authority originally used to appoint the employee.

q. A limited number of voluntary transfers of current SES between agencies, as necessary to secure the leadership capacity of agencies, and where needs cannot be met by reallocation of resources within an agency's current workforce; however, filling of such vacancies is subject to OPM approval in accordance with section 4 below.

r. The head of any agency may exempt any positions that it deems necessary to:
   i. Meet national security (including foreign relations) responsibilities, or
   ii. Meet public safety responsibilities (including essential activities to the extent that they protect life and property). Agencies may refer to longstanding guidance, which provides examples of such activities in *OMB Memorandum, Agency Operations in the Absence of Appropriations,* dated 11/17/1981 [see examples 3(a) to 3(k)].

Agency heads should consult with appropriate personnel, including the agency Chief Human Capital Officer (CHCO) or equivalent and agency counsel when

determining what positions to exempt from the hiring freeze. Agency heads are also required to consult with OPM and the agency's OMB Resource Management Office on their intent to exempt positions using their agency head authority before implementing these exemptions. Note that in the case of an Inspector General's (IG) office, the Inspector General is considered the agency head for the purposes of determining which positions in the IG office are exempt based on the definitions above, as well as for the purposes of the agency-head review of job offers in the IG office that either do not have a start date or have a designated start date beyond February 22, 2017.

4. Exemptions Granted by the Director of OPM. The Director of OPM may grant additional exemptions from the hiring freeze for critical situations. Accordingly, if an agency head assesses that circumstances warrant additional exemptions to the hiring freeze other than those specified above, a request must be made in writing to the Director of OPM and signed by the agency head. The request must:
    - Explain the critical need and how it relates to essential services or critical mission requirements.
    - Explain why reallocation (reassignment/detail) of existing staff within the agency is not possible to meet the needs outlined in the request.
    - Explain the urgency of the need and the consequences of not filling the position within a 3 to 6 month timeline.

    Agencies must also notify their respective OMB Resource Management Office of exemption requests to OPM under this provision.

5. Effective Dates. The guidance in this memorandum is effective immediately. Within 90 days of the publication of the PM issued on January 23, 2017, the Director of OMB, in consultation with the Director of OPM, shall recommend a long-term plan to reduce the size of the Federal Government's workforce through attrition. The hiring freeze will expire upon implementation of the OMB plan.

6. Inquiries. Questions from departments and agencies regarding the instructions and guidance in this memorandum should be addressed to agency OMB Resource Management Officers and OPM contacts provided to Chief Human Capital Officers and HR Directors.

ED_001292B_00026451-00004

To: Larsen, Alan[Larsen.Alan@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Copper, Carolyn
Sent: Wed 2/1/2017 7:20:12 PM
Subject: Question - OIG's Whistleblower Protection Ombudsman

Al – With Mona's departure, which attny is OIG's Whistleblower Protection Ombudsman? Francesca (EPA's Scientific Integrity Official) had a question about our Whistleblower Protection Ombudsman during our quarterly meeting with her and OI today. Please reply all!

I noted that our public web site has a Whistleblower Protection Ombudsman poster that still lists Mona as the contact, see https://www.epa.gov/office-inspector-general/poster-whistleblower-protection-ombudsman-epa-oig

Thanks ~ Carolyn

Carolyn Copper, PhD

Assistant Inspector General for Program Evaluation

Office of Inspector General

United States Environmental Protection Agency

Washington, DC

202-566-0829

copper.carolyn@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Rosina Bierbaum
Sent: Wed 2/1/2017 7:22:21 PM
Subject: Re: Coming to Ann Arbor at the End of the Month

Hi Francesca,
Will you be at AAAS? Would love to catch up. My cell is [redacted] Ex. 6 if you have a minute to compare schedules in the next couple of days.

Best, Rosina

On Mon, Mar 14, 2016 at 12:30 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

> Terrific - how about dinner on the 29th? That is Tuesday. Don't have final flights yet for Monday but I will let you know when I do.
>
> Will be great to catch up!
>
> Francesca
>
> Sent from my iPhone
>
> On Mar 12, 2016, at 5:47 PM, Rosina Bierbaum <rbierbau@umich.edu> wrote:
>
>> HI Francesca,
>> I'll be with family for Easter, but returning in time for the Wege lecture Monday night 3/29 - http://www.snre.umich.edu/events/wege_lecture_jose_maria_figueres which I'll have to attend. You might want to too! Anyone can come to the lecture. I also have to be at the dinner- if the dinner is something you would be keen on attending, I can see if I can get you an invite (not sure how big it is). Just let me know.
>>
>> But, I think I can be free for lunch or dinner on the 29th or 30th - I have mtgs both days in Ann Arbor, but should be able to re-arrange them to accommodate you. What works best, given your schedule? It will be great to catch up!
>>
>> Best, Rosina
>>
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>>>
>>> Hope all is well! Heard you were at AAAS but I never ran into you! I am coming out to Ann Arbor at the end of the month and I would love to see you! I am flying in on Easter night – March 27 – and leaving early on the 31st. I will mostly be at the EPA lab with a quick run up to Lansing to give a talk but let me know what

might work! I hope we can find some time!!

Thanks

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

--
Rosina M. Bierbaum
Professor of Natural Resources and Environmental Policy
School of Natural Resources and Environment, and School of Public Health
4034 Dana Building, 440 Church Street
University of Michigan, Ann Arbor, MI 48109

Phone: 734-763-8675

--
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School of Natural Resources and Environment, and School of Public Health
4034 Dana Building, 440 Church Street
University of Michigan, Ann Arbor, MI 48109

Phone: 734-763-8675

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: eMail & Records Mgmt Training Workshop XIII
Sent: Wed 2/1/2017 7:31:22 PM
Subject: Just Announced: Update for 2017 - Records Management in Gov

---

Keynote Speakers:

Chief Records Officer of the United States
Laurence Brewer

National Archives and Records Administration

Director, Records Management Policy and Outreach

Lisa Haralampus

Office of the Chief Records Officer

National Archives and Records Administration

Records Management in Government Training Workshop XIII

The 2016 deadline has passed - what is your agency's status?

Managing Government Records Directive Updates:

What Agencies Need to Do for 2017
Lessons Learned and Best Practices

March 2, 2017
Willard InterContinental Hotel

Washington, D.C.

Email and Records Management Will Be a Focus for 2017

Records Management in Government Training Workshop XIII

The 2016 deadline has passed - what is your agency's status?

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Government Guest Speakers:

Laurence Brewer

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National Archives and Records Administration

Lisa Haralampus

Director, Records Management Policy and Outreach

Office of the Chief Records Officer

National Archives and Records Administration

Mark Patrick

Chief, Information Management Division

The Joint Staff Secretariat

Department of Defense

Additional Government Speakers to be Announced Soon

David Ferriero, the Archivist of the United States, said:

Working together, NARA and all agencies continue to make progress on the key goals and requirements in the Directive. For us to succeed as a records management community, the SAORMs in each agency must drive the change that needs to happen if we are to realize the vision of a digital Government. Based on the data summarized in this report, we are making progress, but there is still much work to do .

The analysis shows that SAORMs (Senior Agency Officials for Records Management) reported they:

- ***Will meet the email target by the end of this year (92%).***
- *Will meet the target to manage permanent electronic records in an electronic format by the end of 2019 (92%).*
- *Are taking actions to ensure records in non-official messaging accounts are captured in an official account within 20 days (83%).*
- *Will submit schedules for all existing paper and other non-electronic records by the end of 2016 (91%).*
- *Are preparing for the upcoming change in Presidential administration (79%).*

This workshop will examine the SAORM's report to determine what steps are required to fill the gaps

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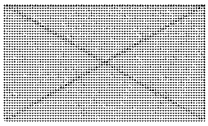

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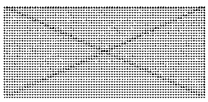
National Capital Chapter
www.nccaiim.org



ARMA International

Metro Maryland Chapter

www.arma-metromd.org

Government and Industry Partners are Invited to Register

Overview:

With the current headlines and continued interest regarding government email retention and e-discovery, it is important to understand how the deadlines will impact your agency. This one-day Potomac Forum Workshop will focus on the activities mandated by the NARA/OMB Records Management Directive. Key executives from NARA and government agencies will discuss the directive and its implementation. Detailed review and analysis of the directive will be presented to help agencies better understand what they need to do, how to do it, and how to get the funding necessary to be successful.

Goals of this workshop are:

- **Focus on email retention regulation and policy and email best practices**
- **Provide attendees with a clear idea of the changes envisioned in the Directive,**
- **Strategies to obtain funding for solutions**
- **Help understand the role of the Senior Agency Official (SAO) in setting agency priorities and achieving program success**
- **Describe the developing roadmap that will lead to realizing these changes, and**
- **Describe the steps individual records managers can do now to align their work with the records management future the Directive envisions.**
- **Specific Agency Actions to be Completed by December 2015 and the out years**
- **Establishing a community of interest for Records Management**
- **Current email policy and regulations.**

What You Will Learn:

- **What happens now that the 2016 deadline has passed**
- **What needs to be done to comply with the provisions of OMB M-12-18**
- **How the relationship between NARA and Federal agencies have and will change**
- **How the role of technology will evolve in the achievement of OMB M-12-18's goals**
- **What this initiative will mean for Federal records management in the short and long term**
- **What the components of a sustainable Records Management program will be in this new environment**
- **A better idea of the commitment of time and resources needed to comply with the Directive**
- **How the Senior Agency Officials can and are making a difference in improving the management of government records**
- **NARA Requirements for managing email - lessons learned from recent IRS news event - Complying with the Law - the Federal Records Act and what it means for email and other records losses**
- **Newly Added: The November 2014 Records Management Legislation and what it means to Agencies and Records**

Managers
- and more...

Why You Should Attend:

- To gain a clear understanding of OMB M-12-18
- To assist you in getting the best start on the many changes OMB M-12-18 will bring to your agency
- To learn key funding strategies to help your agency implement solutions to meet its objectives
- Hear from other government officials about the practical aspects of complying with the Directive
- Ensure success of your Records Management Program as you implement the Directive
- Lessons Learned since the publication of the Directive
- Understand the NARA requirements for email management - avoiding embarrassing non-conformance
- Understand email retention regulation, policy, and legislation.

Who Should Attend:

- CIO's and the Staff including technical staff involved with Records Management
- Senior Agency Officials (SAO's) charged with responsibility for the implementation of solutions for their agency
- IGs and Staff
- Government Records Managers
- All those with responsibility for initiating and carrying out the reforms mentioned in the President's Records Management Directive
- Professionals responsible for managing information resources on an enterprise-wide basis
- Those needing to understand latest NARA policy and guidance
- Contracting, Procurement and Acquisition Management Professionals
- Program Managers Who Must Understand Records Management in Government
- Government executives who want to understand email retention and records management regulation, policy, and legislation.
- Industry Partners

Format:

This workshop will combine keynote presentations by NARA, lectures on implementing the Directive, real world examples and discussions to provide a thorough, enjoyable day of learning.

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The Previous Twelve Potomac Forum Records Management Workshops
on Email, Records Management and the OMB/NARA Directive were
Rated as "Excellent" by Workshop Attendees
CEU Credits Awarded

Representative Student Testimonials from Previous Potomac Forum *Managing Government Records Directive from OMB and NARA Workshops*

It was informative and what I have learned can be taken back and applied to my office.
Records Management Specialist
Civilian Department

Excellent - I got a number of good ideas and suggestions. Well worth the investment.
Regulation Council
Civilian Administration

One of the best trainings I have been to.
Records Manager
Navy Center

Very well done
Deputy Commissioner for Legislative and Congressional Affairs
Civilian Agency

The overall workshop was great. I learned a lot of valuable information on to help me in my current position and provide additional guidance for my organization
Records Management Officer and Team Lead

DOT Agency

... for anyone who needs to follow the directive for records management
Admin Specialist
Civilian Commission

Outstanding!
Management and Program Analyst
DOT Agency

Very Well organized. Job well done!
DoD IG Specialist

Great!
Assistant Records Manager
Small Agency Commission

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info@PotomacForum.org

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AFFIRM

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Thank You.

This email was sent to: grifo.francesca@epa.gov

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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

To: Rosina Bierbaum[rbierbau@umich.edu]
From: Grifo, Francesca
Sent: Wed 2/1/2017 7:46:30 PM
Subject: Re: Coming to Ann Arbor at the End of the Month

Definitely coming and would love to see you! Haven't begun to schedule anything so let me know what you have in mind!
Cell Ex. 6

Sent from my iPhone

On Feb 1, 2017, at 2:22 PM, Rosina Bierbaum <rbierbau@umich.edu> wrote:

> Hi Francesca,
> Will you be at AAAS? Would love to catch up. My cell is Ex. 6 if you have a minute to compare schedules in the next couple of days.
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> Best, Rosina
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> > > Best, Rosina

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Thanks

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

--

Rosina M. Bierbaum
Professor of Natural Resources and Environmental Policy
School of Natural Resources and Environment, and School of Public Health
4034 Dana Building, 440 Church Street
University of Michigan, Ann Arbor, MI 48109

Phone: 734-763-8675

--

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Professor of Natural Resources and Environmental Policy

School of Natural Resources and Environment, and School of Public Health
4034 Dana Building, 440 Church Street
University of Michigan, Ann Arbor, MI 48109

Phone: 734-763-8675

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Nanartowicz, John[nanartowicz.john@epa.gov]; Cursio, Heather[Cursio.Heather@epa.gov]
From: Nanartowicz, John
Sent: Wed 2/1/2017 7:48:06 PM
Subject: Fw: AccuTest Workgroup

Hi Francesca,

Thanks for taking my call and talking about the OEI data quality issue. Below please find the recommendation from Lora Johnson about formal notification of such issues to OSA. In a separate email I send you all the documentation I've received from Monica....

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Johnson, Lora
Sent: Wednesday, February 1, 2017 12:43 PM
To: Nanartowicz, John
Cc: Blancato, Jerry; John Nanartowicz; Cursio, Heather
Subject: RE: AccuTest Workgroup

Hi John,

Thanks for sharing these documents. When this issue originally surfaced I worked with OARS/EMD and the ORD QA community to try and understand if any ORD data might have been impacted by the Accutest problems. We found no impact at that time.

With respect to the interim notification procedure, I provided a few comments to OEI late in 2016. It seemed odd to me that there doesn't appear to be any requirement to notify the Office of the Agency Science Advisor when data quality issues that affect multiple programs are

identified. Given the Agency's scientific integrity program is managed by the OSA it may be appropriate that they are formally included in the final version of the notification procedure. I would suggest this be considered for the final version of the procedure.

Take care,

Lora

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Nanartowicz, John
Sent: Tuesday, January 31, 2017 1:51 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>
Cc: Blancato, Jerry <Blancato.Jerry@epa.gov>; John Nanartowicz <sundowner201@comcast.net>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: AccuTest Workgroup

Hi Lora,

Per our conversation on Accutest Laboratories from today, I've attached the materials that were distributed for today's meeting of the Accutest Workgroup. They include the CIO Interim Notification Procedure document; correspondence that was sent out to companies that used Accutest services as part of an EPA action; and a list of grant actions that may have a relationship Accutest testing. I plan on contacting the Workgroup lead from OEI (Monica Jones) to see if ORD will be on the hook for anything. Hopefully we aren't.

I've copied Jerry Blancato on this email for informational purposes.

Let me know what you think, and also let me know if you see ORD playing a role in this end game.

Thanks,

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Nanartowicz, John[nanartowicz.john@epa.gov]; Cursio, Heather[Cursio.Heather@epa.gov]
From: Nanartowicz, John
Sent: Wed 2/1/2017 7:56:52 PM
Subject: AccuTest Workgroup
EPA Data Loss Prevention Interim Procedure final (e-signature).pdf
EPA Information Security Policy final (e-signature).pdf
EPA International Travel Procedures for Mobile Devices final (e-signature).pdf
EPA Physical and Environmental Protection (PE) Procedures final (e-signature).pdf
EPA Systems Maintenance Procedure (MA) final (e-signature).pdf
Interim CIO Notification for Environmental Data Quality Issues Procedure final (e-signature).pdf
Interim CIO Notification for Environmental Data Quality Issues Procedure....pdf
SIGNED Letters - PVC 5-4-16 (002).pdf

Hi Francesca,

Attached please find the documents I referred to in my previous email...

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

INFORMATION DIRECTIVE
INTERIM PROCEDURE

Data Loss Prevention Procedure		
Directive No.: 2150-P-24.0	CIO Approval: 12/30/2016	Transmittal No.: 17-004a

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

Data Loss Prevention Procedure

1. PURPOSE

To extend and provide specificity to the Environmental Protection Agency (EPA) *Information Security Policy* regarding data loss prevention (DLP) and digital rights management. The procedure will also serve as the authority for future development of additional operational procedures, standards and guidance that may become necessary to enhance protection of EPA data.

2. SCOPE

This procedure covers all EPA information and information systems to include information and information systems used, managed or operated by a contractor, another agency or other organization on behalf of the EPA.

This procedure applies to all EPA employees, contractors, grantees and all other users of EPA information and information systems that support the operations and assets of the EPA.

3. AUDIENCE

The audience is all EPA employees, contractors, grantees and all other users of EPA information and information systems that support the operations and assets of EPA.

4. BACKGROUND

The *Federal Information Security Modernization Act (FISMA) of 2014* requires the EPA Chief Information Officer (CIO) to implement policies and procedures that provide for agency information security. Information security entails ensuring appropriate controls and measures are in place to protect the confidentiality, integrity and availability of agency information. EPA has categorized its information by sensitivity and protection needs in accordance with the National Institute of Standards and Technologies (NIST) publications and aligned it to categories and subcategories defined under the National Archives and Records Administration's (NARA) Controlled Unclassified Information (CUI) Program. Differing information sensitivity requires varying controls that adequately protect its confidentiality, integrity and availability while enabling maximum use given its threat environment. The "loss" of information is defined as the compromise of its confidentiality, when information is inappropriately removed from, shared out or otherwise "leaked" from authorized to unauthorized systems, whether intentionally or unintentionally. To help prevent this loss, this procedure establishes an agency Data Loss Prevention Program. The DLP Program will also protect agency information from unauthorized access through the application of digital rights.

ED_001292B_00002522-00001

5. AUTHORITY

The information directive is issued by the EPA Chief Information Officer, Pursuant to Delegation 1-19, dated 07/07/2005.

Additional legal foundations for the procedure include:

- E-Government Act of 2002, Public Law 107-347, Title III, Federal Information Security Management Act, as amended
- Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended by Public Law 104-231, 110 Stat. 3048, Electronic Freedom of Information Act Amendments of 1996
- Federal Information Security Modernization Act of 2014, Public Law 113-283, to amend chapter 35 of title 44, United States Code (U.S.C.)
- Clinger-Cohen Act of 1996, Public Law 104-106
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3519)
- Privacy Act of 1974 (5 U.S.C. § 552a) as amended
- USA PATRIOT Act of 2001, Public Law 107-56
- Code of Federal Regulations, Part 5 Administrative Personnel, Subpart C—Employees Responsible for the Management or Use of Federal Computer Systems, Section 930.301 through 930.305 (5 C.F.R. 930.301-305)
- Office of Management and Budget (OMB) Memorandum M-00-07, "Incorporating and Funding Security in Information Systems Investments," February 2000
- OMB Memorandum M-03-22, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002," September 2003
- OMB Memorandum M-06-16, "Protection of Sensitive Agency Information," June 2006
- OMB Circular A-11, "Preparation, Submission and Execution of the Budget," June 2006
- OMB Circular A-123, "Revisions to OMB Circular A-123, Management's Responsibility for Internal Control," December 2004
- OMB Circular A-130, "Management of Federal Information Resources," Appendix III, "Security of Federal Information Resources," November 2000
- Federal Information Processing Standards (FIPS) 199, Standards for Security Categorization of Federal Information and Information Systems, February 2004
- FIPS 200, Minimum Security Requirements for Federal Information and Information Systems, March 2006
- FIPS 201-1, Personal Identity Verification (PIV) of Federal Employees and Contractors, March 2006
- EPA Information Security Program Plan
- EPA Information Security Policy
- EPA Roles and Responsibilities Procedures
- CIO Policy Framework and Numbering System
- EPA Information Security Continuous Monitoring Strategic Plan

6. PROCEDURE

The DLP procedure establishes a DLP program at EPA. Program objectives are the prevention of data loss and protection of agency digital rights.

6.1 Data Loss Prevention Program

- The Senior Agency Information Security Officer (SAISO) shall establish a DLP program to prevent data loss and manage digital rights. The DLP program shall focus on identifying, developing, implementing and managing controls and processes that enable and leverage digital rights management protections to help prevent the loss of data. With regard to DLP program functions, the SAISO shall:
  - Develop, implement and oversee a DLP governance structure.
    - Coordinate with Program Office and Region personnel to identify and maintain sensitive information characteristics to enable information labeling and tracking.
    - Coordinate with Program Office and Region personnel to develop, operate and maintain processes to review and adjudicate detected possible data leakage.
  - Evaluate protections' effectiveness.
    - Create, capture and use performance metrics to improve procedures, processes and controls.
  - Ensure awareness through outreach and training.
- The SAISO and the Director of the Office of Information Technology Operations (OITO), in coordination with the Director of the Office of Information Management (OIM), shall coordinate to define, build, implement and maintain a DLP solution that automates information labeling and the detection of and prevention of sensitive data leakage.
  - The DLP solution shall be capable of detecting and preventing leakage from the EPA network to the Internet or other external entities outside the agency boundary, between network enclaves within the enterprise network, from endpoint and mobile devices and from cloud solutions to include encrypted traffic at a minimum.
  - The scope of the DLP program shall include EPA data originating or accessed from, or transiting through EPA information systems, to include EPA owned and operated mobile devices (cell phones, tablets, etc.) and home-based devices (e.g., "telework" devices and systems) regardless of physical location.
- The SAISO and the Director of OIM shall coordinate to verify annually the sensitive information inventory.
  - The annual verification shall include but not be limited to a review of:
    - Existing data inventories.
    - High-value assets.
    - Mission Essential Functions (MEF).

6.2 Information Classification

Information classification identifies, in broad terms, characteristics that will be used to prevent the loss of sensitive data. Classification is recurring and data classifications will change over time.

- The SAISO and the Director of OIM shall coordinate to:
  - Develop a data classification scheme that is consistent with other agency data classification and Open Government initiatives.
  - Define data characteristics.
  - Protect data classes (not individual data elements).
  - Identify information owners (IO) and users.
  - Utilize DLP data discovery scans to gather data characteristics.
  - Define and identify approved storage systems.
  - Catalog data locations and approved transmission, storage and use locations.

6.3 Discovery

Data discovery identifies what the data is, where it resides and how it is utilized at EPA. This information is used to define data characteristics, data types and data classifications further. Discovery results also assist with the identification of sensitive data. Meta data that results from the data discovery is integrated into the DLP policy.

- The SAISO and the Director of OIM shall coordinate to develop and maintain a strategic plan for an agency-wide data discovery effort.
- The SAISO and the Director of OIM shall, in conjunction with the Director of OITO, develop and execute a tactical data discovery plan agency-wide. The tactical plan shall:
  - Create a data discovery program,
  - Define data storage types,
  - Define data categories,
  - Define data owners,
  - Monitor all data states,
  - Identify data locations,
  - Identify data,
  - Categorize data and
  - Identity sensitive data.
- The SAISO and the Director of OIM shall, in conjunction with data owners, identify and recommend data types that are associated with a data classification. Data associations shall be used to develop/update the agency DLP discovery process.
- The SAISO and the Director of OIM shall use the data characteristics and defined values to identify agency data. The output of applying the data characteristic values shall include:
  - Creation and management of an agency sensitive data inventory,
  - Overseeing agency data clean-up and
  - Identifying and refining key terms, content identifiers and other elements for use in ongoing DLP monitoring.
    Note: DLP policy rules shall integrate with a DLP solution that automates the identification of agency data.

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- Senior Information Officials (SIO) shall:
  - Coordinate with the SAISO and Director of OIM to identify Program Office and Region specific data and create and maintain an information inventory.
  - Oversee data clean-up at the Program Office or Region and
  - Provide the SAISO with additional key terms, content identifiers and other elements that can be used for DLP monitoring.

6.4 Monitor

Monitoring shall occur on a continuous basis and information gathered shall be used to refine data characteristics and classifications.

- The SAISO and the Director of OITO, shall coordinate to develop and implement DLP controls and procedures for monitoring information in-use, in transit and at rest for indicators of compromise and policy and procedures violations.
  - In-use – monitoring endpoints used by EPA personnel and contractors in their day-to-day use of EPA data (e.g., servers, desktops, laptops, mobile devices, personal devices, removable media, etc.).
    - Examples of indicators of potential compromise or policy and procedures violations:
      - Anomalies such as downloads of a large number of files without prior approval or downloads after normal working hours.
  - In-transit – monitoring information transmitted between endpoints both internal and external endpoints (e.g., cloud providers, email, mobile, network, social media, web).
    - Network monitoring shall be at the EPA enterprise network boundary points and at internal enterprise network points separating networks or systems of different categorization or sensitivity and at other points as determined by risk analyses. Network traffic, to include encrypted traffic, shall be examined to prevent the loss of sensitive data or violation of digital rights.
    - Examples of indicators of compromise or policy and procedures violations:
      - Anomalies such as large transfers of information or encrypted traffic on standard ports used for normally unencrypted protocols.
      - Non-standard protocols used on well-known ports.
      - Transmission of sensitive data to network segments or systems that do not use sensitive data.
  - Storage level (at-rest) – monitoring storage devices (e.g., cloud providers, collaboration servers, databases, removable media, servers, etc.). Storage devices shall be regularly scanned to

ensure sensitive data categories are stored on approved devices with an appropriate level of security controls.
    - Examples of indicators of compromise or policy and procedures violations:
        - Anomalies such as sensitive information stored on devices not approved for sensitive information or not approved for a particular type of sensitive information.
- The SAISO shall:
    - Manage and operate the monitoring solution application layer, review output, coordinate response with program office and region personnel and conduct process oversight.
- The SAISO shall coordinate with the relevant Program Office(s) or Region(s) to integrate appropriate agency initiatives seeking to prevent loss of sensitive data. Examples of appropriate initiatives:
    - Insider Threat Program.
    - Vulnerability Management.
    - Phishing/Social Engineering exercises.
- The Director of OITO shall manage and operate the monitoring solution platform and infrastructure layers.
- System owners (SO) shall implement commensurate security controls and approved devices and capabilities and coordinate with the SAISO and Director of OITO to implement and maintain interoperability with the DLP solution.
- SOs and IOs shall control access to sensitive data for prevention of loss and protection. Access to sensitive data shall be granted under the concepts of 'least-privilege' and 'need-to-know'. These concepts shall be enforced by:
    - Performing regular audits of access controls,
    - Reviewing privilege user access and
    - Responding to DLP indications of compromise and policy and procedures violations.

6.5 Protection

EPA controls are in place to minimize loss of data. These controls address the common data use cases: in-use, in-motion, at-rest and possible loss modes including but not limited to destruction, disappearance, leakage and theft.

- Sensitive information shall not be downloaded to storage devices or stored in locations not approved for that information type.
- Large volumes of sensitive information shall not be downloaded from EPA systems or transmitted outside the EPA enterprise network without explicit approval from the SIO.
- Classified information and CUI shall be handled in a manner consistent with EPA information security procedures.
- Personally Identifiable information (PII) shall be handled in a manner consistent with EPA's privacy procedures. Sensitive Personally Identifiable Information (SPII) shall not be transmitted outside of EPA without explicit approval from the SIO.

- Users shall only have access to agency information for which they have a business need-to-know and appropriate clearance.
- Only devices approved for use by the agency shall be used to process, store or transmit EPA information.
  - The capability to process, store or transfer data to writable media or external devices on systems that do not require that capability for business purposes shall be disabled. For example, networked servers in a data center may be configured without Universal Serial Bus (USB) ports. In addition, in situations where identified risks prohibit their use, the ability to use writable media or external devices will be disabled on systems used in that situation. For example, disabling USB ports on laptops when traveling to high risk locations. (Refer to EPA's *Information Security – System and Information Integrity Procedures* and *International Travel Procedures for Mobile Devices Procedures*).
  - Information Security Officers (ISO) shall validate the authenticity of devices being used on the agency's network.
- EPA information shall only be encrypted using agency-approved encryption standards (Refer to EPA's *Information Security - Configuration Management Procedures*). EPA employees, contractors and all other users of EPA data and information systems are prohibited from using unauthorized encryption capabilities to encrypt EPA information.
- Information systems that have the ability to write or store information on removable media (e.g., CDs, DVDs, USB drives) shall employ a mechanism that automatically encrypts the information stored on those devices using EPA-approved encryption standards when the storage devices are not an approved type that does the encryption natively.
- EPA's procedure *Preservation of Separating, Transferring or Separated Personnel's Records in Accordance with the Federal Records Act* shall be followed to minimize potential data loss resulting from personnel changes.

6.6 Response to Indicators of Compromise or Violation of Policy and Procedures

Indicators of compromise and violation of policy and procedures shall be treated as and reported as an information security incident. Incident reporting shall conform to procedures outlined in EPA's *Information Security – Incident Response Procedures*.

- The SAISO shall, as needed, develop additional procedures that facilitate effective reporting and remediation of data loss incidents. Additionally, the SAISO shall develop metrics to measure the effectiveness of the incident response procedures.
  - Information transmissions and downloads that violate agency policy and procedures shall be blocked.
  - Sensitive information discovered on unapproved storage devices and on approved devices in violation of policy shall be removed from those devices moved to approved and appropriate devices.

6.7 Awareness

An effective DLP program depends upon an informed user community. Awareness is an element of the DLP program. DLP awareness training will be offered in two ways: 1) stand-alone classes on DLP will be developed, and 2) DLP capabilities will be interwoven into other EPA training initiatives as appropriate.

- The SAISO, in conjunction with ISOs, shall develop an awareness plan. The awareness plan shall define communication methods used by the agency to inform all users of EPA's DLP and digital rights management initiatives and requirements. The SAISO shall develop, disseminate and distribute DLP awareness training content and materials. Training content and materials shall address both IOs and users.

7. ROLES AND RESPONSIBILITIES

Information Owners (IO)

- IOs have the following responsibilities with respect to data protection:
  - Identify and collect all sensitive data and PII within their respective systems, in coordination with the SOs and Information Management Officer (IMOs).
  - In coordination with the Agency Privacy Officer, describe the purpose(s) for which PII is collected, used, maintained and shared in its privacy notices.
  - Retain PII for timelines identified in NARA record retention schedules to fulfill the purpose(s) identified in the schedule or as required by law.
  - Dispose of, destroy, erase and/or anonymize the PII, regardless of the method of storage, in accordance with a NARA-approved record retention schedule and in a manner that prevents loss, theft, misuse or unauthorized access.
  - Use techniques identified in NIST Special Publication (SP) 800-88, Guidelines for Media Sanitization, to ensure secure deletion or destruction of PII (including originals, copies and archived records).
  - Ensure terms of service and other contractual agreements satisfy the security and privacy requirements applicable to EPA information systems and information for services for non-enterprise services obtained.
  - Assist with controlling access to sensitive data for prevention of loss and protection.

Director of Office of Information Management (OIM)

- The Director of OIM has the following responsibilities with respect to data protection:
  - Coordinate with the SAISO and others in defining, building, implementing and maintaining a DLP solution.
  - Coordinate with the SAISO and others in annual verification of sensitive information inventory, including MEFs and high-value assets.
  - Coordinate with and assist the SAISO and mission and information owners to:

- Develop a data classification scheme.
- Define data characteristics.
- Protect data classes.
- Identify information owners and users.
- Utilize DLP data discovery scans to gather data characteristics.
- Define and identify approved storage systems.
- Catalog data locations and approved transmission, storage and use locations.
- Develop and maintain a strategic plan for an agency-wide data discovery effort.
- Develop and execute a tactical data discovery plan agency-wide.
- Identify and recommend data types that are associated with a data classification.
- Use the data characteristics and defined values to identify agency data.

Director of Office of Information Technology Operations (OITO)

- The Director of OITO has the following responsibilities with respect to data protection:
  - Coordinate with the SAISO and others in defining, building, implementing and maintaining a DLP solution that automates information labeling and the detection of and prevention of sensitive data leakage.
  - Manage and operate the monitoring solution platform and infrastructure layers.

EPA Personnel (e.g., System Users)

- Personnel have the following responsibilities with respect to data loss prevention:
  - Use of only EPA approved devices to process, store or transfer EPA information.
  - Use of only EPA approved encryption capabilities to encrypt information.
  - Report all incidents involving the unauthorized release of information to the EPA Computer Security Incident Response Capability (CSIRC). Incidents are reported via the EPA Call Center 1-866-4-EPA (4372), option 1.

Information Security Officers (ISO)

- ISOs have the following responsibilities with respect to data loss prevention:
  - Validate the authenticity of devices being used on the agency's network.
  - Assist with the development of an awareness plan.

Senior Agency Information Security Officer (SAISO)

- The SAISO has the following responsibilities with respect to data loss prevention:
  - Establish a DLP program to prevent data loss and manage digital rights.
  - Develop, implement and oversee a DLP governance structure.

- Evaluate DLP protections' effectiveness.
- Ensure awareness through outreach and training.
- Coordinate with the Director of OITO and others to define, build, implement and maintain a DLP solution that automates information labeling and the detection of and prevention of sensitive data leakage.
- Coordinate with the Director of OIM and mission and information owners to:
  - Verify annually the sensitive information inventory, including MEFs and other high-value assets.
  - Develop a data classification scheme that is consistent with other agency data classification and Open Government initiatives.
  - Define data characteristics.
  - Protect data classes (not individual data elements).
  - Identify information owners and users.
  - Utilize DLP data discovery scans to gather data characteristics.
  - Define and identify approved storage systems.
  - Catalog data locations and approved transmission, storage and use locations.
- Develop a strategic plan for an agency-wide data discovery effort.
- Coordinate with the Director of OIM and the Director of OITO to develop and execute a tactical data discovery plan agency-wide.
- Coordinate with the Director of OIM and IOs to identify and recommend information types that are associated with a data classification to develop and update the agency DLP discovery process.
- Use the information characteristics and defined values to identify agency information. The output of applying the information characteristic values shall include:
  - Creation and management of an agency sensitive information inventory,
  - Overseeing agency data clean-up and
  - Identifying and refining key terms, content identifiers and other elements for use in ongoing DLP monitoring.
- Coordinate with the Director of OITO to develop and implement DLP controls and procedures for monitoring information.
- Manage and operate the monitoring solution application layer, review output, coordinate response with program office and region personnel and conduct process oversight.

Senior Information Officials (SIO)

- The SIO has the following responsibilities with respect to data loss prevention:
  - Coordinate with the SAISO and Director of OIM to identify Program Office and Region specific data and create and maintain an information inventory.
  - Oversee data clean-up at the Program Office or Region.

- Provide the SAISO with additional key terms, content identifiers and other elements that can be used for DLP monitoring.

System Owners (SO)

- The SO has the following responsibilities with respect to data loss prevention:
  - Assist with identification and collection of all sensitive data and PII within their respective systems, in coordination with the IMO;
  - Implement commensurate security controls and approved devices and capabilities and coordinate with the SAISO and Director of OITO to implement and maintain interoperability with the DLP solution.
  - Shall approve only authorized transmissions of PII or sensitive data outside of EPA's network.
  - Control access to sensitive data for prevention of loss and protection.

8. RELATED INFORMATION

EPA Information Procedure: CIO 2150-P-20.0, Spillage of Classified Information onto Unclassified Systems, September 11, 2015

CIO Policy Transmittal 09-005: Interim Guidance - PointSec Encryption of Agency Desktop Computer Systems

EPA Information Procedures: CIO 2155-P-04.0, Preservation of Separating, Transferring or Separated Personnel's Records in Accordance with the Federal Records Act, December 23, 2014

EPA National Rules of Behavior

Executive Order 13556, Controlled Unclassified Information, November 4, 2010.

NIST Special Publications, 800 Series

9. DEFINITIONS

CUI: Controlled unclassified information that requires safeguarding or dissemination controls pursuant to and consistent with applicable law.

Data Leakage: Occurs when sensitive data is no longer under the control of the agency.

Data Disappearance: Occurs when sensitive data is no longer available to the agency in correct form.

Information Security: the protection of information and information systems from unauthorized access, use, disclosure, disruption, modification or destruction in order to provide confidentiality, integrity and availability.

Information System: a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination or disposition of information.

Personnel: all classes of users to include EPA employees, grantees, contractors and other users of EPA information.

Personally Identifiable Information (PII): Any information about an individual maintained by an agency that can be used to distinguish, trace or identify an individual's identity, including personal information which is linked or linkable to an individual.

Sensitive Personally Identifiable Information (SPII): A subset of PII that, if lost, compromised or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience or unfairness to an individual. At EPA, SPII is defined as social security numbers or comparable identification numbers, financial information associated with individuals and medical information associated with individuals. SPII requires additional levels of security controls.

Abbreviations including acronyms are summarized in *Appendix: Acronyms & Abbreviations*.

10. WAIVERS

Waivers may be requested from the CIO by submitting a justification based on:

- substantive business case need(s)
- demonstration of, or a proposal for, establishment of adequate compensating controls that provide a suitable alternative to the mandated protection

The CIO may grant a waiver when in his/her judgment it is in the best interests of the agency.

The SAISO and Director of OITO shall coordinate to maintain a central repository of all waivers.

11. MATERIAL SUPERSEDED

- EPA Information Security Manual, Directive 2195A1, 1999 Edition, Sections 2.6.1, and 13.0

12. CONTACTS

For further information, please contact the Office of Environmental Information (OEI), Office of Information Security & Privacy (OISP).

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

APPENDIX:
ACRONYMS & ABBREVIATIONS

CIO	Chief Information Officer
CFR	Code of Federal Regulations
CSIRC	Computer Security Incident Response Capability
CUI	Controlled Unclassified Information
DLP	Data Loss Prevention
EPA	Environmental Protection Agency
FIPS	Federal Information Processing Standards
FISMA	Federal Information Security Modernization Act
FOIA	Freedom of Information Act
IMO	Information Management Officer
IO	Information Owner
ISO	Information Security Officer
MEF	Mission Essential Functions
NARA	National Archives and Records Administration
NIST	National Institute of Standards and Technology
OEI	Office of Environmental Information
OIM	Office of Information Management
OISP	Office of Information Security & Privacy
OITO	Office of Information Technology Operations
OMB	Office of Management and Budget
PII	Personally Identifiable Information
PIV	Personal Identity Verification
SAISO	Senior Agency Information Security Officer
SIO	Senior Information Official
SO	System Owner
SP	Special Publication
SPII	Sensitive Personally Identifiable Information
USB	Universal Serial Bus
USC	United States Code

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INFORMATION DIRECTIVE POLICY

Information Security Policy		
Directive No.: CIO 2150.4	CIO Approval: 12/28/2016	Transmittal No.: 17-004b

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

Information Security Policy

1. PURPOSE

The Information Security Policy establishes a program to provide security for Environmental Protection Agency (EPA) information and information systems, provides overarching direction for information security requirements, and defines responsibilities of the Administrator, Assistant Administrators (AA), Regional Administrators (RA), the Chief Information Officer (CIO), the Senior Agency Information Security Officer (SAISO), Senior Information Officials (SIO) and other key officials. The policy is the formal, foundational documentation from which all procedures, standards, guidance and other EPA directives will be developed in defining and implementing information security requirements for EPA.

2. SCOPE

The policy covers all EPA information and information systems to include information and information systems used, managed or operated by a contractor, another agency or other organization on behalf of the agency.

3. AUDIENCE

The policy applies to all EPA employees, contractors, grantees and all other users of EPA information and information systems supporting the operations and assets of EPA.

4. BACKGROUND

The *Federal Information Security Modernization Act of 2014* (FISMA) is the authority governing how U.S. federal government agencies protect information resources. Additionally, agencies such as EPA must comply with a host of other laws, regulations, policies, and guidelines further outlining requirements for how those resources must be protected, with the ultimate objectives of ensuring information confidentiality, integrity and availability.

In response to FISMA, and other directives, EPA developed the *EPA Information Security Policy*. The policy establishes the EPA Information Security Program, which ensures the protection of information and information systems supporting EPA mission objectives by establishing a management structure, providing program direction, and identifying roles and responsibilities.

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5. AUTHORITY

The information directive is issued by the EPA Chief Information Officer, Pursuant to Delegation 1-19, dated 07/07/2005.

Additional legal foundations for the procedure include:

- E-Government Act of 2002, Public Law 107-347, Title III, Federal Information Security Management Act, as amended
- Federal Information Security Modernization Act of 2014, Public Law 113-283, chapter 35 of title 44, United States Code (U.S.C.)
- Clinger-Cohen Act of 1996, Public Law 104-106
- Privacy Act of 1974 (5 U.S.C. § 552a), as amended
- Office of Management and Budget (OMB) Circular A-130, "Management of Federal Information Resources", Appendix III, "Security of Federal Information Automated Resources", as revised
- OMB Memorandum M-11-29, "Chief Information Officer Authorities", August 8, 2011
- EPA Delegations of Authority, General, Administrative, and Miscellaneous: 1-19: "Directives"
- EPA Delegations of Authority, General, Administrative, and Miscellaneous: 1-84: "Information Resources Management"

6. POLICY

The security of EPA information and information systems is vital to the success of EPA's mission. To that end, this policy establishes the EPA Information Security Program, a comprehensive agency-wide information security program that defines requirements, provides direction, and identifies, develops, implements and maintains cost-effective solutions to protect EPA information in any form or format, and supporting information systems used, managed, or operated by a contractor, another agency, or other organization. The National Institute of Standards and Technology (NIST) information security related publications will be the primary reference used to implement policy requirements and the basis for EPA procedures, standards, guidance and other directives developed to support this policy. The EPA Information Security Program shall operate at all levels of the agency and include the following elements:

- Periodic assessments of the risk and magnitude of harm that could result from the unauthorized access, use, disclosure, disruption, modification or destruction of information and information systems supporting the operations and assets of the agency.
- Policies and procedures that: (a) are risk-based; (b) cost-effectively reduce security risks to comply with the information system security categorization level; (c) ensure that information security is addressed throughout the life

cycle of each information system and (d) ensure compliance with information security directives.

- Definition and effective implementation of minimum mandatory technical, operational and management security controls or other compensating countermeasures.
- Subordinate plans for providing adequate security for all networks, facilities and individual or groups of information systems that contain, process, store or transmit EPA information.
- Security awareness training for all EPA employees, contractors and all other users of EPA information and information systems supporting the operations and assets of EPA.
- Mandatory role-based information security training for personnel designated as having significant information security responsibilities to carry out their information security responsibilities.
- Periodic testing and evaluation of the effectiveness of management, operational and technical controls for every system in the inventory. Frequency of testing and evaluation shall be based on risk, but not less than annually.
- A process for planning, developing, implementing, evaluating and documenting remedial actions to address deficiencies in information security controls.
- Capabilities for detecting, reporting, and responding to security incidents where
  - risks are mitigated before substantial damage is done;
  - the central federal incident response center is notified and consulted; and
  - law enforcement agencies and the EPA Office of Inspector General (IG) and any other agency or office in accordance with law or as directed by the President are notified and consulted as appropriate.
- Plans and procedures to ensure continuity of operations for agency systems.

EPA shall comply with the provisions of FISMA and related OMB directives, NIST publications as required by FISMA and directed by OMB and other higher-level directives. EPA shall promulgate procedures, standards, guidance and other directives as necessary under this policy to supplement, clarify and implement FISMA, OMB directives, NIST publications and other higher-level directives.

EPA shall coordinate and cooperate with the Department of Homeland Security (DHS) as it carries out its federal government-wide information security responsibilities and activities.

7. ROLES AND RESPONSIBILITIES

The following roles are the core of the program. Additional roles are identified and defined in supporting procedures as needed. As with roles, additional and more prescriptive responsibilities are delineated in supporting procedures.

Re-delegation of assigned responsibilities shall be documented.

EPA Administrator

1) The EPA Administrator is responsible for:
   a) Ensuring that an agency-wide information security program is developed, documented, implemented and maintained to protect information and information systems.
   b) Providing information security protections that are commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification or destruction of information collected or maintained by or on behalf of the agency and on information systems used, managed or operated by the agency, another agency or by a contractor or other organization on behalf of the agency.
   c) Ensuring that information security management processes are integrated with agency strategic and operational planning processes.
   d) Ensuring that AAs, RAs and other key officials provide information security for the information and information systems that support the operations and assets under their control.
   e) Ensuring enforcement and compliance with FISMA and related information security directives.
   f) Delegating to the CIO the authority to ensure compliance with FISMA and related information security directives.
   g) Ensuring EPA has trained personnel to sufficiently assist in complying with FISMA and other related information security directives.
   h) Ensuring that the CIO, in coordination with AAs, RAs and other key officials, reports annually the effectiveness of the EPA Information Security Program, including progress of remedial actions, to the Administrator, Congress, OMB, DHS and other entities as required by law and Executive Branch direction.
   i) Ensuring annual IG information security audit results are reported to Congress, OMB, DHS and other entities as required by law and Executive Branch direction.

Chief Information Officer (CIO)

1) The CIO is responsible for:
   a) Ensuring the EPA Information Security Program and protection measures are compliant with FISMA and related information security directives.
   b) Developing, documenting, implementing and maintaining an agency-wide information security program as required by this policy, FISMA and related information security directives to enable and ensure EPA meets federal information security requirements.
      i) Developing, documenting, implementing and maintaining agency-wide, well designed, well managed continuous monitoring and standardized risk assessment processes.
   c) Developing, maintaining and issuing agency-wide information security policies, procedures and control techniques to provide direction for implementing the requirements of the EPA Information Security Program.

d) Training and overseeing personnel with significant information security responsibilities with respect to such responsibilities.

e) Assisting senior agency and other key officials with understanding and implementing their information security responsibilities.

f) Establishing minimum mandatory risk-based technical, operational and management information security control requirements for agency information and information systems.

g) Reporting any compliance failure or policy violation directly to the appropriate AA, RA or other key officials for appropriate disciplinary and corrective action.

h) Requiring any AA, RA or other key official so notified to report to the CIO regarding what actions are to be taken in response to any compliance failure or policy violation reported by the CIO.

i) Ensuring EPA SIOs and Information Security Officers (ISO) comply with all EPA Information Security Program requirements and ensuring that these staff members have all necessary authority and means to direct full compliance with such requirements.

j) Establishing the EPA National Rules of Behavior (NROB) for appropriate use and protection of the information and information systems supporting the EPA mission and functions.

k) Developing, implementing and maintaining capabilities for detecting, reporting and responding to information security incidents.

l) Designating a SAISO whose primary duty is information security to carry out the CIO responsibilities under this policy and relevant information security laws, Executive Branch policy and other directives.

m) Ensuring the SAISO possesses and maintains professional qualifications, including training and experience, required to administer the EPA Information Security Program functions and carry out the CIO responsibilities under this policy and relevant information security laws, Executive Branch policy and other directives.

n) Ensuring the SAISO heads an office with the mission and resources required to administer the EPA Information Security Program functions, carry out the CIO responsibilities under this policy and assist in ensuring agency compliance with this policy.

o) Reporting annually, in coordination with the AAs, RAs and other key officials, to the EPA Administrator on the effectiveness of the EPA Information Security Program, including progress of remedial actions.

Senior Agency Information Security Officer (SAISO)

1) The SAISO is responsible for:

a) Carrying out the CIO responsibilities under this policy and relevant information security laws, Executive Branch policy and other directives.

b) Maintaining professional qualifications required to administer the functions of the EPA Information Security Program and carry out the CIO responsibilities under this policy and relevant information security laws, Executive Branch policy and other directives.

Assistant Administrators (AA), Regional Administrators (RA) and Other Key Officials

1) AAs, RAs and other key officials (e.g., Principal Deputy Assistant Administrators, Deputy Assistant Administrators, Deputy Regional Administrators, Assistant Regional Administrators and Office Directors) are responsible for:
   a) Implementing the policies, procedures, control techniques and other countermeasures promulgated under the EPA Information Security Program.
   b) Complying with FISMA and other related information security laws and requirements in accordance with CIO directives to execute the appropriate security controls commensurate with responding to an EPA Network Security Operations Center (NSOC) security notification. Such CIO directives shall supersede and take priority over all operational tasks and assignments, and shall be complied with immediately.
   c) Ensuring that all employees within their organizations take immediate action to comply with directives from the CIO to (a) mitigate the impact of any potential information security risk, (b) respond to an information security incident or (c) implement the provisions of a NSOC notification.
   d) Ensuring their organizational managers have all necessary authority and means to direct full compliance with directives from the CIO.
   e) Enforcing and ensuring the EPA NROB and additional rules of behavior for particular systems, if established, are annually signed or acknowledged electronically or manually by all information users and information system users that support the operations and assets of EPA.

Senior Information Officials (SIO)

1) SIOs are responsible for:
   a) Ensuring effective processes, procedures and other directives are established as needed to implement the policies, procedures, control techniques and other countermeasures identified under the EPA Information Security Program and enforced within their respective offices or regions.
   b) Carrying out the duties of the Authorizing Official (AO) for their office or region.
   c) Designating an Authorizing Official Designated Representative (AODR) as needed to assist with AO duties.
      i) Designate and delegate responsibilities and authorities to the AODR in writing as needed to supplement existing policies.
   d) Accepting risk, authorization decisions and signing or acknowledging electronically or manually an authorization to operate (ATO).

Authorizing Official Designated Representatives (AODR)

1) AODRs are responsible for:
   a) Carrying out AO duties that do not include accepting risk to organizational operations and assets, individuals, other organizations and the Nation or in any manner acknowledging or signing an ATO.
   b) Coordinating and conducting the required day-to-day activities associated with the authorization process and ensuring risks are managed properly and systems and information are adequately protected.

Information Security Officers (ISO)

1) ISOs are responsible for:
   a) Supporting the AA or RA by managing activities identified under the EPA Information Security Program and ensuring protection measures are compliant with FISMA and related information security directives for the information, information systems and services for their office or region.
   b) Supporting the SIO in ensuring effective processes and procedures and other directives are established as necessary to implement and enforce the policies, procedures, control techniques and other countermeasures identified under the EPA Information Security Program for their office or region.
   c) Supporting System Owners (SO) and Service Managers (SM) in developing and maintaining system information security documentation, obtaining and maintaining authorization to operate or test and ensuring systems are configured, monitored and maintained to adequately protect supported information within acceptable risk thresholds.
   d) Coordinating with SOs, SMs, and Information Owners (IO) to determine information security requirements, appropriate controls and user access.
   e) Coordinating and liaising with EPA and external personnel for system and security management, operations and control monitoring, audits, assessments, incident response and law enforcement.

System Owners (SO)

1) SOs are responsible for:
   a) Coordinating with the CIO, SAISO, IOs, other SOs and SMs regarding EPA Information Security Program requirements for the assigned system during its entire lifecycle.
   b) Developing, maintaining and providing information security documents as required under the EPA Information Security Program for the assigned system.
   c) Coordinating with IOs to decide who has access (and with what types of privileges or access rights) and ensuring system users and support personnel receive the requisite security training (e.g., instruction in rules of behavior) for the assigned system.
   d) Coordinating with IOs and SMs to determine if additional rules of behavior are needed for particular systems beyond those provided in the NROB. If additional rules of behavior are needed, SOs will coordinate with IOs and SMs to establish and publish the additional rules of behavior.
   e) Coordinating with the CIO, SAISO, Common Control Providers (CCP), IOs and SMs regarding information security requirements and determining and carrying out responsibilities for defining, developing, documenting, implementing, assessing and monitoring common and hybrid controls.
   f) Obtaining authorization to operate or test from the appropriate SIO prior to operational use or testing of any system.
   g) Configuring, continuously monitoring and maintaining systems to adequately protect information stored, processed or transmitted within acceptable risks.

Information Owners (IO)

1) IOs are responsible for:
   a) Assisting the CIO, SAISO, SOs, CCPs and SMs regarding the information security requirements and appropriate security controls for the supporting information systems for the lifecycle of the information for which the IO is responsible.
   b) Approving user access to a system or service, to include types of privileges and access rights, that contains information for which the IO is responsible.
   c) Enforcing and ensuring the EPA NROB and additional rules of behavior for particular systems, if established, are annually signed or acknowledged electronically by all information users that support the operations and assets of EPA for information for which the IO is responsible.
   d) Determining and providing information to SOs and SMs on additional rules of behavior needed beyond those provided in the NROB for particular systems. If additional rules of behavior are needed, IOs will coordinate with SOs and SMs to establish and publish the additional rules of behavior.
   e) Coordinating with the CIO, SAISO, SOs, CCPs and SMs regarding information security requirements, and determining and carrying out responsibilities for defining, developing, documenting, implementing, assessing and monitoring common and hybrid controls.

Information System Security Officers (ISSO)

1) ISSOs are responsible for:
   a) Supporting the SIO, SO, SM and ISO to manage and implement the activities, processes, policies, procedures, control techniques and other countermeasures identified under the EPA Information Security Program and ensuring protection measures are compliant with FISMA and related information security directives for the information, information system and service assigned.
   b) Serving as a principal advisor on all matters, technical and otherwise, involving the security of the information, information system or service assigned.

Common Control Providers (CCP)

1) CCPs are responsible for:
   a) Defining, developing, documenting, implementing, assessing and monitoring common and hybrid controls provided.
   b) Coordinating with the CIO, SOs, IOs and SMs regarding information security requirements and determining and carrying out responsibilities for defining, developing, documenting, implementing, assessing and monitoring common and hybrid controls.
   c) Providing approved security plans, security assessment reports, plans of action and milestones and other information, as necessary, under the EPA Information Security Program for provided common controls to supported SOs, IOs and SMs inheriting those controls.

Inspector General (IG)

1) The IG is responsible for:
   a) Conducting an annual audit of the EPA Information Security Program.

b) Reporting annual audit results to the EPA Administrator.

Users

1) EPA information and information system Users (i.e., employees, contractors, grantees, and others) supporting or using the operations and assets of EPA are responsible for:
   a) Complying with all agency information security policies, procedures and other directives.
   b) Successfully completing information security awareness training prior to initial access to EPA systems and at least annually thereafter to maintain access.
   c) Reporting all suspected and actual information security incidents immediately.
   d) Signing or acknowledging electronically or manually they have read, understand and agree to abide by the EPA NROB and any additional system specific rules of behavior if established prior to their initial access to EPA systems and information and at least annually thereafter to maintain access.

8. RELATED INFORMATION

- OMB M-10-28, "Clarifying Cybersecurity Responsibilities and Activities of the Executive Office of the President and the Department of Homeland Security (DHS)," July 6, 2010 - https://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-28.pdf

9. DEFINITIONS

- **Authorization (to operate):** The official management decision given by a senior agency official to authorize operation of an information system and to explicitly accept the risk to agency operations (including mission, functions, image, or reputation), agency assets, individuals, other organizations, and the Nation based on the implementation of an agreed- upon set of security controls.
- **Authorizing Official:** A senior (federal) official or executive with the authority to formally assume responsibility for operating an information system at an acceptable level of risk to agency operations (including mission, function, image or reputation), agency assets or individuals.
- **Availability:** Ensuring timely and reliable access to and use of information.
- **Common Control Provider:** Agency official responsible for the development, implementation, assessment, and monitoring of common controls (i.e., security controls inherited by information systems.)
- **Confidentiality:** Preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information.
- **Information:** Any communication or representation of knowledge such as facts, data, or opinions in any medium: including paper and electronic – or form – including textual, numerical, graphic, cartographic, narrative, or audiovisual.

- **Information Owner:** Agency official with statutory or operational authority for specified information and responsibility for establishing the controls for its generation, collection, processing, dissemination or disposal.
- **Information Resources:** Information in any form or media and its related resources, such as personnel, equipment, funds and information technology.
- **Information Security:** The protection of information and information systems from unauthorized access, use, disclosure, disruption, modification or destruction in order to provide integrity, confidentiality and availability.
- **Information System:** A discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination or disposition of information, whether automated or manual.
- **Integrity:** Guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity.
- **National Rules of Behavior:** A set of Agency wide rules that describes the responsibilities and expected behavior of personnel with regard to information and information system usage.
- **Risk:** The level of impact on agency operations (including mission, functions, image, or reputation), agency assets, individuals, other organizations, or the Nation resulting from the operations of an information system given the potential impact of a threat and the likelihood of that threat occurring.
- **Security Incident:** An occurrence that actually or potentially jeopardizes the confidentiality, integrity or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures or acceptable use policies.
- **Service Manager:** Person or organization having the responsibility for obtaining information technology services (e.g., cloud services). Services may be obtained as an enterprise solution or for a particular IO's requirement. For enterprise solutions, SMs coordinate with the service providers to ensure information security requirements are met. For particular IO solutions, SMs work with IOs to find appropriate service providers but the IOs ensure information security requirements are met. SMs do not own the systems or the information.
- **Signature (of an individual):** a mark or sign made by an individual to signify knowledge, approval, acceptance, or obligation (can be accomplished manually, sometimes referred to as a "wet signature," or electronically).
- **Subordinate Plan:** Also referred to as a system security plan, is a formal document that provides an overview of the security requirements for the information system and describes the security controls in place or planned for meeting those requirements.
- **System Owner:** Person or organization having responsibility for the development, procurement, integration, modification, operation and maintenance, and final disposition of an information system.
- **Written (or in writing):** to officially document the action or decision, either manually or electronically, and includes a signature.

Information Security Policy		
Directive No.: CIO 2150.4	CIO Approval: 12/28/2016	Transmittal No.: 17-004b

Abbreviations including acronyms are summarized in *Appendix: Acronyms & Abbreviations*.

10. WAIVERS

N/A

11. MATERIAL SUPERSEDED

- CIO 2150.3 Environmental Protection Agency Information Security Policy
- 2195A1 EPA Information Security Manual, 1999 Edition

12. CONTACTS

For further information, questions, or comments about this policy, please contact the Office of Environmental Information (OEI), Office of Information Security & Privacy (OISP).

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

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Information Security Policy		
Directive No.: CIO 2150.4	CIO Approval: 12/28/2016	Transmittal No.: 17-004b

APPENDIX
ACRONYMS & ABBREVIATIONS

AA	Assistant Administrator
AO	Authorizing Official
AODR	Authorizing Official Designated Representative
ATO	Authorization to Operate
CCP	Common Control Provider
CIO	Chief Information Officer
DHS	Department of Homeland Security
EPA	Environmental Protection Agency
FISMA	Federal Information Security Modernization Act
IG	Inspector General
IO	Information Owner
ISO	Information Security Officer
ISSO	Information System Security Officer
NIST	National Institute of Standards and Technology
NROB	National Rules of Behavior
NSOC	Network Security Operations Center
OEI	Office of Environmental Information
OISP	Office of Information Security & Privacy
OMB	Office of Management and Budget
RA	Regional Administrator
SAISO	Senior Agency Information Security Officer
SIO	Senior Information Official
SM	Service Manager
SO	System Owner

ED_001292B_00002523-00012

INFORMATION DIRECTIVE PROCEDURE

International Travel Procedure for Mobile Devices		
Directive No.: 2150-P-18.2	CIO Approval: 12/29/2016	Transmittal No.: 17-004c

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

International Travel Procedure for Mobile Devices

1. PURPOSE

To safeguard Environmental Protection Agency (EPA) information and systems for all employees, contractors, and other users while on international travel or on travel to specifically designated locations within the United States and territories that are not owned or controlled by the United States (e.g., foreign embassies).

2. SCOPE

This procedure covers all EPA-issued mobile devices, such as laptops, tablets (notebook), memory drives, portable Wi-Fi, cell phones, and smartphones that store, process, transmit, or receive EPA information when such devices are used or carried on international travel.

Direct travel to and from and within U.S. territories and commonwealths is not considered international travel.

This procedure applies to all EPA employees, contractors, and other users of EPA information and information systems.

3. AUDIENCE

The audience is all EPA employees, contractors, and other users of EPA information and information systems.

4. BACKGROUND

Mobile devices extend the virtual boundary of EPA systems and add risk that must be properly mitigated. The use of mobile devices to transmit or receive information via telecommunication networks presents security risks due to the susceptibility to eavesdropping, interception of transmitted information and introduction of malware. Such risks are higher while on international travel in locations where telecommunication networks are owned or controlled by the host government because of the ease in which the host government can monitor transmissions. This also applies to visits and meetings at facilities within the United States and U.S. territories that are owned or under the control of non-U.S. entities. The use of mobile devices outside EPA facilities that provide adequate physical protections also present higher risks due to loss, theft and tampering. As with risks associated with transmitted information, in some international locations these risks are increased even more. The use of mobile devices presents different risks, when compared to the use of non-mobile devices, which require different or modified controls and procedures, such as this one for international travel.

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5. AUTHORITY

The information directive is issued by the EPA Chief Information Officer (CIO), Pursuant to Delegation 1-19, dated 07/07/2005.

Additional legal foundations for the procedure include:

- National Institute of Standards and Technology (NIST) Special Publication 800-53-Rev 4, *Recommended Security Controls for Federal Information Systems and Organizations*, and all subsequent updates or superseding directives
- EPA CIO 2150.3, *Environmental Protection Agency Information Security Policy*, August 6, 2012 and all subsequent updates or superseding directives
- E-Government Act of 2002, Public Law 107-347, Title III, Federal Information Security Management Act
- Federal Information Security Modernization Act (FISMA) of 2014, Public Law 113-283, to amend chapter 35 of title 44, United States Code (U.S.C.)

6. PROCEDURE

General:

1) Do not take mobile devices if the mission can be accomplished without them.
2) Take the minimum amount of information necessary to accomplish the mission. This includes sensitive contact information and non-electronic media.
3) Save all EPA information from mobile devices to appropriate EPA systems prior to travel.
4) When applicable, remove the batteries from mobile devices when not in use.
5) EPA-issued mobile devices shall only be used for government-authorized uses.
6) While on international travel to high-risk locations, non-EPA issued mobile or other devices shall not be used to conduct official EPA business or to store, process, or transmit EPA information and shall not be connected to EPA's systems. Use of other U.S. Government resources (e.g., Department of State or Department of Defense) is permitted for operational necessity and emergencies.
7) Specially-configured, EPA-issued mobile devices are recommended for all official international travel, but are not required for international travel to locations not identified as high risk. Use of standard EPA mobile solutions is acceptable in cases where specially-configured devices are not required.
   a) Conditions may exist, as determined by the EPA Office of Homeland Security (OHS), where specially-configured devices are required when international travel locations are not otherwise identified as high risk.
8) When traveling internationally to high-risk locations or locations identified by OHS for any reason, only specially-configured, EPA-issued mobile devices are authorized for use for EPA business.

9) Users shall be allowed to take specially-configured, EPA-issued mobile devices to enable them to conduct official EPA business while on personal travel to high-risk international locations.
10) When traveling internationally to high-risk locations or locations identified by OHS, users shall be provided mobile devices specially-configured for international travel to high-risk locations.
    a) To obtain specially-configured devices, users shall follow local procedures. Users can contact their supporting information technology (IT) help desk. For example, Headquarters users contact the Headquarters help desk, Information Security Officer (ISO) or Information Management Officer (IMO) for local procedures.[1]
        i) Offices and regions have the option to maintain a reserve of specially-configured devices to issue to personnel traveling to high-risk locations. Devices maintained in reserve shall comply with all applicable EPA Policy, Procedures, Standards, and Guidance.
            (1) Laptops, laptop hard drives, Universal Serial Bus (USB) storage devices, secure digital (SD) cards, portable Wi-Fi (hotspots), tablets (notebook), and mobile or smart phones are examples of devices that may be specially-configured and held in reserve.
11) All users shall refer to the Office of International and Tribal Affairs' (OITA) International Travel website for additional guidance. Users shall coordinate with their ISO to determine if specially-configured, EPA-issued devices are required for their travel.
12) ISOs shall contact the EPA Senior Agency Information Security Officer (SAISO) with the user's travel request information to determine whether a specially-configured, EPA-issued mobile device is required.
    a) Minimum travel information required:
        i) Position (e.g., Office Director, Assistant Administrator)
        ii) Travel date(s) to include month, day, and year
        iii) Travel destination(s) to include city and country
        iv) Reason for travel (e.g., Wastecon Conference)
13) The SAISO will forward the travel information to OHS for review.
14) The SAISO shall develop and maintain a list of high-risk locations. The list shall be updated annually.
15) The SAISO will provide the list of high-risk locations to OHS.
16) OHS will review international travel requests and provide input to the SAISO as necessary. OHS will inform travelers directly or inform the SAISO whether specially-configured devices will be required for their travel. If OHS informs the SAISO of their determination, the SAISO will inform the ISO. The ISO will inform the traveler of the final determination.
17) Users on all international travel shall immediately report the loss, theft, compromise or suspected compromise of EPA-issued mobile devices or EPA information via established incident reporting procedures and to the local U.S. Embassy.

[1] Appendix A: International Travel Procedure for Mobile Devices Process *shows a high level process for obtaining specially configured devices.*

18) Users shall physically secure mobile devices and information while on travel. For example:
    a) Do not store devices in checked baggage.
    b) Use digital signature and encryption capabilities when possible.
    c) Do not leave devices or sensitive information unattended in public places (e.g., airports, restaurants, conference meeting rooms).
    d) Guard against eavesdroppers and shoulder surfers.
    e) Secure laptops in hotel rooms with a locking device.
19) The Director of the Office of Information Technology Operations (OITO) shall develop and maintain processes and minimum configuration standards for all specially configured devices.
20) Senior Information Officials (SIO) shall ensure supervisors or managers of IT help desks and IT staffs providing support for specially-configured devices held in reserve develop, maintain current, implement and publish local supplemental procedures, standards or guides for maintaining devices through their life cycle and for issuing, tracking, collecting, sanitizing and transferring information to users.
    a) Local procedures, standards or guides shall include specifications on how storage devices will be used with mobile computing devices such as laptops and smartphones to ensure information is only transferred to or from approved and properly configured devices and only using approved methods.
    b) Local procedures, standards or guides shall include specifications on how computing devices will be used with communication devices such as smartphones to ensure information is only transmitted or received using approved methods and only with approved and properly-configured devices.
21) SIOs shall develop, document, and implement a process to ensure the international procedures are being followed.
    a) An example of a process is as follows:
        i) Someone is designated to monitor the Fast International Approval and Tracking (FIAT) Database for International Travelers each month.
        ii) The monitor contacts travelers identified in FIAT to determine their IT equipment needs for their trip.
        iii) The monitor enters into and tracks the pertinent information for each traveler using a spreadsheet.
        iv) The monitor distributes the information to appropriate individuals according to IT needs.
        v) If a laptop is needed, then:
            (1) The organization's ISO submits a request to the Program Manager for the help desk provider to obtain a properly secured loaner laptop.
            (2) Once the loaner laptop is received, the traveler works with the help desk to transfer work related files needed for their trip to the loaner laptop prior to departure.
            (3) Upon return, the traveler shall immediately coordinate the return and processing (e.g., transferring documents from the laptop) of the laptop with their help desk.

vi) If an iPhone or iPad is needed, an order is placed with the Working Capital Fund by the organization's Service Agreement originator in two ways:

(1) For travelers who currently have an Agency issued device, a request is entered into eBusiness to have the International Data Package added to their device for the duration of their trip.

Note: For those who frequently travel outside of the country, this package is not removed.

(2) For travelers who do not have an Agency issued device, a request is entered into eBusiness to order a Loaner International Device for the duration of the traveler's trip. This request is submitted two weeks prior to the traveler's departure date to ensure that it arrives in time. Mobile devices taken to high-risk locations shall resist physical tampering and unauthorized information transmissions and transfers to and from the devices.

a. An example of resisting physical tampering is the automatic erasure of information stored on a USB device when the case is opened.

b. Examples of resisting unauthorized information transmissions are turning off Wi-Fi and Bluetooth capabilities.

c. An example of resisting unauthorized information transmissions (e.g., malware, transfers) is locking an SD card to prevent writing to the card.

Laptops:

Note: Also applies to Notebooks, Tablets and similar devices.

1) When in a travel status for any international travel, users:

a) Shall manually turn off the wireless access when not in use and turn it on only when needed.

2) Upon return to work from international travel to high risk locations, users:

a) Shall contact their local IT help desk or IT staffs issuing specially configured devices immediately to arrange for the pickup, scanning and sanitizing of loaner laptops. If there is information on loaner laptops users need, users can request the information be removed and provided to them prior to laptops being sanitized.

i) Help desk personnel and IT staffs shall ensure information is malware-free prior to providing it to the user.

ii) If malware is detected and cannot be removed or it is suspected it has not been removed, help desk personnel and IT staffs shall contact users' ISO for guidance. ISOs shall coordinate with the EPA Computer Security Incident Response Capability (CSIRC) for a solution.

b) Shall not connect loaner devices to any EPA system other than the ones authorized for use on travel (e.g., laptop or smartphone).

c) Shall not transfer data to any EPA system other than as authorized for travel.

Handheld Mobile Devices (e.g., Personal Digital Assistant (PDA), smartphone and similar devices):

1) Upon return to work from international travel to high-risk locations, users:
   a) Shall contact their local IT help desk or IT staffs issuing specially-configured devices immediately to arrange for the pickup, scanning and sanitizing of loaner devices. If there is information on loaner devices users need, users can request the information be removed and provided to them prior to devices being sanitized.
      i) Help desk personnel and IT staffs shall ensure information is malware-free prior to providing it to the user.
      ii) If malware is detected and cannot be removed or it is suspected it has not been removed, help desk personnel and IT staffs shall contact a user's ISO for guidance. ISOs shall coordinate with the EPA CSIRC for a solution.
   b) Shall not connect loaner devices to any EPA system other than the ones authorized for use on travel (e.g., laptop or smartphone).
   c) Shall not transfer data to any EPA system other than as authorized for travel.

Mobile Storage Devices (e.g., USB memory sticks, hard drives, SD cards and similar devices):

1) Upon return to work from international travel to high-risk locations, users:
   a) Shall contact their supporting IT help desk or IT staffs issuing specially configured devices immediately to arrange for the pickup, scanning and sanitizing of loaner devices. If there is information on loaner devices users need, users can request the information be removed and provided to them prior to devices being sanitized.
      i) Help desk personnel and IT staffs shall ensure information is malware free prior to providing it to the user.
      ii) If malware is detected and cannot be removed or it is suspected it has not been removed, help desk personnel and IT staffs shall contact a user's ISO for guidance. ISOs shall coordinate with the EPA CSIRC for a solution.
   b) Shall not connect loaner devices to any EPA system other than the ones authorized for use on travel (e.g., laptop or smartphone).
   c) Users shall not transfer data to any EPA system other than as authorized for travel.

Portable Wi-Fi & Mobile Hotspot:

1) When in a travel status for any international travel, users:
   a) Shall only use specially-configured, EPA-issued mobile devices that are authorized for Wi-Fi connection use.
   b) Shall manually turn off the wireless access when not in use and turn it on only when needed.

i) Users shall disable ad hoc connections and disallow automatically connecting to wireless network.

ii) Users shall use a Virtual Private Network (VPN) connection with strong Encryption (e.g., Wi-Fi Protected Access 2 (WPA2) 256-bit key).

iii) Users shall ensure that they are connected over the Secure Sockets Layer (SSL) and using at least two factor authentication for the destination website.

c) Shall not connect loaner devices to any EPA system other than the ones authorized for use on travel (e.g., laptop or smartphone).

d) Shall not transfer data to any EPA system other than as authorized for travel.

7. ROLES AND RESPONSIBILITIES

If individuals choose to re-delegate or to assign responsibilities, that re-delegation or assignment must be documented in writing if not already re-delegated in EPA policy.

Senior Information Officials (SIO)

1) Ensure supervisors or managers of IT help desks and IT staffs, within the SIO's area of responsibility, provide support for specially-configured devices held in reserve and develop, maintain, implement and publish local supplemental procedures, standards or guides for:
   a) Maintaining devices through their life cycle, and for issuing, tracking, collecting, sanitizing and transferring information back to users.
2) Ensure a process is developed, documented and implemented to ensure international procedures are followed.

Senior Agency Information Security Officer (SAISO)

1) Determine and maintain a list of high-risk international travel locations.
2) Update the list of high-risk international travel locations annually.
3) Provide a determination on high-risk international travel locations to ISOs.
4) Provide the list of high-risk international travel locations to OHS.
5) Report any suspected compromise or anomalies to OHS.

Director of Office of Information Technology Operations (OITO)

1) Develop and maintain processes and minimum configuration standards for all specially configured devices.

Information Management Officers (IMO)

1) Provide user guidance on processes and directives.

Information Security Officers (ISO)

1) Obtain and provide traveler information to SAISO.
2) Obtain determination of high-risk international locations from the SAISO and provide to traveler.
3) Provide user guidance on processes and directives.

Senior Intelligence Advisor/EPA Federal Senior Intelligence Coordinator, EPA Office of Homeland Security (OHS)

1) Review international travel requests and determine if conditions exist that require specially configured devices for travel locations.
2) Inform the SAISO or traveler of the need for specially configured devices for particular travel requests.
3) Determine the conditions and/or circumstances under which specially configured devices shall be issued for use within the United States and territories.
4) Monitor and analyze any known or suspected compromises or anomalies reported by the Office of Environmental Information (OEI).

IT Help Desks and IT Staffs Providing Support for Specially Configured Devices Held in Reserve

1) Develop, maintain current, publish and implement local supplemental procedures, standards or guides for maintaining devices through their life cycle and issue, track, collect, sanitize and transfer information back to users.

8. RELATED INFORMATION

- Personal Computer Configuration and Management Standard, CIO 2122-S-02.0, 10/1/10, and all subsequent updates or superseding directives.
- EPA Information Procedures: CIO-2150.4-P-01.1, Mobile Computing Management Procedures, December 6, 2013.
- Applicable NIST Special Publication (SP) and Federal Information Processing Standards (FIPS) as updated or superseded to include but not limited to:
  - NIST SP 800-147, Basic Input/Output System (BIOS) Protection Guidelines
  - NIST SP 800-128, Guide for Security-Focused Configuration Management of Information Systems
  - NIST SP 800-124, Guidelines on Cell Phone and PDA Security
  - NIST SP 800-122, Guide to Protecting the Confidentiality of Personally Identifiable Information (PII)
  - NIST SP 800-121, Guide to Bluetooth Security
  - NIST SP 800-114, User's Guide to Securing External Devices for Telework and Remote Access
  - NIST SP 800-111, Guide to Storage Encryption Technologies for End User Devices
  - NIST SP 800-88, Guidelines for Media Sanitization
  - NIST SP 800-64, Rev. 2, Security Consideration in the System Development Life Cycle
  - NIST SP 800-53, Rev4, Recommended Security Controls for Federal Information Systems and Organizations

- FIPS 140-2, Security Requirements for Cryptographic Modules
- FIPS 200, Minimum Security Requirements for Federal Information and Information Systems

- Supplemental procedures, standards and guides developed to implement this procedure.

9. DEFINITIONS

- **High-risk location:** location where the threat of cyber or electronic surveillance presents elevated risks and requires additional precautions.
- **Mobile device:** portable cartridge/disk-based, removable storage media (e.g., floppy disks, compact disks, USB flash drives, external hard drives and other flash memory cards/drives that contain nonvolatile memory). Portable computing and communications device with information storage capability (e.g., notebook/laptop computers, personal digital assistants, cellular telephones, digital cameras, audio recording devices and portable Wi-Fi devices).
- **Specially-configured devices:** devices that have additional controls to help mitigate risks associated with cyber or electronic surveillance.

Abbreviations including acronyms are summarized in *Appendix B: Acronyms & Abbreviations*.

10. WAIVERS

Waivers may be requested from the SAISO by submitting a justification based on:

- substantive business case need(s)
- demonstration of, or a proposal for, establishment of adequate compensating controls that provide a suitable alternative to the mandated protection

The SAISO may grant a waiver for sufficient reasons exercising judgment in the best interests of the Agency.

The SAISO and Director of OITO shall coordinate to maintain a central repository of all waivers.

11. MATERIAL SUPERSEDED

EPA Information Procedures: CIO-2150.3-P-18.1, International Travel Procedure for Mobile Devices, November 29, 2012.

12. CONTACTS

For further information, please contact your Information Security Officer. You also may contact the Office of Environmental Information, Office of Information Security & Privacy (OISP), Senior Agency Information Security Officer.

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

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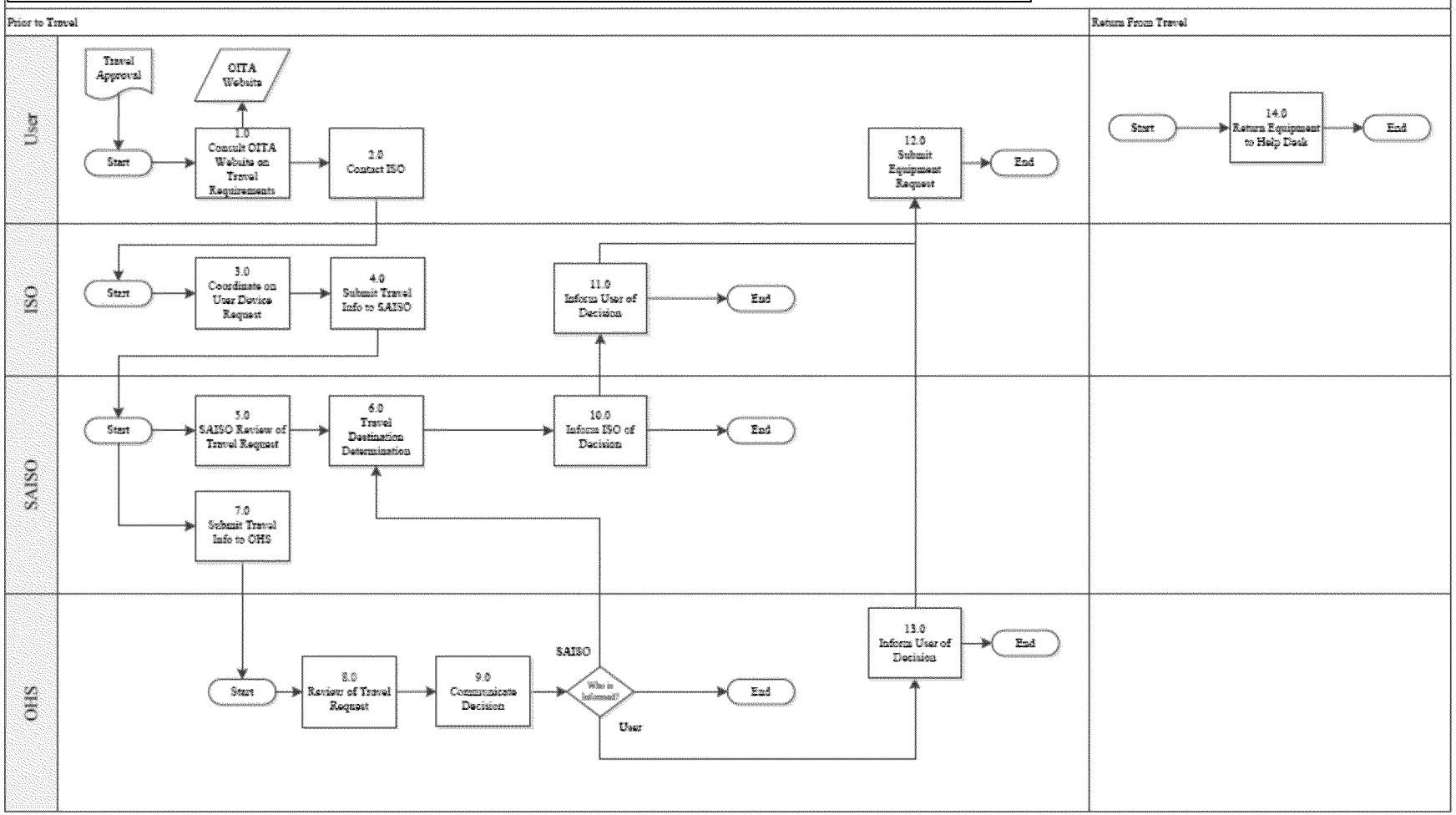
International Travel Procedure for Mobile Devices		
Directive No.: 2150-P-18.2	CIO Approval: 12/29/2016	Transmittal No.: 17-004c

APPENDIX A: INTERNATIONAL TRAVEL PROCEDURE FOR MOBILE DEVICES PROCESS



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APPENDIX B:
ACRONYMS & ABBREVIATIONS

BIOS	Basic Input/Output System
CIO	Chief Information Officer
CSIRC	Computer Security Incident Response Capability
EPA	Environmental Protection Agency
FIAT	Fast International Approval and Tracking
FIPS	Federal Information Processing Standards
FISMA	Federal Information Security Modernization Act
IMO	Information Management Officer
ISO	Information Security Officer
IT	Information Technology
NIST	National Institute of Standards and Technology
OEI	Office of Environmental Information
OHS	Office of Homeland Security
OISP	Office of Information Security & Privacy
OITA	Office of International and Tribal Affairs
OITO	Office of Information Technology Operations
PDA	Personal Digital Assistant
PII	Personally Identifiable Information
SAISO	Senior Agency Information Security Officer
SD	Secure Digital
SIO	Senior Information Official
SSL	Secure Sockets Layer
USB	Universal Serial Bus
VPN	Virtual Private Network
WPA2	Wi-Fi Protected Access 2

INFORMATION DIRECTIVE PROCEDURE

Information Security – Physical and Environmental Protection Procedures		
Directive No.: 2150-P-11.2	CIO Approval: 12/30/2016	Transmittal No.: 17-004d

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

Information Security – Physical and Environmental Protection Procedures

1. PURPOSE

To extend and provide specificity to the Environmental Protection Agency (EPA) Information Security Policy. This document shall be used to develop procedures, standards and guidance that facilitate the implementation of security control requirements for the Physical and Environmental Protection (PE) control family, as identified in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53, Revision 4, *Security and Privacy Controls for Federal Information Systems and Organizations*.

2. SCOPE

These procedures cover all EPA information and information systems to include information and information systems used, managed or operated by a contractor, another agency or other organization on behalf of the EPA.

These procedures apply to all EPA employees, contractors and all other users of EPA information and information systems that support the operation and assets of the EPA.

3. AUDIENCE

The audience is all EPA employees, contractors and all other users of EPA information and information systems that support the operations and assets of the EPA.

4. BACKGROUND

Based on federal requirements and mandates, the EPA is responsible for ensuring all offices within the Agency meet the minimum security requirements defined in *the Federal Information Processing Standards* (FIPS) Publication 200, *Minimum Security Requirements for Federal Information and Information Systems*. All EPA information systems shall meet the security requirements through the use of the security controls defined in the NIST SP 800-53, Revision 4, *Security and Privacy Controls for Federal Information Systems and Organizations*. This document addresses the procedures and standards set forth by the EPA and complies with the Physical and Environmental Protection family of controls.

5. AUTHORITY

The information directive is issued by the EPA Chief Information Officer (CIO), Pursuant to Delegation 1-19, dated 07/07/2005.

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Additional legal foundations for the procedure include:

- Federal Information Security Modernization Act (FISMA) of 2014, Public Law 113-283, chapter 35 of title 44, United States Code (U.S.C.)
- E-Government Act of 2002, Public Law 107-347, Title III, Federal Information Security Management Act, as amended
- Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended by Public Law 104-231, 110 Stat. 3048, Electronic Freedom of Information Act Amendments of 1996
- Clinger-Cohen Act of 1996, Public Law 104-106
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3519)
- Privacy Act of 1974 (5 U.S.C. § 552a) as amended
- USA PATRIOT Act of 2001, Public Law 107-56
- Code of Federal Regulations, Part 5 Administrative Personnel, Subpart C — Employees Responsible for the Management or Use of Federal Computer Systems, Section 930.301 through 930.305 (5 C.F.R. 930.301-305)
- Office of Management and Budget (OMB) Memorandum M-05-24, "Implementation of Homeland Security Presidential Directive (HSPD) 12 – Policy for a Common Identification Standard for Federal Employees and Contractors," August 2005
- OMB Memorandum M-06-06, "Sample Privacy Documents for Agency Implementation of Homeland Security Presidential Directive (HSPD) 12," February 2006
- OMB Memorandum M-06-18, "Acquisition of Products and Services for Implementation of HSPD-12," June 2006
- OMB Memorandum M-07-06, "Validating and Monitoring Agency Issuance of Personal Identity Verification Credentials," January 2007
- OMB Memorandum M-08-01, "HSPD-12 Implementation Status," October 2007
- OMB Circular A-130, Management of Federal Information Resources, Appendix III, Security of Federal Automated Information Resources, November 2000
- FIPS 140-2, Security Requirements for Cryptographic Modules, May 2001
- FIPS 199, Standards for Security Categorization of Federal Information and Information Systems, February 2004
- FIPS 200, Minimum Security Requirements for Federal Information and Information Systems, March 2006
- FIPS 201, Personal Identity Verification (PIV) of Federal Employees and Contractors, March 2006
- NIST SP 800-12, An Introduction to Computer Security – The NIST Handbook, October 1995
- NIST SP 800-30, Revision 1, Guide for Conducting Risk Assessments.

- NIST SP 800-46, Revision 1, Guide to Enterprise Telework and Remote Access Security
- NIST SP 800-53, Revision 4, Security and Privacy Controls for Federal Information Systems and Organizations
- NIST SP 800-73-3 PIV Interfaces
- NIST SP 800-76-1 PIV Biometric Data Specifications.
- NIST SP 800-78-2 PIV Cryptographic Algorithms and Key Sizes
- NIST SP 800-114, User's Guide to Securing External Devices for Telework and Remote Access
- NIST SP 800-121, Guide to Bluetooth Security
- EPA Information Security Program Plan
- EPA Information Security Policy
- EPA Delegations 1-4-B. Real Property and Space
- EPA Delegations 1-84. Information Resources Management
- EPA Information Security Roles and Responsibilities Procedures
- EPA Flexiplace Policy 3180
- EPA Information Security Continuous Monitoring Strategic Plan
- CIO Policy Framework and Numbering System

6. PROCEDURE

The "PE" designator identified in each procedure represents the NIST-specified identifier for the Physical and Environmental Protection control family, as identified in NIST SP 800-53, Revision 4, *Security and Privacy Controls for Federal Information Systems and Organizations*.

PE-1 – Physical and Environmental Protection Policy and Procedures

1) System Owners (SO), in coordination with the Office of Administration and Resources Management (OARM), local building management (e.g., Facility, Health and Safety Management Officials), and Senior Information Officials (SIO), for EPA-operated systems, shall; and Service Managers (SM), in coordination with Information Management Officers (IMO), for systems operated on behalf of the EPA, shall ensure service providers:

a) **Develop a physical and environmental protection policy that addresses purpose, scope, roles, responsibilities, management commitment and coordination among organizational entities and compliance.**

b) **Develop procedures to facilitate the implementation of the physical and environmental protection policy, associated physical and environmental protection policy and associated physical and environmental protection controls.**

PE-2 – Physical Access Authorizations

Note: This control addresses individuals'[1] access to buildings, rooms, work areas, spaces and structures housing EPA information and information systems. This control only applies to facilities and areas within facilities that have not been designated as publicly accessible. This control applies to organizational employees and visitors.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:[2]
   a) Develop, approve and maintain a current list of personnel with authorized access to the facility or designated areas within a facility where EPA information is processed or stored.
      i) The level of access provided to each individual shall not exceed the level of access required to complete the individual's job responsibilities.
      ii) The level of access shall be reviewed and approved by the SO or Information Owner (IO) as appropriate.
   b) Issue authorization credentials (e.g., keys, badges, identification cards, access cards and smart cards) for access.
      i) Authorizations and requirements for access shall be coordinated with facility and personnel security managers, as required.
      ii) Keys, badges, access cards and combinations shall be issued to only those personnel who require access.
   c) Review and approve the access list detailing authorized facility access by individuals at least quarterly to ensure:
      i) Individuals to whom the authorization credentials were issued still require them.
      ii) Issued authorization credentials do not exceed the level of access required by the assigned individual's current job responsibilities.
   d) Remove individuals from access lists when access is no longer required.

PE-2(1) – Physical Access Authorizations | Access by Position / Role

Not selected as part of the control baseline.

PE-2(2) – Physical Access Authorizations | Two Forms of Identification

Not selected as part of the control baseline.

[1] *Individuals (e.g., employees, contractors, and others) with permanent physical access authorization credentials are not considered visitors.*

[2] *Service Providers' controls are validated through independent assessments in accordance with Federal Risk and Authorization Management Program (FedRAMP). Information Owners and Service Managers ensure controls are in place and operating as intended by reviewing documentation provided by Service Providers and FedRAMP. Authorizing Officials may accept provisional authorizations to operate issued by FedRAMP as a result of review by the combined Department of Defense (DoD), General Services Administration (GSA), & Department of Homeland Security (DHS) process without reviewing supporting documentation. Supporting documentation for all other provisional authorizations to operate shall be reviewed before acceptance.*

PE-2(3) – Physical Access Authorizations | Restrict Unescorted Access

Not selected as part of the control baseline.

PE-3 – Physical Access Control

For All Information Systems:

Note: The organization determines the types of guards needed (e.g., professional physical security staff or other personnel, such as administrative staff or information system users), as deemed appropriate.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Enforce physical access authorizations for all physical access points to non-public facilities and areas where EPA information is stored or processed by:
      i) Verifying individual access authorizations before granting access.
      ii) Controlling ingress/egress using physical access controls such as guards, and keyed, combination or electronic locks.
         (1) All authorized personnel and visitors are required to display their badges while inside the facility.
         (2) All visitors shall sign a visitor log and be escorted by an employee while in non-public areas.
      iii) Ensuring that all equipment that stores, processes or transmits EPA information is located in an appropriate, access controlled space.
         (1) Components of an information system may be placed and operated in areas designated as publicly accessible when they are adequately protected in accordance with a risk assessment.[3]
   b) Maintain physical access audit logs for designated entry/exit points to non-public spaces where EPA information is processed or stored.
      i) Audit logs can be manual or automated.
   c) Ensure keys, combinations and other physical access devices are secured.
      i) Change locks when they no longer adequately deter unauthorized access and change combinations and keys when keys are lost or otherwise unaccounted for and when combinations are compromised or individuals are transferred or terminated.
   d) Inventory keys annually, as well as when:
      i) Keys are lost;
      ii) Individuals are transferred or terminated;
      iii) Replacement keys are issued;
      iv) There is a theft or security violation in the protected area.
   e) Develop a Plan of Action and Milestones (POA&M) for all physical access security control deficiencies and enter it into the Agency's Information Security Repository in accordance with POA&M reporting procedures.[4]

[3] *The Risk Management Framework is described in draft NIST SP 800-39, Managing Risk from Information Systems: An Organizational Perspective.*

[4] *Document the results of security control test(s), [Deficiencies/Weaknesses] in the Agency Information Security Repository, the Agency's tool for managing POA&Ms, and create a POA&M finding.*

i) Refer to Information Security – Security Assessment and Authorization Procedures for POA&M requirements identified in Appendix B, POA&M Monitoring and Validation Process Diagram and Outline and Table 1, Process Outline.

PE-3(1) – Physical Access Control | Information System Access

For High Information Systems:

Note: This control enhancement provides additional physical security for those areas within facilities where there is a concentration of information system components (e.g., server rooms, media storage areas, data and communications centers).

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Enforce physical access authorizations to the information and information system and physical access controls for the facility at physical spaces containing one or more components of the information system (e.g., network/communication closets and rooms).
      i) This requirement applies to the information system and security control consoles.

PE-3(2) – Physical Access Control | Facility / Information System Boundaries

Not selected as part of the control baseline.

PE-3(3) – Physical Access Control | Facility / Continuous Guards / Alarms / Monitoring

Not selected as part of the control baseline.

PE-3(4) – Physical Access Control | Facility / Lockable Casings

Not selected as part of the control baseline.

PE-3(5) – Physical Access Control | Facility / Tamper Protection

Not selected as part of the control baseline.

PE-3(6) – Physical Access Control | Facility / Facility Penetration Testing

Not selected as part of the control baseline.

PE-4 – Access Control for Transmission Medium

For Moderate and High Information Systems:

Note: Physical protections applied to information system distribution and transmission lines help prevent accidental damage, disruption and physical tampering. Additionally, physical protections are necessary to help prevent eavesdropping or modification of unencrypted transmissions while in transit.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs,

in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Control physical access to information system distribution and transmission lines using security safeguards, such as, locked wiring closets and cable trays or conduit.

PE-5 – Access Control for Output Devices

For Moderate and High Information Systems:

Note: Methods to control and protect physical access to output devices include placing output devices in locked rooms or other secured areas and allowing access to authorized individuals only, placing output devices in locations that can be monitored by organizational personnel or repositioning the output device and/or using a privacy screen for the output device.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Control physical access to information system output devices (e.g., monitors, printers, copiers, scanners, facsimile machines and audio devices) to prevent unauthorized individuals from obtaining the output.

PE-5(1) – Access Control for Output Devices | Access to Output by Authorized Individuals

Not selected as part of the control baseline.

PE-5(2) – Access Control for Output Devices | Access to Output by Individual Identity

Not selected as part of the control baseline.

PE-5(3) – Access Control for Output Devices | Marking Output Devices

Not selected as part of the control baseline.

PE-6 – Monitoring Physical Access

For All Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Monitor physical access to the facility where the information is processed or stored to detect and respond to physical security incidents.
   b) Review physical access logs monthly for Low and Moderate categorized information, weekly for High categorized information and in response to a physical security incident.

c) Conduct investigations of apparent security incidents or violations or suspicious physical access activities[5]. Investigation and review results shall be coordinated with the organization's incident response[6] team.
d) Develop and implement remedial actions identified as a result of investigations. A POA&M shall be developed and documented in accordance with POA&M procedures. Refer to Information Security – Security Assessment and Authorization Procedures for POA&M requirements.

PE-6(1) Monitoring Physical Access | Intrusion Alarms / Surveillance Equipment

For Moderate and High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Install and monitor real-time physical intrusion alarms and surveillance equipment.

PE-6(2) Monitoring Physical Access | Automated Intrusion Recognition / Responses

Not selected as part of the control baseline.

PE-6(3) Monitoring Physical Access | Video Surveillance

Not selected as part of the control baseline.

PE-6(4) Monitoring Physical Access | Monitoring Physical Access to Information Systems

For High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Monitor physical access to the information system in addition to the physical access monitoring of the facility.

PE-7 – Visitor Control

Incorporated into PE-2 and PE-3.

PE-8 – Visitor Access Records

For All Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:

[5] *Examples of suspicious physical access activities include accesses outside of normal work hours, repeated accesses to areas not normally accessed, accesses for unusual lengths of time and out-of-sequence accesses.*
[6] *Refer to Information Security – Incident Response Procedures for requirements on incident response.*

a) Maintain visitor access records to the facility where the information system resides in accordance with the National Archives and Records Administration (NARA) requirements. Access records shall include the following:
   i) Name(s) and organization(s) of the person(s) visiting.
   ii) Signature(s) of the visitor(s).
   iii) Forms of identification.
   iv) Date(s) of access.
   v) Entry and departure times.
   vi) Purpose(s) of visit(s).
   vii) Name(s) and organization(s) of person(s) visited.
b) Review visitor access records in response to an information or physical security incident.

Note: Visitor access records are not required for publicly accessible areas.

PE-8(1) – Visitor Access Records | Automated Records Maintenance / Review

For High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Employ automated mechanisms to facilitate the maintenance and review of visitor access records.

PE-8(2) – Visitor Access Records | Physical Access Records

Incorporated into PE-2.

PE-9 – Power Equipment and Cabling

For Moderate and High Information Systems:

Note: This control, to include any enhancements specified, may be satisfied by similar requirements fulfilled by another organizational entity other than the Information Security Program. Organizations shall avoid duplicating actions already covered.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Protect power equipment and power cabling for the information system from damage and destruction.
   b) Inspect power cabling annually for indications of fraying or other wear.
      i) Inspect hangers and trays that support power cables for stability.
      ii) Document power cabling inspection results in the Agency Information Security Repository, the Agency's tool for managing POA&Ms, and create a POA&M in the repository correcting weaknesses found.
         (1) Refer to Information Security – Security Assessment and Authorization Procedures for POA&M requirements.

PE-9(1) – Power Equipment and Cabling | Redundant Cabling

Not selected as part of the control baseline.

PE-9(2) – Power Equipment and Cabling | Automatic Voltage Controls

Not selected as part of the control baseline.

PE-10 – Emergency Shutoff

Note: This control applies to facilities containing concentrations of information system resources (e.g., data centers, server rooms and mainframe computer rooms).

For Moderate and High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Provide the capability to shut off power to the information system or individual system components in emergency situations.
      i) Coordination shall occur with facilities management personnel, as needed.
   b) Place emergency shutoff switches or devices in locations as defined by applicable standards to facilitate safe and easy access for personnel. Refer to National Fire Protection Association (NFPA) code NFPA 70.[7]
   c) Document emergency shutoff or shutdown operational procedures. The procedure, at a minimum, shall include the following:
      i) Whether the information system component is capable of an emergency shutoff.
      ii) Notification of personnel when an emergency shutoff is recommended or executed.
      iii) Detailed steps for an emergency shutoff.
      iv) Maximum time allotted for the emergency shutoff.
      v) Recovery procedures from the emergency shutoff.
      vi) Locations of emergency shutoff devices.
   d) Train all necessary personnel on the emergency shutoff procedures.
   e) Protect the emergency power-off capability from accidental or unauthorized activation.

PE-10(1) – Emergency Shutoff | Accidental / Unauthorized Activation

Incorporated into PE-10.

PE-11 – Emergency Power

For Moderate and High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Provide a short-term Uninterruptible Power Supply (UPS) to facilitate an orderly shutdown of the information system or a transition of the information system to long-term alternate power, as applicable, in the event of a primary power source loss.

[7] *See: http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=70*

PE-11(1) – Emergency Power | Long-Term Alternate Power Supply – Minimal Operational Capability

For High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Provide a long-term alternate power supply that is capable of maintaining minimally required operational capability in the event of an extended loss of the primary power source for the information system.
      i) Acceptable long-term alternate power supplies include a battery system with rectifiers, generators, etc.
      ii) The long-term alternate power supply selected shall be able to support the documented availability requirements for the information system.
      iii) The long-term alternate power supply shall be documented in the Contingency Plan for the information system.
         (1) Refer to Information Security – Contingency Planning Procedures[8] for requirements on Contingency Plans.

PE-11(2) – Emergency Power | Long-Term Alternate Power Supply – Self Contained

Not selected as part of the control baseline.

PE-12 – Emergency Lighting

For All Information Systems:

Note: This requirement applies to facilities containing concentrations of information system resources including data centers, server rooms and mainframe computer rooms.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Employ and maintain automatic emergency lighting for the information system that activates in the event of a power outage or disruption and that covers emergency exits and evacuation routes within the facility.
   b) Test the automatic emergency lighting systems annually to ensure they are fully operational.
      i) Document automatic emergency lighting systems test results in the Agency Information Security Repository, the Agency's tool for managing POA&Ms, and create a POA&M in the repository.[9]
         (1) Refer to Information Security – Security Assessment and Authorization Procedures for POA&M requirements.

[8] *Refer to the latest version of the EPA Information Security –Contingency Planning Procedures*

[9] *Refer to EPA Xacta POA&M Guide, Version 2.0, June 2, 2015, Sections: 4, Creating a POA&M, page 14; 5, POA&M Fields, page16; and 6, Guidance on POA&M Fields, page 17; and 7, Creating New POA&Ms, page 23 for guidance on creating POA&Ms in Xacta.*

PE-12(1) – Emergency Lighting | Essential Missions / Business Functions

Not selected as part of the control baseline.

PE-13 – Fire Protection

For All Information Systems:

Note: This control applies to facilities containing concentrations of information system resources including data centers, server rooms and mainframe computer rooms. Fire suppression and detection devices/systems include, for example, sprinkler systems, handheld fire extinguishers, fixed fire hoses and smoke detectors.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Employ and maintain fire suppression and detection devices or systems for the information system that are supported by an independent energy source.

PE-13(1) – Fire Protection | Detection Devices / Systems

For High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Provide fire detection devices or systems for the information system that activate automatically and notify designated officials and emergency responders including the local fire department in the event of a fire.

PE-13(2) – Fire Protection | Suppression Devices / Systems

For High Information Systems:

Note: Organizations can identify specific personnel, roles, and emergency responders in the event that individuals on the notification list must have appropriate access authorizations and/or clearances, for example, to obtain access to facilities where classified operations are taking place or where there are information systems containing classified information.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Install fire suppression devices or systems for the information system that provide automatic notification of any activation to designated officials and emergency responders including the local fire department.

PE-13(3) – Fire Protection | Automatic Fire Suppression

For Moderate and High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs,

in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Provide an automatic fire suppression capability for the information system when the facility is not staffed on a continuous basis.
b) Ensure Contingency Plans[10] account for suppression system impacts on the system components and plan accordingly.

PE-13(4) – Fire Protection | Inspections

Not selected as part of the control baseline.

PE-14 –Temperature and Humidity Controls

For All Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Maintain the temperature and humidity levels within the facility where the information system resides within limits as required by the equipment being protected.
      i) Acceptable temperature and humidity levels shall be defined for the information system.
      ii) This requirement applies to facilities containing concentrations of information system resources including data centers, server rooms and mainframe computer rooms.
   b) Monitor continuously in real time the temperature and humidity levels within the facility where the information system resides.

PE-14(1) – Temperature and Humidity Controls | Automatic Controls

Not selected as part of the control baseline.

PE-14(2) – Temperature and Humidity Controls | Monitoring with Alarms / Notifications

Not selected as part of the control baseline.

PE-15 – Water Damage Protection

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Have a master shutoff or isolation valve(s) that is accessible, working properly and known to key personnel in order to protect the information system from damage resulting from water leakage.

Note: This requirement applies to facilities containing concentrations of information system resources including data centers, server rooms and mainframe computer

[10] *Refer to Information Security – Contingency Planning Procedures for requirements on Contingency Plans*

rooms. Isolation valves can be employed in addition to or in lieu of master shutoff valves to shut off water supplies in specific areas of concern.

PE-15(1) – Water Damage Protection | Automation Support

For High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IMOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Employ automated mechanisms that detect the presence of water in the vicinity of the information system and alerts designated officials.

Note: Automated mechanisms can include water detection sensors, alarms and notification systems.

PE-16 – Delivery and Removal

For All Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Authorize, monitor and control information system components and packages that:
      i) Are delivered to the facility, can modify or monitor system, facility or space security controls, monitor network traffic or enumerate weaknesses; and
      ii) Are removed from the facility.
   b) Maintain records of those items.

Note: Restricting delivery area(s) access and possibly isolating them from the information system and media libraries may be needed to effectively enforce authorizations for entry and exit of information system components.[11]

PE-17 – Alternate Work Site

For Moderate and High Information Systems:

Note: This control supports the contingency planning activities of organizations and the federal telework initiative.

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Employ management, operational and technical information system security controls at alternate work sites equivalent to the primary work environment.

Note: Alternate work sites may include, for example, government facilities or private residences of employees. The organization may define different sets of security controls for specific alternate work sites or types of sites. While commonly distinct from

[11] *Refer to the latest version of the EPA Information Security – Media Protection Procedures for update guidance.*

alternative processing sites, alternate work sites may provide readily available alternate locations as part of contingency operations.

b) Utilize NIST SP 800-34, Contingency Planning Guide for Federal Information Systems as guidance on Federal information system contingency planning for alternate sites.
c) Assess the effectiveness of security controls at alternate work sites, as feasible.
d) Provide a means (e.g., phone numbers) for employees to communicate with information security personnel in case of security incidents or problems.
e) Utilize NIST SP 800-46, Revision 1, Guide to Enterprise Telework and Remote Access Security as guidance for security in telework and remote access.
f) Ensure users adhere to the following with regard to working in a flexiplace[12] environment:
   i) Comply with all requirements of the information system and those in the Rules of Behavior (ROB).
   ii) Provide access to applicable contact information for reporting suspicious activity.
   iii) Use the computer and remote access capabilities provided by the EPA for authorized activities only.
   iv) Protect equipment and media[13] (e.g., digital, non-digital) from damage and unauthorized access.
   v) Utilize NIST SP 800-114 and NIST SP 800-121 as additional security control guidance for telework, remote access and radio frequency communications used in the establishment of wireless personal area networks (WPAN) supporting telework and remote access.

PE-18 – Location of Information System Components

Note: This control, to include any enhancements specified, may be satisfied by similar requirements fulfilled by another organizational entity other than the Information Security Program. Organizations shall avoid duplicating actions already covered.

For High Information Systems:

1) SOs, in coordination with OARM, local building management (e.g., Facility, Health and Safety Management Officials), and SIOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Position information system components within the facility to minimize potential damage from physical and environmental hazards.[14]

PE-18(1) – Location of Information System Components | Facility Site

Not selected as part of the control baseline.

PE-19 – Information Leakage

Not selected as part of the control baseline.

[12] *Refer to the latest version of EPA Flexiplace Policy 3180 for update guidance.*
[13] *Refer to the latest version the Information Security – Media Protection Procedures for updated guidance.*
[14] *Physical and environmental hazards include, for example, flooding, fire, tornados, earthquakes, hurricanes, acts of terrorism, vandalism, electromagnetic pulse, electrical interference and electromagnetic radiation.*

PE-19(1) – Information Leakage | National Emissions / Tempest Policies and Procedures

Not selected as part of the control baseline.

PE-20 – Asset Monitoring and Tracking

Not selected as part of the control baseline.

7. ROLES AND RESPONSIBILITIES

Chief Information Officer (CIO), Office of Environmental Information (OEI)

1) The CIO has the following responsibilities with respect to physical and environmental protection:
   a) Establish minimum mandatory risk based technical, operational and management information security control requirements for Agency information and information systems.
   b) Serve as the Risk Executive for Agency's information Risk Executive Function. As such, coordinating with the Risk Executive Group, OARM and local building management (e.g., Facility, Health and Safety Management Officials), Senior Agency Information Security Officer (SAISO), SIOs, IOs, Information Security Officers (ISO), and SOs in governing risks, including physical and environmental protection procedures.
   c) Review, and may grant, a security control implementation waiver[15] for sufficient reasons exercising judgment in the best interests of the Agency.
   d) Collect and review the POA&Ms, including physical and environmental protection POA&Ms, quarterly.
   e) Collect and review summary information from the POA&M and authorization statuses to ensure EPA oversight reporting requirements to OMB and Congress are fulfilled.
   f) Ensure quarterly POA&M reports, including physical and environmental protection POA&Ms, are provided to OMB as required.

Office of Administration and Resources Management (OARM) and Local Building Management (Facility and Health and Safety Management Officials)

1) The responsible OARM and local building management (e.g., Facility, Health and Safety Management Officials), have the following responsibilities with respect to physical and environmental protection:
   a) Coordinate with SOs on planning, implementation and needed improvements to physical and environmental controls at facilities.

Senior Agency Information Security Officer (SAISO)

1) The SAISO has the following responsibilities with respect to physical and environmental protection:
   a) Coordinate with OARM personnel for physical security requirements.

[15] *Refer to EPA Information Security – Risk Assessment Procedures for guidance on wavier processing.*

Assistant Administrators (AA), Regional Administrators (RA) and other key officials (e.g., Principal Deputy Assistant Administrators, Deputy Assistant Administrators, Deputy Regional Administrators, Assistant Regional Administrators, and Office Directors)

1) AAs, RAs and other key officials have the following responsibilities with respect to physical and environmental protection:
   a) Coordinate with the EPA's OARM Security Management Division for physical security requirements. AAs, RAs, or as delegated, Deputy Assistant Administrators or Deputy Regional Administrators, who shall designate in writing Information Security Officers.

Senior Information Officials (SIO)

1) SIOs have the following responsibilities with respect to physical and environmental protection:
   a) Facilitate coordination and implementation of required controls with OARM and local senior management, as needed.
   b) Ensure adequate funding is planned and provided to meet requirements.

Information Management Officers (IMO)

1) IMOs have the following responsibilities with respect to physical and environmental protection:
   a) Ensure that programmatic or Regional requirements, as appropriate, are consolidated and coordinated, as needed.
   b) Raise unresolved issues and funding needs to senior management.
   c) Consolidate plans and budgetary requirements to ensure cost-effective, timely and efficient implementation of requirements.

Director of Office of Information Technology Operations (OITO)

1) The Director of OITO has the following responsibilities with respect to physical and environmental protection:
   a) Coordinate with OARM personnel for physical security requirements.

Computer Security Incident Response Capability (CSIRC)

1) CSIRC has the following responsibilities with respect to physical and environmental protection:
   a) Ensure threat and incident information reported, communicated and used to inform the Agency's information technology security risk management awareness and training, privacy and physical security management programs.

Service Managers (SM)

1) SMs have the following responsibilities with respect to physical and environmental protection:
   a) Implement policies, procedures and control techniques identified in the Agency Information Security Plan (AISP).[16]
   b) Coordinate with CSIRC for enterprise services.

[16] *See EPA Office of Environmental Information (OEI), Information Security Program Manual, Section 9, Technical Controls, subsection 9.3, Physical and Environmental Controls.*

c) Ensure procedures, control techniques and other countermeasures as necessary to support and implement agency Information Security Program requirements are developed and implemented for enterprise services.
d) Follow Federal Risk and Authorization Management Program (FedRAMP[17]) requirements.
   i) Obtain authorizations to operate or authorizations to test from the appropriate SIO prior to operational use or testing of any service for enterprise services
      (1) Coordinate with Information System Security Officers (ISSO), ISOs and IOs to assemble security authorization packages.
   ii) Develop, maintain and provide information security documents as required under the EPA Information Security Program for enterprise services.
      (1) Maintain accurately and up to date all system information security information, such as plans of actions and milestones, system security plans and security assessment reports, in the Agency information security information repository.
      (2) Report systems in the Agency information security system inventory tool and maintaining system information accurately and up to date.
e) Coordinate with key information security personnel such as the SOs, IOs, ISSOs, Common Control Providers (CCP), Security Control Assessors (SCA) and other service managers to determine the information system's security control requirements (common, hybrid and core), implementation, assessments and authorization documentation and continuing monitoring activities.
f) Ensure service providers deploy and operate systems according to the security requirements documented in security plans.
g) Ensure systems supporting non-enterprise services are configured, monitored and maintained to adequately protect supported information stored, processed or transmitted within acceptable risks in accordance with the Agency's requirements.
h) Ensure all information security controls are assessed prior to systems becoming operational and at a minimum, one third of the security controls are assessed at least once every year or when significant changes are made after the initial Authority to Operate (ATO) has been obtained and until the system is decommissioned.
i) Ensure defined core controls are assessed annually as part of the subset (one-third) of the security controls required for annual assessments.
j) Ensure control assessments are conducted by independent assessors or assessment teams for moderate and high categorized systems and obtain Security Assessment Reports (SAR) from assessors.
k) Ensure service providers develop and manage POA&Ms for discovered weaknesses for enterprise services.
l) Coordinate with the Agency's ISOs and SOs to enter and manage POA&Ms in the Agency's FISMA reporting and tracking tool.

Information Security Officers (ISO)

1) ISOs have the following responsibilities with respect to physical and environmental protection:

[17] *FedRAMP is a government-wide program that provides a standardized approach to security assessment, authorization and continuous monitoring for cloud products and services.*

a) Ensure that programmatic or Regional requirements, as appropriate, are consolidated and coordinated, as needed.
b) Raise unresolved issues and funding needs to senior management.
c) Consolidate plans and budgetary requirements to ensure cost-effective, timely and efficient implementation of requirements.

System Owners (SO)

1) SOs have the following responsibilities with respect to physical and environmental protection:
   a) Comply with Agency policies and procedures for physical and environmental controls pertaining to facilities and to designated areas where information systems and components reside.
   b) Determine specific physical and environmental control requirements for their information systems' facilities and designated areas.
   c) Coordinate with local facilities and health and safety managers regarding planning, implementation, and improvement of the control requirements, needs for existing facilities and moves to new or different facilities.
   d) Ensure POA&Ms are planned, entered into the Agency's FISMA reporting and tracking system, completed and implemented as required by deficiency findings and reviews.
   e) Ensure appropriate responsible personnel are assigned to conduct reviews for relevant PE controls for the annual FISMA review and certification requirements.

Information System Security Officers (ISSO)

1) ISSOs have the following responsibilities with respect to physical and environmental protection:
   a) Implement the operational aspects of the SO's responsibilities.
   b) Assist SOs and managers in planning, reviewing and implementing required controls.

Users / Individuals

1) Users / individuals have the following responsibilities with respect to physical and environmental protection:
   a) Adhere to the Agency and information system policy, procedures and rules of behavior in regards to physical and environmental protection and controls for working in a flexiplace environment.

OEI Offices / Facilities[18]

1) Each OEI office and facility has the following responsibilities with respect to physical and environmental protection:
   a) Coordinate to ensure necessary physical security measures and access controls are in place to effect positive security and control over access to information, information systems and workplaces and provide the highest degree of security and safety for employees and visitors.

[18] *EPA Office of Environmental Information (OEI), Information Security Program Manual, Section 9, Technical Controls, subsection 9.3, Physical and Environmental Controls, defines these responsibilities for the OEI office and facility.*

8. RELATED INFORMATION

- NIST Special Publications, 800 series
- Federal Identity, Credential and Access Management (FICAM)

9. DEFINITIONS

- **Alternate Work Site:** a location other than the official duty station that has been approved by the personnel's supervisor (e.g., residence, satellite office, flexiplace) in order to perform job duties.
- **Authorization Credentials:** include, for example, badges, identification cards and smart cards. Organizations determine the strength of authorization credentials needed (including level of forge-proof badges, smart cards or identification cards) consistent with Federal standards, policies and procedures.
- **Electronic Data Storage:** storage that requires electrical power to store and retrieve that data.
- **Fire Detection Systems:** systems that are used to protect and evacuate people in emergencies. Examples include fire alarms, smoke, heat and carbon monoxide detectors, voice evacuation and mass notification systems and emergency lighting systems.
- **Fire Suppression Systems:** systems that are used in conjunction with smoke detectors and fire alarms to suppress a fire. Examples include wet and dry sprinkler systems; fire extinguishers; and dry chemical, foam and gaseous extinguishing agents.
- **Flexiplace (aka: Flexible Workplace or Telecommuting):** refers to paid employment performed away from the office, either at home or at a satellite worksite location, for an agreed-upon portion of an individual's workweek.
- **Signature (of an individual):** a mark or sign made by an individual to signify knowledge, approval, acceptance or obligation (can be accomplished manually, sometimes referred to as a "wet signature," or electronically).
- **Written (or in writing):** to officially document the action or decision, either manually or electronically, and includes a signature.

Abbreviations including acronyms are summarized in *Appendix: Acronyms & Abbreviations*.

10. WAIVERS

Waivers may be requested from the CIO by submitting a justification based on:

- Substantive business case need(s).
- Demonstration of, or a proposal for, establishment of adequate compensating controls that provide a suitable alternative to the mandated protection.

The CIO may grant a waiver for sufficient reasons exercising judgment in the best interests of the Agency.

The SAISO and Director of OITO shall coordinate to maintain a central repository of all waivers.

11. MATERIAL SUPERSEDED

EPA Information Procedures: CIO-2150.3-P-11.1, Information Security – Interim Physical and Environmental Protection Procedures, May 4, 2012.

12. CONTACTS

For further information, please contact the Office of Environmental Information, Office of Information Security & Privacy (OISP).

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

APPENDIX:
ACRONYMS & ABBREVIATIONS

AA	Assistant Administrator
AISP	Agency Information Security Plan
ATO	Authority to Operate
CCP	Common Control Provider
CIO	Chief Information Officer
CSIRC	Computer Security Incident Response Capability
DHS	Department of Homeland Security
DoD	Department of Defense
EPA	Environmental Protection Agency
FedRAMP	Federal Risk and Authorization Management Program
FICAM	Federal Identity, Credential and Access Management
FIPS	Federal Information Processing Standards
FISMA	Federal Information Security Modernization Act
FOIA	Freedom of Information Act
GSA	General Services Administration
HSPD	Homeland Security Presidential Directive
IMO	Information Management Officer
IO	Information Owner
ISO	Information Security Officer
ISSO	Information System Security Officer
NARA	National Archives and Records Administration
NFPA	National Fire Protection Association
NIST	National Institute of Standards and Technology
OARM	Office of Administration and Resources Management
OEI	Office of Environmental Information
OISP	Office of Information Security & Privacy
OITO	Office of Information Technology Operations
OMB	Office of Management and Budget
PE	Physical and Environmental Protection
PIV	Personal Identity Verification
POA&M	Plan of Action and Milestones
RA	Regional Administrator
ROB	Rules of Behavior
SAISO	Senior Agency Information Security Officer
SAR	Security Assessment Report
SCA	Security Control Assessor
SIO	Senior Information Official
SM	Service Manager
SO	System Owner
SP	Special Publication
UPS	Uninterruptible Power Supply
USC	United States Code
WPAN	Wireless Personal Area Network

INFORMATION DIRECTIVE PROCEDURE

Information Security – Maintenance Procedure		
Directive No.: 2150-P-09.2	CIO Approval: 12/28/2016	Transmittal No.: 17-004e

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

Information Security – Maintenance Procedure

1. PURPOSE

To extend and provide specificity to the Environmental Protection Agency (EPA) Information Security Policy. This document shall be used to develop procedures, standards and guidance that facilitate the implementation of security control requirements for the Systems Maintenance (MA) control family, as identified in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53, Revision 4, *Security and Privacy Controls for Federal Information Systems and Organizations*.

2. SCOPE

The procedure covers all EPA information and information systems to include information and information systems used, managed or operated by a contractor, another agency or other organization on behalf of the EPA.

The procedure applies to all EPA employees, contractors and all other users of EPA information and information systems that support the operations and assets of the EPA.

3. AUDIENCE

The audience is all EPA employees, contractors, and all other users of EPA information and information systems that support the operations and assets of the EPA.

4. BACKGROUND

Based on federal requirements and mandates, the EPA is responsible for ensuring all offices within the Agency meet the minimum security requirements defined in the Federal Information Processing Standards (FIPS) Publication 200, *Minimum Security Requirements for Federal Information and Information Systems*. All EPA information systems shall meet security requirements through the use of the security controls defined in the NIST SP 800-53, Revision 4, *Security and Privacy Controls for Federal Information Systems and Organizations*. This document addresses the procedures and standards set forth by the EPA, and complies with the Maintenance Policy and Procedures family of controls.

5. AUTHORITY

- E-Government Act of 2002, Public Law 107-347, Title III, Federal Information Security Management Act, as amended
- Cybersecurity Act of 2015, Public Law 114-113

ED_001292B_00002526-00001

- Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended by Public Law 104-231, 110 Stat. 3048, Electronic FOIA Amendments of 1996
- Federal Information Security Modernization Act (FISMA) of 2014, Public Law 113-283, to amend chapter 35 of title 44, United States Code (U.S.C.)
- Clinger-Cohen Act of 1996, Public Law 104-106
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3519)
- Privacy Act of 1974 (5 U.S.C. § 552a) as amended
- USA PATRIOT Act of 2001, Public Law 107-56
- Code of Federal Regulations, Part 5 Administrative Personnel, Subpart C— "Employees Responsible for the Management or Use of Federal Computer Systems", Section 930.301 through 930.305 (5 C.F.R. 930.301-305)
- Office of Management and Budget (OMB) Memorandum M-06-16, "Protection of Sensitive Agency Information," June 2006
- OMB Circular A-130, "Management of Federal Information Resources," Appendix III, "Security of Federal Information Resources," November 2000
- FIPS 140-2, Security Requirements for Cryptographic Modules, May 2001
- FIPS 199, Standards for Security Categorization of Federal Information and Information Systems, February 2004
- FIPS 200, Minimum Security Requirements for Federal Information and Information Systems, March 2006
- EPA Information Security Program Plan
- EPA Information Security Policy
- EPA Roles and Responsibilities Procedures
- EPA Information Security Continuous Monitoring Strategic Plan
- CIO (Chief Information Officer) Policy Framework and Numbering System

6. PROCEDURE

The "MA" designator identified in each procedure represents the NIST-specified identifier for the Maintenance Procedures control family, as identified in NIST SP 800-53, Revision 4, *Security and Privacy Controls for Federal Information Systems and Organizations*.

MA-1 – System Maintenance Policy and Procedures

For All Information Systems:

1) The Director of the Office of Information Technology Operations (OITO), in coordination with System Owners (SO), Information Security Officers (ISO), Information Owners (IO), Information Management Officers (IMO), and Information System Security Officers (ISSO) shall; and Service Managers (SM), in coordination with ISOs, IOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:
   a) Develop, document and disseminate to all EPA employees, contractors and other users of EPA systems:
      i) A system maintenance policy which addresses purpose, scope, roles, responsibilities, management commitment, coordination among organizational entities, and compliance; and

(1) Policies shall be consistent with applicable federal laws, Executive Orders, directives, policies, regulations, standards and guidance where applicable.

ii) Procedures to facilitate the implementation of the system maintenance policy and associated system maintenance controls.

(1) Procedures shall be consistent with applicable federal laws, Executive Orders, directives, policies, regulations, standards and guidance where applicable.

b) Review and update the current:

i) System maintenance policy annually; and

ii) System maintenance procedures annually.

For FedRAMP[1] Low and Moderate Information Systems:

1) SMs, in coordination with IOs, ISOs, IMOs and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Review and update the current:

i) System maintenance policy at least every 3 years; and

ii) System maintenance procedures at least annually.

For FedRAMP High Information Systems:

1) SMs, in coordination with IOs, ISOs, IMOs and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Review and update the current:

i) System maintenance policy at least annually; and

ii) System maintenance procedure at least annually.

<u>MA-2 – Controlled Maintenance</u>

For All Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs, and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Schedule and perform maintenance and repairs on information system components in accordance with manufacturer or vendor specifications, and/or EPA requirements.

i) The maintenance schedule and procedures shall be documented in a Maintenance Plan.

(1) The Maintenance Plan shall address how the maintenance schedule is managed and the Point of Contact (POC) for scheduled maintenance.

(2) Scheduled maintenance shall include controls to monitor the completion of maintenance in accordance with the information system's documented maintenance schedule and vendor recommendations.

[1] *The Federal Risk and Authorization Management Program (FedRAMP) is a government-wide program that provides a standardized approach to security assessment, authorization, and continuous monitoring for cloud products and services.*

(3) If a manufacturer, vendor or developer-provided maintenance schedule does not exist, the system shall be reviewed every three months in order to determine if maintenance is required.

(4) Any maintenance action that shall be performed outside of the scheduled maintenance timeframes shall adhere to the information system's documented procedures for unscheduled maintenance.

b) Document maintenance and repair activities, including non-local maintenance and diagnostics. The maintenance records shall be reviewed monthly.

c) Ensure that maintenance of an information system that requires a configuration change adheres to the requirements in Information Security – Configuration Management Procedures.

d) Control all maintenance activities under any circumstances:
   i) Whether performed on site or remotely.
   ii) Whether the equipment is serviced on site or removed for maintenance in another location.

e) Ensure the removal of any information system or system components from organizational facilities for off-site maintenance adheres to the following requirements:

   i) Explicit approval from a designated official shall be obtained.
   ii) All information from associated media shall be removed through sanitization prior to equipment being removed from organizational facilities. This applies not only to components or media containing Personally Identifiable Information (PII) and other EPA sensitive information, but all EPA information.
      (1) Refer to Information Security – Media Protection Procedures for requirements on proper media handling and sanitization.
   iii) Maintenance contracts with third-party providers or vendors shall include Service Level Agreements (SLA) that are sufficient to support the information system's availability requirements and mission criticality.
   iv) NIST SP 800-35 shall be used as guidance on information technology (IT) security services.
      (1) Refer to Information Security – Personnel Security Procedures and Information Security – System and Services Acquisition Procedures for requirements on IT security services.
   v) Notification shall be provided to all impacted users informing them of scheduled, unscheduled and emergency maintenance on the information system.
      (1) Email notification is preferable for external users.
      (2) Notification via the web for external users shall consider the extent of information and detail of information disclosed.
         (a) For example, naming servers in the notification may provide information for social engineering threats.
      (3) Help desk personnel shall be notified and reminded not to provide unauthorized information unless the identity of the user can be confirmed. The following shall be addressed in the notification:
         (a) The expected start and finish time of the maintenance.
         (b) The purpose of the maintenance activity.

(c) The specific information systems or subcomponents that may be impacted by the maintenance.
(d) Any actions required of the impacted users in coordination with the maintenance effort.
(e) Contact information should a user have any questions or concerns related to the maintenance effort.

(4) An updated notification shall be sent should the expected start or finish time or any other parameter of the maintenance change.
(5) The System Owner and the party that requested the maintenance, if applicable, shall be notified when maintenance is completed.
(6) Following maintenance or repair actions, the security features and controls shall be checked to verify that they are still functioning properly.
(7) Maintenance records for the information system shall include the following:
(a) Date and time of maintenance.
(b) Name of individual(s) performing the maintenance.
(c) Name of escort, if applicable.
(d) Description of maintenance performed.
(e) List of equipment removed or replaced (including identification numbers, if applicable).
(8) Maintenance records of the aforementioned items shall be kept on file.

MA-2 (1) – Controlled Maintenance | Record Content

Incorporated into MA-2.

MA-2 (2) – Controlled Maintenance | Automated Maintenance Activities

For High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Employ automated mechanisms to ensure that maintenance and repairs are scheduled, conducted and documented as required, producing a log of maintenance and repair actions (needed, in process, and completed) that is up-to-date, accurate, complete and available.

b) Ensure the creation and maintenance of up-to-date, accurate and complete records of all maintenance and repair actions requested, scheduled, in-process and completed.

MA-3 – Maintenance Tools

For Moderate and High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Ensure the use of information system maintenance tools is approved, controlled and monitored.

Note: This procedure addresses the security-related issues arising from the hardware and software brought into the information system specifically for diagnostic and repair actions (e.g., a hardware or software packet sniffer that is introduced for the purpose of a particular maintenance activity). Hardware and/or software components that may support information system maintenance, yet are a part of the system (e.g., the software implementing "ping," "ls," "ipconfig," or hardware and software implementing the monitoring port of an Ethernet switch) are not covered by this procedure.

b) Use approved maintenance tools that are defined and documented in the Maintenance Plan.

i) If a tool is needed (e.g., in emergency maintenance situations) and the tool is not listed in the Maintenance Plan, written approval shall be given by the SO.

(1) The SO's written approval shall then be included as an attachment to the Maintenance Plan after the fact.

(2) Once the emergency maintenance has been performed on the information system, one of the following actions shall be taken:

(a) The tool shall be formally documented and added to the list in the Maintenance Plan.

(b) The tool shall be removed from the information system and no longer used.

(i) Any maintenance ports, services, and protocols that, according to configuration standards, shall be disabled, but shall be used by approved maintenance tools, are only permitted to be enabled during maintenance.

(1) Refer to Information Security – Configuration Management Procedures for requirements on ports, services and protocols.

ii) The approved tools shall be maintained on an ongoing basis.

(1) A maintenance schedule shall include the maintenance of the information system's maintenance tools and the schedule shall be documented in the Maintenance Plan.

(2) Maintenance tools shall receive vendor-recommended maintenance, and the maintenance shall be documented with other information system maintenance records.

(3) If maintenance tools are supported by vendor or third-party agreements, the agreements shall include SLAs appropriate for the information system.

Note: Maintenance tools include, for example, diagnostic and test equipment used to conduct maintenance on the information system.

MA-3 (1) – Maintenance Tools | Inspect Tools

For Moderate and High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Ensure that all maintenance tools carried into a facility by maintenance personnel be inspected for obvious improper modifications.

i) If, upon inspection of maintenance tools, Information System Personnel determine that the tools have been modified in an improper/unauthorized manner or contain malicious code, the incident shall be handled in a way that is consistent with EPA's incident handling policies and procedures. Refer to Information Security – Incident Response Procedures.

MA-3 (2) – Maintenance Tools | Inspect Media

For Moderate and High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems shall; and SMs, in coordination with IOs, ISOs, IMOs and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Ensure that all media containing diagnostic and test programs (e.g., software or firmware used for system maintenance or diagnostics) is checked for malicious code before the media are used in the information system.

i) If, upon inspection of media containing maintenance diagnostic and test programs, Information System Personnel determine that the media contain malicious code, the incident shall be handled consistent with EPA's incident handling policies and procedures. Refer to Information Security – Incident Response Procedures.

MA-3 (3) – Maintenance Tools | Prevent Unauthorized Removal

For High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Prevent the unauthorized removal of maintenance equipment by:

i) Verifying that there is no EPA information contained on the equipment;

ii) Sanitizing or destroying the equipment;

(1) Refer to Information Security – Media Protection Procedures for requirements on sanitization.

iii) Retaining the equipment securely within the facility; or

iv) Obtaining an exemption from the System Owner explicitly authorizing the removal of the equipment from the facility.

For FedRAMP Moderate and High Information Systems:

1) SMs, in coordination with IOs, ISOs, IMOs and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Prevent the unauthorized removal of maintenance equipment by:

i) Verifying that there is no EPA information contained on the equipment;

ii) Sanitizing or destroying the equipment;

(1) Refer to Information Security – Media Protection Procedures for requirements on sanitization.

iii) Retaining the equipment securely within the facility.

iv) Obtaining an exemption from a designated EPA official explicitly authorizing the removal of the equipment from the facility.

MA-3 (4) – Maintenance Tools | Restricted Tool Use

Not selected as part of the control base.

MA-4 – Non-local Maintenance

For All Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Approve and monitor non-local maintenance and diagnostic activities performed on the information system.

Note: Non-local maintenance and diagnostic activities are those activities conducted by individuals communicating through a network; either an external network (e.g., Internet) or an internal network. Local maintenance and diagnostic activities are those activities carried out by individuals physically present at the information system or information system component and not communicating across a network connection.

b) Allow only the use of non-local maintenance and diagnostic tools that are consistent with EPA policy and requirements and documented in the information system's System Security Plan (SSP).

i) Non-locally executed maintenance and diagnostic activities shall not bypass IT security controls or violate EPA policy or requirements.

c) Employ strong authenticators in the establishment of non-local maintenance and diagnostic sessions.

i) Authentication techniques shall be consistent with the network access requirements in IA-2 found in Information Security – Identification and Authentication Procedure.

d) Maintain maintenance records for all non-local maintenance, diagnostic and service activities.

i) Refer to MA-2 – Controlled Maintenance section of this procedure document for EPA standards on the components of all maintenance records.

e) Ensure access information such as passwords or port information shall be communicated out of band by secure means (e.g., encrypted communications, phone).

f) Accomplish the following when maintenance is to be conducted externally by a non-EPA third party:

i) Set up the required connection features.

ii) Provide assistance to the non-EPA third-party individual during the non-local connection session and also monitor the process in real time (i.e., as it is happening).

iii) Grant temporary access rights to the non-EPA third-party individual only for the time needed to perform the maintenance.

iv) Verify the completion of the non-local maintenance.

g) Disable disallowed maintenance ports, services and protocols when not in-use for their authorized maintenance purposes.

i) Refer to Information Security – Configuration Management Procedures for requirements on ports, services and protocols.

h) Verify the following once non-local maintenance and diagnostic activities are completed:

i) All sessions and network connections invoked in the performance of the activity shall be terminated.

ii) All temporarily enabled or opened maintenance ports, services, or protocols shall be disabled or closed again.

iii) All temporary access shall be disabled.

MA-4 (1) – Non-Local Maintenance | Auditing and Review

For Moderate and High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs, and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Audit all non-local maintenance and diagnostic sessions, and review the records of the maintenance and diagnostic sessions for discrepancies.

MA-4 (2) – Non-Local Maintenance | Document Non-local Maintenance

For Moderate and High Information Systems:

1) SO), in coordination with ISOs, IMOs, IOs, and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Document policies and procedures for the establishment and use of non-local maintenance and diagnostic connections in the information system's SSP.

MA-4 (3) – Non-Local Maintenance | Comparable Security / Sanitization

For High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Perform non-local maintenance or diagnostic services from an information system that implements security capabilities comparable to the capability implemented on the information system being serviced.

i) If the above condition cannot be met, the component to be serviced shall be removed from the information system and, prior to non-local maintenance and diagnostic services, sanitized (with regard to organizational information) before removal from organizational facilities. It shall also be inspected and sanitized (with regard to potentially malicious software and surreptitious implants) after the service is performed and before reconnecting the component to any of EPA's information systems.

(1) Refer to Information Security – Media Protection Procedures for requirements on sanitization.

MA-4 (4) – Non-Local Maintenance | Authentication / Separation of Maintenance Sessions

Not selected as part of the control base.

MA-4 (5) – Non-Local Maintenance | Approvals and Notifications

Not selected as part of the control base.

MA-4 (6) – Non-Local Maintenance | Cryptographic Protection

Not selected as part of the control base.

MA-4 (7) – Non-Local Maintenance | Remote Disconnect Verification

Not selected as part of the control base.

MA-5 – Maintenance Personnel

For All Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Establish a process for maintenance personnel authorization.

i) Only authorized personnel shall perform maintenance on the information system.

ii) A current list of authorized maintenance organizations or personnel shall be maintained.

b) Ensure that non-escorted personnel performing maintenance on the information system have the required access authorizations.

c) Designate EPA personnel with the required access authorizations and technical competence to supervise information system maintenance activities of personnel who do not possess the required access authorizations.

i) Maintenance personnel who do not possess the required access authorizations shall be escorted at all times while performing information system maintenance.

ii) Before accessing an EPA information system, all third-party maintenance personnel shall have:

(1) Individually signed a non-disclosure form.

(2) Provided valid identification.

(3) Been validated by the Contracting Officer or Contracting Officer Technical Representative (COTR) that the maintenance personnel have been screened by their respective employers to the equivalent level of a National Agency Check with Inquiries (NACI) or to the appropriate level based on the information system's confidentiality requirement.

(a) Refer to Information Security – Personnel Security Procedures for requirements on screening.

iii) Personnel who are to perform routine maintenance shall be both expected (i.e., there shall be a schedule or notification) and pre-approved.

(1) When emergency maintenance is needed, the personnel shall still be pre-approved.

(2) If individuals not previously identified in the information system (e.g., vendor personnel, consultants) legitimately require privileged access to the system because they are required to conduct maintenance or diagnostic activities with little or no notice, EPA may issue temporary credentials; however, issuing those credentials shall be based on a prior assessment of risk.

iv) The Contracting Officer or COTR shall ensure maintenance personnel screening and access requirements are detailed in the Statement of Work (SOW) or contract covering the information system's maintenance.

(1) Refer to Information Security – System and Services Acquisition Procedures for requirements on SOWs and contracts.

MA-5 (1) – Maintenance Personnel | Individuals Without Appropriate Access

For High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Implement procedures for the use of maintenance personnel that lack appropriate security clearances or are not U.S. citizens, which include the following requirements:

i) Maintenance personnel who do not have needed access authorizations, clearances or formal access approvals are escorted and supervised during the performance of maintenance and diagnostic activities on the information system by approved EPA personnel who are fully cleared, have appropriate access authorizations and are technically qualified.

ii) Prior to initiating maintenance or diagnostic activities by personnel who do not have needed access authorizations, clearances or formal access approvals, all volatile information storage components within the information system are sanitized and all nonvolatile storage media are removed or physically disconnected from the system and secured.

b) Develop and implement alternate security safeguards in the event an information system component cannot be sanitized, removed or disconnected from the system.

For FedRAMP Moderate and High Information Systems:

1) SMs, in coordination with IOs, ISOs, IMOs and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Implement procedures for the use of maintenance personnel that lack appropriate security clearances or are not U.S. citizens, which include the following requirements:

(i) Maintenance personnel who do not have needed access authorizations, clearances or formal access approvals are escorted and supervised during the performance of maintenance and diagnostic activities on the information system by approved EPA personnel who are fully cleared, have appropriate access authorizations and are technically qualified.

(ii) Prior to initiating maintenance or diagnostic activities by personnel who do not have needed access authorizations, clearances or formal access approvals, all volatile information storage components within the information system are sanitized and all nonvolatile storage media are removed or physically disconnected from the system and secured.

b) Develop and implement alternate security safeguards in the event an information system component cannot be sanitized, removed or disconnected from the system.

MA-5 (2) – Maintenance Personnel | Security Clearances for Classified Systems

Not selected as part of the control base.

MA-5 (3) – Maintenance Personnel | Citizenship Requirements for Classified Systems

Not selected as part of the control base.

MA-5 (4) – Maintenance Personnel | Foreign Nationals

Not selected as part of the control base.

MA-5 (5) – Maintenance Personnel | Nonsystem-Related Maintenance

Not selected as part of the control base.

MA-6 – Timely Maintenance

For Moderate and High Information Systems:

1) SOs, in coordination with ISOs, IMOs, IOs and ISSOs, for EPA-operated systems, shall; and SMs, in coordination with IOs, ISOs, IMOs, and ISSOs, for systems operated on behalf of the EPA, shall ensure service providers:

a) Ensure timely maintenance provisions (i.e., SLAs or equivalent language) are included in all maintenance agreements for the information system.

i) The provisions shall cover maintenance support and/or spare or replacement parts for both routine maintenance and when there are failures, emergencies or a need for unscheduled maintenance.

ii) The provisions shall be expressed in terms of the timeframe from notification of the failure, emergency or need for unscheduled maintenance.

iii) The provisions shall address the timeframe for dispatching technicians.

iv) The maintenance agreements shall define the security-critical information system components and/or key IT components for which spare parts or replacement parts shall be made available.

Note: Security-critical components include, for example, firewalls, guards, gateways, intrusion detection systems, audit repositories, authentication servers and intrusion prevention systems.

(1) The information system components that, when not operational, result in increased risk to organizations, individuals, or the Nation because the security functionality intended by that component is not being provided shall be specified.

(2) The provisions shall address both the availability and the delivery of spare or replacement parts.

v) The timely maintenance provisions shall be able to support the required availability timeframe determined by the Business Impact Assessment (BIA) for the information system.

MA-6 (1) – Timely Maintenance | Preventive Maintenance

Not selected as part of the control base.

MA-6 (2) – Timely Maintenance | Predictive Maintenance

Not selected as part of the control base.

MA-6 (3) – Timely Maintenance | Automated Support for Predictive Maintenance

Not selected as part of the control base.

7. ROLES AND RESPONSIBILITIES

Contracting Officers or Contracting Officer Technical Representatives (COTR)

1) Contracting Officers or COTRs have the following responsibilities with respect to maintenance:
   a) Ensure that maintenance personnel have been screened by their respective employers to the equivalent level of a NACI or to the appropriate level based on the information system's confidentiality requirement.
   b) Ensure that maintenance personnel screening and access requirements are detailed in the SOW or contract covering the information system's maintenance.

c) Ensure appropriate contract language and SLAs are part of maintenance contracts, as appropriate.

Information Management Officers (IMO)

1) IMOs have the following responsibilities with respect to maintenance:
   a) Implement policies, procedures, control techniques and processes identified in the EPA Information Security Program.
   b) Ensure all EPA information and information system users within their organizations successfully complete information security awareness training prior to initial access to EPA systems and information and at least annually thereafter to maintain access.
   c) Coordinate with the Senior Agency Information Security Officer (SAISO) and other EPA Information Security representatives in responding to information security data calls, audit requests, and reporting.

Information Owners (IO)

1) IOs have the following responsibilities with respect to maintenance:
   a) Coordinate with the SAISO and other information security representatives in responding to information security data calls, audit requests, and reporting.
   b) Review and approve maintenance requests for systems that process and store information under their purview, as applicable.
   c) Implement policies, procedures and control techniques identified in the EPA Information Security Program.
   d) Assign an ISSO in writing for each non-enterprise service obtained.
   e) Categorize information and provide results to SOs, service managers, common control providers and service providers.
   f) Coordinate with SOs, service managers, common control providers and service providers to ensure supporting systems are properly categorized according to information categorization.
   g) Ensure service providers' systems supporting non-enterprise services are configured, continuously monitored and maintained to protect supported information within acceptable risks adequately.
   h) Develop, maintain and provide information security documents as required under the EPA Information Security Program for non-enterprise services obtained.
   i) Conduct, or ensure service providers conduct, impact analyses for proposed or actual changes to systems or their operational environments for non-enterprise services obtained.
   j) Ensure service providers establish, manage and use configuration change management processes for non-enterprise services obtained.
   k) Approve who has access to a system or service containing information for which the IO is responsible, to include types of privileges and access rights.

Information System Security Officers (ISSO)

1) ISSOs have the following responsibilities with respect to maintenance:
   a) Carry out the following when maintenance is to be conducted non-locally by a non-EPA third party:

i) Set up the required connection features; provide assistance to the third-party individual during the non-local connection session and also monitor the process in real time (i.e., as it is happening); grant temporary access rights to the non-EPA third-party individual; and disable all temporary access and sessions and network connections once the non-local maintenance is completed and verified.

b) Change passwords following each non-local maintenance service, if password-based authentication is used.

c) Verify that security features are still functioning properly after maintenance is completed.

System Owners (SO)

1) SOs have the following responsibilities with respect to maintenance:
   a) Give written approval to use maintenance tools that are not contained in the maintenance plan prior to using that tool.
   b) Make the determination to allow maintenance tools to be used.
   c) Plan, budget, develop and implement maintenance agreements for their information systems.
      i) Ensure adequate controls over maintenance activities.
      ii) Monitor controls over maintenance.
   d) Develop appropriate contract language and SLAs for their information systems consistent with EPA and federal policies, procedures and BIAs.
   e) Ensure adequate controls are addressed and documentation and records are reviewed and kept in accordance with established requirements.
   f) Review acquisition, agreement and SLA documentation for necessary maintenance language and requirements.

Service Managers (SM)

1) SMs have the following responsibilities with respect to maintenance:
   a) Implement policies, procedures and control techniques identified in the EPA Information Security Program.
   b) Assign an ISSO in writing for each enterprise solution obtained.
   c) Coordinate with information owners for deciding who has access to the service (and with what types of privileges or access rights) and ensure service users and support personnel receive the requisite security training (e.g., instruction in rules of behavior).
   d) Follow FedRAMP requirements.
   e) Obtain authorizations to operate or authorizations to test from the appropriate SIO prior to operational use or testing of any service for enterprise services.
   f) Ensure service providers deploy and operate systems according to the security requirements documented in security plans.
   g) Conduct, or ensure service providers conduct, impact analyses for proposed or actual changes to systems or their operational environments for enterprise services.
   h) Ensure service providers establish, manage and use configuration change management processes for enterprise services.
   i) Coordinate with the Director of OITO and service providers for service providers implementing controls to ensure compatibility and

interoperability with enterprise tools and controls for enterprise services.

EPA Personnel (e.g., System Users)

1) EPA Personnel have the following responsibilities with respect to maintenance:
   a) Supervise and escort maintenance personnel at all times while maintenance activities are being performed on the information system, as required.
   b) Question and verify the identity of unfamiliar maintenance personnel.
   c) Contact the EPA Help Desk regarding any observed suspicious activity.

8. RELATED INFORMATION

- NIST Special Publications, 800 series
- Related policy and procedures are available on the Office of Environmental Information's (OEI) Policy Resources website: http://intranet.epa.gov/oei/imitpolicy/policies.htm
- Related standards and guidance are available on OEI's website.

9. DEFINITIONS

- **Availability:** ensuring timely and reliable access to and use of information.
- **Confidentiality:** preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information.
- **Controlled Area:** any area or space for which EPA has confidence that the physical and procedural protections provided are sufficient to meet the requirements established for protecting the information and/or information system.
- **Information System:** discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination or disposition of information.
- **Information Technology:** any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which: (i) requires the use of such equipment; or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product. The term information technology includes computers, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources.
- **Integrity:** guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity.
- **Local Maintenance:** Local maintenance and diagnostic activities are those activities carried out by individuals physically present at the information system or information system component and not communicating across a network connection.

- **Nonlocal Maintenance:** Nonlocal maintenance and diagnostic activities are those activities conducted by individuals communicating through a network; either an external network (e.g., Internet) or an internal network.
- **Records:** the recordings of evidence of activities performed or results achieved (e.g., forms, reports, test results) which serve as the basis for verifying that the organization and the information system are performing as intended. Also used to refer to units of related data fields (i.e., groups of data fields that can be accessed by a program and that contain the complete set of information on particular items).
- **Signature (of an individual):** a mark or sign made by an individual to signify knowledge, approval, acceptance, or obligation. Can be accomplished manually, sometimes referred to as a "wet signature," or electronically.
- **Written (or in writing):** to officially document the action or decision, either manually or electronically, and includes a signature.

Abbreviations including acronyms are summarized in *Appendix: Acronyms & Abbreviations*.

10. WAIVERS

Waivers may be requested from the CIO by submitting a justification based on:

- Substantive business case need(s)
- Demonstration of, or a proposal for, establishment of adequate compensating controls that provide a suitable alternative to the mandated protection

The CIO may grant a waiver for sufficient reasons exercising judgment in the best interests of the Agency.

The SAISO and Director of OITO shall coordinate to maintain a central repository of all waivers.

11. MATERIAL SUPERSEDED

- EPA Information Procedures: CIO 2150.3-P-09.1, Information Security – Interim Maintenance Procedures, July 18, 2012.

12. CONTACTS

For further information, please contact the Office of Environmental Information (OEI), Office of Information Security and Privacy (OISP).

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

APPENDIX:
ACRONYMS & ABBREVIATIONS

BIA	Business Impact Assessment
CIO	Chief Information Officer
COTR	Contracting Officer Technical Representative
EPA	Environmental Protection Agency
FedRAMP	Federal Risk and Authorization Management Program
FIPS	Federal Information Processing Standards
FISMA	Federal Information Security Modernization Act
FOIA	Freedom of Information Act
IMO	Information Management Officer
IO	Information Owner
ISO	Information Security Officer
ISSO	Information System Security Officer
IT	Information Technology
NACI	National Agency Check Inquiries
NIST	National Institute of Standards and Technology
OEI	Office of Environmental Information
OISP	Office of Information Security and Privacy
OITO	Office of Information Technology Operations
OMB	Office of Management and Budget
PII	Personally Identifiable Information
POC	Point of Contact
SAISO	Senior Agency Information Security Officer
SLA	Service Level Agreement
SM	Service Manager
SO	System Owner
SOW	Statement of Work
SP	Special Publication
SSP	System Security Plan

INFORMATION DIRECTIVE PROCEDURE

Interim CIO Notification Procedure for Environmental Data Quality Issues		
Directive No.: 2105-P-03.0	CIO Approval: 12/30/2016	Transmittal No.: 17-004f

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

Interim CIO Notification Procedure for Environmental Data Quality Issues

1. PURPOSE

This Procedure describes the comprehensive, coordinated due diligence process for evaluating environmental data quality issues or problems that have an adverse effect on more than one EPA organization. It also describes the procedure for notifying all potentially affected EPA organizations.

2. SCOPE

The Procedure applies to all EPA organizations, including the EPA program and regional offices that support environmental programs.

This Procedure applies to all environmental data activities. Environmental data may be defined as any measurements or information that describe environmental processes, locations or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data activities that are covered by this procedure may include, but are not limited to:

- Collection and analysis of environmental samples
- Chemical and biological agents testing
- Chemical and biological weapons threat analysis/studies
- Exposure studies
- Field methods and measurements

3. AUDIENCE

The audience of this Procedure is all agency employees (managers and staff) responsible for the generation and use of environmental data that support the EPA mission.

4. BACKGROUND

Policy and Program Requirements for the Mandatory Agency-Wide Quality System can be found in CIO 2105.0. This policy provides requirements for EPA organizations that collect, evaluate and use environmental data. This policy is supported by the EPA Quality Manual for Environmental Programs (CIO 2105-P-01). This manual provides a detailed description of how EPA organizations should implement the agency's quality policy for environmental data operations.

OEI issued a Quality Policy (CIO 2106.0) for EPA disseminated products and services in 2008. This policy is supported by a Quality Procedure (CIO 2106-P-01). Section G of this Procedure includes a description of a CIO Notification Process. This process requires that:

1) EPA organizations have procedures in place to conduct an internal review of quality-related problems or issues with any of their disseminated products or services;

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2) EPA organizations send the Assistant Administrator (AA) for the Office of Environmental Information (OEI) and/or Chief Information Officer (CIO) information about any quality-related issue or problem with a product or service that may adversely affect agency operations; and
3) The OEI AA and/or CIO notify EPA Senior Information Officials (SIO) of the quality-related issue or problem and ensure that organizations are kept informed of the ongoing evaluation and the final outcome.

In 2010, OEI issued a memorandum to clarify the scope and applicability of the Quality Policy (CIO 2106.0). This memorandum stated that the scope of the Quality Program encompasses quality activities concerning the collection, production and use of environmental data. This changed the focus of the EPA Quality Program from disseminated products and services to environmental data.

In 2014, the Office of the Inspector General (OIG) issued Report No. 14-P-0270, *EPA Has Not Implemented Adequate Management Procedures to Address Potential Fraudulent Environmental Data* (May 2014). This Quality Procedure helps to address this OIG report by providing a more detailed description of the CIO Notification Process. It also describes the process that OEI plans to follow to evaluate information from EPA organizations about environmental data quality issues and how OEI plans to communicate information about this evaluation and the final outcome to EPA organizations.

5. AUTHORITY

Policy and Program Requirements for the Mandatory Agency-Wide Quality Management System (CIO 2105.0, May 2000) and the Quality Policy (CIO 2106.0, October 2008), establishes the authority for this Procedure.

The information directive is issued by the EPA Chief Information Officer (CIO), Pursuant to Delegation 1-19, dated 07/07/2005.

6. PROCEDURE

6.1 Management Review

6.1.1 EPA organizations should establish procedures for conducting a management review of data quality issues or problems. At a minimum, these procedures should determine the 1) potential impact of the data quality issue on the organization's environmental decisions and 2) the corrective actions needed to address any concerns regarding the continued use of the environmental data.

6.1.2 If an individual or organization suspects fraud, it should be reported to the Office of the Inspector General (OIG) Hotline. Additional information about fraud can be found on the OIG Resource Page - http://intranet.epa.gov/oig/

6.1.3 If the organization finds the data quality issue would affect other EPA organizations, it should complete the notification process found in Section 6.2. If the data quality issue only affects the EPA organization that discovered the issue, it should document the findings of the management review and implement the appropriate corrective actions.

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6.2 **Notification Process**

6.2.1 The organization's Senior Information Official (SIO) sends the OEI Assistant Administrator (AA) and/or CIO a Memorandum with a carbon copy to the OEI Office of Enterprise Information Programs (OEIP) Office Director and the OEI OEIP Enterprise Quality Management Division (EQMD) Director. When OEI is informed of a closed enforcement case regarding environmental data quality issues, EQMD will request that the SIO for the affected EPA organization(s) submit a Memorandum. At a minimum the Memorandum should include the following:

i. A description of the issue/problem
ii. The name of the entity that produced the environmental data
iii. Timeframe in which the environmental data was produced by the entity
iv. Timeframe of receipt of the environmental data produced by or for the agency (if applicable)

6.2.2 The OEI AA and/or CIO issues the CIO Notification Memorandum to the EPA Senior Information Officials (SIOs) with a carbon copy to the Director of the Office of Enterprise Information Programs (OEIP) and the OEIP EQMD Director.

6.2.3 The EQMD Director posts the CIO Notification Memorandum on the EPA QA Community SharePoint site. The community consists of QA Managers (QAMs), Directors of Quality Assurance (DQA) and QA Coordinators from EPA program and regional offices.

6.3 **OEI Evaluation Process**

6.3.1 The EQMD convenes an Evaluation Workgroup which consists of a representative(s) from the:

i. EPA organization that submitted the Memorandum to the CIO. (At a minimum, the QA Manager (QAM) or DQA should be included and other individuals who are familiar with the data quality issues or problem);
ii. Office of General Counsel (OGC):
iii. Office of Administration and Resources Management (OARM) (At a minimum, a representative from the Office of Grants and Debarment and the Office of Acquisition Management should be included.)
iv. Others, as needed

6.3.2 The Evaluation Workgroup reviews the information found in the Memorandum sent to the OEI AA and/or CIO, to determine the potential risk and the impact of the quality issue or problem on the agency's environmental data operations. If needed, the workgroup may obtain additional information to evaluate the quality issue or problem.

6.3.3 The EQMD Director reports the findings of the Evaluation Workgroup's review to the OEI AA and/or CIO and the OEIP Office Director. At a minimum, the findings will include the results of the review and recommended next steps (actions to be taken by EPA organizations or a statement that no further action is required)

6.3.4 The OEI AA and/or CIO reviews the Evaluation Workgroup findings and provides direction about the content of the CIO Notification Findings Memorandum.

6.3.5 The EQMD prepares a draft CIO Notification Findings Memorandum.
6.3.6 The EQMD Director sends the CIO Notification Findings Memorandum to the OEI AA and/or CIO and the OEIP Office Director.
6.3.7 The OEI AA and/or CIO reviews the draft CIO Notification Findings Memorandum, makes the appropriate edits and issues it to the EPA Senior Information Officials (SIOs) with a carbon copy to the OEIP Office Director and the OEIP EQMD Director.
6.3.8 The EQMD Director posts the CIO Notification Findings Memorandum on the EPA QA Community SharePoint site.

7. ROLES AND RESPONSIBILITIES

EPA Administrator

The Administrator promotes the use of a consistent process to ensure notifications of environmental data issues are evaluated and communicated to the appropriate EPA program and regional offices and other affected data users.

Assistant Administrators and Regional Administrators

Assistant Administrators (AAs) and Regional Administrators (RAs) will ensure that policies and procedures defined in this Procedure are developed and implemented consistently throughout their programs and will dedicate sufficient resources to support the effective implementation of this Procedure within their organizations. Each AA or RA may re-delegate the responsibilities for this Procedure to appropriate senior managers.

OEI recommends that AAs and/or RAs give one or more individuals, the responsibility and authority to ensure that this Procedure is implemented and followed consistently.

Assistant Administrator for the Office of Environmental Information (OEI) and/or Chief Information Officer (CIO)

OEI's Assistant Administrator and/or Chief Information Officer (AA/CIO) acts as the EPA Senior Management Official for Quality Management and is responsible for overseeing the agency's Quality Program and this Quality Procedure. The AA and/or CIO is responsible for informing AAs, RAs and Laboratory Directors of any issues or concerns related to the quality of agency products or services encompassed by this Procedure. The AA and/or CIO will review the Evaluation Workgroup recommendations, issue CIO Notification Memorandums and monitor activities associated with these notifications.

Senior Information Official (SIO)

The SIO ensures their environmental programs conduct a management review when they receive information about environmental data quality problems that could potentially impact programmatic decisions. The SIO reviews the results of these internal management reviews and makes a decision about the scope of the environmental data quality issue or problem. If an environmental data quality issue or problem only affects their organization's environmental operations, the SIO ensures the appropriate corrective actions are taken. If the environmental data quality issue or problem may potentially affect other EPA organizations, the SIO sends a Memorandum to the OEI

AA and/or CIO. When the OEI AA and/or CIO issues CIO Notification Memorandums, the SIO distributes it to their sub-organizations that support environmental programs.

Office of Enforcement and Compliance Assurance (OECA), Office of Criminal Enforcement, Forensics and Training (OCEFT)
The Office of Enforcement and Compliance Assurance (OECA), Office of Criminal Enforcement, Forensics and Training (OCEFT) acts as the Senior Management Official for criminal enforcement issues and investigates environmental crimes using specialized investigative and forensic techniques. When there is a CIO notification about a closed enforcement case, OECA/OCEFT participates on the Evaluation Workgroup.

Office of General Counsel (OGC)

The Office of General Counsel (OGC) reviews all OEI information and correspondence associated with a CIO Notification Memorandum and provides legal counsel and guidance as appropriate. OGC participates on the Evaluation Workgroup.
Evaluation Workgroup
The Evaluation Workgroup reviews the information found in the CIO Notification Memorandum to determine the potential risk and the impact of the issue or problem on the agency's environmental data operations. If needed, the Workgroup may obtain additional information to evaluate the quality issue or problem. The Evaluation Workgroup makes recommends to the OEI AA and/or CIO about the actions the agency should take to address the quality issues found in EPA Organization's Memorandum to the Notification memorandum.
The Evaluation Workgroup consists of a representative from the EPA Organization that submitted the Memorandum to the CIO about the data quality issue; OEI Lead Region; Office of Research and Development; Program Office; OECA/OCEFT; OGC; Office of Administration and Resources Management (OARM) and others as needed.

OEI Office of Enterprise Information Programs (OEIP) Enterprise Quality Management Division (EQMD) Director

The EQMD Director receives Memorandums to the OEI AA and/or CIO about environmental data quality issues or problems. The EQMD Director ensures that draft CIO Notification Memorandums are sent to the AA and/or CIO and OEIP Office Director for review.

The EQMD Director receives information about closed OIG and/or OECA/OCEFT cases about fraudulent environmental data activities that may impact EPA Organizations. The EQMD Director uses this Procedure to inform the OEI AA and/or CIO and the EPA QA Managers and Directors of Quality Assurance. The EQMD Director leads the Evaluation Workgroup and maintains all records associated with CIO Notification Memorandums.

Office of Administration and Resources Management (OARM)

Representatives from the OARM Office of Grants and Debarment (OGD) and the Office of Acquisition Management (OAM) participate on the Evaluation Workgroup

EPA Quality Assurance Managers (QAMs) and Directors of Quality Management (DQAs)

EPAs Quality Assurance Managers (QAMs) and Directors of Quality Management (DQAs) may assist in the development of their organization's management review procedures. They may also participate in their organization's management review, review the results or oversee the completion of any corrective actions. QAMs and DQAs may participate on the Evaluation Workgroup.

8. RELATED INFORMATION

- Policy and Program Requirements for the Mandatory Agency-Wide Quality Management System (CIO 2105.0, May 5, 2000)
- EPA Quality Manual for Environmental Programs (CIO 2105-P-01-0, May 5, 2000)
- Quality Policy (CIO 2106.0, October 20, 2008)
- Quality Procedure, (CIO 2106-P-01.0, October 20, 2008)
- *EPA has not Implemented Adequate Management Procedures to Address Potential Fraudulent Environmental Data,* (Office of Inspector General Report, Report No. 14-P-0270, May 29, 2014)
- Contract Laboratory Program's Roles and Responsibilities Guidance Document (EPA, 2007)

9. DEFINITIONS

Due Diligence Process: A review to determine the procedure for managing the communications and actions addressing environmental data determined to be fraudulent.

Environmental Data: Any measurements or information that describe environmental processes, location or conditions; ecological or health effects and consequences; or the performance of environmental technology. For EPA, environmental data include information collected directly from measurements, produced from models and compiled from other sources such as databases or literature.

Fraud/Fraudulent Data: The deliberate falsification of analytical and quality assurance (QA) results. A number of laboratory practices may constitute fraud and include:

- Fabricating data,
- Intentionally calibrating equipment using other than accepted procedures,
- Modifying samples to alter characteristics,
- Manipulating analytical results,
- Substituting samples, files or data.

OEI should notify the OIG once fraud has been identified.

10. WAIVERS

N/A

11. MATERIAL SUPERSEDED

N/A

12. CONTACTS

For further information about this Procedure or the Quality Program, please contact the Office of Environmental Information, Enterprise Quality Management Division.

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

APPENDIX:
ACRONYMS & ABBREVIATIONS

AA	Assistant Administrator
CIO	Chief Information Officer
DQA	Director of Quality Assurance
EPA	Environmental Protection Agency
EQMD	Enterprise Quality Management Division
OCEFT	Office of Criminal Enforcement, Forensics and Training
OECA	Office of Enforcement and Compliance Assurance
OEI	Office of Environmental Information
OEIP	Office of Environmental Information Programs
OGC	Office of General Counsel
OGD	Office of Grants and Debarments
OIG	Office of the Inspector General
OARM	Office of Administration and Resources Management
RA	Regional Administrator
SIO	Senior Information Official
QAM	Quality Assurance Manager

INFORMATION DIRECTIVE PROCEDURE

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This Procedure applies to all environmental data activities. Environmental data may be defined as any measurements or information that describe environmental processes, locations or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data activities that are covered by this procedure may include, but are not limited to:

- Collection and analysis of environmental samples
- Chemical and biological agents testing
- Chemical and biological weapons threat analysis/studies
- Exposure studies
- Field methods and measurements

3. AUDIENCE

The audience of this Procedure is all agency employees (managers and staff) responsible for the generation and use of environmental data that support the EPA mission.

4. BACKGROUND

Policy and Program Requirements for the Mandatory Agency-Wide Quality System can be found in CIO 2105.0. This policy provides requirements for EPA organizations that collect, evaluate and use environmental data. This policy is supported by the EPA Quality Manual for Environmental Programs (CIO 2105-P-01). This manual provides a detailed description of how EPA organizations should implement the agency's quality policy for environmental data operations.

OEI issued a Quality Policy (CIO 2106.0) for EPA disseminated products and services in 2008. This policy is supported by a Quality Procedure (CIO 2106-P-01). Section G of this Procedure includes a description of a CIO Notification Process. This process requires that:

1) EPA organizations have procedures in place to conduct an internal review of quality-related problems or issues with any of their disseminated products or services;

ED_001292B_00002528-00001

2) EPA organizations send the Assistant Administrator (AA) for the Office of Environmental Information (OEI) and/or Chief Information Officer (CIO) information about any quality-related issue or problem with a product or service that may adversely affect agency operations; and
3) The OEI AA and/or CIO notify EPA Senior Information Officials (SIO) of the quality-related issue or problem and ensure that organizations are kept informed of the ongoing evaluation and the final outcome.

In 2010, OEI issued a memorandum to clarify the scope and applicability of the Quality Policy (CIO 2106.0). This memorandum stated that the scope of the Quality Program encompasses quality activities concerning the collection, production and use of environmental data. This changed the focus of the EPA Quality Program from disseminated products and services to environmental data.

In 2014, the Office of the Inspector General (OIG) issued Report No. 14-P-0270, *EPA Has Not Implemented Adequate Management Procedures to Address Potential Fraudulent Environmental Data* (May 2014). This Quality Procedure helps to address this OIG report by providing a more detailed description of the CIO Notification Process. It also describes the process that OEI plans to follow to evaluate information from EPA organizations about environmental data quality issues and how OEI plans to communicate information about this evaluation and the final outcome to EPA organizations.

5. AUTHORITY

Policy and Program Requirements for the Mandatory Agency-Wide Quality Management System (CIO 2105.0, May 2000) and the Quality Policy (CIO 2106.0, October 2008), establishes the authority for this Procedure.

The information directive is issued by the EPA Chief Information Officer (CIO), Pursuant to Delegation 1-19, dated 07/07/2005.

6. PROCEDURE

6.1 Management Review

6.1.1 EPA organizations should establish procedures for conducting a management review of data quality issues or problems. At a minimum, these procedures should determine the 1) potential impact of the data quality issue on the organization's environmental decisions and 2) the corrective actions needed to address any concerns regarding the continued use of the environmental data.

6.1.2 If an individual or organization suspects fraud, it should be reported to the Office of the Inspector General (OIG) Hotline. Additional information about fraud can be found on the OIG Resource Page - http://intranet.epa.gov/oig/

6.1.3 If the organization finds the data quality issue would affect other EPA organizations, it should complete the notification process found in Section 6.2. If the data quality issue only affects the EPA organization that discovered the issue, it should document the findings of the management review and implement the appropriate corrective actions.

6.2 **Notification Process**

6.2.1 The organization's Senior Information Official (SIO) sends the OEI Assistant Administrator (AA) and/or CIO a Memorandum with a carbon copy to the OEI Office of Enterprise Information Programs (OEIP) Office Director and the OEI OEIP Enterprise Quality Management Division (EQMD) Director. When OEI is informed of a closed enforcement case regarding environmental data quality issues, EQMD will request that the SIO for the affected EPA organization(s) submit a Memorandum. At a minimum the Memorandum should include the following:

i. A description of the issue/problem
ii. The name of the entity that produced the environmental data
iii. Timeframe in which the environmental data was produced by the entity
iv. Timeframe of receipt of the environmental data produced by or for the agency (if applicable)

6.2.2 The OEI AA and/or CIO issues the CIO Notification Memorandum to the EPA Senior Information Officials (SIOs) with a carbon copy to the Director of the Office of Enterprise Information Programs (OEIP) and the OEIP EQMD Director.

6.2.3 The EQMD Director posts the CIO Notification Memorandum on the EPA QA Community SharePoint site. The community consists of QA Managers (QAMs), Directors of Quality Assurance (DQA) and QA Coordinators from EPA program and regional offices.

6.3 **OEI Evaluation Process**

6.3.1 The EQMD convenes an Evaluation Workgroup which consists of a representative(s) from the:

i. EPA organization that submitted the Memorandum to the CIO. (At a minimum, the QA Manager (QAM) or DQA should be included and other individuals who are familiar with the data quality issues or problem);
ii. Office of General Counsel (OGC):
iii. Office of Administration and Resources Management (OARM) (At a minimum, a representative from the Office of Grants and Debarment and the Office of Acquisition Management should be included.)
iv. Others, as needed

6.3.2 The Evaluation Workgroup reviews the information found in the Memorandum sent to the OEI AA and/or CIO, to determine the potential risk and the impact of the quality issue or problem on the agency's environmental data operations. If needed, the workgroup may obtain additional information to evaluate the quality issue or problem.

6.3.3 The EQMD Director reports the findings of the Evaluation Workgroup's review to the OEI AA and/or CIO and the OEIP Office Director. At a minimum, the findings will include the results of the review and recommended next steps (actions to be taken by EPA organizations or a statement that no further action is required)

6.3.4 The OEI AA and/or CIO reviews the Evaluation Workgroup findings and provides direction about the content of the CIO Notification Findings Memorandum.

6.3.5 The EQMD prepares a draft CIO Notification Findings Memorandum.
6.3.6 The EQMD Director sends the CIO Notification Findings Memorandum to the OEI AA and/or CIO and the OEIP Office Director.
6.3.7 The OEI AA and/or CIO reviews the draft CIO Notification Findings Memorandum, makes the appropriate edits and issues it to the EPA Senior Information Officials (SIOs) with a carbon copy to the OEIP Office Director and the OEIP EQMD Director.
6.3.8 The EQMD Director posts the CIO Notification Findings Memorandum on the EPA QA Community SharePoint site.

7. ROLES AND RESPONSIBILITIES

EPA Administrator

The Administrator promotes the use of a consistent process to ensure notifications of environmental data issues are evaluated and communicated to the appropriate EPA program and regional offices and other affected data users.

Assistant Administrators and Regional Administrators

Assistant Administrators (AAs) and Regional Administrators (RAs) will ensure that policies and procedures defined in this Procedure are developed and implemented consistently throughout their programs and will dedicate sufficient resources to support the effective implementation of this Procedure within their organizations. Each AA or RA may re-delegate the responsibilities for this Procedure to appropriate senior managers.

OEI recommends that AAs and/or RAs give one or more individuals, the responsibility and authority to ensure that this Procedure is implemented and followed consistently.

Assistant Administrator for the Office of Environmental Information (OEI) and/or Chief Information Officer (CIO)

OEI's Assistant Administrator and/or Chief Information Officer (AA/CIO) acts as the EPA Senior Management Official for Quality Management and is responsible for overseeing the agency's Quality Program and this Quality Procedure. The AA and/or CIO is responsible for informing AAs, RAs and Laboratory Directors of any issues or concerns related to the quality of agency products or services encompassed by this Procedure. The AA and/or CIO will review the Evaluation Workgroup recommendations, issue CIO Notification Memorandums and monitor activities associated with these notifications.

Senior Information Official (SIO)

The SIO ensures their environmental programs conduct a management review when they receive information about environmental data quality problems that could potentially impact programmatic decisions. The SIO reviews the results of these internal management reviews and makes a decision about the scope of the environmental data quality issue or problem. If an environmental data quality issue or problem only affects their organization's environmental operations, the SIO ensures the appropriate corrective actions are taken. If the environmental data quality issue or problem may potentially affect other EPA organizations, the SIO sends a Memorandum to the OEI

AA and/or CIO. When the OEI AA and/or CIO issues CIO Notification Memorandums, the SIO distributes it to their sub-organizations that support environmental programs.

Office of Enforcement and Compliance Assurance (OECA), Office of Criminal Enforcement, Forensics and Training (OCEFT)
The Office of Enforcement and Compliance Assurance (OECA), Office of Criminal Enforcement, Forensics and Training (OCEFT) acts as the Senior Management Official for criminal enforcement issues and investigates environmental crimes using specialized investigative and forensic techniques. When there is a CIO notification about a closed enforcement case, OECA/OCEFT participates on the Evaluation Workgroup.

Office of General Counsel (OGC)

The Office of General Counsel (OGC) reviews all OEI information and correspondence associated with a CIO Notification Memorandum and provides legal counsel and guidance as appropriate. OGC participates on the Evaluation Workgroup.
Evaluation Workgroup
The Evaluation Workgroup reviews the information found in the CIO Notification Memorandum to determine the potential risk and the impact of the issue or problem on the agency's environmental data operations. If needed, the Workgroup may obtain additional information to evaluate the quality issue or problem. The Evaluation Workgroup makes recommends to the OEI AA and/or CIO about the actions the agency should take to address the quality issues found in EPA Organization's Memorandum to the Notification memorandum.
The Evaluation Workgroup consists of a representative from the EPA Organization that submitted the Memorandum to the CIO about the data quality issue; OEI Lead Region; Office of Research and Development; Program Office; OECA/OCEFT; OGC; Office of Administration and Resources Management (OARM) and others as needed.

OEI Office of Enterprise Information Programs (OEIP) Enterprise Quality Management Division (EQMD) Director

The EQMD Director receives Memorandums to the OEI AA and/or CIO about environmental data quality issues or problems. The EQMD Director ensures that draft CIO Notification Memorandums are sent to the AA and/or CIO and OEIP Office Director for review.

The EQMD Director receives information about closed OIG and/or OECA/OCEFT cases about fraudulent environmental data activities that may impact EPA Organizations. The EQMD Director uses this Procedure to inform the OEI AA and/or CIO and the EPA QA Managers and Directors of Quality Assurance. The EQMD Director leads the Evaluation Workgroup and maintains all records associated with CIO Notification Memorandums.

Office of Administration and Resources Management (OARM)

Representatives from the OARM Office of Grants and Debarment (OGD) and the Office of Acquisition Management (OAM) participate on the Evaluation Workgroup

EPA Quality Assurance Managers (QAMs) and Directors of Quality Management (DQAs)

EPAs Quality Assurance Managers (QAMs) and Directors of Quality Management (DQAs) may assist in the development of their organization's management review procedures. They may also participate in their organization's management review, review the results or oversee the completion of any corrective actions. QAMs and DQAs may participate on the Evaluation Workgroup.

8. RELATED INFORMATION

- Policy and Program Requirements for the Mandatory Agency-Wide Quality Management System (CIO 2105.0, May 5, 2000)
- EPA Quality Manual for Environmental Programs (CIO 2105-P-01-0, May 5, 2000)
- Quality Policy (CIO 2106.0, October 20, 2008)
- Quality Procedure, (CIO 2106-P-01.0, October 20, 2008)
- *EPA has not Implemented Adequate Management Procedures to Address Potential Fraudulent Environmental Data,* (Office of Inspector General Report, Report No. 14-P-0270, May 29, 2014)
- Contract Laboratory Program's Roles and Responsibilities Guidance Document (EPA, 2007)

9. DEFINITIONS

Due Diligence Process: A review to determine the procedure for managing the communications and actions addressing environmental data determined to be fraudulent.

Environmental Data: Any measurements or information that describe environmental processes, location or conditions; ecological or health effects and consequences; or the performance of environmental technology. For EPA, environmental data include information collected directly from measurements, produced from models and compiled from other sources such as databases or literature.

Fraud/Fraudulent Data: The deliberate falsification of analytical and quality assurance (QA) results. A number of laboratory practices may constitute fraud and include:

- Fabricating data,
- Intentionally calibrating equipment using other than accepted procedures,
- Modifying samples to alter characteristics,
- Manipulating analytical results,
- Substituting samples, files or data.

OEI should notify the OIG once fraud has been identified.

10. WAIVERS

N/A

11. MATERIAL SUPERSEDED

N/A

12. CONTACTS

For further information about this Procedure or the Quality Program, please contact the Office of Environmental Information, Enterprise Quality Management Division.

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

APPENDIX:
ACRONYMS & ABBREVIATIONS

AA	Assistant Administrator
CIO	Chief Information Officer
DQA	Director of Quality Assurance
EPA	Environmental Protection Agency
EQMD	Enterprise Quality Management Division
OCEFT	Office of Criminal Enforcement, Forensics and Training
OECA	Office of Enforcement and Compliance Assurance
OEI	Office of Environmental Information
OEIP	Office of Environmental Information Programs
OGC	Office of General Counsel
OGD	Office of Grants and Debarments
OIG	Office of the Inspector General
OARM	Office of Administration and Resources Management
RA	Regional Administrator
SIO	Senior Information Official
QAM	Quality Assurance Manager

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

May 4, 2016

Mr. Otis Sistrunk
Mexichem Specialty Resin, Inc.
P.O. Box 400
Route 130 & Porcupine Road
Pedricktown, New Jersey 8067

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

RE: Usability of Data for PVC Rulemaking

Dear Mr. Sistrunk:

I write regarding data you submitted to the U.S. Environmental Protection Agency in response to our PVC Maximum Achievable Control Technology Clean Air Act Section 114 Information Collection Request (ICR). As you may be aware, the EPA and the State of New Jersey recently entered into settlement agreements with Accutest Laboratories, regarding alleged deviations from the EPA's extraction methods during the years 2007 to 2013 by Accutest technicians. We understand that your company and/or the emissions testing firm selected by your company used Accutest to analyze emissions from your company's stripped resin and/or wastewater when responding to the ICR. We also understand that Dr. Karl Schoene, Accutest's President and CEO, has contacted your company, stated that Accutest has not admitted any wrongdoing or liability in connection with the allegations and asserted the usability of Accutest's data.

As you will recall, the ICR required you to certify that the emissions data you provided were analyzed according to the methods and procedures specified in the ICR. As a result of your certification and Accutest's claims that the data are usable, we do not intend to remove that data from our PVC rulemaking datasets. If you believe that your submitted and certified Accutest data may be inaccurate, within 60 days of receipt of this letter, you may submit 30 days of additional data. Please contact Ms. Jodi Howard at 919-541-4607 if you have questions concerning your data submission.

Sincerely,

Peter Tsirigotis,
Director
Sector Policies and Programs Division

Cc: Penny Lassiter, SPPD
Jodi Howard, SPPD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

May 4, 2016

Mr. Scott Johnson
EHS Supervisor
Mexichem Specialty Resin, Inc.
1546 County Road 1450N
Henry, Illinois 61540

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

RE: Usability of Data for PVC Rulemaking

Dear Mr. Johnson:

I write regarding data you submitted to the U.S. Environmental Protection Agency in response to our PVC Maximum Achievable Control Technology Clean Air Act Section 114 Information Collection Request (ICR). As you may be aware, the EPA and the State of New Jersey recently entered into settlement agreements with Accutest Laboratories, regarding alleged deviations from the EPA's extraction methods during the years 2007 to 2013 by Accutest technicians. We understand that your company and/or the emissions testing firm selected by your company used Accutest to analyze emissions from your company's stripped resin and/or wastewater when responding to the ICR. We also understand that Dr. Karl Schoene, Accutest's President and CEO, has contacted your company, stated that Accutest has not admitted any wrongdoing or liability in connection with the allegations and asserted the usability of Accutest's data.

As you will recall, the ICR required you to certify that the emissions data you provided were analyzed according to the methods and procedures specified in the ICR. As a result of your certification and Accutest's claims that the data are usable, we do not intend to remove that data from our PVC rulemaking datasets. If you believe that your submitted and certified Accutest data may be inaccurate, within 60 days of receipt of this letter, you may submit 30 days of additional data. Please contact Ms. Jodi Howard at 919-541-4607 if you have questions concerning your data submission.

Sincerely,

Peter Tsirigotis,
Director
Sector Policies and Programs Division

Cc: Penny Lassiter, SPPD
Jodi Howard, SPPD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

May 4, 2016

Mr. Bill Dann
General Manager
Formosa Plastics Corporation, Delaware
780 Schoolhouse Road

Delaware City, Delaware 19706

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

RE: Usability of Data for PVC Rulemaking

Dear Mr. Dann:

I write regarding data you submitted to the U.S. Environmental Protection Agency in response to our PVC Maximum Achievable Control Technology Clean Air Act Section 114 Information Collection Request (ICR). As you may be aware, the EPA and the State of New Jersey recently entered into settlement agreements with Accutest Laboratories, regarding alleged deviations from the EPA's extraction methods during the years 2007 to 2013 by Accutest technicians. We understand that your company and/or the emissions testing firm selected by your company used Accutest to analyze emissions from your company's stripped resin and/or wastewater when responding to the ICR. We also understand that Dr. Karl Schoene, Accutest's President and CEO, has contacted your company, stated that Accutest has not admitted any wrongdoing or liability in connection with the allegations and asserted the usability of Accutest's data.

As you will recall, the ICR required you to certify that the emissions data you provided were analyzed according to the methods and procedures specified in the ICR. As a result of your certification and Accutest's claims that the data are usable, we do not intend to remove that data from our PVC rulemaking datasets. If you believe that your submitted and certified Accutest data may be inaccurate, within 60 days of receipt of this letter, you may submit 30 days of additional data. Please contact Ms. Jodi Howard at 919-541-4607 if you have questions concerning your data submission.

Sincerely,

Peter Tsirigotis,
Director
Sector Policies and Programs Division

Cc: Penny Lassiter, SPPD
Jodi Howard, SPPD
Mary Bachynsky

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

May 4, 2016

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Mr. Kelly Serio
Vice President/General Manager
Formosa Plastics Corporation, Louisiana
P.O. Box 271

Baton Rouge, Louisiana 70821

RE: Usability of Data for PVC Rulemaking

Dear Mr. Serio:

I write regarding data you submitted to the U.S. Environmental Protection Agency in response to our PVC Maximum Achievable Control Technology Clean Air Act Section 114 Information Collection Request (ICR). As you may be aware, the EPA and the State of New Jersey recently entered into settlement agreements with Accutest Laboratories, regarding alleged deviations from the EPA's extraction methods during the years 2007 to 2013 by Accutest technicians. We understand that your company and/or the emissions testing firm selected by your company used Accutest to analyze emissions from your company's stripped resin and/or wastewater when responding to the ICR. We also understand that Dr. Karl Schoene, Accutest's President and CEO, has contacted your company, stated that Accutest has not admitted any wrongdoing or liability in connection with the allegations and asserted the usability of Accutest's data.

As you will recall, the ICR required you to certify that the emissions data you provided were analyzed according to the methods and procedures specified in the ICR. As a result of your certification and Accutest's claims that the data are usable, we do not intend to remove that data from our PVC rulemaking datasets. If you believe that your submitted and certified Accutest data may be inaccurate, within 60 days of receipt of this letter, you may submit 30 days of additional data. Please contact Ms. Jodi Howard at 919-541-4607 if you have questions concerning your data submission.

Sincerely,

Peter Tsirigotis,
Director
Sector Policies and Programs Division

Cc: Penny Lassiter, SPPD
Jodi Howard, SPPD
Mary Bachynsky

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

May 4, 2016

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Mr. R. P. Smith
Vice President/General Manager
Formosa Plastics Corporatin, Texas
P.O. Box 700
201 Formosa Drive
Point Comfort, Texas 77978

RE: Usability of Data for PVC Rulemaking

Dear Mr. Smith:

I write regarding data you submitted to the U.S. Environmental Protection Agency in response to our PVC Maximum Achievable Control Technology Clean Air Act Section 114 Information Collection Request (ICR). As you may be aware, the EPA and the State of New Jersey recently entered into settlement agreements with Accutest Laboratories, regarding alleged deviations from the EPA's extraction methods during the years 2007 to 2013 by Accutest technicians. We understand that your company and/or the emissions testing firm selected by your company used Accutest to analyze emissions from your company's stripped resin and/or wastewater when responding to the ICR. We also understand that Dr. Karl Schoene, Accutest's President and CEO, has contacted your company, stated that Accutest has not admitted any wrongdoing or liability in connection with the allegations and asserted the usability of Accutest's data.

As you will recall, the ICR required you to certify that the emissions data you provided were analyzed according to the methods and procedures specified in the ICR. As a result of your certification and Accutest's claims that the data are usable, we do not intend to remove that data from our PVC rulemaking datasets. If you believe that your submitted and certified Accutest data may be inaccurate, within 60 days of receipt of this letter, you may submit 30 days of additional data. Please contact Ms. Jodi Howard at 919-541-4607 if you have questions concerning your data submission.

Sincerely,

Peter Tsirigotis,
Director
Sector Policies and Programs Division

Cc: Penny Lassiter, SPPD
Jodi Howard, SPPD
Mary Bachynsky

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

May 4, 2016

Ms. Stephanie Engwall
Manager-Air Quality
Occidental Chemical Corporation (OxyVinyls, LP)
P.O. Box 809050
Dallas, Texas 75390-9050

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

RE: Usability of Data for PVC Rulemaking

Dear Ms. Engwall:

I write regarding data you submitted to the U.S. Environmental Protection Agency in response to our PVC Maximum Achievable Control Technology Clean Air Act Section 114 Information Collection Request (ICR). As you may be aware, the EPA and the State of New Jersey recently entered into settlement agreements with Accutest Laboratories, regarding alleged deviations from the EPA's extraction methods during the years 2007 to 2013 by Accutest technicians. We understand that your company and/or the emissions testing firm selected by your company used Accutest to analyze emissions from your company's stripped resin and/or wastewater when responding to the ICR. We also understand that Dr. Karl Schoene, Accutest's President and CEO, has contacted your company, stated that Accutest has not admitted any wrongdoing or liability in connection with the allegations and asserted the usability of Accutest's data.

As you will recall, the ICR required you to certify that the emissions data you provided were analyzed according to the methods and procedures specified in the ICR. As a result of your certification and Accutest's claims that the data are usable, we do not intend to remove that data from our PVC rulemaking datasets. If you believe that your submitted and certified Accutest data may be inaccurate, within 60 days of receipt of this letter, you may submit 30 days of additional data. Please contact Ms. Jodi Howard at 919-541-4607 if you have questions concerning your data submission.

Sincerely,

Peter Tsirigotis,
Director
Sector Policies and Programs Division

Cc: Penny Lassiter, SPPD
Jodi Howard, SPPD

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Heckman, Deborah
Sent: Wed 2/1/2017 8:16:28 PM
Subject: FW: Transition Team assignment

Deborah Heckman

202-564-7274

202-309-6292 (cell)

Acting Deputy Director

Office of Program Accountability and Resource Management (OPARM)
Office of Research and Development, EPA

From: Kavlock, Robert
Sent: Wednesday, February 01, 2017 1:15 PM
To: ORD-Exec-Council-Directors <Execcouncildirectors@epa.gov>; ORD-Mgmt-Council <ORDMgmtCouncil@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>; Kreutzer, David <kreutzer.david@epa.gov>
Subject: Transition Team assignment

Dear EC and MCers

As the Transition Team begins to settle in, they have asked for certain members to focus on different programs. David Dreutzer, formerly a senior research fellow at the Heritage Foundation's Center for Data Analysis, has been assigned to ORD. He has asked to be included in some of our meetings and added to our regular listserves. I met with David yesterday, and we agreed that his present needs would be fulfilled by joining our Monday Executive Council meetings, our biweekly all manager videoconferences, and any All Hands meetings that we have. And we are including him in most of our external listerves (we figured he would not want the post doc recruitment one and similar types).

David will join us for our managers call tomorrow along with acting Deputy Administrator Mike Flynn.

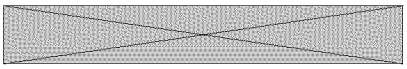
Since David will also be at our program briefing on Friday morning, he should be somewhat conversant with who we are by the Monday EC meeting, at which you should be prepared to give a short elevator speech about you and your organization.

We expect to receive formal notice of the Transition Team assignments from Don Benton in the near future, and potentially additional team members. Will keep you informed as the information becomes available.

Please let me know if you have any questions.

Bob

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Joelle Ayala
Sent: Wed 2/1/2017 8:24:54 PM
Subject: Francesca I thought you'd be interested in our upcoming webinar



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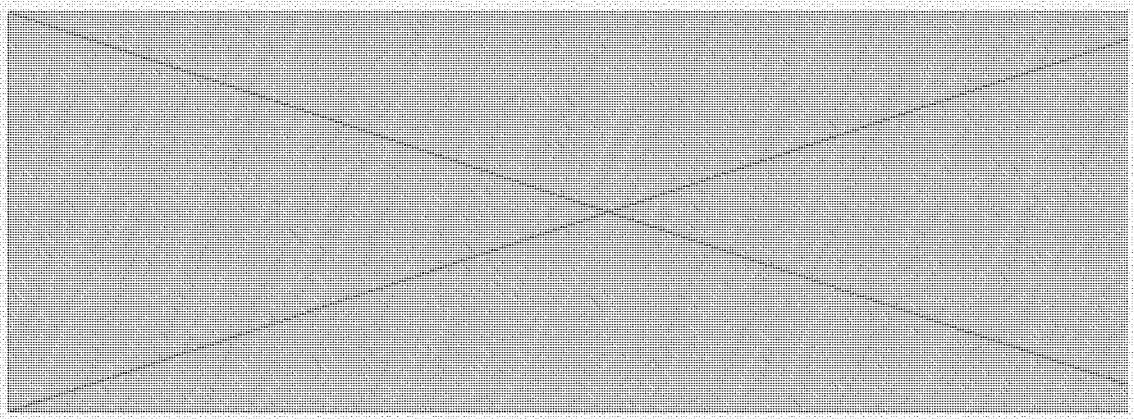
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 2/1/2017 8:40:48 PM
Subject: Energy News Ticker: Democrats Boycott Pruitt Vote; GOP May Push Ahead Anyway

Democrats Boycott Pruitt Vote; Barrasso May Suspend Quorum Rules

2/1/17 1:05 PM

Democrats on the Senate Environment and Public Works Committee boycotted Wednesday's vote on Scott Pruitt's nomination to lead the Environmental Protection Agency, as Senate Democrats are taking more aggressive steps to show their displeasure with Trump administration nominees.



Best of Today's Morning Consult

Senate Confirms Tillerson as Secretary of State

2/1/17 3:05 PM

The Senate on Wednesday voted 56-43 to confirm former ExxonMobil Chief Executive Rex Tillerson to be the next secretary of State. It's the narrowest margin yet for one of President Donald Trump's Cabinet picks.

Poll: If There Was Voter Fraud, Trump Benefited Most

2/1/17 6:00 AM

President Donald Trump has insisted, without evidence, that the 2016 election was rife with illegal voting that prevented him from winning the popular vote. But a new survey finds that among Americans who believe there was fraud, Trump is seen as the likely beneficiary of those votes.

Voters Prioritize Tax Reform Over Obamacare Repeal, Border Wall

2/1/17 6:00 AM

A plurality of voters say President Donald Trump and congressional Republicans should make tax reform their top priority, not repealing Obamacare or building a wall along the U.S. border with Mexico.

Voter Optimism Grows During Trump's First Week

2/1/17 6:00 AM

President Donald Trump's first week in the White House proved an eventful one, and many American voters say they are more optimistic about the country's future, a new survey shows.

This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

Manage your email preferences

SUBSCRIBE

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Wed 2/1/2017 9:21:04 PM
Subject: Feb. 1 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

`Making EPA Great Again' Is Stated Aim of House Science Panel

Posted February 01, 2017, 04:03 P.M. ET

By Rachel Leven

The social cost of carbon—the economic costs of carbon emissions—and "secret science" are among the top issues the House Science, Space and Technology Committee intends to examine in the 115th Congress, the committee announced Feb. 1.

Changes to some of these areas could have significant impacts on how rules are justified at the EPA. The committee will also look to limit Energy Department money spent on loan guarantees or subsidies and focus funds instead on research the private sector can't conduct.

These efforts are generally areas that Republicans sought to address in previous Congresses. But with the new Republican-swept Washington, there are better odds for successfully executing these actions. The hearing may touch on science transparency issues, among other areas and could help the committee build a blueprint for future priorities and actions, a committee aide told Bloomberg BNA.

These efforts, specifically on sound science, will begin Feb. 7 when the committee holds its "Making EPA Great Again" hearing, which will include witnesses from groups such as the American Chemistry Council.

The committee intends to "revisit" the issues addressed in legislation in the 114th Congress. That includes areas under the Secret Science Reform Act that would have barred the EPA from finalizing rules without releasing scientific information and data used to develop the rule.

Another area of interest for the committee includes reauthorization of the National Institute of Standards and Technology programs to address cyberattack vulnerability issues, according to the announcement.

Gorsuch Could (But Might Not) Spell Trouble for Environmental Rules

Posted February 01, 2017, 02:11 P.M. ET

By Rebecca Wilhelm

U.S. Supreme Court nominee Neil Gorsuch has opposed giving broad deference to the EPA and other federal agencies during a decade on the federal bench, but his track record also indicates a reluctance to support "heavy-handed rollbacks" of Obama-era environmental rules, legal experts told Bloomberg BNA.

If confirmed, Gorsuch's biggest impact on environmental law might come from his opposition to Chevron deference, which refers to a 1984 Supreme Court decision giving agencies wide latitude in deciding how to interpret their responsibilities under federal statutes, they said.

Gorsuch "has expressed skepticism about Chevron deference, which would certainly have an effect on environmental law cases," Jonathan H. Adler, Case Western Reserve University School of Law professor, told Bloomberg BNA in an e-mail. "Perhaps paradoxically, this position could make it more difficult for a Trump administration to undo some of the Obama administration's environmental initiatives."

President Donald Trump has explicitly said that he intends to reverse a number of Obama administration policies, but it's likely that Gorsuch would not support "heavy-handed rollbacks," Brendan K. Collins, a partner at Ballard Spahr LLP in Philadelphia who has argued before the Supreme Court, told Bloomberg BNA.

Limits on 'New Sheriff'

"I think that Gorsuch would frown on the notion that the 2016 election result ought to lead to a reversal of judicially affirmed conclusions of law," Collins said.

For example, the Supreme Court has found that carbon dioxide is a pollutant under the Clean Air Act subject to Environmental Protection Agency regulation, but Gorsuch might be hostile to reversing that determination simply "because there's a new sheriff in town," Collins said.

And if confirmed, Gorsuch could also—if consistent in his reasonings—upend regulations promulgated by the Trump administration, Harvard Law School professor Richard J. Lazarus told Bloomberg BNA in an e-mail.

"The challenge … is to have judges who in fact apply the doctrine in an even-handed way even when it goes against the policies they might personally favor or be favored by those who have nominated them to the Court," Lazarus said. "Far more judges claim to be even-handed than in fact are."

"But let's hope that if Judge Gorsuch becomes Justice Gorsuch, he will be that kind of outstanding Justice who is even-handed."

Nearly a Year Since Scalia's Death

Trump Jan. 31 nominated Gorsuch, who has served on the U.S. Court of Appeals for the Tenth Circuit since 2006, to fill the seat left vacant almost a year ago by the death of Justice Antonin Scalia. Senate Republicans had refused to consider President Barack Obama's nominee Merrick Garland, who is chief judge of the U.S. Court of Appeals for the District of Columbia Circuit.

Speaking at the White House late Jan. 31, Gorsuch pledged to be impartial and independent, stressing that a judge's role is "to apply, not alter, the work of the people's representatives."

He added: "A judge who likes every outcome he reaches is very likely a bad judge."

Gorsuch has reviewed almost a dozen environmental law cases during his tenure at the Tenth Circuit, including an attempt to bar a mining company that settled its Superfund liability in bankruptcy court from recovering some of those costs and a challenge to the EPA's decision not to limit mercury and selenium emissions from a coal-fired power plant in northwest New Mexico (Asarco, LLC v. Noranda Mining, Inc., 844 F.3d 1201, 83 ERC 1897, 2017 BL 59, 10th Cir. 2017; WildEarth Guardians v. EPA, 759 F.3d 1196, 79 ERC 1194, 2014 BL 204023, 10th Cir. 2014).

Time 'to Face the Behemoth'

Under the Chevron doctrine, courts take a two-step approach in reviewing challenges to agency actions. If the statute clearly speaks to the issue, the inquiry stops there. If the statute is silent or ambiguous, the court determines whether the agency's interpretation is a permissible statutory construction. If so, the court defers to the agency (Chevron U.S.A. Inc. v. Nat. Res. Def. Council, Inc., 467 U.S. 837, 21 ERC 1049 (1984)).

Gorsuch outlined his views on agency deference in a concurrence he wrote to one of his own majority opinions last year (Gutierrez-Brizuela v. Lynch, 834 F.3d 1142, 2016 BL 273118, 10th Cir. 2016).

"Chevron and Brand X permit executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution of the framers' design," Gorsuch wrote in the immigration law case. "Maybe the time has come to face the behemoth."

'Super Court of Appeals'

The Supreme Court held in Brand X that an agency's interpretation of an ambiguous statute outweighs prior decisions of a federal appeals court, unless the court has held that the statute is not ambiguous (Nat'l Cable & Telecommunications Ass'n v. Brand X Internet Servs., 545 U.S. 967, 73 U.S.L.W. 4659 (2005)).

This doctrine has permitted agencies to act like "some sort of super court of appeals," Gorsuch wrote in Gutierrez-Brizuela.

In United States v. Magnesium Corporation of America, the Tenth Circuit upheld an EPA reinterpretation of a Resource Conservation and Recovery Act regulation governing mineral processing waste. Writing for the majority, Gorsuch reassured regulated parties that they would not be subjected "to the whims of an agency's arbitrary interpretive reversals" (United States v. Magnesium Corp. of Am., 616 F.3d 1129, 71 ERC 1641, 2010 BL 190182, 10th Cir. 2010).

He noted that the Administrative Procedure Act requires agencies to explain their decision-making and empowers courts to review those decisions.

Scant Environmental Law Record

"He hasn't made a lot of substantive environmental decisions," Collins said. "A number of environmental advocacy groups have lambasted his record, but I don't think there's much traction there."

Sierra Club executive director Michael Brune said in a statement: "Gorsuch has proven himself hostile to environmental protection … and cannot be trusted to protect our air, our water, or our communities."

The cases in which he has made decisions on environmental or public lands issues are really more about his administrative law views, Harvard Law School professor Jody Freeman told Bloomberg BNA. "He seems to come down on both sides depending on the particulars of the case."

'Not ... Out of the Mainstream'

"He's not wacky or out of the mainstream," Victor B. Flatt, professor at the University of North Carolina at Chapel Hill School of Law, told Bloomberg BNA.

For example, Gorsuch ruled in favor of a plaintiff suing a nuclear weapons manufacturer and held that the Price Anderson Act did not preempt their federal and state tort claims (Cook v. Rockwell Int'l Corp., 790 F.3d 1088, 80 ERC 2172, 2015 BL 199152, 10th Cir. 2015).

Gorsuch also voted to uphold Colorado's clean energy law, which requires 20 percent of electricity to come from renewable fuels, against a constitutional challenge (Energy & Env't Legal Inst. v. Epel, 793 F.3d 1169, 2015 BL 222450, 10th Cir. 2015).

"That one decision was probably something that advocates for clean energy will like, but you can't make too much of it," Freeman said.

Scalia Comparisons

Gorsuch is a conservative jurist and would likely replicate Justice Scalia's positions, Freeman said. However, he might be more skeptical than Scalia of agency deference.

Scalia was an early proponent of Chevron, although in the past few years he began questioning the doctrine, Flatt said. In that sense, Gorsuch is not Scalia. "He actually moves the court in a direction that's more likely to disavow the Chevron doctrine."

But the doctrine is far from doomed, Thomas Lorenzen, a partner at Crowell & Moring LLP in Washington, D.C., told Bloomberg BNA in an e-mail. "So far, I think only Justice [Clarence] Thomas agrees with Judge Gorsuch that Chevron is wrong."

Son of Former EPA Administrator

The 49-year-old jurist is the son of Anne Gorsuch Burford, who served under President Ronald Reagan as the first female administrator of the EPA, but was forced to resign in 1983 after less than two years on the job, after trying to dismantle the agency.

Gorsuch graduated from Harvard Law School in 1991. He clerked for Justice Anthony Kennedy and would be the first sitting justice to serve alongside his former boss.

Democratic Boycott Stalls Action on Trump EPA Nominee Pruitt

Posted February 01, 2017, 12:26 P.M. ET

By Jennifer A. Dlouhy and Ari Natter

Senate Democrats stalled action on President Donald Trump's pick to lead the Environmental Protection Agency, boycotting a committee vote to advance Oklahoma Attorney General Scott Pruitt amid questions about his commitment to upholding clean air and water protections.

It was the second time in as many days that Democrats had taken the unusual step of exploiting committee rules to halt action on Trump's cabinet nominees. On Feb. 1, Republicans on the Senate Finance Committee voted to suspend the panel's rules, allowing them to advance the nominations of Steven Mnuchin to run the Treasury Department and Tom Price to head Health and Human Services.

The Senate Environment and Public Works Committee could try a similar tactic to dislodge Pruitt's nomination, but it was not immediately clear Wednesday whether—or when—they would take that step.

Sen. John Barrasso (R-Wyo.), who heads the committee, called the Democratic blockade "a disappointing turn of events," and said it would keep the EPA rudderless at a critical time. "This amounts to nothing more than political theater at the expense of working on issues we care about."

But Democrats said they were compelled to delay action on Pruitt because the nominee had failed to substantively answer their questions about rules governing lead in gasoline, air pollution and toxic chemicals.

'No Joy'

"I take no joy in not being a participant in this business meeting scheduled today," said Sen. Tom Carper (D-Del.), the top Democrat on the Senate Environment and Public Works Committee. Pruitt's answers were "at best incomplete and evasive," Carper said outside the committee hearing room, adding: "We need the truth."

Pruitt has drawn intense scrutiny because he has spent much of his career battling the agency he is now tapped to lead. As Oklahoma's attorney general, Pruitt went to court to fight more than a dozen actions by EPA, including its landmark declaration that greenhouse gas emissions endanger public health. During a confirmation hearing last month, Pruitt softened his stance on that and other issues, insisting that environmental protection and energy development can go hand in hand.

With Senate Democrats huddled outside the hearing room, Republicans inside took turns lambasting the delay.

Sen.r Shelley Moore Capito (R-W.V.) called the boycott a stunt.

"Our constituents elected us to do our job, and that includes coming to committee hearings and voicing our opinions," Capito said. "Failing to show up does not serve our constituents."

Outside, Democrats told reporters that they were demanding transparency.

"This is kind of an affront on the Senate's role on advise and consent," said Sen. Cory Booker (D-

N.J.).

Barrasso previously rebuffed Democrats' request to delay a vote on Pruitt, countering that the nominee has answered roughly 1,200 questions—more than any past nominee to lead the EPA.

"The committee's review of Attorney General Pruitt's nomination has been unparalleled in its scrutiny, thoroughness, and respect for minority rights," Barrasso said in a Jan. 31 letter to Carper.

Sen. Roger Wicker (R-Miss.) predicted Pruitt would eventually be confirmed.

"We'll get past this," Wicker said, casting the Democratic delay as less about the Pruitt nomination than "their disappointment with the results of the November election"

Under historic committee rules, at least two members of the minority must be present to constitute a quorum and allow the panel to take action on legislation and nominations. The committee could attempt to change those rules or temporarily suspend them in a bid to move Pruitt's nomination to the Senate floor.

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Yanked EPA Mercury Dental Amalgam Rule Draws Lawsuit

Posted February 01, 2017, 03:27 P.M. ET

By Amena H. Saiyid

The Trump EPA can't pull back a mercury dental amalgam rule that had already been scheduled for publication in the Federal Register without going through the notice and comment process, an environmental group said in a lawsuit challenging that decision (Nat. Res. Def. Council v. EPA, S.D.N.Y., No. 17-cv-00751, 2/1/17).

The Natural Resources Defense Council argued that the rule, which had been added to the Federal Register public inspection page on Jan. 19, amounted to a publication of the rule. The rule was scheduled for publication in the Jan. 24 edition of the Federal Register. The rule in question set federal effluent limits to regulate the 100,000 dental clinics that discard dental fillings containing mercury, a potent neurotoxin, into municipal sewer systems.

The nonprofit said the EPA's action to withdraw the rule from publication on Jan. 23 was a violation of the Administrative Procedure Act, which requires an agency to provide public notice and an opportunity to comment before repealing a final rule that has been published. It also was a violation of the Federal Register Act, which makes a rule final when it is made available for public inspection, NRDC Litigation Director Aaron Colangelo told Bloomberg BNA Feb. 1.

The lawsuit, filed in the U.S. District Court for the Southern District of New York, comes after President Donald Trump took office, and White House Chief of Staff Reince Priebus issued a memo requiring federal agencies to withdraw any rules that had been signed, but not yet published.

Only EPA Rule Scheduled for Publication

In fact, the dental amalgam rule is the only EPA rule that was scheduled to be published in the Jan. 24 Federal Register, but it never was because of the White House directive.

“Once the rule is posted for final publication, the rest is a matter of typesettting it,” said Colangelo. “The EPA mercury effluent rule was final and adopted by the agency. The Trump administration can’t rescind the rule without going through notice and comment as required by the Administrative Procedure Act.”

The APA, which governs how federal agencies set and propose rules, requires public notice and comment before a rule can either be issued in final form or repealed.

More importantly, Colangelo said the Federal Register Act states explicitly that a document isn’t valid until it has been filed with the Office of Federal Register and a copy made available for public inspection. “The EPA did both in this case,” he added.

The EPA didn’t respond when it asked whether it did indeed withdraw the rule. The National Association of Clean Water Agencies, which represents publicly owned wastewater treatment plants, didn’t have an immediate comment on the lawsuit either.

EU Ready to Lead on Climate if U.S. Backtracks: Official

Posted February 01, 2017, 03:52 P.M. ET

By Stephen Gardner

The European Union is on track to meet its 2020 decarbonization goals and is ready to “assume global leadership” in case the U.S. under President Donald Trump backtracks on its emissions-reduction commitments, the EU’s top energy official said Feb. 1.

Maros Sefcovic, European Commission vice president for Energy Union, said it was “not easy to follow the pace of developments in the United States,” but “based on the recent announcements we have heard, of course we are concerned” about the direction the Trump administration’s climate policy might take.

“Some of the actions that have been announced” in the U.S., “might lead to the situation where Europe would have to assume—and we are ready for that—global leadership in the fight against climate change,” he added.

The EU favors reducing carbon emissions not only for environmental reasons, but also because it “makes very strong business sense; we really can modernize the whole economy,” Sefcovic said.

In addition, the EU has a “positively developing relationship with China” in areas such as emissions trading to cap and reduce greenhouse gas emissions, he said.

Progress Report

Sefcovic was speaking on the commission’s publication of a report to the European Parliament and EU member countries on progress toward the bloc’s decarbonization goals.

According to the report, EU greenhouse gas emissions in 2015 were down 22 percent from 1990 compared to a legally binding target to reduce emissions by 20 percent by 2020. The EU also is on track to beat targets for 2020 for renewable sources to provide 20 percent of final energy consumption and for energy consumption to fall to levels that would represent a 20 percent energy

efficiency gain.

According to Sefcovic, the EU would have to spend 387 billion euros ($417 billion) a year after 2020 to meet additional goals by 2030 of a 40-percent reduction in greenhouse gas emissions compared to 1990, a 27 percent share for renewables in consumed energy, and a 27 percent energy efficiency saving.

He cautioned EU countries against spending on fossil fuel energy infrastructure that could become redundant. “We need to invest smartly” because “traditional” investment would lead to a “huge overcapacity,” he said.

Despite progress, “the EU’s current energy plans don’t come close to the scale of action needed to meet the threat of climate change,” said Sebastian Mang, a policy adviser with Greenpeace.

The bloc should “accelerate its move to 100 percent renewable energy, and it must scrap subsidies for fossil fuels,” Mang said.

Dakota Access Oil Pipeline Nears Final Permit, Lawmakers Say

Posted February 01, 2017, 9:32 A.M. ET

By Ari Natter

Energy Transfer Partners LP may be close to getting the permit it needs to finish the Dakota Access oil pipeline, a project that became a flash point for environmentalists but a symbol of President Donald Trump’s pledge to jump start energy infrastructure.

Just a week after Trump signed a memo directing the Army to expedite the line’s approval, North Dakota Sen. John Hoeven (R) said Jan. 31 that the Army Corps of Engineers had been directed to move forward with the easement necessary to build the final leg of the $3.8 billion crude oil line under North Dakota’s Lake Oahe.

“Essentially where we are at is the White House has done whatever review they needed to do and they have directed the (acting) Secretary of the Army Robert Speer to go ahead with the easement,” Hoeven said in a telephone interview. “They will do that in the next few days.”

The decision would follow months of protests that have stalled construction on the last leg of the 1,172-mile (1,886-kilometer) project. Environmentalists warn it will endanger water supplies and Native Americans say it will damage culturally significant sites. But Trump vowed during his campaign to speed reviews of energy projects and ordered his administration in his first days in office to expedite the Dakota line as well as the Keystone XL line connecting the Canadian oil sands with refineries on the Gulf of Mexico.

The rest of the line will be built with “the necessary safety features to protect” the Standing Rock Sioux tribe and others that have fought against its construction, Hoeven said in a statement.

The tribe said Jan. 31 that it will challenge any suspension of the federal environmental review that was being conducted on the Dakota Access line. Abandoning the review would “amount to a wholly unexplained and arbitrary change based on the president’s personal views,” the tribe said in an e-mailed statement.

No Notice

The tribe said it hadn't received a notice that an environmental review had been suspended.

"The Army Corps lacks statutory authority" to stop the review and issue an easement, the tribe said. "The Corps must review the presidential memorandum, notify Congress, and actually grant the easement."

The Army Corps and Energy Transfer didn't respond to requests for comment after regular business hours. Rep. Kevin Cramer (R-N.D.) said in a statement Jan. 31that the Army Corps had notified Congress of its plan to grant the easement.

"President Trump has proven to be a man of action and I am grateful for his commitment to this," Cramer said.

Trump owned as much as $1 million in Energy Transfer Partners LP shares, according to his federal candidate disclosures in 2015. He has since sold those shares, Hope Hicks, a White House spokeswoman, said in December when she was with the transition team. Trump's pick for energy secretary, former Texas Gov. Rick Perry, served on the board of the company but resigned Dec. 31, according to his ethics statements.

The Dakota Access line would give oil explorers in the prolific Bakken shale formation a new route to markets, allowing them to forgo more costly rail shipments that have been a backstop when existing pipes fill up. With a capacity of about 470,000 barrels a day, Dakota Access would ship about half of current Bakken crude production to the Midwest and Gulf Coast.

Hoeven said that Vice President Mike Pence on Jan. 31 agreed to "push this forward" after the pair discussed the issue during the Senate Republican Caucus meeting which they both attended. Hoeven also spoke with Speer.

—With assistance from Meenal Vamburkar and Jennifer A. Dlouhy.

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Chesapeake Bay Improvement on Track, Group Says

Posted February 01, 2017, 02:14 P.M. ET

By Leslie A. Pappas

The Chesapeake Bay watershed's health continues to improve and is even ahead of schedule in several areas, a regional partnership dedicated to the restoration of the largest U.S. estuary said Feb. 1.

Oysters in some tributary beds surpassed weight and density targets, blue crabs are abundant and the regrowth of underwater grasses is two years ahead of schedule, the Chesapeake Bay Program said in its annual report, "Bay Barometer: Health and Restoration in the Chesapeake Bay (2015-2016)."

"As a whole, we're seeing many of the indicators moving in a very positive direction," program director Nick DiPasquale told reporters in a conference call. The program is a regional partnership

of federal, state and local governments, academic institutions, citizen groups and non-governmental organizations focused on restoring the bay.

DiPasquale said the program has reached "and in some cases surpassed" the halfway mark towards goals laid out in the Chesapeake Bay Watershed Agreement, the partnership's 2014 plan for restoring the bay.

The bay met its 2017 interim targets in a "pollution diet" towards cleaner water, achieving 31 percent of nitrogen reductions, 81 percent of the phosphorus reductions and 48 percent of sediment reductions necessary to meet long-term clean water goals, the report found.

'Statistically Significant' Signs

The data is in line with recent research from other groups, such as the Chesapeake Bay Foundation, a bay-focused environmental group, and the University of Maryland's Center for Environmental Science, which both found that the bay is making progress.

"The indicators show that what we're doing is working," Don Boesch, president of the University of Maryland's Center for Environmental Science, said during the call. "We're seeing clear, statistically-significant signs of improvement."

William C. Baker, president of the Chesapeake Bay Foundation, which gave the bay an overall health grade of C-minus in its most recent report, said during the call that the recovery is still gradual, and "if we don't keep up the work," it could easily move back in the wrong direction. The foundation's C-minus grade follows a D-plus in 2014.

Above Targets

The indicators in the Chesapeake Bay Program's report showed several areas at or above targets:

• Underwater grasses: 92,315 acres in 2015, more than half the 185,000-acre goal;

• Black ducks: 51,332 spotted on average from 2013 to 2015, 51 percent of the 100,000-bird goal;

• Fish passage: 817 new stream miles added from 2012 to 2015, 82 percent of 1,000-mile goal;

• Blue crabs: females increased 92 percent from 2015 to 2016 to 194 million, 90 percent of 205 million goal;

• Protected lands: One million additional acres preserved since 2010, 50 percent of two million acres goal; and

• Oysters: restoration begun for habitats in six tributaries, progressing to goal of 10 tributaries by 2025.

Progress is slow, however, in efforts to preserve wetlands and forest buffers. The group found that 7,623 acres of wetlands were created or restored from 2010 to 2015, just 9 percent of 85,000-acre goal. And only 64 miles of forest buffers were planted from 2014 to 2015, just 7 percent of a 900-mile-per-year goal.

Utility Mercury Rule Settlement Possible Under Trump

Posted February 01, 2017, 01:33 P.M. ET

By Patrick Ambrosio

New leadership at the EPA could lead to a settlement in litigation over an Obama-era finding on the need to regulate mercury emissions from the power sector, states and industry organizations suggested in a court filing.

The state and industry petitioners, in a Jan. 31 motion, asked a federal appeals court to temporarily halt the latest round of litigation over the Environmental Protection Agency's 2012 Mercury and Air Toxics Standards to allow the Trump administration to evaluate the issue. The petitioners said a 45-day extension in briefing deadlines would allow the new administration to evaluate whether it can resolve any of the issues raised in the case, potentially through a settlement (Murray Energy Corp. v. EPA, D.C. Cir., No. 16-1127, motion filed 1/31/17).

At issue is an April 2016 supplemental finding (RIN:2060-AS76) reaffirming the EPA's determination that it is "appropriate and necessary" to regulate mercury and other hazardous pollutants from power plants. The EPA issued that finding in a response to a 2015 U.S. Supreme Court decision, which concluded that the agency erred when it failed to consider cost in its initial decision-making.

The "appropriate and necessary" finding is the threshold decision that led the EPA to set the Mercury and Air Toxics Standards, which the agency estimated the compliance cost for the power sector at $9.6 billion. The rule, which factored into the decision of some companies to invest in pollution controls or shutter coal-fired power plants, remains in place despite the Supreme Court's ruling in Michigan v. EPA.

Pruitt 'Walled Off' From Involvement

The utility mercury emissions case is one of the active lawsuits that Scott Pruitt, Trump's nominee to lead the EPA, brought against the agency while serving as Oklahoma attorney general. Pruitt, in a written response to questions posted by Senate Democrats, said he upon his nomination he was immediately "walled off" from involvement in legal action Oklahoma is pursuing involving the EPA.

Several Democratic senators questioned whether Pruitt would recuse himself from involvement as EPA administrator in any litigation he previously brought against the agency. Pruitt said he would recuse himself from participation in those cases, unless he received consent from Oklahoma and permission from federal ethics officials to be involved.

If Pruitt were to recuse himself from any decision-making related to litigation brought by Oklahoma during his tenure as attorney general, current EPA policy would allow the agency's deputy administrator to step in on an acting capacity to make any necessary decisions, according to Pruitt's answers.

Slashing EPA Budget Could Hurt Industry, Says Ex-House Staffer

Posted February 01, 2017, 03:29 P.M. ET

By Tiffany Stecker

Agriculture's congressional allies will need to think twice about cutting EPA's budget to ensure money continues to programs such as pesticide regulation, a former top congressional staffer said Feb. 1.

John Goldberg, former science adviser for the House Agriculture Committee who recently formed his own consulting shop, said at a panel that Republicans in Congress may need to scale back on the mantra to defund the EPA under President Donald Trump to make sure that money flows to those programs.

"Simply cutting the EPA budget is not the answer to better government," he said at a panel at the National Association of State Departments of Agriculture winter policy conference.

Goldberg singled out the agency's pesticide office, which registers pest killers for use and oversees the language on labels to ensure that pesticides are used safely. These programs operate differently than regulatory programs, where EPA directives to implement the Clean Air Act, the Clean Water Act and other statutes have triggered conflict with state agencies.

"[Industry has] to communicate the new message to the Hill," added Goldberg, who left the Agriculture Committee after 22 years last year to form Science Based Strategies. "There is an opportunity for better regulations rather than releasing the regulatory bulldogs."

Myron Ebell, the former head of the Trump transition team for the EPA, said in an interview last week he favors cutting $1 billion from the agency's roughly $8 billion budget and whittling down the workforce from 15,000 employees to about 5,000 employees. Don Benton, a senior White House adviser currently overseeing the agency's transition, said in an e-mail to employees this week that "no final decisions have been made with regard to the EPA."

The White House has not yet announced a date for the fiscal year 2018 budget proposal, which will indicate the administration's spending priorities for next year.

The new administration will offer a chance for the federal government and states to work jointly on managing environmental issues, said Alexandra Dapolito Dunn, executive director of the Environmental Council of the States. This includes implementation of the revised Toxic Substances Control Act, which, for the first time, authorizes the EPA to share companies' confidential business information with states, tribes, emergency responders and public health officials provided they agreed to safeguard it. "That's what we've been trying to work on with EPA for a long, long time," said Dunn, who also spoke on the panel representing the coalition of state environmental agencies. "Give us room, give us space to make decisions."

More Scrutiny Needed for Alaska Mining Project, Lawmaker Says

Posted February 01, 2017, 02:24 P.M. ET

By Steve Quinn

An Alaska state lawmaker wants the Legislature to have final approval over whether a sulfide mine should be permitted in Southwest Alaska, home to the Bristol Bay Fisheries Reserve and one of the world's largest sockeye runs.

On Jan. 31, House Rep. Andy Josephson's (D) HB 14 received its first hearing in the House Special Committee on Fisheries. Nothing further has been scheduled.

What ensued were the predictable, long-standing battle lines drawn over whether the Pebble prospect, a massive open pit gold, copper and molybdenum mine, should get built.

Opponents say the project, which has not been permitted yet, presents a danger to the world-class fisheries. They cited a Canadian mine's tailings dam breach more than two years ago as potential risks and say more protections such as HB 14 are needed.

Pebble Partnership Ltd., owned by Northern Dynasty Minerals Ltd., and its supporters contend mining and fishing can co-exist, adding that the project deserves a chance to advance to the permitting stage. The new Trump administration is widely expected to give mine's prospects a boost on the federal side.

Building on Ballot Initiative

Although the bill does not specifically mention Pebble, the project fits HB 14's general description of a "large-scale metallic sulfide mine."

Josephson's bill builds on a 2014 ballot initiative backed by two-thirds of the voters, which affords the Legislature the final word on Pebble Mine or other large-scale projects pursued in the fisheries reserve.

But his bill calls for the Legislature to have more than just the final word at the end. Josephson wants three state commissioners to find "beyond a reasonable doubt" the mine presents no danger to the fisheries.

"We can be the bulwark," Josephson told the committee. "It's going to rest on our shoulders, not the federal government's, to protect this great fishery. This is the most important environmental fisheries decision in Alaska's history."

Question of Constitutionality

Deantha Crockett, executive director for the Alaska Miners Association, spoke out against the bill.

Crockett said the industry believes the initiative and, with that, the bill is unconstitutional.

"It violates separation of powers doctrine, which specifies the Legislature enacts laws and the executive branch implements and execute laws," Crockett told the committee. "This process is called a legislative veto and the Alaska Supreme Court has repeatedly said that a legislative veto is unconstitutional."

In September 2014, the Pebble Partnership sued the Environmental Protection Agency to keep the EPA from invoking a rare provision that would significantly limit the project in Bristol Bay. In November 2014, a U.S. district judge told the EPA to halt work on a prospective project veto until it could fully review the case.

Trump's Mexico Feud May Send Natural Gas to $2 If Exports End

Posted February 01, 2017, 9:11 A.M. ET

By Naureen S. Malik

Natural gas prices in the U.S. may tumble about 40 percent if President Donald Trump's feud with Mexico turns into an all-out trade war.

Prices could slide to $2 per million British thermal units or lower if U.S. gas exports to Mexico by pipeline are halted, according to Tudor Pickering Holt & Co. and Again Capital LLC. While analysts with those companies don't anticipate a complete cutoff, they're watching closely for signs of disruption to the shipments, which accounted for as much as 5 percent of U.S. production of the fuel last year.

Trump's push to impose a 20 percent tax on imports from Mexico to pay for a border wall is threatening to reverse a shift toward stronger alliances between the U.S. and its southern neighbor. The nations' economies have become increasingly intertwined as crude oil and gas from U.S. shale basins flow south to feed power plants and factories in newly-deregulated Mexican energy markets.

"You could easily talk about dropping to the $2 area for sure or below that," John Kilduff, partner at Again Capital LLC in New York, said in a telephone interview Monday. He sees a 40 percent chance of a trade war occurring.

The U.S. is sending a record amount of gas south of the border, with exports via pipeline topping 4 billion cubic feet a day in August through October, based on the most recent data from the U.S. Energy Information Administration. Mexico also became the largest importer of liquefied natural gas from its northern neighbor, receiving eleven cargoes from Cheniere Energy Inc.'s Sabine Pass terminal in Louisiana since early August, according to ship tracking data compiled by Bloomberg.

The energy links between the countries are poised to deepen, with pipeline flows set to rise by almost a billion cubic feet a day this year, Alex Tertzakian, an analyst with Energy Aspects Ltd. in London, said by e-mail Jan. 30. Pipeline projects including Energy Transfer Partners LP's San Elizario Crossing are seen boosting export capacity by 4 billion cubic feet a day in the first half of the year.

Even without a trade war, the Trump administration's promised overhaul of trade and economic ties could hurt the U.S. gas industry by slowing Mexico's gross domestic product growth, James Brick, principal analyst of North American gas with Wood Mackenzie Ltd. in Houston, said in a phone interview Tuesday.

U.S. gas prices would slide by about a dollar if all pipeline exports to Mexico are stopped, leaving the U.S. market awash in supply and forcing drillers to cut production, said Brandon Blossman, managing director at Tudor Pickering in Houston.

"It's certainly a question mark, but I don't think investors believe it will happen," Blossman said. "Exports going away would be a big surprise to the market. It would be a struggle to understand who would win if that trade didn't continue."

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VW Reaches $1.2 Billion Settlement Over Audi, Porsche Diesels

Posted February 01, 2017, 8:57 A.M. ET

By Kartikay Mehrotra

Volkswagen AG agreed to pay $1.2 billion to resolve U.S. consumer claims over tainted large diesel engines, adding to the carmaker's financial burden as it works through a pile of legal challenges

resulting from its emissions cheating.

The proposed settlement, with the Federal Trade Commission and drivers of about 78,000 diesel models with 3.0-liter engines, is Volkswagen's latest step in overcoming the biggest scandal in its history and brings the total cost of penalties, buybacks and fixes in North America so far to more than $23 billion. The deal covers VW Touaregs, several Audi models and Porsche Cayennes, according to filings in San Francisco federal court.

"We will continue to work to earn back the trust of all our stakeholders," Hinrich Woebcken, Volkswagen Group of America's chief executive officer, said in a statement. The agreement means that all customers with affected vehicles in the U.S. now have "a resolution available to them."

Volkswagen, the world's biggest carmaker, admitted in 2015 that about 11 million of its diesel cars were outfitted with software used to deceive emissions testers, sparking probes, lawsuits and recalls around the world. Costs resulting from the scandal so far have blown past the 18.2 billion euros ($19.6 billion) that the company has set aside to deal with the issue.

The total tally includes a $14.7 billion agreement reached last year to buy back cars with 2.0-liter diesel engines that carry the so-called defeat devices, and a $4.3 billion settlement of criminal and civil penalties in the U.S. agreed in January that requires the company to plead guilty to three felony counts. Volkswagen is also involved in investor lawsuits in the U.S. and in Germany related to how the emissions-test rigging affected the stock price, as well as consumer lawsuits and a criminal probe in Germany.

The latest settlement, filed just before midnight Jan. 31 in San Francisco, requires Volkswagen to repair or buy back vehicles, in addition to offering cash compensations. It includes the buyback of as many 20,000 cars with 3-liter engines, which comes on top of more than 500,000 diesel vehicles the company had previously agreed to repurchase or fix.

The deal finalizes terms that had already been agreed on in December, when the cost was estimated at about $1 billion. VW's burden will increase to as much as $4.04 billion if the repairs don't take place on time, according to the filing.

In a separate settlement, technology provider Robert Bosch GmbH agreed to pay $327.5 million over allegations that it played a role in developing VW's diesel cheating technology as early as the late 1990s.

U.S. District Judge Charles Breyer is scheduled to consider the proposed 3-liter settlement on Feb. 14. If he grants preliminary approval, car owners and others would be given a chance to comment on the agreement before it becomes final.

The case is In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, 15-02672, U.S. District Court, Northern District of California (San Francisco).

—With assistance from Christoph Rauwald and Karin Matussek.

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EU Specifies Worker Exposure Limits For 31 Substances

Posted February 01, 2017, 01:01 P.M. ET

By Stephen Gardner

European Union countries must specify new occupational exposure limits for 25 hazardous substances and review their limits for six substances for which workplace exposure thresholds have already been specified as part of a European Commission published a directive Feb. 1

The directive, published in the EU Official Journal, amends a 1998 EU law on the protection of workers from the effects of chemicals (Directive 98/24/EC). The directive marks the fourth time the 1998 law has been amended and brings the number of substances covered to about 140.

The exposure limit values for the 31 substances covered by the new directive are considered "indicative" and EU countries have some leeway to adopt higher or lower limits in line with their national laws. The directive requires EU countries to adopt their national limits for the substances by Aug. 21, 2018.

The commission, the EU's executive arm, said in a statement that the newly specified limits were based on independent scientific assessment and provide "employers, workers and enforcers with a common reference point on the maximum level of exposure to these chemicals allowed in the workplace."

The six substances already subject to EU indicative occupational exposure limit values are 1,4-dichlorobenzene, acetic acid, bisphenol A, calcium dihydroxide, lithium hydride and nitrogen monoxide. For these substances, the amending directive tightens the current indicative exposure limits.

According to the amending directive, EU countries can defer until 2023 adoption of new limit values for nitrogen monoxide and the newly-listed substances nitrogen dioxide and carbon monoxide in "underground mining and tunneling" because of lack of effective measuring technologies.

Ship Industry 'Nowhere Close' to Sustainable Recycling, Group Says

Posted February 01, 2017, 01:03 P.M. ET

By Stephen Gardner

Shipowners worldwide sent 862 large ocean-going vessels for scrapping in 2016, with 668 ending up in Bangladeshi, Indian or Pakistani yards, despite international efforts to restrict unsafe ship breaking, according to figures the NGO Shipbreaking Platform published Feb. 1.

German and Greek shipowners were among the "worst global dumpers" of old ships, the coalition said. Of 100 German-owned ships sold for scrap in 2016, 98 were beached in south Asia, as were 104 of 113 obsolete Greek-owned vessels, according to the data.

Patrizia Heidegger, executive director of the NGO Shipbreaking Platform, said the figures showed that the "shipping industry is nowhere close to ensuring sustainable ship recycling practices."

The South Asian beaching yards where most European Union end-of-life ships end up "are not only well-known for their failure to respect international environmental protection standards, but also for their disrespect of fundamental labor rights and international waste trade law," Heidegger said.

The coalition highlighted an accident at Gadani breaking yard, near Karachi, Pakistan, in which a series of explosions Nov. 1, 2016, killed more than 20 workers who were dismantling an oil tanker. Another fire Jan. 10, 2017, at Gadani killed five more workers.

Ship Recycling Regulation

Under the 2013 EU Ship Recycling Regulation ((EU) No. 1257/2013),obsolete vessels bearing the flags of member countries should be broken up only in approved yards that meet minimum environmental and worker safety standards. The European Commission, the EU's executive arm, published a first list of approved yards last December.

That list only covered yards in the EU. The commission will publish a follow-up list of non-EU yards during 2017.

NGO Shipbreaking Platform spokesman Nicola Mulinaris told Bloomberg BNA Feb. 1 that the EU list of approved recycling facilities "will function as an important market differentiator for yards that have already invested in proper occupational health, safety and environmental standards."

EU shipowners, however, could still find it "very easy to circumvent the ship recycling regulation by simply using non-EU flags or by flagging out to a non-EU ship registry," Mulinaris said.

Trump Memo Spurs New Industry Push for EPA Permitting Changes

Posted February 01, 2017, 8:00 A.M. ET

By Patrick Ambrosio

Manufacturers hope President Donald Trump's call to expedite permitting for new projects will galvanize the EPA and state environmental regulators to speed up their permit review processes and pursue broader revisions to underlying regulations.

Trump's Jan. 24 presidential memorandum doesn't contain specific policy changes, but rather instructs the Commerce Department to coordinate with the EPA and other agencies to develop a "Permit Streamlining Action Plan" that recommends policy and procedural changes that will boost domestic manufacturing. Despite the lack of details, a pair of industry trade organizations that have long sought changes to the EPA's regulation of the manufacturing sector are optimistic that the new administration can help ease the process of obtaining air and water permits.

The Trump memo could cover a number of environmental permits that manufacturing facilities must obtain, according to Michael Walls, vice president of regulatory and technical affairs at the American Chemistry Council. Those include Title V operating permits and New Source Review permits issued under the Clean Air Act, as well as National Pollutant Discharge Elimination System permits issued under the Clean Water Act.

The manufacturing sector has highlighted regulatory requirements, including delays in the processing of necessary permits, as a barrier to investment in domestic manufacturing projects. Greg Bertelsen, senior director for energy and resources at the National Association of Manufacturers, told Bloomberg BNA that the Trump memo is "right in line" with that organization's message on environmental regulations for the past several years.

Trump Priority

Jon Sohn, an environmental and natural resources attorney at Dentons in Washington, D.C., said there are a range of issues that can make the permitting process take longer than industry would like. The Trump administration, however, will have to make the process more efficient and credible in a way that doesn't circumvent the public's right to engage on projects in their community, Sohn told Bloomberg BNA.

"Figuring out how to get that done is clearly a priority of President Trump," Sohn said. "They're going to have to find a way to do that that respects and values the environment."

The memo, which calls on federal agencies to submit to the White House within 120 days a plan with recommendations to streamline permitting and ease regulation on the manufacturing sector, is consistent with Trump campaign promises to reduce regulations as part of an economic agenda to drive job growth. The president followed up the memo on streamlining permitting and reducing regulatory burdens on manufacturing with a Jan. 30 executive order requiring agencies to identify two existing regulations for elimination for every new regulation issued.

In addition to the order instructing the removal of regulatory burdens on manufacturing, a Trump executive order to speed up environmental reviews for pipelines, highways and other infrastructure projects could benefit manufacturers, Walls said.

"I think it's appropriate to look at those two memos together," Walls said. "New investment in our industry is dependent on new infrastructure."

But Sohn added that any list of credible recommendations on permitting will have to include a "frank discussion" on the capacity of the agencies to do the work faster in light of diminishing budgets in recent years, both on the state and federal levels.

"In my view, the wrong direction would be to set up very draconian timelines without corresponding budget and capacity support to the EPA and their state partners," Sohn said.

Permitting Run by States

The Trump administration won't be able to simply order the EPA to issue permits faster because most environmental permitting programs are run by state regulators, with the federal government playing an oversight role. While there are some actions the federal government could take in the short term to expedite permitting, such as revising the process for reviewing state permit decisions, changing the underlying environmental regulations governing the manufacturing sector would take time.

"I think [Trump] appears to have good intentions, but EPA doesn't directly issue most of the permits," said Brian Potts, a partner at Perkins Coie LLP in Madison. "I always tell clients that the wheel of justice moves slowly. ... The wheels of administrative agencies move even more slowly."

Potts, whose practice focuses on environment and energy issues, said the process to amend any EPA rules to ease permitting requirements, which states then would have to incorporate into their own rules, could take years. In addition, potential administrative changes to other regulations affecting the manufacturing sector, such as Clean Air Act regulations on the utility sector, won't be made quickly because they would be subject to rulemaking requirements under the Administrative Procedure Act, Potts said.

Opposition Likely

Potential changes to the underlying regulations, as well as any push to change the Clean Air Act and other environmental laws, will likely face fierce opposition from environmental watchdog groups, which have said they'll oppose any effort by Trump or Oklahoma Attorney General Scott Pruitt, the nominee to head the EPA, to weaken environmental protections.

Eric Schaeffer, director of the Environmental Integrity Project, told Bloomberg BNA that state regulators already process most environmental permits quickly. Schaeffer served as director of the EPA's Office of Civil Enforcement before leaving the agency in 2002 to co-found the Environmental Integrity Project.

"Most permits go through pretty quickly if the states want them to go through quickly," Schaeffer said. "Where they get held up sometimes is if there is a lot of local opposition" to a project.

The Trump memo indicates that to the extent the EPA reviews a permit, the goal of the agency should be to expedite its processing, he added.

"They're sending a message to grease the permits through," Schaeffer said. "Our take on that is: You want a fast permit? Do what the law says you're supposed to do."

Schaeffer said environmental advocates will continue to exercise their right to challenge permit decisions in the courts, but acknowledged that it is "impossible to keep up" with all the permits that are issued.

Quicker Decisions a 'Simple Reform'

While states take the lead on most environmental permitting issues, there are several steps the federal government can take to speed up the process, attorneys said. In the short term, federal agencies could prioritize permitting programs and reallocate resources to those activities.

Besides air and water permits processed on the state level, there are some permits that the federal government processes. The EPA is the lead permitting agency in some areas, mostly on tribal lands, while the U.S. Army Corps of Engineers reviews wetlands permits issued under Section 404 of the Clean Water Act.

The EPA often defers making controversial decisions on permits and instead puts things on hold, according to Jeffrey Holmstead, who served as assistant EPA administrator for air and radiation under President George W. Bush. Holmstead, now a partner at Bracewell LLP in Washington, D.C., who focuses on energy and environmental issues, told Bloomberg BNA that sometimes his main job in helping a client through the permitting process is to "hound the agency" to get a decision made.

Making more timely decisions is a "simple reform" that could be implemented fairly quickly because it doesn't require any regulatory changes, Holmstead said.

Modeling Requirements Could Be Eased

One area that Holmstead identified for improvement is the EPA's oversight of air quality modeling requirements under the New Source Review permitting program. That program requires manufacturing facilities, power plants and other stationary sources of air pollution to obtain a permit before construction begins.

To obtain a New Source Review permit, an applicant must demonstrate that emissions from the project won't contribute to a violation of federal air pollution standards for ozone and other pollutants. Holmstead said the modeling is "very case-specific" and can be slowed by the EPA's need to approve the modeling evaluations.

"In many cases, this is what holds up the project more than anything else," he said.

In a January Environmental Law Institute article he co-authored, Holmstead argued that the EPA's current modeling guidance "substantially overstates" the air quality effects of potential new pollution sources and recommended adopting a probabalistic modeling approach that reflects variability in emissions, weather and background.

Several attorneys noted that the EPA under President George W. Bush sought to change the New Source Review program to ease requirements on power plants, refineries and other industrial facilities by exempting routine maintenance projects from the permitting review. But the U.S. Court of Appeals for the District of Columbia struck that rule down in 2006 (New York v. EPA, 443 F.3d 880, 61 ERC 2133 (D.C. Cir., 2006)).

Changes to Objection, Review Processes

Another area the Trump administration could target in an effort to expedite environmental permitting is the objection process under the Title V operating permit program. Title V of the Clean Air Act allows the public to petition the EPA administrator seeking an objection to Clean Air Act operating permits issued by state permitting authorities.

Environmental advocates, including the Environmental Integrity Project, filed 34 permit objection petitions in 2016, according to the EPA's Title V petition database. The agency is supposed to issue a decision on Title V permit objection petitions within 60 days, but frequently takes longer.

"That might be something you could see the Trump administration try to speed up," Sohn of Dentons said.

Attorneys also identified the Environmental Appeals Board's processes for reviewing certain types of permitting decisions as a candidate for changes under the Trump administration. Permit applicants and other interested parties can petition the board, a panel of independent judges, to appeal permit decisions from EPA regional officials and some state permitting authorities. There is "no reason" the Environmental Appeals Board has to be involved in the permitting process and suggested that EPA leadership could easily alter the process, Holmstead said.

Guidance, Rulemaking Options

In addition to internal EPA process changes, the Trump administration could issue new guidance and regulations to allow for the faster processing of environmental permits at the state level.

For example, the EPA could clarify requirements under the National Pollutant Discharge Elimination System water pollution permitting program, according to Fredric Andes, a partner at Barnes and Thornburg LLP with offices in Washington, D.C., and Chicago. One area that produces some uncertainty and confusion in the Clean Water Act permitting process is antidegredation, the protection of water bodies that meet water quality standards to avoid backsliding, Andes told Bloomberg BNA.

Additional guidance, as well as possible regulatory changes, might be needed to address water

permitting for new manufacturing plants built near bodies of water deemed impaired, Andes said. That's due to a 2007 court decision that rejected a water pollution permit for an Arizona copper mining project because the permit would have allowed copper discharges into an river that didn't meet water quality standards (Friends of Pinto Creek v. EPA, 504 F.3d 1007, 65 ERC 1289, 2007 BL 118648 (9th Cir. 2007)).

Andes said the EPA hasn't clarified how that ruling affects the ability of new plants to obtain a permit for discharges into an impaired body of water, even if the discharge from that facility is small. The issue hasn't been a priority for the agency because there haven't been many new plants built in the U.S. since the 2007 decision.

"EPA may need to think about not only guidance, but changing the rules that were interpreted in that case," Andes said. "It just hasn't been a priority issue because ... there simply hasn't been a pressing need."

Industry Prepping Recommendations

The agencies tasked with developing the permitting plan can expect to hear a variety of suggestions from industry during the outreach period. Walls of the American Chemistry Council said the agencies' outreach effort will allow for industry to identify specific barriers and concerns to expansion projects.

When asked for the types of regulatory changes that the Trump administration could take to boost manufacturing, Walls identified implementation of more stringent federal ozone standards set in 2015 as an area of focus. The ACC and other industry groups have opposed the standards, which parts of at least 22 states are unlikely to meet. A failure to attain the ozone standards would mean additional pollution control and permitting requirements in areas ranging from big metropolitan areas like Los Angeles to the rural, but oil-and gas-rich Uinta Basin in Utah.

As part of this permitting and regulatory burden memo, the EPA could ease the implementation schedule for the ozone standards, which calls for decisions on what areas do and don't meet the standards by Oct. 1, Walls said.

Bertelsen of the National Association of Manufacturers also identified the ozone standards as an area where the Trump administration could focus. Besides issuing more timely guidance to states on how to implement permitting under the ozone standards, the EPA also could revoke the less-stringent 2008 ozone standards to ease requirements on states and manufacturers.

Industry advocates are eyeing Congress as a potential avenue to ease compliance with the 2015 ozone standards. Congressional Republicans have shown an appetite for rolling back Obama-era environmental rules early in the 115th Congress: The House is scheduled to vote this week on a pair of resolutions to disapprove of Obama-era rules on methane emissions and coal mining waste. The Congressional Review Act allows Congress to consider resolutions of disapproval on recently issued regulations under expedited floor procedures in the Senate.

While environmental advocates have pledged to fight back against efforts to weaken the Clean Air Act, Holmstead of Bracewell said he's optimistic that there may be an opportunity for Congress to act on environmental issues. Holmstead noted that there are a number of Senate Democrats up for re-election in 2018 in states that Trump won in the 2016 election.

"I think there's an opportunity for sensible statutory reform with these sorts of things," Holmstead said.

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Daily Environment Report for EPA

To: ORD-OSA[ord-osa@epa.gov]
From: Anand Mudambi
Sent: Wed 2/1/2017 9:21:46 PM
Subject: FW: Agency Training on Peer Review Policies and Procedures
Peer Review Training Modules.docx

FYI

From: Gentry, Nathan **On Behalf Of** Kavlock, Robert
Sent: Wednesday, February 01, 2017 2:30 PM
To: Assistant Administrators <Assistant_Administrators@epa.gov>; DAA <DAA@epa.gov>; Regional Administrators <Regional_Administrators@epa.gov>; DRA <DRA@epa.gov>
Cc: STPC Members <STPC_Members@epa.gov>; STPC_SSP <STPC_SSP@epa.gov>
Subject: Agency Training on Peer Review Policies and Procedures

SUBJECT: Agency Training on Peer Review Policies and Procedures

FROM: Robert J. Kavlock

EPA Science Advisor

TO: Assistant Administrators, Deputy Assistant Administrators, Regional Administrators, and Deputy Regional Administrators

I would like to thank you and your staff for assisting in the development of two important training modules on peer review at EPA:

1) *Peer Review at EPA: Essentials*: A brief course geared towards EPA managers and others interested in an overview of peer review at EPA, and

2) *Peer Review at EPA: Using the Agency Handbook*: A course designed for staff involved in or supporting peer review processes at the Agency

Peer review is a fundamental aspect of developing the sound and defensible scientific and technical work products that support Agency decisions. In 2015, the Acting Deputy Administrator released the revised 4th edition of the Peer Review Handbook to the Agency. To accompany its release, the Peer Review Advisory Group (under the Science and Technology Policy Council), with support from the Office of the Science Advisor, developed two training courses for EPA employees that have been presented both as webinars and in-person trainings. These courses have now been converted to training modules that can be accessed by all EPA employees via EPA's eLearning Portal. A brief description of the modules, along with their intended audience, is attached.

Please encourage managers and staff within your organization to take advantage of these training courses.

cc: STPC Members

STPC Scientific Support Panel Members

Attachment

Peer Review Training Modules

The following two training modules for EPA employees on the *Peer Review Handbook, 4th Edition* are available on EPA's e-Learning Portal:

- *Peer Review at EPA: Essentials* (short course geared towards EPA managers)
- *Peer Review at EPA: Using the Agency handbook* (for peer review coordinators, project managers, and other staff involved in or supporting peer review processes at the Agency)

A brief description of the training modules and guidance on which employees will benefit from taking them and instructions on accessing the training are given below.

Peer Review at EPA: Essentials

Topics covered:

- Overview of the EPA peer review process
- Updates to the *Peer Review Handbook, 4th Edition*
- Management and staff roles
- Determining if a product needs peer review
- Important Management roles in the peer review process

Appropriate for:

- Managers who have, or who have been delegated, decision-maker responsibilities for peer reviews for their organization (while Assistant and Regional Administrators are responsible for making peer review decisions that are specific to their office, these responsibilities may be delegated to others within their organization)

  Note: Decision-maker responsibilities include approving work product categories (*e.g.*, influential work products), ensuring sufficient funding is available for peer reviews, and ensuring relevant peer review comments are addressed and documented.

Peer Review at EPA: Using the Agency Handbook

Topics covered:

- How to use the *EPA Peer Review Handbook, 4th Edition* (including major changes that have been made to the 4th Edition)
- General peer review concepts at EPA
- Roles and responsibilities of staff and management in peer review
- Guidance on planning, conducting, and documenting a peer review

Appropriate for:

- Peer Review Coordinators, Peer Review Leaders, and anyone who is involved in planning, conducting, and documenting peer reviews
- Managers who directly supervise employees who conduct peer reviews

To Access the Training:

-Log in to the EPA eLearning Portal, click on the Science and Engineering emblem, click on the Peer Review tab on the left side of the screen.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 2/1/2017 9:28:20 PM
Subject: February 1 -- E&E News PM is ready

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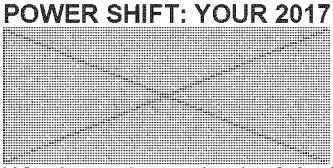

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E&E NEWS PM — Wed., February 1, 2017

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Senate confirms Tillerson as secretary of State

The Senate today approved the nomination of Rex Tillerson to be President Trump's secretary of State, filling a key seat on the Republican's foreign policy team despite partisan rancor over recent executive action on immigration.

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TVA president on the future of coal, nuclear and carbon policy under the Trump administration

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To: [redacted] Ex. 6
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Hawkins, CherylA
Sent: Wed 2/1/2017 10:10:56 PM
Subject: Follow-up on a SCI item
20150721-15-p-0221.pdf

Hi Ex. 6

I'm on-detail to the Scientific Integrity Program. I've been asked to follow-up with you on an item you brought to Francesca Grifo's attention back in June of 2015.

You had emailed her about a draft OIG report in which they sampled, with help from the USGS, some Brownfields and RCRA sites in Regions 4 and 6. I've attached a copy of the final report which came out about a month after you contacted Francesca. You were specifically concerned, I believe, about the QA/QC of their sampling and data use.

In the final report, there is a memo from Regions 4 and 6 to the OIG in which they point out their concerns with the sampling protocols the OIG used. In the "Summary of Agency Response to Draft Report and OIG Evaluation" section of the final report, the Regions expressed their disagreement about the OIG's recommendations 2 and 3 due to the OIG not using correct QA/QC protocols during the sampling is mentioned. With regard to Recommendations 2 and 3, the OIG goes on to say that they thought the Regions "meet the intent of" the Recommendations since they assessed the "usefulness of the OIG data and whether any action should be taken."

From a conversation we've had with the OIG, we understand that there were few discussions between the Regions and the OIG about this report.

[redacted] Ex. 6

If you would prefer to discuss this by phone, you can reach me at 202-564-7307. I will be in the

office Thursday, February 2nd but out on Friday, February 3rd.

Thank you,

Cheryl A. Hawkins, Ph.D.

US EPA/ORD/Office of the Science Advisor (on Detail)

RRB 41235

(202)564-7307

hawkins.cheryla@epa.gov

U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

Cleaning Up Communities

Independent Environmental Sampling Shows Some Properties Designated by EPA as Available for Use Had Some Contamination

Project No. 15-P-0221 **July 21, 2015**

Scan this mobile code to learn more about the EPA OIG.

ED_001292B_00002505-00001

This is one of the U.S. Environmental Protection Agency Office of Inspector General's products related to assessing the EPA's designations of sites with former or current contamination as being "ready for anticipated use." For details on related reports, go to:

http://www.epa.gov/oig/reports/2014/20140929-14-P-0364.pdf
http://www.epa.gov/oig/reports/2014/20140926-14-N-0360.pdf

Report Contributors:

Christina Lovingood
Patrick Milligan
Kathryn Hess
Natasha-Ahsaki Henry
Bakari Baker

Abbreviations

EPA	U.S. Environmental Protection Agency
ICP	Inductively Coupled Plasma
OIG	Office of Inspector General
RAU	Ready for Anticipated Use
RCRA CA	Resource Conservation and Recovery Act Corrective Action
XRF	X-ray fluorescence

Cover photo: North 22nd Street Mixed Use Site, Tampa, Florida, in April 2013. Vacant lot is within a residential neighborhood. (EPA OIG photo)

Are you aware of fraud, waste or abuse in an EPA program?

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(202) 566-2599 (fax)
OIG_Hotline@epa.gov

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U.S. Environmental Protection Agency
Office of Inspector General

15-P-0221
July 21, 2015

At a Glance

Why We Did This Review

We sampled sites that were designated ready for reuse to determine whether the U.S. Environmental Protection Agency's (EPA's) data supporting the designations were accurate. The sampling results reported here were used to support two prior Office of Inspector General (OIG) reports: (1) *EPA Needs to Improve Its Process for Accurately Designating Land as Clean and Protective for Reuse*, which assessed the EPA's designations of sites with former or current contamination; and (2) *Hyperspectral Imaging Can Be a Useful Evaluation Tool for Office of Inspector General Reviews Focused on Contaminated Land*, which identified the usefulness of a tool to identify certain conditions at contaminated sites. The complete sampling results are reported here for the first time.

This report addresses the following EPA goal or cross-agency strategy:

- *Cleaning up communities and advancing sustainable development.*

Send all inquiries to our public affairs office at (202) 566-2391 or visit www.epa.gov/oig.

The full report is at:
www.epa.gov/oig/reports/2015/20150721-15-P-0221.pdf

Independent Environmental Sampling Shows Some Properties Designated by EPA as Available for Use Had Some Contamination

What We Found

The EPA OIG, in collaboration with scientists from the U.S. Geological Survey, conducted soil sampling at 21 Brownfields and Resource Conservation and Recovery Act Corrective Action sites in Florida and South Carolina (both in EPA Region 4) and in Louisiana and Texas (both in EPA Region 6). The OIG soil sample results are not EPA-validated data, but are considered screening-level data.

Some OIG sampling results showed contamination was still present at sites designated by the EPA as ready for reuse. This was unexpected and could signal a need to implement changes to ensure human health protection.

Most results of the soil samples we collected from sites that had been designated by the EPA as "ready for anticipated use" met the standards to protect human health. However, unexpectedly, some results showed contamination was present. Specifically, and commendably, 241 results, or 95 percent, met standards, while 14 results, or 5 percent, did not meet standards. We did not expect soil samples at sites designated by EPA as ready for reuse to have the contamination our sampling detected. The contamination detected could result in the need to remove the sites' designations as ready for reuse or other actions to ensure the sites are safe for humans. The OIG soil results that did not meet health standards need to be evaluated by the regions in the context of other site-specific information to determine whether changes in site designations or other actions need to be completed to ensure site protectiveness.

Recommendations and Agency Corrective Actions

We recommend that EPA Regions 4 and 6 add the information in this report to the appropriate site-specific case files. We also recommend that those regions assess the soil sampling results that that did not meet the established standards in the context of other information on site conditions and uses, order confirmatory sampling if appropriate, and take action as needed with the site owners and states to ensure that the sites meet standards for their designated uses. Further, based on the outcomes, the two regions should reevaluate the sites' ready-for-anticipated-use designations and modify as appropriate based on other actions recommended here. The agency agreed to take sufficient corrective actions, and actions on the recommendations have either been completed or are underway.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

July 21, 2015

MEMORANDUM

SUBJECT: Independent Environmental Sampling Shows Some Properties Designated by EPA as Available for Use Had Some Contamination
Report No. 15-P-0221

FROM: Arthur A. Elkins Jr.

TO: Heather McTeer Toney, Regional Administrator
Region 4

Ron Curry, Regional Administrator
Region 6

This is our report on the subject evaluation conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

In Region 4, the Resource Conservation and Recovery Act Division is responsible for the areas reviewed. In Region 6, the Superfund Division and the Multimedia Planning and Permitting Division are responsible for the areas reviewed.

You are not required to provide a written response to this final report because you provided agreed-to corrective actions and planned completion dates for the report recommendations. Should you choose to provide a final response, we will post your response on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification.

We will post this report to our website at http://www.epa.gov/oig.

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Purpose and Prior Reports

In 2013, the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) collected soil samples at 21 Brownfields and Resource Conservation and Recovery Act Corrective Action (RCRA CA) sites in four states—Florida, South Carolina, Louisiana and Texas. We did this sampling in collaboration with scientists from the U.S. Geological Survey. This sampling work was used to support work discussed in two previously issued OIG reports:

- **EPA Needs to Improve Its Process for Accurately Designating Land as Clean and Protective for Reuse** (Report No. 14-P-0364), issued September 29, 2014: This sampling work was used as we assessed the EPA's designations of sites as being "ready for anticipated use" (RAU). http://www.epa.gov/oig/reports/2014/20140929-14-P-0364.pdf

- **Hyperspectral Imaging Can Be a Useful Evaluation Tool for Office of Inspector General Reviews Focused on Contaminated Land** (Report No. 14-N-0360), issued September 26, 2014: This sampling work was used to evaluate the usefulness of hyperspectral imaging technology to identify certain conditions at contaminated sites. http://www.epa.gov/oig/reports/2014/20140926-14-N-0360.pdf

Responsible Offices

In Region 4, the Resource Conservation and Recovery Act Division is responsible for the areas reviewed. In Region 6, the Superfund Division and the Multimedia Planning and Permitting Division are responsible for the areas reviewed.

Scope and Methodology

We conducted our work from April 2013 to March 2015. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We contracted with the U.S. Geological Survey and conducted soil sampling in Regions 4 and 6 from April to August 2013. The soil sample results are not EPA-validated data, but are considered screening-level data. We collected 242[1] near-surface grab samples in a rough, widely spaced grid that covered the sites. When available, we used a portable X-ray fluorescence (XRF) unit to obtain a field scan

[1] Fifteen of the 242 X-ray fluorescence samples were analyzed for confirmatory sampling. Each of the 15 samples were analyzed for the presence of 17 different contaminants, for a total of 255 results.

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of the metal composition of the soil prior to taking each soil sample. Near where we observed high metal concentrations with the portable unit or observed stress in the vegetation, we departed from the grid-sampling pattern and took additional samples. For some sites we were unable to use the portable XRF because either the soil was too saturated with water from a rain event to obtain an accurate field scan or the unit needed calibration. All samples collected were dried and analyzed in a U.S. Geological Survey research laboratory with a mounted XRF unit. In July 2013, we provided Region 4 the XRF results for the sites we sampled in Florida.[2]

We sent 15 of the soil samples we collected (6.2 percent) to an independent laboratory for confirmatory analysis by use of inductively coupled plasma (ICP) methods (EPA methods 3050 and 6010). Samples that presented high metal concentrations based on the XRF analysis were intentionally selected, along with a few additional random samples.

Summary of Soil Sampling

Most of the ICP samples met standards established to protect human health. However, as shown in Table 1, some samples showed contamination that did not meet the standards. Specifically, and commendably, of the 255 total samples we reviewed, 14 samples, or 5 percent, did not meet standards.

Table 1: Summary of ICP Samples

State	Total samples	Number of samples that showed contamination not meeting standards
Florida	102	8
South Carolina	51	5
Louisiana	85	0
Texas	17	1
Total	**255**	**14**

Source: OIG analysis.

The number of samples we collected and analyzed by ICP was limited. However, we did not expect soil samples at sites designated by the EPA as ready for reuse to have the contamination our sampling detected. The contamination detected could result in the need to remove the sites' designations as RAU, or to take other actions to sustain site protectiveness. The OIG soil results that did not meet health standards need to be evaluated by the regions in the context of other site-specific information to determine whether changes in site designations or other actions need to be completed to ensure site protectiveness.

[2] Soil sampling results at four sites showed contamination above the Florida soil cleanup target levels, including for arsenic, a known carcinogen. We reported the results to the EPA so that it could take any immediate steps it deemed appropriate to protect human health and the environment.

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The results of the ICP analysis are in Appendix A. Information on the sites we visited is in Appendix B. Below is a summary of our soil sampling results and activity in each of the four states.

Florida Soil Sample Results

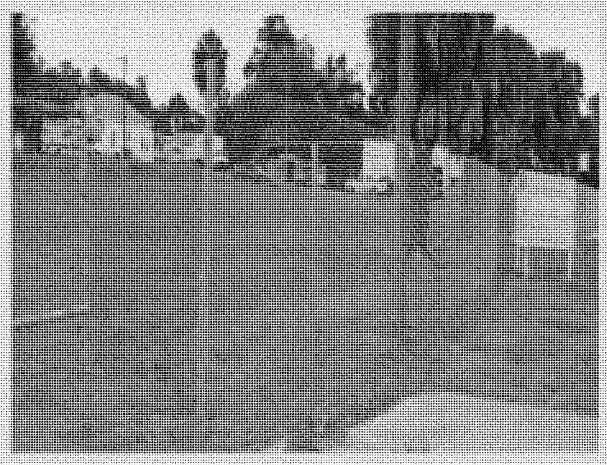
In April 2013, we collected soil samples from five Brownfield sites in Florida that were designated RAU. We collected field measures with the portable XRF unit at all sites. We report on confirmatory ICP analyses performed on six samples collected at three sites.

The concentration of barium in the one sample from the 22nd Street Mixed Use site showed contamination. Based on our XRF data, EPA Region 4 conducted additional sampling, and its results showed contamination that did not meet the residential standards for arsenic, barium and lead in some samples. However, the region concluded that no additional action was needed.

For the Clearwater Automotive Salvage Yard site, where we obtained four samples, all four ICP results showed contamination that did not meet the residential standard for at least one metal—arsenic, copper or lead. The arsenic in two samples was great enough to also not meet the industrial standard. Arsenic is known to cause cancer; copper can be harmful at high levels, and exposure to lead can seriously harm a child's health. Based on our sampling results, EPA Region 4 agreed to conduct additional sampling at this site, but the site owner—the city of Clearwater—denied access to EPA Region 4.

Contamination at Clearwater Site Could Pose Risk to Nearby Residents

We expected that metal concentrations would be low in the soil samples we collected at the Clearwater Automotive Salvage Yard site because the site records showed it had been cleaned up and was designated in EPA records as RAU. According to EPA's records, the agency provided over $322,000 to the city of Clearwater for site assessment work, plus more than $45,000 and loans totaling $700,000 to clean up the site. Also, the city provided nearly $500,000 for assessment and cleanup. Therefore, in total, nearly $1.6 million was provided for assessing and cleaning up the site. On July 1, 2009, following completion of site assessment and cleanup activities, the state issued an order that declared that contaminants of concern in the soil—including arsenic—met state residential standards. The order included no restrictions on residential development of the site and, when work started at the site in 2007, Clearwater anticipated using the site as a mixed-use development that included affordable housing. When we conducted our work in April 2013, we observed that the Clearwater site was adjacent to residential areas and was undeveloped, and site access was poorly controlled.



Clearwater Automotive Site, Clearwater, Florida, in April 2013. Vacant lot is within a residential neighborhood. (EPA OIG photo)

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South Carolina Soil Sample Results

In June 2013, we sampled seven sites in South Carolina—five Brownfield and two RCRA CA. We obtained field measures with the portable XRF unit at five sites. Confirmatory ICP analysis was performed on three samples. All ICP results showed at least one metal concentration that did not meet the standard. One sample, from the North Street Dump site, showed contamination that did not meet the residential and industrial standards for arsenic. The other sample from this site showed contamination that did not meet the residential standard for lead. Chromium in both samples from the North Dump site and the one sample from neighboring Arkwright Mills showed contamination that did not meet the industrial standard. However, the analyses were not conducted in a manner that allowed us to determine whether the chromium was in the more toxic form for which the standard is set.

Louisiana Soil Sample Results

In July 2013, we sampled five sites in Louisiana—two RCRA CA and three Brownfield. We obtained field measures with the portable XRF unit at four sites. At the Marathon Petroleum Company RCRA CA site, the soil was too saturated with water from a rain event to obtain accurate field scans. Confirmatory ICP analysis was performed on five samples from four sites. All of the ICP results on these samples met the standards.

Texas Soil Sample Results

In August 2013, we sampled four sites in Texas—two RCRA CA and two Brownfield. The portable XRF unit was unavailable for field use, which prevented us from obtaining a field scan of the metal composition of the soil prior to sampling. Confirmatory ICP analysis was performed on one sample from the Cadiz/Lamar Brownfield site. The lead concentration in that sample did not meet the industrial standard.

Recommendations

We recommend that the Regional Administrators, Regions 4 and 6:

1. Add the information in this report to the appropriate site-specific case files for each of these sites.

2. Assess the soil sampling results that that did not meet the established standards in the context of other information on site conditions and uses, and order confirmatory sampling if appropriate. Take action as needed with the site owners and states to ensure that the sites meet standards for their designated uses.

3. Based on the outcome from implementing Recommendation 2, reevaluate the sites' RAU designations and modify as appropriate.

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Summary of Agency Response to Draft Report and OIG Evaluation

We received comments on the draft report from the Region 4 and Region 6 Administrators on May 14, 2015, and met with regional management to discuss their comments.

Based on our discussions with EPA regional management, we revised Recommendation 1, as shown above. Regional management provided a planned completion date, and Recommendation 1 is resolved with agreed-to corrective actions pending.

EPA regional management did not agree with Recommendations 2 and 3, indicating the OIG did not apply proper quality assurance protocols to the sampling, rendering EPA unable to verify the accuracy of the results. EPA did, however, meet the intent of Recommendations 2 and 3 as it did assess the usefulness of the OIG data and whether any action should be taken. In addition, based on our discussions with regional management, we clarified in this report that the soil sample results are not EPA-validated data, but are considered screening-level data. We consider Recommendations 2 and 3 to be complete, and they are closed upon issuance of this final report. We made changes to the report where appropriate. Appendix C contains the agency's complete response and OIG comments on that response.

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Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in $000s)	
Rec. No.	Page No.	Subject	Status[1]	Action Official	Planned Completion Date	Claimed Amount	Agreed-To Amount
1	4	Add the information in this report to the appropriate site-specific case files for each of these sites.	O	Regional Administrators, Regions 4 and 6	9/30/15		
2	4	Assess the soil sampling results that that did not meet the established standards in the context of other information on site conditions and uses, and order confirmatory sampling if appropriate. Take action as needed with the site owners and states to ensure that the sites meet standards for their designated uses.	C	Regional Administrators, Regions 4 and 6	5/14/15		
3	4	Based on the outcome from implementing Recommendation 2, reevaluate the sites' RAU designations and modify as appropriate.	C	Regional Administrators, Regions 4 and 6	5/14/15		

[1] O = Recommendation is open with agreed-to corrective actions pending.
C = Recommendation is closed with all agreed-to actions completed.
U = Recommendation is unresolved with resolution efforts in progress.

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Soil Sampling Results

Florida ICP[a] Soil Sampling Results

	Florida Cleanup Target Level		22nd Street Mixed Use	St. Vincent de Paul	Clearwater Automotive Salvage Yard			
Metal	Residential (ppm[b])	Industrial/ Commercial (ppm)	Sample 1 (ppm)	Sample 1 (ppm)	Sample 1 (ppm)	Sample 2 (ppm)	Sample 3 (ppm)	Sample 4 (ppm)
Antimony	27	370	<1.25[c]	<1.25	<1.25	<1.25	<1.25	4.50
Arsenic	2.1	12	<6.24[d]	<6.24[d]	**6.57[e]**	**25.8[f]**	<6.24	**16.4**
Barium	120	130,000	**136**	13.5	93.1	73.7	76	53.5
Beryllium	--	--	<0.299	<0.300	<0.300	<0.300	<0.299	<0.299
Cadmium	82	1,700	1.85	0.487	5.32	13.8	7.98	22.1
Chromium	210	470	12.8	8.90	12.8	57.6	20.3	42.7
Cobalt	1,700	42,000	0.357	0.589	4.15	2.84	2.58	17.7
Copper	150	89,000	27.8	15.7	62.8	98.7	**155**	**1140**
Lead	400	1,400	345	33.9	**869**	250	328	**516**
Mercury	3	17	<4.99[d]	<4.99[d]	<4.99[d]	<4.99[d]	<4.99[d]	<4.99[d]
Molybdenum	440	11,000	<6.24	<6.24	<6.24	<6.24	<6.24	<6.23
Nickel	340	35,000	2.54	142	11	65.4	25.3	143
Selenium	440	11,000	<0.873	<0.874	<0.874	<0.874	<0.873	<0.873
Silver	410	8,200	<2.49	<2.50	<2.50	<2.50	<2.49	<2.49
Thallium	6.1	150	<0.773	<0.774	<0.774	<0.774	<0.773	<0.773
Vanadium	67	10,000	1.58	25.2	6.34	<0.250	1.05	<0.249
Zinc	26,000	630,000	333	103	200	621	510	560
Latitude (decimal degrees)			27.97313	27.96528	27.96331	27.96298	27.96292	27.9624
Longitude (decimal degrees)			-82.43443	-82.7928	-82.7913	-82.7912	-82.7916	-82.7916

Source: EPA OIG.

[a] EPA methods 3050 and 6010.
[b] ppm = parts per million = milligram per kilogram in soil.
[c] Results less than the analytical reporting level are designated by <, followed by the reporting limit.
[d] Analysis was performed with a higher reporting limit than the residential standard.
[e] Values that show contamination that did not meet the residential standard are in yellow shade.
[f] Values that show contamination that did not meet the industry standards are in gray shade.

South Carolina ICP [a] Soil Sampling Results

	EPA Standards		North Street Dump		Arkwright Mills
Metal	Residential (ppm[b])	Industrial/ Commercial (ppm)	Sample 1 (ppm)	Sample 2 (ppm)	Sample 1 (ppm)
Antimony	31	410	<1.25[c]	<1.25	<1.25
Arsenic	0.61	2.4	**10.2**[d]	<6.24[e]	<6.25[e]
Barium	15,000	190,000	207	157	162
Beryllium	160	2,000	0.536	<0.299	<0.300
Cadmium	70	800	7.40	9.04	2.62
Chromium	0.29[f]	5.6[f]	**34.3**[f]	**28.9**[f]	**13.9**[f]
Cobalt	23	300	7.22	5.85	3.16
Copper	3,100	41,000	55.2	199	26.9
Lead	400	800	345	**406**[g]	125
Mercury	10	43	<4.99	<4.99	<5.00
Molybdenum	390	5,100	<6.24	<6.24	<6.25
Nickel	1,500	20,000	10.1	16.2	3.94
Selenium	390	5,100	<0.873	<0.873	<0.875
Silver	390	5100	<2.50	<2.49	<2.50
Thallium	0.78	10	<0.774	<0.773	<0.775
Vanadium	390	5,100	35.9	26.1	19.6
Zinc	23,000	310,000	355	338	383
Latitude (decimal degrees)			34.92029	34.92029	34.92551
Longitude (decimal degrees)			-81.92716	-81.92730	-81.92975

Source: EPA OIG.

[a] EPA methods 3050 and 6010.
[b] ppm = parts per million = milligram per kilogram in soil.
[c] Results less than the analytical reporting level are designated by <, followed by the reporting limit.
[d] Values that show contamination that did not meet the industry standard are in gray shade.
[e] Analysis was performed with a higher reporting limit than the residential standard.
[f] Standards presented for chromium VI. The results are unspeciated. The EPA has not set standards for total chromium.
[g] Value that shows contamination that did not meet the residential standards is in yellow shade.

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Louisiana ICP [a] Soil Sampling Results

	Louisiana Standards		2750 Nicholson Drive		1705 Highland Road	Former Personal Touch Car Wash	Syngenta Crop Protection
Metal	Residential (ppm[b])	Industrial/ Commercial (ppm)	Sample 1 (ppm)	Sample 2 (ppm)	Sample 1 (ppm)	Sample1 (ppm)	Sample 1 (ppm)
Antimony	3.1	82	<1.25[c]	<1.25	<1.25	<1.25	<1.25
Arsenic	12	12	<6.24	<6.24	<6.24	<6.24	<6.25
Barium	550	14,000	72.6	115	168	140	148
Beryllium	16	410	<0.300	<0.299	<0.300	<0.300	<0.300
Cadmium	3.9	100	1.12	1.73	2.66	2.34	1.75
Chromium	23[d]	610[d]	5.43	6.50	8.91	7.10	7.23
Cobalt	470	12,000	2.11	5.22	4.62	5.71	3.72
Copper	310	8,200	14.6	13.4	29.3	14.6	16.1
Lead	400	1,400	26.1	20.1	157	70.4	12.9
Mercury	2.3	61	<4.99[e]	<4.99[e]	<5.00[e]	<4.99[e]	<5.00[e]
Molybdenum	--	--	<6.24	<6.24	<6.24	<6.24	<6.25
Nickel	160	4,100	7.59	11.9	10.7	10.8	11.7
Selenium	39	1,000	<0.874	<0.873	<0.874	<0.874	<0.875
Silver	39	1,000	<2.50	<2.49	<2.50	<2.50	<2.50
Thallium	0.55	14	<0.774[e]	<0.773[e]	<0.774[e]	<0.774[e]	<0.775[e]
Vanadium	55	1,400	10.7	3.75	5.59	6.95	3.00
Zinc	2,300	61,000	50.2	59.9	259	76.6	295
Latitude (decimal degrees)			30.42225	30.42280	30.43224	30.43552	30.24115
Longitude (decimal degrees)			-91.18794	-91.18817	-91.18264	-91.18507	-91.09788

Source: EPA OIG.

[a] EPA methods 3050 and 6010.
[b] ppm = parts per million = milligram per kilogram in soil.
[c] Results less than the analytical reporting level are designated by <, followed by the reporting limit.
[d] Standards presented for chromium VI. The results are unspeciated. Louisiana has not set standards for total chromium.
[e] Analysis was performed with a higher reporting limit than the residential standard.

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Texas ICP [a] Soil Sampling Results

	Texas Protective Correction Levels		800 Cadiz/ 1005 Lamar
Metal	Residential (ppm[b])	Industrial/ Commercial (ppm)	Sample 1 (ppm)
Antimony	15	310	< 1.25[c]
Arsenic	24	200	< 6.25
Barium	8,100	120,000	134
Beryllium	38	250	< 0.300
Cadmium	52	850	3.28
Chromium (total)	33,000	120,000	25.3
Cobalt	21	280	3.72
Copper	550	39,000	33.9
Lead	500	1,600	**2,490[d]**
Mercury	3.6	6.2	< 5.00[e]
Molybdenum	160	4,500	< 6.25
Nickel	840	8,800	8.95
Selenium	310	4,900	< 0.875
Silver	97	2,300	< 2.50
Thallium	6.3	78	< 0.775
Vanadium	76	620	5.76
Zinc	9,900	250,000	209
		Latitude (decimal degrees)	32.77005
		Longitude (decimal degrees)	-96.79966

Source: EPA OIG.

[a] EPA methods 3050 and 6010.
[b] ppm = parts per million = milligram per kilogram in soil.
[c] Results less than the analytical reporting level are designated by <, followed by the reporting limit.
[d] Value that shows contamination that did not meet the industry standards is in gray shade.
[e] Analysis was performed with a higher reporting limit than the residential standard.

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Appendix B

Site Visit Information

Florida Sites

Site name	Address	Number of samples analyzed		Date sampled
		Laboratory XRF	ICP	
Blue Chip Bar[a] (Brownfield)	1317 North Martin Luther King Jr. Ave., Clearwater	12	0	April 29, 2013
Clearwater Automotive Salvage Yard[a] (Brownfield)	205, 317, and 319 South Martin Luther King Jr. Ave., Clearwater	9	4	April 29, 2013
St. Vincent de Paul[a] (Brownfield)	1015 Cleveland St., Clearwater	4	1	April 29, 2013
Pro-fit Development[a] (Brownfield)	4407 Taliaferro Ave., Tampa	7	0	April 30, 2013
22nd Street Mixed Use[a] (Brownfield)	3115 Holmes St., Tampa	20	1	April 30, 2013

Source: EPA OIG.

[a] The portable XRF was used at this site to guide our sampling.

South Carolina Sites

Site name	Address	Number of samples analyzed		Date sampled
		Laboratory XRF	ICP	
Taylor Street [a] (Brownfield)	1221 Taylor St., Columbia	10	0	June 10, 2013
Roy Metal Finishing Company [a] (RCRA CA)	112 Conestee Road, Conestee	5	0	June 11, 2013
622/624 Green Avenue [a] (Brownfield)	622/624 Green Ave., Greenville	9	0	June 11, 2013
Arkwright Mills [a] (Brownfield)	971/975 South Liberty, Spartanburg	8	1	June 12, 2013
North Street Dump (Brownfield)	971/975 South Liberty, Spartanburg	6	2	June 12, 2013
IWG High Performance Conductors [a] (RCRA CA)	1570 Compton Road, Inman	9	0	June 12, 2013
Union Mill (Brownfield)	201 N. Enterprise Drive, Union	12	0	June 13, 2013

Source: EPA OIG.

[a] The portable XRF was used at this site to guide our sampling.

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Louisiana Sites

Site name	Address	Number of samples analyzed		Date sampled
		Laboratory XRF	ICP	
2750 Nicholson Drive[a] (Brownfield)	2750 Nicholson Drive, Baton Rouge	9	2	July 22, 2013
Marathon Petroleum Company, LLC (RCRA CA)	Highway 61 at Marathon Ave., Garyville	13	0	July 23, 2013
Syngenta Crop Protection, LLC[a] (RCRA CA)	3905 Highway 75, St. Gabriel	11	1	July 23, 2013
1705 Highland Road[a] (Brownfield)	1705 Highland Road, Baton Rouge	6	1	July 24, 2013
Former Personal Touch Car Wash[a] (Brownfield)	1320 Highland Road, Baton Rouge	8	1	July 24, 2013

Source: EPA OIG.

[a] The portable XRF was used at this site to guide our sampling.

Texas Sites

Site name	Address	Number of samples analyzed		Date sampled
		Laboratory XRF	ICP	
Former Transportation Maintenance Facility (Brownfield)	7215 New York Ave., Arlington	15	0	August 12, 2013
800 Cadiz/1005 Lamar (Brownfield)	800 Cadiz/1005 South Lamar St., Dallas	11	1	August 13, 2013
Sheppard Air Force Base (RCRA CA) • Fire Training Area • Former Landfill #2 • Former Landfill #3	111 D Ave., Wichita Falls	Total Samples: 30 5 10 15	0	August 13, 2013
US Air Navy Joint Reserve Base (Carswell) (RCRA CA) • Landing Field-23 • Landing Field-24 • Landing Field-25 • Landing Field-26	Military Parkway, Fort Worth	Total Samples: 28 6 6 9 7	0	August 14, 2013

Source: EPA OIG.

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Agency Response to Draft Report and OIG Evaluation

May 14, 2015

MEMORANDUM

SUBJECT: Response to Office of Inspector General Draft Report "Independent Environmental Sampling Shows Some Properties Designated by EPA as Available for Use Had Some Contamination," dated March 13, 2015

FROM: Heather McTeer Toney
Regional Administrator, Region 4

Ron Curry
Regional Administrator, Region 6

TO: Arthur A. Elkins, Jr.
Inspector General

Thank you for the opportunity to respond to the issues and recommendations in the subject audit report. Following is a summary of the agency's overall position, along with its position on each of the report recommendations. Regions 4 and 6 do not agree with the report recommendations and we have, therefore, explained our position and, as applicable, proposed alternatives to the recommendations. For your consideration, we have included a Technical Comments Attachment to supplement this response .

AGENCY'S OVERALL POSITION

To date, the Office of the Inspector General (OIG) has not supplied EPA with the information it needs to ensure its sample results were obtained following established EPA policy and consistent with mandatory Agency-wide Quality Systems requirements. Under these circumstances, EPA can neither rely on the accuracy of the OIG's results, nor can it replicate those results to independently verify sample accuracy.

OIG Response 1: Although we explained our data collection and analysis methods to EPA regional management earlier in the evaluation, we agreed to make revisions to the Scope and Methodology section of this report to further explain the soil sampling we conducted and what those results represent.

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EPA Order CIO 2105.0, dated May 5, 2000, establishes Agency policy and program requirements for the preparation and implementation of organizational or programmatic management systems pertaining to quality and contains the minimum requirements for the mandatory Agency-wide Quality System. This policy requires participation by all the EPA organizations (office, region, national center or laboratory) supporting environmental programs and by non-EPA organizations performing work for EPA through extramural agreements. It further requires that all environmental programs performed by EPA or directly for EPA through EPA-funded extramural agreements be supported by individual quality systems that comply fully with the American National Standard ANSI/ASQC E4-1994, *Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs.* This is a national consensus standard authorized by the American National Standards Institute (ANSI) and developed by the American Society for Quality Control (ASQC) and is widely followed, as well, by organizations outside of the EPA. The policy includes requirements for Quality Assurance Project Plans (QAPPs), use of environmental data from other sources (secondary data), and establishing appropriate training for all levels of management and staff. All EPA Regions, including Regions 4 and 6, strive to produce data of known quality, through the use of current, project-specific QAPPs, with samples collected and properly handled in accordance with Standard Operating Procedures, to support EPA decisions and defend EPA actions. Deviation from these procedures can render data unusable due to such factors as cross-contamination of samples resulting from improper sample collection procedures, tampering with samples because of a lack of chain of custody requirements, or questions about laboratory practices when no data validation protocols are established.

For the subject report, as you know, we have had many conversations regarding, in particular, the OIG's sampling efforts in Florida in 2013. We have raised serious concerns with your sampling protocols and have further detailed these concerns in the Technical Comments Attachment.

AGENCY'S RESPONSE TO REPORT RECOMMENDATIONS

Disagreements

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No.	Recommendation	Agency Explanation/Response	Proposed Alternative
1	Provide our soil sampling results to the site owners and place these results in the EPA's files for the sites.	The OIG/USGS did not apply proper quality assurance protocols for sampling activities, therefore the sampling results cannot be verified.	The EPA will first label the Final Audit Report, "Independent Environmental Sampling Shows Some Properties Designated by EPA as Available for Use Had Some Contamination," as unverified sampling, attach the Agency response/explanation and then add documents to appropriate programmatic files that are available, subject to applicable records retention schedules. The EPA will not contact sites/properties owners.
2	Assess the soil sampling results that are greater than the established standards in the context of other information on site conditions and uses, and order confirmatory sampling if appropriate. Take action as needed with the site owners and states to ensure that the sites meet standards for their designated uses.	The OIG/USGS did not apply proper quality assurance protocols for sampling activities, therefore the sampling results cannot be verified.	No actions or proposed alternative.
3	Based on the outcome from implementing Recommendation 2, reevaluate the sites' RAU designations and modify as appropriate.	There is no verifiable data available to reevaluate the sites' RAU designations.	No actions or proposed alternative.

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CONTACT INFORMATION

If you have any additional questions regarding this response, please contact Michael Norman, Chief, RCRA Cleanup and Brownfields Branch in Region 4 at 404-562-8792 or Anthony Talton, Acting Associate Director, Revitalization and Resources Branch at 214-665-7205 in Region 6.

Attachment

cc: Dorothy Rayfield, Chief, Grants and Acquisition Management Branch, U. S. EPA Region 4
Susan Jenkins, Chief, Accounting Services Section, U. S. EPA Region 6

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TECHNICAL COMMENTS ATTACHMENT

Background

On May 30, 2013, the Office of Inspector General (OIG) contacted EPA Region 4 staff to provide an "early warning" that samples it had collected at three sites in Tampa and Clearwater, Florida indicated the presence of environmental contaminants at levels of concern. As EPA Region 4 staff began to inquire about the nature of the investigation, it became clear that several fundamental omissions of Agency quality assurance protocols raised serious questions about the validity of the data produced by the OIG. Despite these very serious shortcomings, EPA Region 4 agreed to conduct sampling on the 22nd Street site in Tampa, FL. The property had not been sampled previously but had been the subject of a 2008 Phase I Environmental Site Assessment (ESA) through a Brownfields grant. The Phase I ESA was conducted in accordance with the Agency's All Appropriate Inquiries Final Rule (40 CFR Part 312) and ASTM E1527-05, and the investigation did not identify any recognized environmental conditions (RECs). Prior to conducting the EPA assessment at 22nd Street, Region 4 reviewed the 2008 Phase I report, prepared a detailed QAPP, then traveled to the site to conduct soil sampling during the week of September 9, 2013. The results of this investigation identified 5 of the 37 samples collected with lead levels exceeding EPA risk-based standards but no samples were found to have elevated levels of arsenic, antimony or barium above the EPA's levels. A risk evaluation of the data concluded that no further investigation or cleanup would be required. EPA Region 4 also attempted to conduct follow-up sampling at the Clearwater Auto Salvage property in Clearwater, FL, but was denied access because City of Clearwater staff maintain that the OIG had collected its samples without the City's permission.

Regarding Region 6 Brownfields and RCRA site sampling activities, the Region could not verify the sample results, which included the 800 Cadiz/1200 Lamar brownfields site, since the data was not collected following the Agency's Quality Assurance policy.

Response to IG's Findings and Recommendations

The OIG's findings are based on two general levels of quasi-analytical results. The first level of results was obtained from soil samples collected on site and analyzed using a handheld x-ray fluorescence (XRF) device. The 2014 USGS report on which much of this audit report is based, entitled *An Evaluation of Remote Sensing Technologies for the Detection of Residual Contamination at Ready-for-Anticipated Use Sites*, indicates that the XRF instrument provided "suspicious results," and was sent back to the manufacturer for repair. The report also acknowledges that "the study was not setup in a way that the source of the unreliability of the XRF results could be determined." As we understand the sequence of events, where samples could not be field screened due to site conditions or instrument calibration, samples were shipped to a USGS lab where they were dried, and analyzed with a lab-mounted XRF. It is not clear if all field samples were shipped to a lab to be dried and analyzed or just a subset of field samples (where either site soils were too wet or the XRF unit needed calibration). The second level of analysis took place at an undisclosed independent lab where a small subset of soil samples were tested using the inductively coupled plasma (ICP) method of analysis.

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The basis for questioning the OIG's analytical results lies in the many stringent requirements EPA has established for what we would consider valid, defensible, reproducible data and how this data is collected, analyzed and reported. The basis for this is the Quality Assurance Project Plan or QAPP.

A site-specific or project-specific QAPP is an Agency requirement, yet apparently no such plan exists for the OIG's project. The OIG has provided an unsigned 2008 U.S. Department of the Interior - USGS research project plan. It contains a reference, on page 5, to a QAPP, but based on our review of the document, does not meet the content requirements or the intent of an EPA-required QAPP. Shortcomings of the IG's work include:

- **No QAPP**. Without a QAPP, the overall intended use of the data cannot be determined. The EPA requested copies of site-specific QAPPs, but the OIG only provided an unsigned 2008 USGS document entitled *Research Implementation and Quality Assurance Project Plan: An Evaluation of Hyperspectral Remote Sensing Technologies for the Detection of Fugitive Contamination at Selected Superfund Hazardous Waste Sites.* This document appears to EPA to be an umbrella document prepared for a previous audit, where soil sampling was conducted to research the use of hyperspectral imagery as a possible remote sensing technology. The portion of the document identified as the Quality Assurance Project Plan does not meet EPA requirements to produce sufficient data of the quality necessary to characterize a site and adequately characterize site risks.
- **No formal sampling plan**. The OIG report states that samplers deviated from a proposed sampling grid where they observed conditions which might indicate greater contamination levels. Samples collected were reportedly grab samples. This approach of looking for "hot spots" does not reflect site-wide conditions or properly characterize a site. Randomized grab samples may be used to identify potential contaminants at a site but do not support site characterization.
- **Improper decontamination of sampling equipment**. In calls with the OIG, Regional staff were told that the sampling team did not decontaminate sampling equipment between individual samples collected and/or did not use pre-cleaned instruments for each aliquot collected. Our discussion with the OIG's project staff suggests samples were obtained with shovels and/or trowels and no decontamination of sampling equipment was performed between sample aliquots. When samples are collected in a manner contrary to accepted practices and equipment is not properly decontaminated, the potential for cross-contamination renders results invalid for all but the most cursory uses. Data of this quality does not satisfy EPA data quality standards and would not be released to the public as indicative of actual site conditions.
- **Improper use of sample containers**. In calls with the OIG, Regional staff were told that samples were collected and placed in plastic baggies as opposed to approved glassware provided by an analytical laboratory or a lab supply company.
- **Improper and/or no use of required personnel protective equipment (PPE)**. Based on our calls with the OIG, Regional staff are concerned that standard operating procedures regarding the use of PPE may not have been followed. The EPA sampling standard operating procedures require, at a minimum, approved gloves which must be changed for each sample aliquot collected. Samples collected without the use of proper PPE are subject to cross-contamination and the results cannot be validated.

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- **Lack of chains of custody for samples**. The OIG did not provide evidence of use of chain of custody seals or chain of custody paperwork, and Region 4 did not receive copies of the sample acceptance forms from the labs. This creates concern over sample integrity if sample containers were to be breached or otherwise opened between the time the samples were collected and eventually analyzed. Additionally, there is no evidence that samples were shipped at the required 4 degrees Celsius (+/- 2 degrees) or received at that temperature by the lab for ICP analysis.
- **No data validation**. For samples shipped to the independent lab, there is no information about lab accreditation, no chain of custody, no information about PE samples, matrix spike/matrix spike duplicate analysis, rinsate blanks, trip blanks, sample temperature, etc. Nor have the Regions been provided a lab data validation package of analytical results or lab QA/QC information. Without this, data produced from these samples cannot be used to support Agency decision-making or used for public dissemination.

In short, without an approved QAPP and documentation to show that QAPP requirements were fully satisfied, there is no assurance about either the quality or reproducibility of the data. Region 4 has previously requested that the OIG provide the data quality information discussed above, however, to date that information has not been forthcoming. Without that information, the OIG's sample results can only be considered as draft or screening data. Per EPA Executive Order CIO 2105.0 (formerly 5360.1 A2), the OIG's data is of insufficient quality to support Agency decision making, and would not be released to the public.

Based on the above findings in response to the OIG's recommendations, we would first request that the OIG make available all documentation which would be required to validate the data upon which it is basing its recommendations. This would include a complete QAPP which has been reviewed and signed by a person with the requisite qualifications. The QAPP would include a detailed sampling plan for each site, discussion of data quality goals and objectives (which would explain how its targeted sampling approach supports site characterization), chain of custody forms, results from analysis of trip blanks, rinsate blanks, performance evaluation samples, matrix spike/matrix spike duplicate analytical results, lab QA/QC documentation, field log books including photo documentation, lab data validation and so forth. If the information provided by the OIG meets the requirements set forth in EPA Executive Order CIO 2105.0, it will be incumbent upon the regions to address the OIG's recommendations and take appropriate action for each site where the data show action is necessary. Those steps may include notifying State environmental regulatory agencies, property owners, former grantees, or the municipality in which the sites are located; conducting additional sampling investigations to reassess the sites (as funding permits); and revisiting the Ready for Anticipated Use (RAU) determinations.

Brief Discussion of Risk Assessment Practices

A consistent challenge in responding to the OIG's concerns since our earliest discussions has been the OIG's position that a single elevated reading or a number of elevated readings of a contaminant or contaminants justifies or even requires taking action such as notifying the property owner or changing the RAU status of the property. In fact, this is a challenge similar to what the Agency often experiences when trying to explain "risk" to the public. There are certainly times when EPA will take biased grab samples to try to determine if hazardous

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substances are present at a site. However, this is merely an initial screening and cannot be used to make final site decisions or be used to notify the public. It merely provides a snapshot of aspects of the site and does not adequately characterize a site. It answers the question, "are there potentially hazardous substances present at the site," but nothing more. When we conduct screening in this manner, it is always considered an initial site investigation and does not provide the rigorous level of detail required by this Agency for making decisions such as notifying the public or taking a response action.

In looking at the OIG's XRF levels for the Florida sites, we can use the Florida Soil Cleanup Target Levels (FLSCTLs) as a screening guide. There are many FLSCTLs which are applicable for use in site screening in that they are equal to our final risk based remedial levels, such as lead. For other chemicals however, the FLSCTLs are significantly lower than EPA risk based remedial levels such as arsenic, antimony and barium. In fact, some of the FLSCTLs are not based on actual risk calculations (antimony and arsenic for example) but on less rigorous factors. When a Brownfields grantee is enrolled in a state program, they are encouraged to use assessment and cleanup standards endorsed by their respective state (which, more often than not, are based on or defer to EPA's standards). However, in evaluating whether EPA would take steps such as informing a property owner, we would defer to EPA's toxicity based screening levels. For the Florida sites, our risk assessor states, "(f)or detected soil constituents, EPA Superfund uses toxicity based screening levels based on child only exposure. For constituents that fail this screen, EPA performs a risk assessment which assumes chronic (adult + child) exposure unless the particular constituent is known to cause developmental effects that could occur in a shorter exposure duration. For lead in soil, the toxic effect of concern is to young children; thus the residential soil screening level is equivalent to the recommended remedial level for residential soil. Arsenic, antimony, and barium are not developmental toxicants, and therefore EPA's recommended risk-based remedial levels for residential soil are higher than the initial (FLSCTL) screening levels."

Upon review of the OIG's XRF data for the Florida sites and comparing to EPA's risk based levels, there is a solitary exceedance of the EPA Removal Management Level (RML) for arsenic at Clearwater Automotive which is less than 2 parts per million (ppm) above the risk level of 67 ppm, one (1) exceedance for the RML for lead at 22nd Street and six (6) exceedances for lead at Clearwater Automotive. An EPA Region 4 risk assessor looked at the entire set of XRF results for each Florida site. Averaging the contaminant levels across each site, the risk assessor concluded that there is no basis for the OIG's concerns. There are elevated readings but the levels are not consistently high enough to warrant implementing the OIG's recommended actions. In other words, the IG screening data does not adequately characterize site risk and, in and of themselves, are not sufficiently elevated to present a human health risk. This is further supported by Region 4's assessment at 22nd Street where only five (5) samples of the 37 sample locations exceeded the RML for lead and there were no exceedances for antimony, arsenic or barium.

Conclusion

EPA Order CIO 2105.0, dated May 5, 2000 establishes EPA's Agency-wide quality system and applies to all EPA organizations and non-EPA organizations performing work on behalf of EPA.

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Data obtained which does not adhere to this standard cannot be used as a basis for decision making. To date, the OIG has not provided information which supports use of the data in the manner proposed by the OIG. The OIG continues to maintain that elevated readings, in and of themselves, are a basis for taking action. This contradicts the Agency's risk-based model for decision making. Subsequent sampling conducted by Region 4 further discredits the OIG's findings.

OIG Response 2: We agree that our sampling results are screening data and should be used for the purpose stated in the agency's response.

We do not agree that Region 4's subsequent sampling discredits our findings. Region 4 agreed to conduct confirmatory sampling at a couple of the Florida sites we sampled. Due to access issues, the region collected samples at only one site, 22nd Street Mixed Use. The region's results showed contamination above the Florida residential cleanup target levels for arsenic, barium and lead in some samples. Overall, these exceedances of the state cleanup target levels agreed with OIG sampling results.

Based on these facts, the only action EPA can take at this time is to review the supporting data quality information as described and requested above. In the absence of an approved Quality Assurance Project Plan, no further steps are supportable based on the screening information provided by the OIG.

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Appendix D

Distribution

Office of the Administrator
Assistant Administrator for Solid Waste and Emergency Response
Regional Administrator, Region 4
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Agency Follow-Up Coordinator
General Counsel
Associate Administrator for Congressional and Intergovernmental Relations
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Audit Follow-Up Coordinator, Office of Solid Waste and Emergency Response
Audit Follow-Up Coordinator, Region 4
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From: Parkinson, Lorna
Sent: Wed 2/1/2017 10:19:08 PM
Subject: Survey Report - Latest Version
DRAFT Survey Report 2-1-2017.docx

Lorna Parkinson

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Scientific Integrity at EPA

U.S. Environmental Protection Agency

Contributors & Acknowledgments

Contributors

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Francesca is the Scientific Integrity Official at the U.S. Environmental Protection Agency. Previously, she was the Director of the Scientific Integrity Program at the Union of Concerned Scientists. In addition, she has 20 years of experience in biodiversity conservation at the United States Agency for International Development, Biodiversity Support Program, National Institutes of Health, the American Museum of Natural History, and Columbia University. She holds a BA in biology from Smith College and PhD in plant systematics from Cornell University.

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Martha is the Scientific Integrity Program lead in the Office of the Science Advisor. Martha has over 25 years of experience in hazardous waste site remediation, innovative treatment technologies, and policy, regulation and guidance development. She holds a BS in biology and an MS in environmental science and engineering from Virginia Tech.

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Emily is a Scientific Integrity Outreach Support Associate in the Office of the Science Advisor, contracted by Oak Ridge Associated Universities. She holds a BS in biology from Messiah College and an MS in biology from Florida International University.

Acknowledgements

David Groemping/ Innovate! Inc.

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Executive Summary

Scientific integrity is the adherence to professional values and practices while conducting, supervising, communicating, or utilizing science. EPA has a long history of focusing on scientific integrity that dates back to its earliest years. In 1983, then-Administrator William Ruckelshaus talked about how EPA employees should "conduct themselves with the openness and integrity which alone can ensure public trust in the Agency."

In 2012, the Agency published its Scientific Integrity Policy, which provides a strong foundation to ensure a culture of scientific integrity. In 2014, EPA began an evaluation of the implementation and effectiveness of that Policy. As part of that evaluation, in fiscal year 2016, the Agency distributed a survey to all EPA employees. This report summarizes the results of that survey and what they tell us about successes and challenges in the Agency's efforts to nurture a culture of scientific integrity.

The report analyzes responses from EPA employees who spend 25 per cent or more of their time conducting, utilizing, communicating, or managing science. These responses account for 25.4 per cent of the 14,906 employees who received the survey. These responses came from all major EPA offices and regions. Fifteen per cent of these responses are from employees that self-identified as supervisors.

While these survey responses indicated that a large majority of EPA employees are aware of the Scientific Integrity Policy, they also indicated that over one third of employees are not familiar with the content of the Policy. Survey results indicate a need for more training and outreach on scientific integrity and on the Policy.

Survey results indicated some confusion about the role of science and other factors in EPA decisions, with some respondents recommending greater transparency in the decision-making process and an explanation of how science informs decisions versus other factors (e.g., economic or legal considerations).

Some respondents expressed concerns that politics can sometimes interfere with EPA's work. While a majority of respondents said that they can openly express their scientific opinions about the Agency's scientific work without fear of retaliation, almost 13 per cent disagreed or strongly disagreed. Results indicate a need to work with managers to encourage them to enhance a culture of scientific integrity for their employees.

Just over half of respondents said that their management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial. Senior leaders were more likely to agree than GS-level respondents. And, when asked to whom they would feel comfortable reporting information regarding a loss of scientific integrity, the largest percentage (about 88 per cent) of respondents said their supervisor.

Only about 10 per cent of respondents felt that scientific or technical products are released to the public in a timely fashion. Senior leaders were more likely than GS-level respondents to speak positively about their office clearance procedures for scientific products, but some respondents expressed concerns about a lack of transparency in their office's clearance procedures.

Regarding whether the Agency encourages professional development of its technical workforce, over half of respondents said that they are frequently or occasionally provided with the appropriate time and encouragement to keep up with advances in their professions, with senior leaders more likely to agree than GS-level respondents. Results indicate a need for more transparency in the process for deciding who can attend and participate in professional conferences.

This report includes action items designed to enhance the culture of scientific integrity at EPA. This will ensure that the Agency's science will stand up to scrutiny and provide a strong basis for decisions that directly impact EPA's ability to protect human health and the environment.

Introduction

The Scientific Integrity Memorandum of 2009[1] asked the White House Office of Science and Technology Policy (OSTP) to create a plan that would establish strong scientific integrity standards across federal agencies. The resulting OSTP Guidance Memorandum[2] required agencies and departments to create or improve policies related to foundations of scientific integrity in government, public communications, use of federal advisory committees, and professional development. EPA was among a few agencies to put its draft policy out for public comment and was one of the first to release a final Scientific Integrity Policy[3], published in February of 2012.

The Scientific Integrity Policy provides a framework intended to ensure scientific integrity throughout EPA and promote the adherence to professional values and ethical standards when conducting, communicating, utilizing and supervising science. It establishes a Scientific Integrity Official (ScIO) to be a champion of scientific integrity for the Agency and chair a standing committee (the Scientific Integrity Committee) of Deputy Scientific Integrity Officials (DScIOs) representing all EPA offices and regions.

Since the release of the Policy, the ScIO along with the Committee have implemented several activities to provide ongoing support for the Policy, including quarterly Committee meetings, an annual meeting open to all EPA employees, an annual stakeholder meeting, and training and outreach on the Policy. The ScIO also receives and adjudicates allegations related to a loss of scientific integrity reported from both internal and external parties. In addition to these activities, the ScIO and Committee also create new products and procedures to prevent lapses in scientific integrity. These activities and products are summarized at the end of each year in an Annual Report on Scientific Integrity.[4]

In 2014, the Committee began a formal evaluation of the Policy including a systematic investigation of the merit, worth and significance of the Agency's scientific integrity efforts. The evaluation examines the content, implementation and impacts of the Policy. It is designed to be a practical, ongoing assessment that will identify criteria to assess performance, standards that must be reached to consider the program successful, and evidence needed to indicate performance relative to the standards.

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As part of this evaluation, a survey was distributed to all EPA employees in fiscal year (FY) 2016 to evaluate the implementation and impact of the Policy since 2012 and to assess the current culture of scientific integrity at the Agency. This report summarizes the results of the survey, identifies successes and challenges, and proposes an action plan focused on enhancing scientific integrity at EPA.

Methodology

The Scientific Integrity Program, located within the Office of the Science Advisor, with support from Innovate, Inc. created and distributed an online survey to EPA employees. The survey questionnaire was designed to measure employees' awareness and familiarity with the Policy, as well as their experience related to the culture of scientific integrity at EPA.

Participants were directed to one of two survey versions based on their response to the first question, which asked them to report the amount of time spent in the categories of conducting, utilizing, communicating or managing science. Respondents that indicated that they spend 25% or more of their time conducting, utilizing, communicating and managing science were directed to the long-form version, consisting of all 29 questions. Respondents who reported that

[1] Memorandum from the President for the Heads of Executive Departments and Agencies (2009): https://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09

[2] Memorandum from the Science Advisor for the Heads of Executive Departments and Agencies (2010): https://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf

[3] U.S. EPA, Scientific Integrity Policy (2012): https://www.epa.gov/risk/policy-epa-scientific-integrity

[4] All Annual Reports on Scientific Integrity can be found at https://www.epa.gov/osa/basic-information-about-scientific-integrity.

they spend less than 25% (total) of their time in the listed categories were directed to the short-form version, which included only 15 of 29 questions. This report summarizes the long-form survey responses. A detailed methodology and results report can be found in Appendices I and II.

Who Filled Out the Survey

Total response rates are summarized in Table 1. Of the 14,906 employees who received the survey, 5,763 employees (38.7% of the total sample) completed the survey. 1,970 were directed to the short-form version, while 3,793 took the long-form version. This report summarizes responses to the long-form survey report.

Table 1. Survey Response Rates	
Total Eligible Sample	14,906
Surveys Opened	6,780 (45.3%)
Total Completed (Response Rate)	5,763 (38.7%)
Short-Form	1,970 (13.2%)
Long-Form*	**3,793 (25.4%)**

**This report only summarizes responses for the long-form version of the survey.*

Employees in all major EPA offices and regions completed and submitted long-form surveys. A large portion of survey respondents were from the Office of Research and Development, the largest office at the Agency which is responsible for conducting most of the scientific research. Smaller offices that are less involved in the conduct, utilization, communication and supervision of science appropriately had lower response rates.

As seen in Figure 1, respondents represented a variety of General Schedule (GS) grade levels, from GS-9 and lower to GS-15, though the largest group was GS-13 (44.7%). Senior Level (SL), Senior Executive Service (SES) and Scientific or Technical (ST) positions, as well as Title-42 appointees were also represented. For the analysis, these employees were combined to protect anonymity. Only 6.8% of respondents had been at the Agency for less than one year at the time of the survey. Of the respondents, 67.1% had been at the Agency for more than 10 years, with almost 10% having been there for more than 30 years. Respondents also included employees with a range of education levels, but 43.6% of employees had master's degrees and 20.9% had a doctoral degree. Fifteen percent of respondents to the long-form survey self-identified as supervisors

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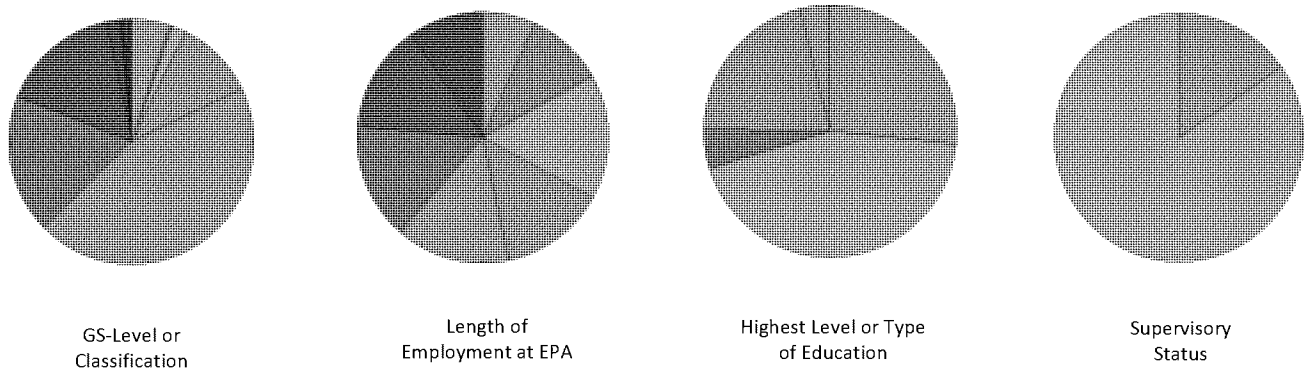
Figure 1. Basic Demographics of Long-form Survey Respondents



Awareness and Understanding of EPA's Scientific Integrity Policy and Procedures

To promote a culture of scientific integrity at the Agency, it is crucial that all employees are familiar with the Policy, understand that it applies to them and know what to do if they see something that they feel may compromise the integrity of EPA science.

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Almost 90% of respondents[5] [3,409] were aware that the Policy exists, however only 55.3% of respondents [2,095] had actually skimmed or read the Policy (Figure 2).[6] 10.1% of respondents [382] reported that they did not know that the Policy existed until receiving the survey. Supervisors[7] were generally more familiar with the Policy than non-supervisors[8], with only 3% of supervisors reporting that they did not know about the Policy compared to 11.4% of non-supervisors. Similarly, GS-15 respondents and senior leadership[9] reported a higher level of familiarity with the Policy than respondents in lower GS-levels. Respondents that have been at the Agency for less than one year were more likely to not know the Policy existed than those who have been at the Agency for longer than one year.

Figure 2. Level of Familiarity with the Scientific Integrity Policy

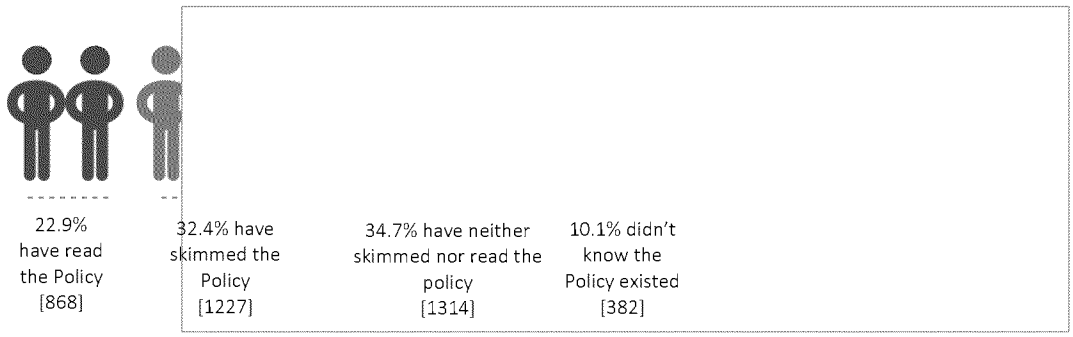
[5]Respondents were allowed to skip questions, causing the total number of responses for each question to vary. The percentage of respondents here and throughout this report refer to the percentage of total responses for each question.

[6] Short-form survey responses were also analyzed, and it was found short-form respondents were generally less familiar with the Scientific Integrity Policy and Procedures than respondents to the long-form survey.

[7] Supervisors refer to participants that responded 'yes' to the survey item, 'I work in a supervisory role at EPA.'

[8] Non-supervisors refer to participants that responded 'no' to the survey item, 'I work in a supervisory role at EPA.'

[9] Senior leadership or senior leaders refers to participants that reported they are SES, SL, ST or Title-42 employees.



In the two years before the survey was distributed, the Scientific Integrity Program used a variety of different outreach approaches to spread awareness of the Policy, including informational posters, an online website, online training, and presentations by the ScIO. Over half of the respondents reported that they first learned about the existence of the Policy online - 23.9% of respondents [812] by using the online training module and 36.4% of respondents [1,238] by using the EPA website. Senior leaders (42.31%), however, were more likely to have learned about the existence of the Policy through a presentation by the ScIO. 27.9% of respondents [950] reported that they had learned about the Policy's existence in some other way than the listed options. Many of these respondents wrote that they learned about the Policy in an Agency wide email or "mass mailer."

Despite a vast majority of respondents reporting that they were aware of the Policy, responses to other questions indicated that they were less aware of the Policy's content, and related procedures. When asked about the content of the Policy, 38.5% of respondents [1,450] reported that they do not know or are unfamiliar with the content in the Policy. However, only 1.9% of respondents [72] reported that the Policy does not apply to them or to their work at the Agency, and only 6.3% of respondents [272] reported that the Policy does not enhance their work. When asked about the roles of the Scientific Integrity Committee, 49.2% of respondents [1,853] reported that they do not know or are not familiar with Committee roles.

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Only 41.3% of respondents [3,772] reported that they know how to report instances or allegations relating to the loss of scientific integrity. Senior leadership (77.4%) and GS-15 (59.9%) respondents were more likely to report that they know how to report allegations than lower GS-level respondents (ranging from 28% to 43.2%). Supervisors (63.4%) were more likely than non-supervisors (37.5%) to report that they know how to report allegations. Only 25.9% of respondents who have been at the Agency for less than one year reported that they know how to report allegations.

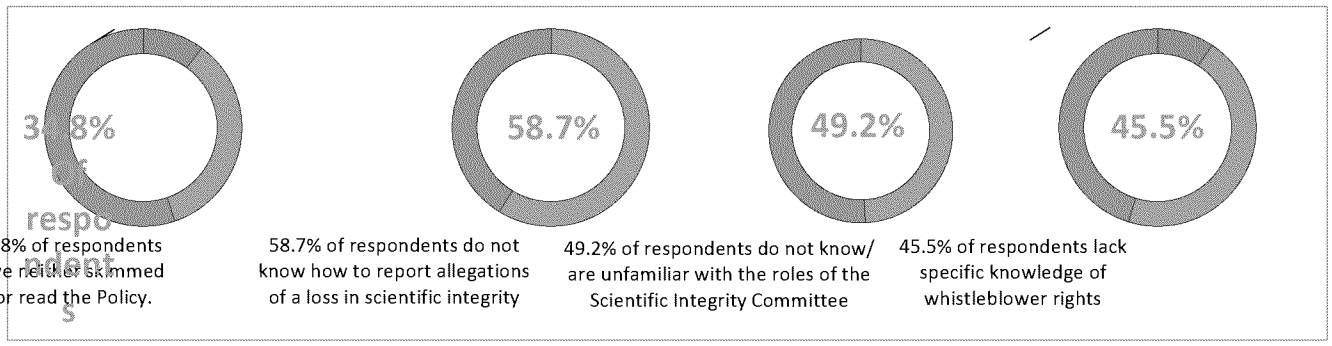
The Policy extends whistleblower protections to all EPA employees who uncover or report allegations of scientific or research misconduct. Less than 10% of respondents [350] reported that they were not aware of whistleblower rights, but 45.5% [1,722] of respondents reported that they did not have specific knowledge. A higher proportion of senior leadership (66.0%) reported that they were aware of whistleblower rights than lower GS level respondents (ranging from 36.1% to 54.31%). Supervisors (59.3%) were also more likely than non-supervisors (42.5%) to be aware of whistleblower rights.

Gaps in awareness and understanding of the Scientific Integrity Policy and procedures (Figure 3) revealed in the results reflect a need for more training and outreach, and many respondents suggested in open-ended responses that more training and outreach would be one way to improve scientific integrity at EPA. One respondent wrote, "I'm surprised by how little I know about this topic. If this survey shows low awareness of the policy and integrity committee throughout the agency, there should be some awareness-raising process." Respondents suggested a variety of different outreach activities such as sending Agency-wide emails about the Policy, releasing quarterly reports, and providing presentations.

Figure 3. Gaps in Knowledge of the Scientific Integrity Policy and Procedures

10.1% were not aware of the Policy

9.5% were not aware of their whistleblower rights



Respondents also specifically suggested training as a way to raise awareness and understanding of the Policy and procedures. Some respondents suggested including examples and case studies. One respondent stated, "I would suggest that any additional training on implementing the scientific integrity policy include specific case studies and examples, both when the guidelines are being followed and when they are not." Additionally, respondents also provided suggestions for focusing training on specific groups of employees, such as new hires or management.

> *"If you hold a scientific position within the EPA, Scientific Integrity training and information should be part of your onboarding process. This will 1) make the information readily available, and 2) demonstrate that EPA takes the policy seriously and is committed to it."*
>
> *-Anonymous Survey Respondent*

Actions

- ☑ During calendar year 2016, the Scientific Integrity Program trained 98 trainers and 5,659 employees using an innovative new discussion-based training program. The training incorporated animated "whiteboard" videos that presented introductory information and a case study on scientific integrity.[10]

- ☑ During calendar year 2016, the Scientific Integrity Official briefed all new members of the SES and new SLs, STs, and title 42 employees on scientific integrity as part of their onboarding.

- ☑ In January 2017, a training that includes a presentation by the ScIO and a whiteboard animated video became mandatory for all new EPA employees as part of their onboarding process.

- ☑ In 2016, both the scientific integrity internet and intranet websites were expanded, updated and redesigned to increase access to information and resources on scientific integrity at EPA.

- ☐ Create additional outreach materials for use by Deputy Scientific Integrity Officials to increase their visibility and outreach efforts.

- ☐ Work with the Whistleblower Ombudsman in the OIG to raise awareness of whistleblower rights and responsibilities.

Culture of Scientific Integrity at EPA

One of the goals of this survey was to better understand what the current culture of scientific integrity looks like at EPA. This culture manifests itself when EPA employees, contractors, grantees and collaborators conduct, communicate, utilize and supervise science. The Policy also aims to foster a culture of transparency regarding the results of research, scientific

[10] A recorded version of the Scientific Integrity Training can be found at https://www.youtube.com/watch?v=Zc0T7fooot8.

activities and technical findings. The Policy forbids all EPA employees, contractors, grantees and volunteers from suppressing or manipulating scientific data. EPA employees should be able to take part in open and robust conversations about Agency science, and freely express their opinions without fear of retaliation, retribution or reprisal.

Respondents were asked what they believe a culture of scientific integrity at EPA means, based on their understanding of the goals of the Scientific Integrity Policy. A majority of respondents agreed or strongly agreed that a culture of scientific integrity means that the work of EPA is informed by robust science; scientific findings are generated, reviewed and shared in a timely and transparent manner; and scientists are able to do their best work knowing that they are protected from intimidation and coercion to alter scientific data or findings (Figure 4). While all of this should translate to greater public trust in our science, less than half (48%) of respondents [1,749] strongly agreed that a culture of scientific integrity means that the public experiences increased appreciation and understanding of EPA's scientific work, and 13.5% of respondents [491] disagreed or strongly disagreed with this statement. Senior leadership and supervisors were typically more likely to strongly agree with all of the statements than lower GS-levels and non-supervisors respectively.[11]

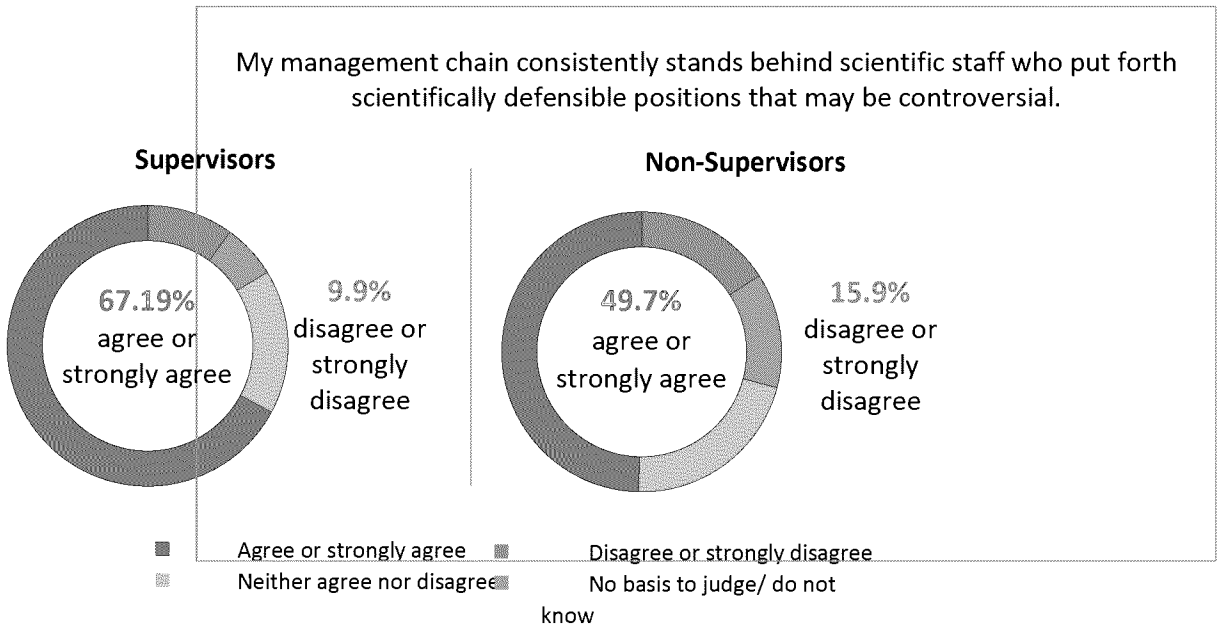
When asked to comment on personal experiences relating to a culture of scientific integrity at EPA in the last three years, many respondents had positive statements or described positive experiences. Respondents wrote about their commitment to scientific. One respondent wrote, "My personal experiences regarding a culture of scientific integrity at EPA has always been positive with honest and professional outcomes and evaluations with the highest scientific integrity." Respondents also stated that the culture had improved in the last three years.

> *"In the past three years it has improved a lot. Prior to that there was substantial political management interference in already approved projects to try to influence publication of results or [the] way in which they were communicated in the academic community..."*
>
> *-Anonymous Survey Respondent*

EPA management and leadership play a crucial role in setting the tone for scientific integrity at EPA. Just over half (52.3%) of respondents [1,974] agreed or strongly agreed that their management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial. Supervisors (67.2%) were more likely than non-supervisors (49.7%) to agree or strongly agree (Figure 4). Senior leaders (79.1%) were more likely to strongly agree than GS-level respondents (ranging from 48.0% to 60.7%). Fifteen percent of respondents [563] disagreed or strongly disagreed that their management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial. 12.2% of respondents [420] reported that they have no basis to judge or do not know.

Figure 4. Management support for scientific staff

[11] See Appendix B, question 7.



Respondents expressed several concerns in the open-ended responses regarding EPA management and leadership with regard to scientific integrity. One respondent wrote, "The policy does not seem to be fully embraced or even fully known by all senior leaders." Respondents mentioned a variety of different issues that they perceive in management including instances of bias, suppression or delay in the release of information, coercion to manipulate findings or conclusions, as well as a general dismissiveness and lack of support for scientists or employees. A more widely expressed concern was that management and leadership lack the appropriate experience and knowledge to be in positions that routinely review or make decisions based on science. One respondent stated, "Managers generally have weak science understanding making it hard for them to support credible science. There is a lot of "managing up" to get the right answer."

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"There are some managers that lack a fundamental understanding of science and the scientific methods. They struggle with distilling complex scientific information into something digestible without losing important nuance and caveats. In some cases, they misinterpret information. When managers don't understand information and really don't have the knowledge to understand it, they may suppress its communication."

-Anonymous Survey Respondent

A majority (66.5%) of respondents [2,513] agreed or strongly agreed that they can openly express their scientific opinions about the Agency's scientific work without fear of retaliation, but 12.9% of respondents [487] disagreed or strongly disagreed. Supervisors (34.2%) were more likely than non-supervisors (23.6%) to strongly agree that they can openly express scientific opinions about the Agency's science without fear of retaliation. Senior leaders (47.6%) were more likely to strongly agree than GS-level respondents (ranging from 22.1% to 38.8%). 7.7% of respondents [290] reported that they have no basis to judge or do not know.

Fear of retaliation, retribution or reprisal was another management-related concern that emerged in the open-ended responses. Some respondents referenced a general 'culture of fear' or the lack of trust in whistleblower rights to provide any real protection. One respondent stated, "The whistleblower protection is a nice idea, but in reality doesn't seem to offer much protection." Some respondents gave

"I believe that there is a great deal of fear of retaliation, uncertainty and lack of guidelines for promoting a culture of scientific integrity across EPA."

-Anonymous Survey Respondent

more specific instances in which they would not feel comfortable expressing their scientific opinions or not complying with management's requests to knowingly alter, manipulate or withhold scientific information. One respondent reflected, "You see time and time again that employees who bring something to light are intimidated, down graded on their performance, harassed, suspended, ostracized, and treated poorly by management in their agencies."

Despite comments related to a fear of retaliation and other cited issues with management, supervisors were the most widely reported authority to whom respondents would feel comfortable reporting information regarding a loss of scientific integrity (Figure 5). A vast majority (88.4%) of respondents [3,338] reported that they would feel comfortable reporting allegations to supervisors, followed by the Scientific Integrity Official (79.4%) [2,921], Deputy Scientific Official (76.1%) [2,783], and the OIG (66.7%) [2,440]. When employees were asked why they would not be comfortable reporting information to the Scientific Integrity Official, Deputy Scientific Integrity Official and OIG, respondents stated that they preferred not to go outside of their management chain, though some stated that they would if they received no initial response. For example, one respondent stated that they "Would like to report it to my next higher official rather than go higher up in the hierarchy and report. However, if needed I don't have a problem reporting to the OIG directly." Other respondents stated that they did not know who these authorities were or how to report to them.

Figure 5. Authorities to whom respondents feel comfortable Reporting Allegations

'Union' received the lowest percentage (54.1%) [1988] of responses for participants feeling comfortable reporting information. However, a larger percentage of non-supervisors (59.3%) than supervisors (24.9%) reported that they would feel comfortable reporting to a union (Figure 4). Likewise, many respondents stated that they would not be comfortable reporting to the union, simply because they were not a member or they were considered management. Some respondents wrote that they would not report to the union because it was outside their management chain. Other respondents stated it would be inappropriate to report issues of scientific integrity to the union. For example, one respondent wrote, "Scientific integrity does not seem to fit under the union's responsibility. I believe the union is to address working conditions, unless there is a concern about workplace retaliation."

About half (51.4%) of respondents [1,938] agreed or strongly agreed that they have the right to review, correct and approve the scientific content of an Agency document, before public dissemination, that significantly relies on their scientific research, identifies them as an author, or represents their scientific opinion. Less than 10% [285] disagreed or strongly disagreed, and about a quarter (25.2%) of respondents [950] reported that they had no basis to judge or did not know.

> *"I don't think the issue is integrity. Rather science does not seem to be a priority at EPA and it is typically deemphasized is policy and decision making. This needs much more attention than integrity."*
>
> *-Anonymous Survey Respondent*

Respondents expressed concerns about the utilization of science in policy and decision-making. Some respondents had questions concerning how science is used to inform policy, or how scientific information is weighed against other considerations like economic and legal considerations. One respondent wrote, "I am not sure how to handle situations where scientifically there is a better solution to an issue, but the approach may be contrary to regulations or statutes. How do you mediate between science and regulatory/ legal requirements?" Other respondents directly expressed concerns about the inadequate use of science in decision making. Some stated that they believe that the importance of science is deemphasized or ignored in the policy and decision-making process.

Other respondents did not have questions or concerns regarding how science informs policies and decisions and instead stated that the issue is a lack of understanding of the decision-making process. Respondents said that they believe that employees (particularly scientists) are unfamiliar with considerations other than scientific information that must be included in deliberation. They argued that this is the reason why some employees believe that science is deemphasized in decision making.

> *"The committee should consider in communication with staff the importance of scientific integrity, but should also communicate that science "informs" policy, but does not "dictate" policy. Policy occurs at the intersection of science and law, together with social and political dimensions/considerations. Without this broader understanding, staff can get demoralized when they believe pure science should determine every decision."*
>
> *- Anonymous Survey Respondent*

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Respondents expressed concerns about potential political interference in EPA work. Some respondents mentioned that they believe that political considerations affect the use of scientific information and decision-making. Some stated that EPA is a political Agency or that the Agency operates in a political climate or nature. For example, one respondent stated, "EPA is too often a politicized agency, which serves to undermine the credibility of the largely excellent science performed by its staff and programs." Several respondents also commented that politics continuously "trump" science when considered for making policy or regulatory decisions. Others mentioned that political interference can delay the release of scientific information to the public.

> *"I've seen scientific information delayed because of political ramifications on numerous occasions. I have not seen any acts to alter scientific findings or conclusions. BUT, delay is often beneficial to the relevant parties if profits are at risk, and rarely of benefit to the public, so these delays deserve real attention and a changed culture of not allowing hot topics to be debated endlessly by management before being released publicly."*
>
> *- Anonymous Survey Respondent*

Actions

- ☐ Initiate formal dialogues with all EPA managers in 2017 to clearly define the responsibilities of management and senior leadership regarding scientific integrity.
- ☐ Work with managers to develop ways to increase transparency in decision-making and increase understanding of the roles that science plays in decision-making at EPA.

- ☐ Finalize and release the Differing Scientific Opinions Policy for use when an EPA employee substantively engaged in the science informing an EPA policy decision disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon.

- ☐ Work with managers to make certain that there is widespread understanding of scientists' right to review, correct, and improve the scientific content of any proposed Agency document intended for public dissemination that significantly relies on their research.

- ☐ Devise ways to provide additional scientific support to managers who supervise, utilize or communicate science

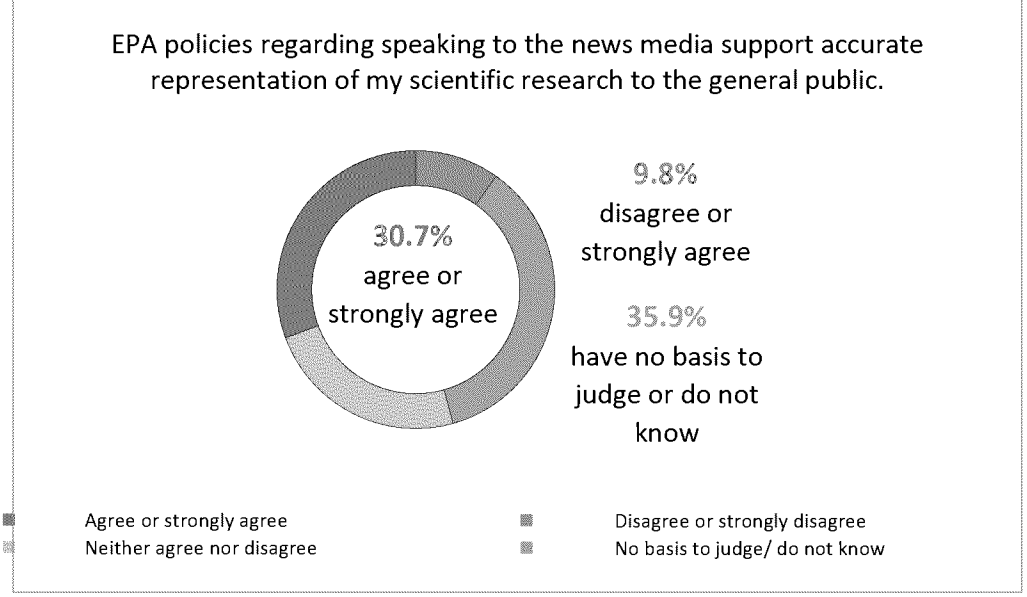
Release of Scientific Information to the Public

The Scientific Integrity Policy aims to foster a culture of transparency regarding the release of Agency scientific research, scientific activities and technical findings. Scientific research and analysis are the foundation of all EPA decision-making. EPA encourages open communication, free from political or other interference. The clear and timely release of science facilitates a free flow of information and increases public confidence in the Agency's ability to protect human health and the environment.

A majority (68.5%) of respondents [2,582] agreed or strongly agreed that, in their personal capacity, they are able to freely express scientific views, provided that they specify that they are not speaking on behalf of the Agency. Only 9.1% of respondents [342] disagreed or strongly disagreed with this statement. Senior leaders (41.9%) were more likely to strongly agree than GS-15 or lower levels (ranging from 21.5% to 29.0%).

A relatively low proportion of respondents, only 30.7% [1,151], agreed or strongly agreed that the EPA policies regarding speaking to the news media support accurate representation of their scientific research to the general public (Figure 6); however, it is important to note that 35.9% of respondents [1,347] said that they have no basis to judge or do not know. Almost 10% of respondents [369] disagreed or strongly disagreed with this statement. Supervisors (41.7%) were more likely to strongly agree or agree to this statement than non-supervisors (28.6%). Likewise, senior leaders (24.7%) were more likely to strongly agree than GS-15 and lower levels (ranging from 6.5% to 16.2%).

Figure 6. Policies on Speaking to the News Media and Accurate Representation of Science



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Many respondents mentioned that speaking to the news media is a role specifically for EPA communications staff. Several stated that all inquiries and requests from the media are forwarded or must go through communications (i.e. press office, public affairs, public relations, external affairs, public information officials, etc.). For example, one anonymous respondent said, "Most questions by the news media (and attempts to contact staff) are referred to communication staff in our front office, as the front office has requested."

"My speaking to the new media is ALWAYS conducted with our External Affairs folks present, which I have no issues with for they may have knowledge I don't and can help keep me from "going down a dead end road." I have been able to speak on the environmental law I oversee ... and to answer questions from the new media with no censorship whatsoever from the External Affairs folks. It has always been a positive experience in my opinion."

-Anonymous Survey Respondent

Respondents were divided, however, on experiences related to working with communications staff. Some respondents stated that they found communications staff to be very helpful when dealing with the news media, while others felt communications staff lacked the appropriate scientific or technical knowledge to be responsible for such communication. One respondent wrote, "In my experience, all such communications have been written and have been coordinated by public affairs offices, whose personnel generally lack sufficient scientific understanding to recognize how their "editing" may unwittingly change scientific meanings."

*"This is not *EVEN* a possibility [...] Scientists operate under a veritable gag order."*

-Anonymous Survey Respondent

Other respondents stated that they are discouraged or not allowed to speak with the news media. While some of these responses were neutral in tone, not mentioning whether they believed this was reasonable or not, others expressed a more negative tone. One respondent wrote, "I have been consistently told that I am not allowed to speak to the news media about my work. We are told to refer any inquiries to a media officer."

44.6% of respondents [1,663] reported that they have never received any training on how to communicate scientific topics to the media. Almost one third (31.2%)of respondents [1,203] reported that they had received training from EPA. GS-13 and higher level respondents, including senior leaders, were more likely to have received training from EPA than lower GS-levels, although still a relatively large percentage said that they had received no training at all. 40.5% of supervisors reported that they had received training from EPA, compared to only 22.9% of non-supervisors. 15.9% of respondents [594] stated that communicating scientific topics to the media is not something their job requires them to do.

Only 10.4% of respondents [393] strongly agreed and 30.4% [1,143] agreed that scientific or technical products are released to the public in a timely fashion (Figure 7). About 14% of respondents [426] disagreed or strongly disagreed. 22.3% of respondents [840] said that they had no basis to judge/ do not know. A higher percentage of senior leaders strongly agreed with this statement than GS-15 level and lower classification levels.

"I have been involved in collecting samples from private properties and we released the results to the home owners as soon as the results were validated and presented the findings to the general public and media at the following [...] meeting. In my opinion the dissemination of information was timely."

-Anonymous Survey Respondent

Figure 7. Experience Regarding Timely Release

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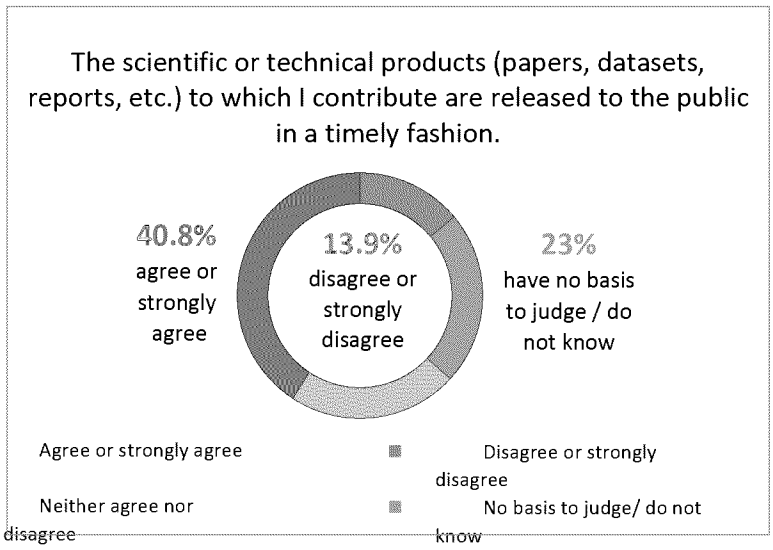

In the open-ended responses, respondents mentioned that they generally experienced timely release. Most of these comments were very general, but some respondents gave specific examples of timely release. However, some respondents wrote that they had experienced slowed or delayed release of scientific products. Some mentioned having a specific report currently being held up in review or never released at all. Sometimes respondents mentioned that the delay was not deliberate, while others expressed that they believe that it was deliberate.

"In my experience, scientific documents are produced but then sit on the desks of managers (within the division) and/or regulatory divisions waiting to be reviewed. For example, I submitted a completed draft [...] in the spring of 2015 and it has still not been reviewed by management as of January 2016."

-Anonymous Survey Respondent

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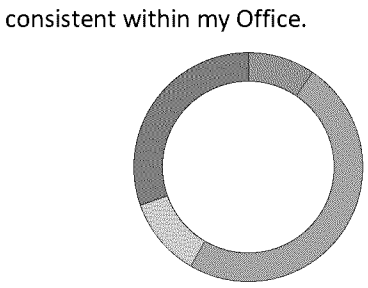
Respondents were asked how much they agree or disagree with a series of statements about clearance (Figure 8). Before a scientific product can be released from EPA, it must go through

Figure 8. Clearance Procedures at EPA



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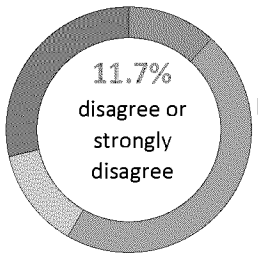
30.4% agree or strongly agree

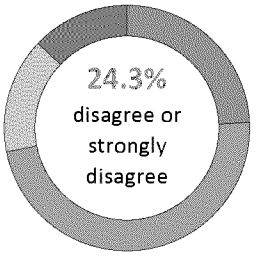
9.8% disagree or strongly disagree

48.9% have no basis to judge / do not know

The clearance procedure is transparent.



I can accurately predict the amount of time it will take to clear a scientific product.



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Agree or strongly agree
Neither agree nor disagree
Disagree or strongly disagree
No basis to judge/ do not know

Respondents were asked how much they agree or disagree with a series of statements about clearance (Figure 8). Before a scientific product can be released from EPA, it must go through clearance. Clearance is an internal review and approval procedure performed by managers. Clearance procedures for an office should be consistent and transparent to allow for the timely release of scientific products.

30.4% of respondents [1,145] agreed or strongly agreed that the clearance procedure is consistent within their office. Senior leadership (61%) were more likely than GS-level respondents (ranging from 22% to 42.2%) to agree or strongly agree that the clearance procedure is consistent for their office. 48.9% of respondents [1,842] reported that they have no basis to judge or do not know.

11.7%
disagree or strongly disagree

28.5% of respondents [1,069] agreed or strongly agreed that the clearance procedure is transparent (28.5%). 11.7% of respondents [440] disagreed or strongly disagreed that the clearance procedure is transparent. Again, senior leaders (59.1%) were more likely to agree or strongly agree than GS-level respondents (ranging from 20.6% to 40.9%). 46.6% of respondents [1751] reported that they have no basis to judge or do not know.

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A much lower percentage, only 12.4%, of respondents [484], agreed or strongly agreed that they can accurately predict the amount of time that it will take to clear a scientific product. Almost one quarter (24.3%) of respondents [910] disagreed or strongly disagreed. For all three statements about clearance, a significant number of respondents reported that they have no basis to judge or do not know (ranging from 46% to 48%). A higher proportion of senior leaders (26.7%) agreed or strongly agreed than GS-level respondents (ranging from 8.8% to 18.3%). 47.7% of respondents [1,792] reported that they have no basis to judge/ do not know.

Actions

- ☐ Finalize and release *Best Practices and Procedures for Pre-Release of Scientific Products at EPA*.
- ☐ Work with offices, programs and regions evaluate and revise or enhance their clearance procedures.
- ☐ Work with incoming Office of Public Affairs officials to increase access of the news media to scientists and their research results.
- ☐ Provide media training to scientists to become more effective communicators.

Professional Development

Figure 9. Time and Encouragement to Pursue Professional development

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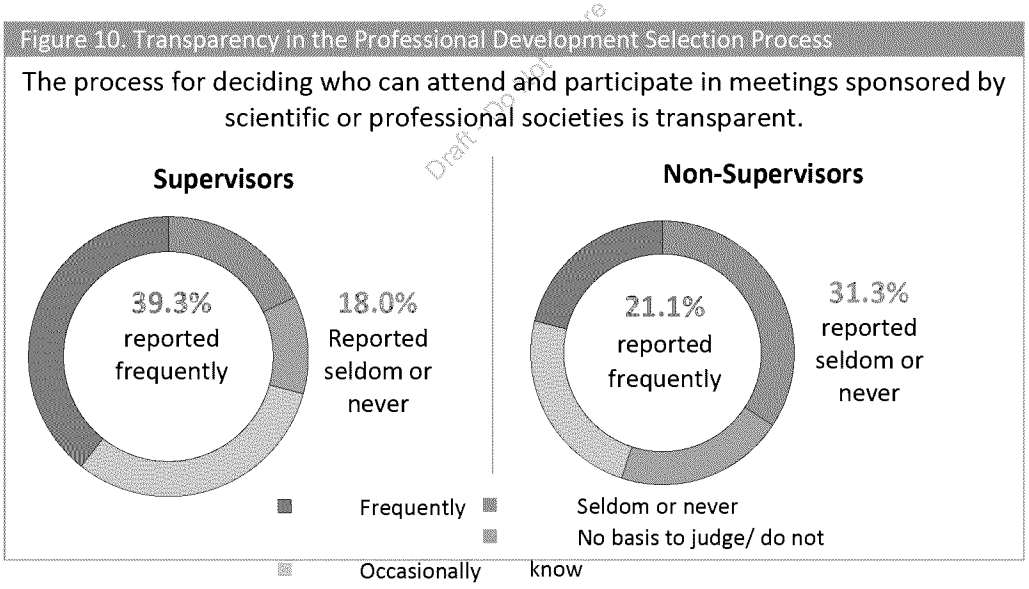
Scientific leadership is a key component of advancing EPA's science and its mission to protect human health and the environment. Therefore, Agency scientists are encouraged to participate in professional development activities to fully engage with their scientific communities to become leaders in their scientific fields. Professional development also offers a way for scientists to stay current with emerging technology and science. Professional development activities may include attending scientific meetings or conferences, participating in professional societies, obtaining scientific training, or serving on editorial boards of peer-reviewed journals.

22.4% of respondents [848] reported that they are frequently provided with the appropriate time and encouragement to keep up with advances in their professions, including attending conferences and participating in scientific or professional societies (Figure 9). 36.3% said they are occasionally provided the appropriate time and encouragement to pursue professional development. 8.1% of respondents [305] reported that they are never provided the time or encouragement. Senior leadership (41.9%) were more likely to say that they are frequently provided with time and encouragement for professional development than GS-level respondents (ranging from 18.2% to 27.5%), who were more likely to report that they are occasionally provided with the appropriate time and encouragement.

Less than half (48.3%) of respondents [1,844] reported that the process for deciding who can attend and participate in meetings sponsored by scientific or professional societies is occasionally (24.9%) or frequently (23.4%) transparent. However, 31.8% said [1,196] that the process is seldom or never transparent. Supervisors (39.3%) were more likely than non-supervisors (21.1%) to report that the process is frequently or occasionally transparent (Figure 10). Likewise, senior leadership (52.38%) respondents were more likely to say that the process is frequently transparent than GS-level respondents (ranging from 17.8% to 35%).

Figure 10. Transparency in the Professional Development Selection Process



Actions

- ☐ Create a list of best practices for professional development from which offices, programs and regions can create consistent and transparent criteria for deciding who receives opportunities for professional development.

Conclusions

The EPA Scientific Integrity Policy establishes a strong foundation to ensure a culture of scientific integrity in Agency work. Results of this survey establish a baseline understanding of the culture of scientific integrity and impact of the

Policy, now in its fourth year of implementation. Results also indicate areas of Policy implementation that could be improved to further enhance the culture of scientific integrity at EPA.

The Policy provides both a vision and a roadmap to ensure science is safeguarded against inappropriate interference, manipulation and suppression. Awareness and understanding of the Policy plays a key part in the ability of employees to recognize and prevent potential lapses in scientific integrity. Survey results indicate that employees would benefit from more training and outreach on the Policy to better understand how it affects their work at the Agency.

Science is the foundation of decision-making at EPA, but it can often be a long and sometimes curve-filled journey from the bench to the use of scientific results in decision-making. Survey results indicate that there is confusion and concern regarding how science is represented in Agency decisions. Results also reveal the perception of political interference in Agency decisions. The Agency may make final decisions that weigh other factors besides science and be consistent with EPA's governing statutes. Such decisions, even if they are not consistent with the science, do not in and of themselves constitute a loss of scientific integrity. The Agency must work to enhance transparency in these decision-making processes and scientists understandably as well.

Agency leadership and management significantly influence the culture of scientific integrity at EPA. Management must support objective science needed for decision-making, even when it may be controversial. Differing scientific opinions should be fully heard, respected and rewarded. Scientists must be able to express their professional opinions and work in a culture that is free from fear of retaliation, retribution and reprisal. Results reveal a need to work with Agency leadership and management to help them positively enhance the culture of scientific integrity for the employees that they supervise.

The timely release of science to the public plays a crucial role in the Agency's ability to protect human health and the environment. While clearance is a necessary procedure in the release of information, results indicate that a lack of consistency and transparency in the process may act as a barrier to the timely release of information. Results also suggest that there is a perceived inability to speak directly with news media. Again, it is necessary for any employee to coordinate with the Office of Public Affairs when communicating to the news media, but scientists should not be forbidden to speak to the news media about their research results without just cause.

Scientists are one of the Agency's most precious resources and should be given the appropriate opportunity to remain current in their fields by participating in professional development. Results indicate the need for transparency in the process for deciding who may participate in these critical activities.

The Scientific Integrity Official and the Scientific Integrity Committee have devised this action plan to move the Agency forward towards the use of strong, independent science in its decision-making and the mission to protect human health and the environment.

Action Plan Summary

Increase Awareness and Understanding of the EPA Scientific Integrity Policy and Procedures

- ☑ During calendar year 2016, the Scientific Integrity Program trained 98 trainers and 5,659 employees using an innovative new discussion-based training program. The training incorporated animated "whiteboard" videos that presented introductory information and a case study on scientific integrity.[12]

- ☑ During calendar year 2016, the Scientific Integrity Official briefed all new members of the SES and new SLs, STs, and title 42 employees on scientific integrity as part of their onboarding.

[12] A recorded version of the Scientific Integrity Training can be found at https://www.youtube.com/watch?v=Zc0T7fooot8.

- ☑ In January 2017, a training that includes a presentation by the ScIO and a whiteboard animated video became mandatory for all new EPA employees as part of their onboarding process.

- ☑ In 2016, both the scientific integrity internet and intranet websites were expanded, updated and redesigned to increase access to information and resources on scientific integrity at EPA.

- ☐ Create additional outreach materials for use by Deputy Scientific Integrity Officials to increase their visibility and outreach efforts.

- ☐ Work with the Whistleblower Ombudsman in the OIG to raise awareness of whistleblower rights and responsibilities.

Promote a Culture of Scientific Integrity at EPA

- ☐ Initiate formal dialogues with all EPA managers in 2017 to clearly define the responsibilities of management and senior leadership regarding scientific integrity.

- ☐ Work with managers to develop ways to increase transparency in decision-making and increase understanding of the roles that science plays in decision-making at EPA.

- ☐ Finalize and release the Differing Scientific Opinions Policy for use when an EPA employee substantively engaged in the science informing an EPA policy decision disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon.

- ☐ Work with managers to make certain that there is widespread understanding of scientists' right to review, correct, and improve the scientific content of any proposed Agency document intended for public dissemination that significantly relies on their research.

- ☐ Devise ways to provide additional scientific support to managers who supervise, utilize or communicate science

Improve Practices for the Release of Scientific Information to the Public

- ☐ Finalize and release *Best Practices and Procedures for Pre-Release of Scientific Products at EPA*.

- ☐ Work with offices, programs and regions evaluate and revise or enhance their clearance procedures.

- ☐ Work with incoming Office of Public Affairs officials to increase access of the news media to scientists and their research results.

- ☐ Provide media training to scientists to become more effective communicators.

Promote Professional Development for EPA Scientists and Other Technical Staff

- ☐ Create a list of best practices for professional development from which offices, programs and regions can create

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consistent and transparent criteria for deciding who receives opportunities for professional development.

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Appendix I. Detailed Methodology Report

The EPA Scientific Integrity Program, located within the Office of the Science Advisor, designed and conducted this survey project. Innovation, Inc., provided support for project design, survey distribution, and data collection.

Sample

The intended sample for this survey was all current EPA employees. The Office of Administration and Resources Management's (OARM's) Office of Human Resources (OHR) provided an initial list of 14,913 employees. A total of 53 employees were not included in the initial sample list due to incorrect email addresses or recent hire and were added to the sample upon verification of their employment. When the survey was first distributed, four email messages were returned as undeliverable due to invalid email addresses, and these were removed from the sample. Forty-four employees were identified as being unavailable during the data collection timeframe due to extended leave or no longer being employed by the Agency. The resulting total eligible sample consisted of 14,906 employees (Table 2).

Table 2. Survey Sample	
Initial Sample	14,913
Additions	53
Bounced emails	4
Unavailable	44
Total Eligible Sample	**14,906**

Survey Instrument

The survey questionnaire (Appendix II) was designed and developed by the EPA Office of the Science Advisor. The survey questionnaire featured 29 questions designed to measure employees' experience with scientific integrity at EPA, as well as their awareness and familiarity with the Policy.

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The survey included three types of questions: multiple choice, Likert scale and open-ended. Participants were directed to one of two forms based on their response to the first question, which asked them to report the amount of time spent conducting, utilizing, communicating or managing science. Using skip logic, participants who reported that they spend less than 25% (total) on the listed activities were directed to a short-form version of the survey, which included only 15 of the 29 questions. Participants indicating that they spend a total of 25% or more of their time conducting, utilizing, communicating or managing science were directed to the long-form version, which consisted of all 29 questions.

The online instrument was developed in Qualtrics by Innovate! Inc. staff. Template and formatting options of the online survey tool were selected to enhance readability and experience of survey participants. The survey was also formatted to allow participants to complete the survey using any type of device. Respondents were permitted to skip questions, but required to submit their survey at the end, in order for their survey to be considered "complete." Footnotes were also provided throughout the survey for clarity.

Distribution and Data Collection

The survey was administered to EPA employees from November 17, 2015, to January 19, 2016. EPA employees received an initial email message from the Scientific Integrity Official that explained the purpose of the survey and included information regarding security and confidentiality. The email message also contained a survey link unique to each recipient, which prevented "ballot stuffing" and allowed responses to be tracked for completion; however, no individual responses were traced back to the employee.

Three follow-up emails were sent to employees that had not yet completed the survey to remind them of the survey

opportunity, to provide additional information to assure recipients of the survey's legitimacy, and to encourage participation. In addition, between November and January, members of the Scientific Integrity Committee and the Scientific Integrity Union Working Group also sent reminders encouraging participation.

Each participant received a unique survey link via email, which was generated by the Qualtrics mailer tool. Both the survey and data submitted were stored on a secure server hosted by a third-party online survey administrator. Participants were advised to complete the survey in one sitting to maximize security and confidentiality.

Survey Response Rates and Demographics

Finalized response rates are summarized in Table 1 below. Of the total eligible sample, 45% opened the survey link that was provided via email and about 39% completed the surveys. 34% of respondents that completed the survey took the short-form version and close to 66% completed the long-form version. This report summarizes the long-form responses.

Table 1. Survey Response Rates	
Total Eligible Sample	14,906
Surveys Opened	6,780 (45.3%)
Total Completed (Response Rate)	5,763 (38.7%)
Short-Form	1,970 (13.2%)
Long-Form*	**3,793 (25.4%)**

**This report only summarizes responses for the long-form version of the survey.*

Employees located in all major EPA offices and regions completed long-form surveys. A large portion of survey respondents were from the Office of Research and Development, the largest office at the Agency that is responsible for conducting most of the scientific research. Smaller offices that are less involved in the conduct, utilization, communication and supervision of science appropriately had smaller response rates.

Respondents represented a variety of General Schedule (GS) grade levels, from GS-9 and lower to GS-15, though the largest group was GS-13 (44.7%). Senior Level (SL), Senior Executive Service (SES) and Scientific and professional (ST) positions, as well as Title-42 appointees were also represented. For the analysis, these four categories of employees were combined to protect anonymity and are referred to collectively as "senior leadership" or "senior leaders". Only 6.8% of respondents had been at the Agency for less than one year at the time of the survey. 67.1% of respondents had been at the Agency for more than 10 years, with almost 10% having been here for more than 30 years. Respondents also included employees with a range of education levels, but 43.6% of employees had master's degrees and 20.9% had doctoral degrees. Fifteen percent of respondents to the long-form survey self-identified as supervisors.

Analysis

Innovate! Inc. edited and refined the resulting data file using reporting features in Qualtrics and the data was exported as Microsoft Excel files for analysis. A preliminary analysis of response frequencies was conducted for all multiple-choice and Likert scale response questions. Responses to multiple-choice questions were cross tabulated with demographic categories including GS grade level, length of employment, supervisory status and, when appropriate, level of familiarity with the Policy to examine relationships among these variables and responses to questions. Prominent trends or differences among response frequencies are described in this report.

Responses to the open-ended questions resulted in several hundred pages of text. These responses were analyzed using an open-coding approach, a process of examining comments made by respondents and identifying emerging patterns, concepts, and themes. After coding references for these themes, the most commonly referenced codes or themes are highlighted in the results as "prominent themes."

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Appendix II. Survey Instrument and Results

The Scientific Policy was issued in 2012. Provide responses that reflect your understanding and experience regarding science and scientific integrity in the past 3 years.

"Science" and "scientific" are expansive terms that refer to the full spectrum of scientific endeavors, including: basic science (e.g., biology, chemistry), applied science, engineering, technology, economics, social sciences, and statistics. The term "scientist" refers to anyone who collects, generates, uses, or evaluates scientific data, analyses, or products.

Please select one response per question unless otherwise noted.

1. What percentage of your time is spent on scientific work in the following broad categories?
Please provide the best estimates. This does not need to add up to 100% of your time, but you must enter a number from 0 to 100 in each box.

Create or conduct science through original research or synthesize/analyze existing data for assessments (for example: modeling, data collection in the field or laboratory, analyze or evaluate lab samples, economic analysis, risk assessment, other technical activities, etc.)

Average: 23.09%

Utilize scientific data or conclusions to inform Agency actions or decisions (for example: policy analysis, rule or policy development, permit writing, inspections or evaluations, grant review, enforcement, etc.) or develop policies, guidance or regulations that affect science.

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Average: 28.65%

Communicate science via any media (i.e. public affairs, internal communication, community outreach, stakeholder engagement, write/publish papers, etc.)

Average: 17.65%

Manage science, scientists or technical activities involving personnel performing such tasks (i.e. direct, supervise, manage or oversee scientific activities listed in a., b., and c.)

Average: 17.41%

The purpose of the remaining questions is to understand your awareness of the Scientific Integrity Policy. Your work is critical to EPA's mission to protect human health and the environment. From here, the survey should take about 10 minutes to complete.

AWARENESS AND UNDERSTANDING OF EPA'S SCIENTIFIC INTEGRITY POLICY AND PROCEDURES

In the next several questions, please select the response(s) that best characterizes your familiarity with and understanding of EPA's Scientific Integrity Policy.

2. How familiar are you with EPA's Scientific Integrity Policy? (select one):

Total Responses: 3,791

I am aware EPA has the Policy, but I have neither skimmed nor read it | 1,062 (28.0%)

I know where to find the Policy, but I have neither skimmed nor read it | 252 (6.7%)

I have skimmed the Policy | 1,227 (32.4%)

I have read the Policy | 868 (22.9%)

I was not aware of the Policy until I received this survey | 382 (10.1%)

3. How did you learn about the existence of the Scientific Integrity Policy? (select all that apply)

Total Responses: 3,401

Online training module | 812 (23.9%)

An informational Poster | 253 (7.4%)

EPA website | 1,238 (36.4%)

Annual Report on Scientific Integrity at EPA | 523 (15.4%)

My supervisor | 549 (16.1%)

The Deputy Scientific Integrity Official in my program/region | 263 (7.7%)

Presentation by Scientific Integrity Official | 633 (18.6%)

Other | 950 (27.9%)

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4. Do you know how to report instances/allegations[1] relating to the loss of scientific integrity?

Total Responses: 3,772

Yes	No
1,559 (41.3%)	2,213 (58.7%)

[1]A scientific integrity allegation refers to a claim of the loss of scientific integrity at the Agency. Scientific integrity is adherence to professional values and practices, when conducting, supervising, communicating, and applying the results of science. It ensures objectivity, clarity, reproducibility, and utility and provides insulation from bias, fabrication, falsification, plagiarism, outside interference, and censorship. For example, a loss of scientific integrity might include discouragement to collect data crucial to a robust scientific outcome; removal from a team or project due to a different scientific opinion; or non-scientific motivation for changes in a study design or the interpretation of data.

For the next several questions, to whom would you feel comfortable reporting your information:

A. Supervisor

Total Responses: 3,777

Yes	No
3,338 (88.4%)	439 (11.6%)

B. Union

Total Responses: 3,678

Yes	No
1,988 (54.1%)	1,690 (45.9%)

C. OIG (Office of Inspector General)

Total Responses: 3,657

Yes	No
2,440 (66.7%)	1,217 (33.3%)

D. Scientific Integrity Official

Total Responses: 3,679

Yes	No
2,921 (79.4%)	758 (20.6%)

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E. Deputy Scientific Integrity Official

Total Responses: 3,658

Yes	No
2,783 (76.1%)	875 (23.9%)

5. For this question, please consider the content in the Scientific Integrity Policy rather than how the Policy is being implemented. The content in the Scientific Integrity Policy (select all that apply):

Total Responses: 3,770

Adds Value | 1,601 (42.5%)

Effectively addresses concerns about Scientific Integrity | 1,418 (37.6%)

Is easy to interpret | 795 (21.1%)

Does not apply to me or my work at the Agency | 72 (1.9%)

Does not enhance my work | 237 (6.3%)

Don't know/I am unfamiliar with the content in the Scientific Integrity Policy | 1,450 (38.46%)

6. What are the roles of the Scientific Integrity Committee? (select all that apply):

Total Responses: 3,769

To develop additional procedures to fully implement the Scientific Integrity Policy | 1,195 (31.7%)

To provide leadership for the Agency on scientific integrity | 1,580 (41.9%)

To implement the Scientific Integrity Policy across the Agency in a consistent manner | 1,562 (41.4%)

To promote Agency compliance with the Scientific Integrity Policy | 1,609 (42.7%)

To address concerns about the Scientific Integrity Policy | 1,409 (37.4%)

Don't know/not familiar with Committee roles | 1,853 (49.2%)

7. Based on your understanding of the goals of the Scientific Integrity Policy, do you believe that a culture of scientific integrity means

A. The work of EPA is informed by robust science

Total Responses: 3,630

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Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
1,389 (38.5%)	1,432 (39.5%)	279 (7.7%)	121 (3.3%)

Strongly Disagree	No Basis to Judge/Do not Know
58 (1.6%)	342 (9.4%)

B. Scientific findings are generated, reviewed, and shared in a timely manner

Total Responses: 3,618

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
904 (25%)	1,478 (40.9%)	504 (13.9%)	253 (7.0%)

Strongly Disagree	No Basis to Judge/Do not Know
91 (2.5%)	388 (10.7%)

C. The public experiences increased appreciation and understanding of EPA's scientific work

Total Responses: 3,621

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
607 (18.5%)	1,079 (29.8%)	893 (24.7%)	363 (10.0%)

Strongly Disagree	No Basis to Judge/Do not Know
128 (3.5%)	488 (13.5%)

D. Scientists are able to do their best work knowing they are protected from intimidation or coercion to alter scientific data or findings

Total Responses: 3,615

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
1,217 (33.7%)	1,221 (33.8%)	440 (12.2%)	192 (5.3%)

Strongly Disagree	No Basis to Judge/Do not Know
125 (3.5%)	420 (11.6%)

WHISTLEBLOWER PROTECTIONS

8. The Scientific Integrity Policy extends whistleblower protections to all EPA employees who uncover or report allegations of scientific and research misconduct, or who express a differing scientific opinion. Are you aware of whistleblower rights under the Whistleblower Protection Enhancement Act of 2012?

Total Responses: 3,783

Yes	No	Generally, not specifically
1,711 (45.2%)	350 (9.3%)	1,722 (45.5%)

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9. What suggestions do you have for improving scientific integrity at EPA based on your understanding and experience? Is there anything else you would like to share with us regarding scientific integrity at EPA? Your response will be extremely useful to the Scientific Integrity Official and Committee because it will inform the Agency's future implementation of the Scientific Integrity Policy.

Total Responses: 1,657 | Non-Applicable Responses: 184

Responses to this question varied. Some responses provided suggestions, and other responses detailed issues related to scientific integrity. The most prominent themes of responses were:

1. Suggestion for more training and outreach on scientific integrity
2. Issues with EPA management and leadership
3. Perceived political interference in EPA work
4. Concerns about the role/ importance science in science-informed decision-making at EPA

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

CULTURE OF SCIENTIFIC INTEGRITY AT EPA

To support a culture of scientific integrity within the Agency, EPA's Scientific Integrity Policy:

Promotes a culture of scientific integrity, fostering honest investigation, open discussion, refined understanding, and a firm commitment to evidence. Prohibits all EPA employees, including scientists, managers, and other Agency leadership, from suppressing, altering, or otherwise impeding the timely release of scientific findings or conclusions. Requires all

Agency employees to act honestly and refrain from acts of scientific misconduct. Scientific misconduct includes fabrication, falsification, or plagiarism in proposing, performing, or reviewing scientific and research activities, or in the publication or reporting of these activities; scientific misconduct does not include honest error or differences of opinion.

EPA Scientific Integrity Policy, pg. 3-4, 2012

10. Please comment on your personal experiences regarding a culture of scientific integrity at EPA in the past 3 years.

Total Text Responses: 2,215 | Non-Applicable Responses: 266

Summary: Responses to this question varied, but a majority of the responses were categorized into the following three emerging themes. Prominent themes included:

1. Positive statements and experiences regarding a culture of scientific integrity at EPA
2. Issues with EPA management and leadership
3. Perceived political interference in EPA work

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

Please indicate how much you agree or disagree with the following statements:

11. Within EPA in my official capacity, I can openly express my scientific opinions about the Agency's scientific work without fear of retaliation.

Total Responses: 2,779

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Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
953 (25.2%)	1,560 (41.3%)	489 (12.9%)	308 (8.2%)

Strongly Disagree	No Basis to Judge/Do not Know
179 (4.7%)	290 (7.7%)

12. In my personal capacity, I can freely express my scientific views provided I specify that I am not speaking on behalf of, or as a representative of, the agency.

Total Responses: 3,768

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
917 (24.3%)	1,665 (44.2%)	545 (14.5%)	241 (6.4%)

Strongly Disagree	No Basis to Judge/Do not Know
101 (2.7%)	299 (7.9%)

13. My management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial.

Total Responses: 3771

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree

687 (18.2%) 1,287 (34.1%) 774 (20.5%) 360 (9.6%)

Strongly Disagree 203 (5.4%) No Basis to Judge/Do not Know 460 (12.2%)

14. I have the right to review, correct and approve the scientific content of an Agency document, before public dissemination, that significantly relies on my scientific research, identifies me as an author, or represents my scientific opinion.

Total Responses: 3,766

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
664 (17.6%)	1,274 (33.8%)	593 (15.8%)	175 (4.7%)

Strongly Disagree	No Basis to Judge/Do not Know
110 (2.9%)	950 (25.2%)

15. The scientific or technical products (papers, datasets, reports, etc.) to which I contribute are released to the public in a timely fashion.

Total Responses: 3,763

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
393 (10.4%)	1,143 (30.4%)	864 (23.0%)	362 (9.6%)

Strongly Disagree	No Basis to Judge/Do not Know
161 (4.3%)	840 (22.3%)

16. EPA policies regarding speaking to the news media support accurate representation of my scientific research to the general public.

Total Responses: 3,755

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
303 (8.1%)	848 (22.6%)	888 (23.7%)	236 (6.3%)

Strongly Disagree	No Basis to Judge/Do not Know
133 (3.5%)	1,347 (35.9%)

RELEASE OF SCIENTIFIC INFORMATION[3] TO THE PUBLIC

[3]Consider OMB's definition of "Scientific Information": factual inputs, data, models, analyses, technical information, or scientific assessments related to such disciplines as the behavioral and social sciences, public health and medical sciences, life and earth sciences, engineering, or physical sciences. This includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms. This definition includes information that an agency disseminates from a web page, but does not include the provision of hyperlinks on a web page to information that others disseminate. This definition excludes opinions, where the agency's presentation makes clear that an individual's opinion, rather than a statement of fact or of the agency's findings and conclusions, is being offered. OMB Final Information Quality Bulletin for Peer Review M-05-03.

17. Many parts of the Agency have specific procedures for obtaining permission for the release of scientific products outside of the EPA. Respond to the following statements about the clearance process or procedure for scientific products in your office. If you are not aware of a process or procedure, please select "No Basis to Judge/Do Not Know."

A. The clearance procedure is consistent within my Office.

Total Responses: 3,769

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
299 (7.9%)	846 (22.5%)	421 (11.2%)	254 (6.7%)

Strongly Disagree	No Basis to Judge/Do not Know
107 (2.8%)	1,842 (48.9%)

B. The clearance procedure is transparent.

Total Responses: 3756

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
273 (7.3%)	796 (21.2%)	496 (13.2%)	300 (8.0%)

Strongly Disagree	No Basis to Judge/Do not Know
140 (3.7%)	1,751 (46.6%)

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C. I can accurately predict the amount of time it will take to clear a scientific product.

Total Responses: ,3757

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
93 (2.5%)	391 (10.4%)	571 (15.2%)	577 (15.4%)

Strongly Disagree	No Basis to Judge/Do not Know
333 (8.9%)	1,792 (47.7%)

Regarding the release of scientific information to the public, EPA's Scientific Integrity Policy:

This Policy is intended to outline the Agency's expectations for developing and communicating scientific information to the public, to the scientific community, to Congress, and to the news media by further providing for and protecting the EPA's longstanding commitment to the timely and unfiltered dissemination of its scientific information- uncompromised by political or other interference.

EPA Scientific Integrity Policy, pg. 5, 2012

18. Please comment on your personal experiences regarding the timely release of scientific information to which you contributed at EPA in the past 3 years.

Total Text Responses: 1,825 | Non-applicable responses: 614

Prominent Themes:

1. Appropriate timely release of information
2. Slow or delayed release of information

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

19. Please comment on your personal experiences regarding speaking to the news media about your scientific or technical research findings at EPA in the past 3 years.

Total Text Responses: 1,891 | Non-applicable responses: 1,112

Prominent Themes:

1. Communicating with the news media is primarily a role for EPA communications staff
2. Discouragement or prohibition related to communicating directly with the news media
3. Experiences with no issues or positive experiences with speaking to the news media

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

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20. Have you had training on how to communicate scientific topics to the media? (select all that apply):

Total Responses: 3,742

Through training at the EPA | 1,203 (31.2%)

Through training at another federal organization | 187 (5.0%)

Through a professional society | 286 (7.6%)

Through an academic institution | 428 (11.4%)

Communicating scientific topics to the media is not something my job requires me to do | 594 (15.9%)

Other training elsewhere | 312 (8.3%)

Not at all | 1,663 (44.4%)

PROFESSIONAL DEVELOPMENT

In the past 3 years, how frequently have you personally experienced the following?

21. I am provided with the appropriate time and encouragement to keep up with advances in my profession, including attending conferences and participation in scientific or professional societies.

Total Responses: 3,780

Frequently	Occasionally	Seldom	Never	No basis to judge/do not know

848 (22.4%)	1,373 (36.3%)	875 (23.2%)	305 (8.1%)	379 (10.0%)

22. The process in my office for deciding who can attend and participate in meetings sponsored by scientific or professional societies is transparent.

Total Responses: 3,774

Frequently	Occasionally	Seldom	Never	No basis to judge/do not know
903 (23.4%)	941 (24.9%)	715 (19.0%)	481 (12.8%)	734 (19.5%)

PEER REVIEW

23. Independent peer review of Agency science is a crucial aspect of scientific integrity. To ensure that scientific products undergo appropriate peer review by qualified experts, the EPA relies on its Peer Review Policy and Peer Review Handbook. Please comment on your personal experiences with peer review at EPA in the past three years.

Total text responses: 2,142 | Non-applicable responses: 852

Prominent themes:

1. Positive experiences or remarks regarding scientific integrity at EPA
2. Experience using peer review in EPA work
3. Peer review used as common procedure in offices, programs and regions

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A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

DEMOGRAPHICS

24. My current grade of classification level is:

Total Responses: 3,758

GS-10 or lower	GS-11	GS-12	GS-13	GS-14	GS-15
205 (5.6%)	68 (1.8%)	402 (10.7%)	1,680 (44.7%)	688 (18.3)	584 (15.5%)

SES, SL, ST or Title 42	Other
106 (2.8)	25 (0.67%)

25. I have worked at EPA for:

Total Responses: 3764

< 1 year	1-5 years	6-10 years	11-15 years	16-20 years	21-25 years
257 (6.8%)	278 (10.0%)	605 (16.1%)	516 (13.7%)	552 (14.7%)	567 (15.1%)

26-30 years	>30 years

520 (13.8%)	369 (9.8%)

26. The highest level of education I have completed is:

Total Responses: 3,756

Bachelor's	Master's	JD	PhD	Other
1,000 (26.6%)	1,636 (43.6%)	188 (5.0%)	786 (20.9%)	146 (3.9%)

27. My current affiliation at EPA is:
(To further ensure the confidentiality of your response, a contractor will combine the reported results from Offices or Regions with less than 20 respondents)

Total Responses: 3,731

Office of the Administrator	OARM	OAR	OCFO	OCSPP	OECA
72 (1.9%)	18 (0.5%)	258 (6.9%)	11 (0.3%)	302 (8.1%)	80 (2.1%)

OEI	OGC	OIG	OITA	OSA	ORD
33 (0.9%)	16 (0.4%)	35 (0.9%)	8 (0.2%)	7(0.2%)	702 (18.8%)

OSWER (Now OLEM)	OW	Region 1	Region 2	Region 3	Region 4
135 (3.6%)	142 (3.8%)	137 (3.7%)	174 (4.7%)	272 (7.3%)	231 (6.2%)

Region 5	Region 6	Region 7	Region 8	Region 9	Region 10
245 (6.6%)	196 (5.3%)	167 (4.5%)	176 (4.7%)	158 (4.2%)	156 (4.18%)

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28. I work in a supervisory role at EPA.

Total Responses: 3,741

Yes	No
575 (15.4%)	3,166 (84.6%)

FINAL COMMENTS

29. Please provide any final comments here:

Total Responses: 827 | Non-applicable Responses: 195

Prominent themes:

1. Positive remarks and experiences regarding scientific integrity at EPA
2. Issues with EPA management and leadership
3. Political Interference in EPA work

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

30. The purpose of this survey is to better understand your experience with and understanding of scientific integrity at EPA, your awareness of the Agency's Scientific Integrity Policy and to improve the implementation of the policy. Please indicate if you read any part of EPA's Scientific Integrity Policy while taking this survey:

Total Responses: 3,747

Yes	No
1,604 (42.8%)	2,143 (57.2%)

Your responses are important to maintain scientific integrity at the Agency. The survey process maintains strict security procedures to ensure the anonymity of respondents. Any connection between your personal identifiable information and your survey response will be kept completely confidential by a third party contractor. To further ensure the confidentiality of your responses, the contractor will combine the reported results from Offices or Regions with less than 20 respondents.

[After submitting the survey]

Thank you for your time. You may notice that some people took a longer survey than others. This was based on your response to Question #1. There were additional questions for those of you who responded that more than 25% of your time at EPA is spent conducting, creating, utilizing, managing, or communicating science. Please feel free to contact EPA's Scientific Integrity Official or Deputy Scientific Integrity Officials with any questions or concerns.

Again, we deeply appreciate your participation.

For more information on Scientific Integrity, please visit the Scientific Integrity web page: http://www2.epa.gov/osa/basic-information-about-scientific-integrity

Draft - Do Not Share

Sincerely,

Francesca T. Grifo

EPA Scientific Integrity Official

To: Gwinn, Maureen[gwinn.maureen@epa.gov]
From: Gwinn, Maureen
Sent: Wed 2/1/2017 11:01:11 PM
Subject: Thank you

[redacted]

Ex. 6

Maureen

Maureen R. Gwinn, PhD DABT ATS

Immediate Office of the Assistant Administrator

Office of Research and Development
1200 Pennsylvania Ave NW

MC 8101R
Washington, DC 20460

t(202)564-4621

f(202)565-2430
m(703)434-9093

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Thur 2/2/2017 2:45:10 AM
Subject: Feb. 2 -- BNA, Inc. Daily Environment Report

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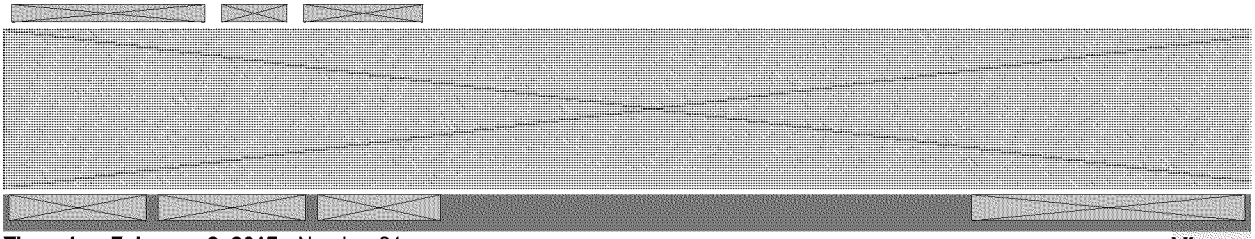

Thursday, February 2, 2017 · Number 21

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LEADING THE NEWS

EPA
Senate Democrats Dig in on Pruitt Obstruction
The Senate Environment and Public Works (EPW) Committee will meet for another vote Feb. 2 on Scott Pruitt's nomination for EPA administrator, and Democrats appear poised to again boycott. ...

NEWS

Air Pollution
Southern California Could Swap Air Pollution Trading for Rules
Southern California could scrap its longstanding air pollution trading program in favor of direct regulations, irking industries, as it seeks to bring the worst regional air quality in the nation in line with federal requirements....

Air Pollution
Trump Memo Spurs New Industry Push for EPA Permitting Changes
Manufacturers hope President Donald Trump's call to expedite permitting for new projects will galvanize the EPA and state environmental regulators to speed up their permit review processes and pursue broader revisions to underlying...

Air Pollution
Utility Mercury Rule Settlement Possible Under Trump
New leadership at the EPA could lead to a settlement in litigation over an Obama-era finding on the need to regulate mercury emissions from the power sector, states and industry organizations suggested in a court filing....

Air Pollution
VW Reaches $1.2 Billion Settlement Over Audi, Porsche Diesels
Volkswagen AG agreed to pay $1.2 billion to resolve U.S. consumer claims over tainted large diesel engines, adding to the carmaker's financial burden as it works through a pile of legal challenges resulting from its emissions cheating....

Chesapeake Bay
Chesapeake Bay Improvement on Track, Group Says
The Chesapeake Bay watershed's health continues to improve and is even ahead of schedule in several areas, a regional partnership dedicated to the restoration of the largest U.S. estuary said Feb. 1....

Climate Change
EU Ready to Lead on Climate if U.S. Backtracks: Official
The European Union is on track to meet its 2020 decarbonization goals and is ready to "assume global leadership" in case the U.S. under President Donald Trump backtracks on its emissions-reduction commitments, the EU's top...

Coal Mining
House Votes Down Stream Rule Under Congressional Review Act
House Republicans voted Feb. 1 to repeal an Obama-era coal mining rule, portraying it as a job-killing, unnecessary overreach that tramples on states' rights....

Congress
'Making EPA Great Again' Is Stated Aim of House Science Panel
The social cost of carbon—the economic costs of carbon emissions—and "secret science" are among the top issues the House Science, Space and Technology Committee intends to examine in the 115th Congress, the committee...

Congress
Trump's Top Diplomat Confirmed but Ethics, Climate Concerns Linger
Democrats and environmental groups tried but failed to raise enough red flags over whether former ExxonMobil CEO Rex Tillerson put to rest ethics concerns and his less-than full-throated endorsement of the Paris climate deal, and the secretary...

Courts
Gorsuch Could (But Might Not) Spell Trouble for Environmental Rules
U.S. Supreme Court nominee Neil Gorsuch has opposed giving broad deference to the EPA and other federal agencies during a decade on the federal bench, but his track record also indicates a reluctance to support "heavy-handed rollbacks"...

Courts
Is Gorsuch Right Conservative to Get Past Smarting Senate Dems?
The nomination of Neil M. Gorsuch Jan. 31 may signal that the newly minted Trump administration, which has been mired in controversy, wants to avoid a heated partisan battle over the U.S. Supreme Court....

Energy
Pallone: Energy Secretary Should Be on National Security Council
Rep. Frank Pallone (D-N.J.) called on President Donald Trump to reverse a decision to remove the Energy secretary from a permanent position on the National Security Council's Principals Committee....

EPA

Democratic Boycott Stalls Action on Trump EPA Nominee Pruitt
Senate Democrats stalled action on President Donald Trump's pick to lead the Environmental Protection Agency, boycotting a committee vote to advance Oklahoma Attorney General Scott Pruitt amid questions about his commitment to...

EPA
EPA Names Thayer to Head Chemical Risk Information Agency
An EPA program that provides chemical risk information that underlies agency and state regulatory decisions has a new director. ...

Natural Resources
More Scrutiny Needed for Alaska Mining Project, Lawmaker Says
An Alaska state lawmaker wants the Legislature to have final approval over whether a sulfide mine should be permitted in Southwest Alaska, home to the Bristol Bay Fisheries Reserve and one of the world's largest sockeye runs....

Oil & Gas
Dakota Access Oil Pipeline Nears Final Permit, Lawmakers Say
Energy Transfer Partners LP may be close to getting the permit it needs to finish the Dakota Access oil pipeline, a project that became a flash point for environmentalists but a symbol of President Donald Trump's pledge to jump start energy...

Oil & Gas
House Votes to Revoke SEC's Oil, Mining Payment Rule
The House voted Feb. 1 to revoke an SEC disclosure rule for oil, gas and mining companies, an early sign of Republican wishes to chip away at the Dodd-Frank Act under the Trump administration....

Oil & Gas
Trump's Mexico Feud May Send Natural Gas to $2 If Exports End
Natural gas prices in the U.S. may tumble about 40 percent if President Donald Trump's feud with Mexico turns into an all-out trade war....

Pesticides
Slashing EPA Budget Could Hurt Industry, Says Ex-House Staffer
Agriculture's congressional allies will need to think twice about cutting EPA's budget to ensure money continues to programs such as pesticide regulation, a former top congressional staffer said Feb. 1....

Pipelines
Seattle Moves to Pull $3 Billion From Wells Fargo Accounts
Seattle will likely ban Wells Fargo & Co. from continuing to provide services in an operating account handling more than $3 billion annually in part because of its financing of the Dakota Access Pipeline....

Recycling
Ship Industry 'Nowhere Close' to Sustainable Recycling, Group Says
Shipowners worldwide sent 862 large ocean-going vessels for scrapping in 2016, with 668 ending up in Bangladeshi, Indian or Pakistani yards, despite international efforts to restrict unsafe ship breaking, according to figures the NGO Shipbreaking...

Regulatory Policy
Senators Question Data on Costs, Job Losses From Regulation
Industry representatives who are asked to testify before Congress better come prepared with

verifiable data because senators are no longer putting up with platitudes about costs and job losses caused by over-regulation....

Toxic Substances
EU Specifies Worker Exposure Limits for 31 Substances
European Union countries must specify new occupational exposure limits for 25 hazardous substances and review their limits for six substances for which workplace exposure thresholds have already been specified as part of a European Commission...

Water Pollution
EPA Mercury Dental Filling Rule Pulled, Drawing Lawsuit
The Trump EPA can't pull back a mercury dental amalgam rule that had already been scheduled for publication in the Federal Register without going through the notice and comment process, an environmental group said in a lawsuit challenging...

BNA INSIGHTS

Taming the Duck—Distributed Energy Resource Solutions to Renewable Energy Integration
In recent years, the amount of renewable energy, such as wind and solar, that makes up U.S. energy supply has increased exponentially. This surge has been achieved thanks to state (and to some extent federal) requirements and incentives, as...

REGULATORY AGENDA

TODAY'S FEDERAL REGISTER

TODAY'S STATE REGISTERS

Daily Environment Report
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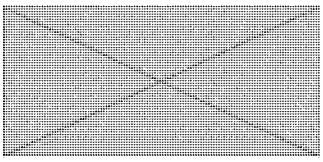
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Thur 2/2/2017 8:43:40 AM
Subject: Senate Dems Boycott, Block Pruitt EPA Vote



ENVIRONMENTAL

Thursday, February 2, 2017

TOP NEWS

Senate Dems Boycott, Block Pruitt EPA Vote

Senate Democrats on Wednesday blocked the confirmation of President Donald Trump's choice to lead the U.S. Environmental Protection Agency by refusing to attend a scheduled committee vote.

ND Pols Claim Army Corps Will Issue Dakota Access Approval

The acting secretary of the Army has commanded the U.S. Army Corps of Engineers to grant Dakota Access LLC the final — and much disputed — approval needed to complete its controversial $3.8 billion, 1,172-mile crude oil pipeline, three North Dakota lawmakers claimed Tuesday despite a contradictory statement from the Army.

Mich. Officials Ask 6th Circ. To Halt Flint Water Delivery

Michigan state officials on Tuesday asked the Sixth Circuit to overturn a lower court's order that they distribute bottled water to some residents of Flint, Michigan, who have been unable to drink tap water after a lead-tainted drinking water crisis erupted.

5th Circ. Says Solar Plant Suit Belongs In Texas Court

The Fifth Circuit on Wednesday upheld the remand of a dispute between the owner of an Idaho solar power project and a prospective builder of the plant to Texas state court, saying a confidentiality agreement between the parties clearly requires all disputes be resolved in that venue.

SUPREME COURT

Analysis

Gorsuch's Opening Words Speak Volumes About His Style

Never one to pass up the chance to spin a good yarn, U.S. Supreme Court nominee Neil Gorsuch's body of rulings during a decade at the Tenth Circuit casts him as a fervent

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storyteller. A look at some of his best opening passages reveals a narrative writing style that's light on legalese and heavy on plot, setting and characters.

Analysis

The 4 Wittiest Dissents By Gorsuch

During his tenure on the Tenth Circuit, Judge Neil Gorsuch wrote more than 30 playful, witty dissents that both entertain the reader and give clear insight to his legal thinking. Here, Law360 looks at the best of the bunch and what they say about his thoughts on legislating from the bench, prepositional phrases and everything in between.

Attys React To Judge Gorsuch's Supreme Court Nomination

President Donald Trump nominated Tenth Circuit Judge Neil Gorsuch on Tuesday to become the next associate justice on the U.S. Supreme Court, aiming to fill the vacancy left by Justice Antonin Scalia's death. Here, attorneys tell Law360 what they think about the nomination.

Analysis

Senators Flirt With Nuclear Option Over High Court Pick

The Senate fight over Tenth Circuit Judge Neil Gorsuch's nomination to the U.S. Supreme Court could soon "go nuclear," as less than a day after President Donald Trump put Gorsuch up for the court, political discussion has already turned to breaking a likely Democratic filibuster and pushing him through without any bipartisan support.

Analysis

Similar On The Law, Gorsuch Differs From Scalia In Style

If confirmed by the Senate, U.S. Supreme Court nominee Neil Gorsuch would bring to the bench a strikingly similar judicial philosophy to that of the late Justice Antonin Scalia, but former clerks and colleagues say the Tenth Circuit judge and Colorado native's congenial temperament couldn't be more different from his fiery predecessor's.

POLICY & REGULATION

House Votes To Dam Up Stream Protection Rule

The House passed a measure to repeal a controversial Obama administration rule aimed at minimizing coal mining's harm to surface water and groundwater Wednesday, as part of a package of laws meant to remove the former president's rule legacy.

First Nations Sign Enviro Oversight Deal For LNG Project

The federal government of Canada and the provincial government of British Columbia have signed a deal that will allow two First Nations to work with authorities to ensure environmental oversight of a proposed, $11.4 billion liquefied natural gas facility, the parties said Tuesday.

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ENFORCEMENT

VW, FTC Reach $4B Buyback Deal Over Vehicle Emissions

A California federal court on Tuesday ordered Volkswagen to pay the Federal Trade Commission up to $4.04 billion as part of a deal reached in the carmaker's diesel emissions multidistrict litigation, requiring the auto manufacturer to repair or fully buy back certain models of its 3.0-liter diesel vehicles.

BART Pays $1.3M To Settle Hazardous Materials Suit

San Francisco Bay Area Rapid Transit District on Tuesday agreed to pay $1.3 million to settle allegations it failed to implement plans to manage hazardous materials at facilities in three counties, and violated aboveground and underground storage tank laws and hazardous waste laws.

LITIGATION

DOE Says Gas Export Projects Got Reasonable Review

The U.S. Department of Energy fired back at the Sierra Club on Monday in the D.C. Circuit, saying it has conducted a reasonable review of the environmental impact of natural gas export projects in Texas and Louisiana.

Restructured Co. Has Right To $500M Payout, NJ Justices Say

The New Jersey Supreme Court ruled Wednesday in a closely watched case that an insurance policy clause preventing assignments to other entities didn't bar coverage for a post-loss claim by an insured's corporate successor, affirming a victory for Givaudan Fragrances Corp. in a dispute over $500 million in pollution claims.

DOE Can't Downplay Impact Of LNG Exports, Enviros Say

The U.S. Department of Energy's conclusion that liquefied natural gas exports from Dominion Resources Inc.'s Cove Point project would not significantly affect the environment is based on a faulty argument that measuring the project's alleged environmental effects is too speculative, the Sierra Club told the D.C. Circuit on Tuesday.

Enviros Sue EPA Over Trump-Yanked Mercury Rule

The Natural Resources Defense Council filed suit against the U.S. Environmental Protection Agency in New York federal court on Wednesday over its decision to withdraw a rule aimed at reducing dentists' mercury waste because of an order given by Donald Trump's administration on its first day in office.

Fla. Developer Sues Air Force Over $30M Munitions Cleanup

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The federal government should pay more than $30 million in cleanup costs for an Orlando site that was used for World War II-era U.S. Air Force munitions testing, a developer alleged in Florida federal court on Tuesday.

FERC Defends $3.5B Fla. Pipeline Before DC Circ.

The Federal Energy Regulatory Commission defended on Tuesday its approval of a $3.5 billion natural gas pipeline running from Alabama to Florida, telling the D.C. Circuit that it satisfied all requirements of the National Environmental Policy Act and Natural Gas Act when reviewing and approving the project.

Lockheed, San Diego Port District To Settle Waste Claims

Lockheed Martin and the San Diego Unified Port District have reached a settlement in principle over accusations the aerospace company contaminated the waters around Harbor Island, California, with mercury and other hazardous waste, according to a notice filed in California federal court on Tuesday.

DEALS

BlackRock Grabs Infrastructure Funds After Trump Actions

BlackRock Inc. on Wednesday said it will buy two energy infrastructure funds from energy-focused private equity shop First Reserve Corp., bolstering the asset management giant's investment opportunities in the space at a time when President Donald Trump has expressed support for energy infrastructure projects.

EXPERT ANALYSIS

Opinion

The Myth Of The Forceful Mediator

When mediators rely on force to get cases settled, it doesn't work. It's time to suggest more productive ways for top-gun litigators and top-flight mediators to engage, says Jeff Kichaven of Jeff Kichaven Commercial Mediation.

LEGAL INDUSTRY

The Top In-House Hires Of January

The new year brought new legal leadership roles to a host of in-house attorneys at companies including Exelon, US Foods and Fifth Third Bank. Here are the in-house hires you should know about.

Eversheds Sutherland To Offer Bonuses For Teamwork

Leadership of the now-combined, 2,300-attorney global giant Eversheds Sutherland, the result of a rare trans-Atlantic tie-up inked in December, revealed Wednesday that the firm

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has set up special bonus pools to incentivize collaboration among its attorneys.

IRS Atty 'Broke Bad,' Sold Meth In The Mail, Say Prosecutors

An attorney for the Internal Revenue Service had "better call Saul" after prosecutors on Wednesday arrested and charged the former Debevoise & Plimpton LLP associate and Georgetown Law ethics teacher with conspiring to ship distribution levels of methamphetamine to Long Island from his apartment in Washington, D.C.

Legal Field Could Benefit From Mindfulness Training: Paper

The benefits of mindfulness are coming to the fore in popular culture and a number of U.S. industries, but little is known about its advantages in the legal field where it has the potential to boost decision-making, ethics and leadership skills, a new paper said Tuesday.

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Inc.

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Corp.

Audi AG

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BlackRoc

Brunswic
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Inc.

CME
Group

Inc.

CVS Caremarl Corporati

Caesars Entertain

Celanese Corporati

Cheniere Energy

Chevron Corporati

Church's Chicken

Citigroup Inc.

Common Edison Co.

Covidien PLC

Depositor Trust & Clearing Corp.

Dominion Resource Inc.

Duke Energy Corporati

Education Managen Corporati

Eli Lilly and Company

Evercore

Partners Inc.

Exelon Corporati

FedEx Corporati

Federalis Society

Fifth Third Bancorp

First Reserve Corp.

Geeknet, Inc.

General Electric Company

Givaudar

Guy Carpente & Co. LLC

Hobby Lobby Stores

Internatic Lease Finance Corp.

Javlin Capital LLC

LinkedIn Corp.

Lockheec Martin

Mallinckr
PLC

Marsh &
Mclennar
Compani
Inc.

Natural
Resource
Defense
Council

NextEra
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SLM
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Bank of
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Trucking
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Inc.

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Radiolog
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Inc.

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Medicare
&
Medicaid
Services

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Opportun
Commiss

Federal
Energy
Regulato
Commiss

Federal

Reserve System

Federal Trade Commiss

Florida Departme of Environm Protectio

Internal Revenue Service

National Labor Relations Board

New Jersey Departme of Environm Protectio

Office of Surface Mining Reclamat and Enforcem

San Francisc Bay Area Rapid Transit District (BART)

Securitie and Exchang Commiss

Standing Rock Sioux

Tribe

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Departme of Energy

U.S. Departme of Justice

U.S. Departme of Labor

U.S. Departme of Veterans Affairs

U.S. Departme of the Interior

U.S. Environm Protectio Agency

U.S. Marine Corps

U.S. Senate

U.S. Supreme Court

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K&L Gates

Kilpatrick Townsend

Kostelanetz & Fink

LeClairRyan

Lewis Baach

Lewis Brisbois

Lieff Cabraser

Mayer Brown

McKool Smith

Morrison & Foerster

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Nilan Johnson

Norton Rose Fulbright

Paul Hastings

Seyfarth Shaw

Sheppard Mullin

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Sirote & Permutt

Smith Stratton

Sullivan & Cromwell

Susman Godfrey

Sutherland Asbill

Venable LLP

Waller Lansden

Windels Marx

Winston & Strawn

COMPANIES
Sierra Club

Cheniere Energy

Dominion Resources, Inc.

Hobby Lobby Stores

Natural Resources Defense Council

Aetna Inc.

Allstate Corporation

American Bar Association

American Civil Liberties Union

American Dental Association

American International Group Inc.

American Petroleum Institute Inc.

Apricus Biosciences Inc.

Arrow Financial Corp.

Audi AG

Aviation Capital Group

Bank of America Corporation

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CIT Group Inc.

CME Group Inc.

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Caesars Entertainment

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Citigroup Inc.

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Depository Trust & Clearing Corp.

Duke Energy Corporation

Education Management Corporation

Eli Lilly and Company

Evercore Partners Inc.

Exelon Corporation

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Fifth Third Bancorp

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General Electric Company

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Guy Carpenter & Co. LLC

International Lease Finance Corp.

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LinkedIn Corp.

Lockheed Martin

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Marsh & Mclennan Companies Inc.

NextEra Energy Inc.

Pacific Life Insurance

Prime Therapeutics LLC

Randstad Holding NV

Reed Elsevier

SLM Corporation

Sears Holdings Corporation

Spectra Energy

Suntrust Banks Inc.

The Royal Bank of Scotland Group PLC

TransAm Trucking Inc.

Twitter Inc.

U.S. Foods Inc.

Virtual Radiologic Corporation

Volkswagen

comScore, Inc.

GOVERNMENT AGENCIES
U.S. Supreme Court

U.S. Environmental Protection Agency

U.S. Department of Justice

Army Corps of Engineers

Federal Energy Regulatory Commission

National Labor Relations Board

U.S. Army

U.S. Department of Energy

U.S. Department of Labor

California Environmental Protection Agency

Centers for Medicare & Medicaid Services

Equal Employment Opportunity Commission

Federal Reserve System

Federal Trade Commission

Florida Department of Environmental Protection

Internal Revenue Service

New Jersey Department of Environmental Protection

Office of Surface Mining Reclamation and Enforcement

San Francisco Bay Area Rapid Transit District (BART)

Securities and Exchange Commission

Standing Rock Sioux Tribe

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U.S. Attorney's Office

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Marine Corps

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From: Radzikowski, Mary Ellen
Sent: Thur 2/2/2017 12:03:05 PM
Subject: Decisions on IOAA Initiated Activities

All, in an effort to ensure that IOAA initiated activities are integrated into our research program and that our work is leveraged to the greatest extent possible, we've recently realigned a number of projects to other programs and organizations. With input from the EC Standing Committee on HR/Organization as well as the EC itself, the following decisions have been made about the IOAA projects listed below; these realignments have occurred or are in process.

Innovation Effort: Realign effort to OSA as an interim step. Conduct a BOSC or other review to help determine the long term organizational strategy for key elements that include: Apps and Sensors for Air Pollutants; Challenges and Prizes; Citizen Science; and, Pathfinder Innovation Projects. Staff and resources included in realignment.

Water Cluster/Confluence Work: Realign effort to SSWR as in interim step. Conduct a review to determine long term organizational strategy for the program. Staff and resources included in realignment.

State Partnership and Outreach: Realign effort to OSP. Staff and resources included in realignment.

Systems Dynamics: Realign staff and resources to SHC. No longer a stand alone effort given successful integration into ORD.

Community Partnerships/Net Zero/CRESSIDA: Realign effort to NERL. Net Zero continues to be a collaborative effort between NERL, NRMRL and the regions. Staff and resources included in realignment.

Please let me know if you have any questions.

Mary Ellen Radzikowski

Acting Associate Assistant Administrator

Office of Research and Development

Radzikowski.maryellen@epa.gov

202 564 6757

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Thur 2/2/2017 12:15:43 PM
Subject: The Morning Headlines from InsideEPA.com -- February 2, 2017

The critical environmental policy-making news you need as you begin your day

February 2, 2017

Latest News

Arguments In Air Toxics Suit Pose Early Test For Trump EPA Legal Policy

A federal appeals court is poised to hear oral arguments next week in what appears to be the first major lawsuit in which Trump Department of Justice (DOJ) attorneys will defend an EPA policy from environmentalists' attacks, posing an early test for how the new administration will respond to lawsuits that claim Obama-era rules are too weak.

Free-Market Groups Urge Congress To Expand CRA's Reach To Older Rules

Free-market groups are urging GOP lawmakers to employ a little-known provision of the Congressional Review Act (CRA) that requires agencies to submit regulations and guidance documents to Congress within 60 legislative days of the last session to vastly expand the number of rules that could be rescinded under the law.

EPA Integrity Policy May Allow Trump Review Of Agency Science, Critics Say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics.

GOP Vows To Advance Pruitt Nomination After Democrats Stymie Panel Vote

Top Senate Republicans are promising to advance the nomination of Scott Pruitt as the Trump administration's head of EPA after Democrats stalled the nomination by boycotting the planned Feb. 1 vote on the nomination in the Environment & Public Works (EPW) Committee for allegedly failing to adequately answer their questions.

EPA, FDA Fish Advice To Pregnant Women Disappoints Stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about

whether the advice is too lax or too strict in warning women against the risks of methylmercury.

EPA Seeks Comment On Possible Deferrals Under Mining Financial Rule

EPA is seeking public comment on whether to allow for wholesale deferrals of financial assurance requirements under a proposed Superfund rule for the hardrock mining sector in cases where state or other federal programs meet certain criteria, according to a Jan. 30 EPA webinar focused on the agency's proposed financial formula for the draft rule.

Daily Feed

Congress: House science panel plans hearing to 'make EPA great again'

Chairman Lamar Smith is pushing legislation to overhaul EPA's scientific practices.

Waste: GAO warns updated EPA nuclear safety rules needed

The report faults the Department of Energy over developing a consent-based siting approach for nuclear waste.

Litigation: Seeking Trump deal, critics ask court to delay mercury rule suit

States and industry say the extra time in the suit could potentially help them reach a settlement with the Trump EPA.

Air: Texas sues EPA over revisions to regional haze rule

The suit is likely the first of several challenges from states or power companies to the haze program revisions.

Litigation: Flint residents seek $722 million in tort damages from EPA

The plaintiffs allege EPA failed to act quickly enough to address lead-contaminated drinking water.

E-wire: A daily news roundup

A House Republican readies a bill to “completely abolish” EPA. Plus, the Trump administration debates the future of EPA's climate program and more.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Thur 2/2/2017 12:28:15 PM
Subject: February 2 -- Energywire is ready

Read today's Energywire on the web

AN E&E NEWS PUBLICATION

ENERGYWIRE — Thu., February 2, 2017

READ FULL EDITION

1.TECHNOLOGY:

Tesla drops 'Motors,' cementing its energy evolution

Tesla Inc., which started in 2003 as an electric car company but now seeks to conquer solar and energy storage, has officially removed the word "Motors" from its name.

TOP STORIES

2.COAL:

Consol moves to fully shed coal for natural gas

3.SECURITY:

DOE emergency transformer study moves to Trump's queue

ELECTRICITY

4.SECURITY:

Congress' inquiry into grid threat turns up human error

5.UTILITIES:

Solar developer steps up contract dispute with Duke

6.GRID:

D.C. forges ahead with modernization effort

7.FINANCE:

BlackRock looks to energy infrastructure in $3.7B deal

OIL AND GAS

8.LAW:

Green group pushes unconventional climate suit

9.POLITICS:

Saudi minister praises Trump's energy policies

10.OFFSHORE:

Shell sells over half of North Sea fields

11.BUSINESS:

Exxon Mobil sets sights on shale oil

E&ETV'S ONPOINT

12.SUPREME COURT:

Former DOJ official Lorenzen talks Gorsuch, future of environmental law and Chevron

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ABOUT ENERGYWIRE – The Transformation of the Energy Sector

Energywire is written and produced by the staff of E&E News. Energywire is designed to bring readers deep, broad

and insightful coverage of the transformation of the energy sector. Energywire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. Energywire publishes daily at 9:00 a.m.

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Telephone: 703-416-8500 or 1-800-424-9068

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Thur 2/2/2017 12:47:33 PM
Subject: February 2 -- Climatewire is ready

Read today's Climatewire on the web

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Thu., February 2, 2017

READ FULL EDITION

1.STATE DEPARTMENT:

Rex Tillerson sworn in as top U.S. diplomat

Vice President Mike Pence last night swore in Rex Tillerson to become the 69th secretary of State, hours after the Senate narrowly confirmed the former Exxon Mobil Corp. chief to be America's top diplomat.

TOP STORIES

2.CLEAN POWER PLAN:

Executive order likely delayed until Pruitt's confirmation

3.EPA:

Dems plan 2nd Pruitt boycott, but will it matter?

STATES

4.CALIFORNIA:

'Buy clean' bill favors low-emitting contractors

5.TECHNOLOGY:

Energy storage has 'barely penetrated' low-income neighborhoods

INTERNATIONAL

6.INTERNATIONAL:

Climate impacts help Latin America reaffirm global promises

7.EUROPEAN UNION:

Energy imports grow as U.K. cuts domestic production

8.FORESTS:

Charcoal makers resist stigma about deforestation

9.OREGON:

State set to miss climate targets by 20%

10.RENEWABLES:

Clean energy to give Saudi Arabia 'lowest' prices

E&ETV'S ONPOINT

11.SUPREME COURT:

Former DOJ official Lorenzen talks Gorsuch, future of environmental law and Chevron

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ABOUT CLIMATEWIRE – Policy. Science. Business.

Climatewire is written and produced by the staff of E&E News. It is designed to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, Climatewire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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To: ORD-OSA[ord-osa@epa.gov]
From: Sinks, Tom
Sent: Thur 2/2/2017 1:41:35 PM
Subject: FW: Revised request re Weekly Note

See note below. Please be sure to provide information about upcoming presentations four weeks out in your weekly note that Taylor compiles for us. Thank you

From: Blackburn, Elizabeth
Sent: Wednesday, February 01, 2017 7:48 PM
To: ORD-Exec-Council-Directors <Execcouncildirectors@epa.gov>; ORD-Mgmt-Council <ORDMgmtCouncil@epa.gov>
Cc: ORD-IOAA-Front Office Support <ORDIOAASUPPORT@epa.gov>
Subject: Revised request re Weekly Note

Dear EC and MC,

In the spirit of no surprises, we've been asked to look four weeks into the future and provide a list of upcoming presentations to the acting Administrator. Starting next week, please include a list of presentations looking four weeks out in your weekly note. STICs would be a good starting point as all presentations are to be entered into STICs. Please use your best judgment on what to include but presentations on high visibility topics would be good to include. If you are on the fence about whether to include something, go ahead and include it. If the presentation is a technical one, please make sure that you include the "so what" or the bottom line in plain language. In other words, please include the takeaway messages for any presentation. This request pertains ONLY to presentations. You do NOT need to include all notable activities occurring in the next four weeks unless you think it would be important for the IOAA leadership or the transition team to have a heads up about something. One week advance notice on scientific activities is currently just fine.

Thank you in advance for providing us with this additional information by each Wednesday at noon. It is much appreciated.

Please call me if you have any questions.

Liz

Liz Blackburn

Chief of Staff

EPA Office of Research and Development

202-564-2192

Mobile: 202-436-2453

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Imprint.com
Sent: Thur 2/2/2017 1:52:58 PM
Subject: Order Status Update

Track Your Order | My Account

Hello and thank you again for placing an order with Imprint.com! To ensure your experience is nothing short of great we will be sending you periodic update like this one regarding your order's status. You will be receiving more emails as your order moving along our production processes.

YOUR ORDER HAS BEEN SCHEDULED FOR PRODUCTION

Hello Francesca,

Just wanted to let you know that the item(s) listed below from your order have been scheduled to go into production shortly. You will be receiving more emails as your order moving along our production processes.

Order Number: W1194935

Shipping Information

Francesca Grifo

Ex. 6

DATE	DESCRIPTION	QTY	ORDER STATUS
02/02/17 7:52 AM	2 Inch Round Custom Buttons	1000	Scheduled

If you have any questions regarding this or any other order, please feel free to contact us twenty-four hours a day, seven-days-a-week at http://24hourwristbands.com/support-customer-service/

Important Notes,

Please remember the following as you await your order:

- Do not be worried if your items ship in separate packages. For faster delivery, we ship from multiple locations throughout the country and sometimes from overseas (if applicable).
- To check order status, check tracking, or return an item, please visit http://24hourwristbands.com/login-my-account/
- Remember you cannot cancel your order if it has been confirmed.

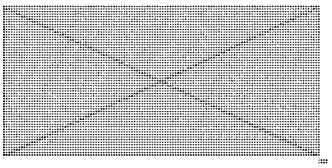
Thank You!

Once again, thank you for placing your order with Imprint.com. We look forward to earning your business as we set out to be "the largest promotional products company in America."

We appreciate your business,

Imprint.com - Customer Service Team

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Thur 2/2/2017 3:58:32 PM
Subject: BREAKING: Senate Committee Suspends Rules, Approves Pruitt As EPA Chief



ENVIRONMENTAL

Thursday, February 2, 2017

BREAKING: Senate Committee Suspends Rules, Approves Pruitt As EPA Chief

The U.S. Senate Environment and Public Works Committee approved Oklahoma Attorney General Scott Pruitt as administrator for the US. Environmental Protection Agency after suspending rules that required members of the minority party to be present, as Democrats boycotted the vote for the second day in a row.

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To: Parkinson, Lorna[parkinson.lorna@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 4:39:58 PM
Subject: Let's attend to an interagency date this afternoon!

Thanks

FTG

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Johnson, Lora[Johnson.Lora@epa.gov]; Nanartowicz, John[nanartowicz.john@epa.gov]
Cc: Cursio, Heather[Cursio.Heather@epa.gov]; Jones, Monica[Jones.Monica@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 4:44:11 PM
Subject: RE: AccuTest Workgroup

Thanks Lora – we are in fact notified. It is not a "formal" process but in the end we accomplish what is needed. I typically get sent documents. I have added Monica to this email chain to be sure that this is still happening as it was useful to us to know what was coming in this way so we could see if there was any overlap with any allegations we were working on.

Thanks so much – hope all is well!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Nanartowicz, John
Sent: Wednesday, February 01, 2017 2:48 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Nanartowicz, John <nanartowicz.john@epa.gov>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: Fw: AccuTest Workgroup

Hi Francesca,

Thanks for taking my call and talking about the OEI data quality issue. Below please find the recommendation from Lora Johnson about formal notification of such issues to

OSA. In a separate email I send you all the documentation I've received from Monica....

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Johnson, Lora
Sent: Wednesday, February 1, 2017 12:43 PM
To: Nanartowicz, John
Cc: Blancato, Jerry; John Nanartowicz; Cursio, Heather
Subject: RE: AccuTest Workgroup

Hi John,

Thanks for sharing these documents. When this issue originally surfaced I worked with OARS/EMD and the ORD QA community to try and understand if any ORD data might have been impacted by the Accutest problems. We found no impact at that time.

With respect to the interim notification procedure, I provided a few comments to OEI late in 2016. It seemed odd to me that there doesn't appear to be any requirement to notify the Office of the Agency Science Advisor when data quality issues that affect multiple programs are identified. Given the Agency's scientific integrity program is managed by the OSA it may be appropriate that they are formally included in the final version of the notification procedure. I would suggest this be considered for the final version of the procedure.

Take care,

Lora

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Nanartowicz, John
Sent: Tuesday, January 31, 2017 1:51 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>
Cc: Blancato, Jerry <Blancato.Jerry@epa.gov>; John Nanartowicz <sundowner201@comcast.net>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: AccuTest Workgroup

Hi Lora,

Per our conversation on Accutest Laboratories from today, I've attached the materials that were distributed for today's meeting of the Accutest Workgroup. They include the CIO Interim Notification Procedure document; correspondence that was sent out to companies that used Accutest services as part of an EPA action; and a list of grant actions that may have a relationship Accutest testing. I plan on contacting the Workgroup lead from OEI (Monica Jones) to see if ORD will be on the hook for anything. Hopefully we aren't.

I've copied Jerry Blancato on this email for informational purposes.

Let me know what you think, and also let me know if you see ORD playing a role in this end game.

Thanks,

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Nanartowicz, John[nanartowicz.john@epa.gov]
Cc: Cursio, Heather[Cursio.Heather@epa.gov]; Jones, Monica[Jones.Monica@epa.gov]
From: Johnson, Lora
Sent: Thur 2/2/2017 5:00:53 PM
Subject: RE: AccuTest Workgroup

If the practice is to notify you , then I suggest it be formally included in the final version of the policy. That kind of institutional memory can be lost as people move around so it's helpful to have it written down.

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 11:44 AM
To: Johnson, Lora <Johnson.Lora@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

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Thanks so much – hope all is well!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

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Sent: Wednesday, February 01, 2017 2:48 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Nanartowicz, John <nanartowicz.john@epa.gov>; Cursio, Heather <Cursio.Heather@epa.gov>
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John J. Nanartowicz III

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Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Johnson, Lora

Sent: Wednesday, February 1, 2017 12:43 PM
To: Nanartowicz, John
Cc: Blancato, Jerry; John Nanartowicz; Cursio, Heather
Subject: RE: AccuTest Workgroup

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Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

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Sent: Tuesday, January 31, 2017 1:51 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>
Cc: Blancato, Jerry <Blancato.Jerry@epa.gov>; John Nanartowicz <sundowner201@comcast.net>; Cursio, Heather <Cursio.Heather@epa.gov>

Subject: AccuTest Workgroup

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Let me know what you think, and also let me know if you see ORD playing a role in this end game.

Thanks,

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

To: Parkinson, Lorna[parkinson.lorna@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Thur 2/2/2017 5:41:29 PM
Subject: RE: Help with Acknowledgements Section in Survey Report

Hi, Lorna, Francesca,

•□□□□□□□ I would say that David Groemping helped to develop the survey instrument and to conduct the survey.

•□□□□□□□ Fine to include statement re: Tom Burke

•□□□□□□□ I can't find any notes about who the woman was from Al McGartland's shop. But, I recall that she helped us with the Logic Model, not with the survey. If Francesca thinks that she helped with the survey questions, then you should ask Barbara Martinez who she was.

Thanks,

Marti

From: Parkinson, Lorna
Sent: Thursday, February 02, 2017 10:27 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: Help with Acknowledgements Section in Survey Report

Hi Marti,

I was hoping you might be able to help with the acknowledgements section of the survey report.

- We need to write what exactly David Groemping / Innovate! Inc. did.

- Francesca said to write "Tom Burke for multiple rounds and extensive edits on the survey instrument.

- Francesca asked "Who from Al's shop reviewed the survey instrument?"

My questions-

- Does the committee or anyone from OSA also need to be acknowledged?

Thank you!

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Parkinson, Lorna[parkinson.lorna@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Thur 2/2/2017 5:43:05 PM
Subject: RE: Help with Acknowledgements Section in Survey Report

I forgot to answer your last question. I think that the Committee should be acknowledged.

Also, Francesca, regarding OSA folks…Lara Phelps and Marie Russell (from Lara's office) helped a little. Should we acknowledge them?

From: Parkinson, Lorna
Sent: Thursday, February 02, 2017 10:27 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: Help with Acknowledgements Section in Survey Report

Hi Marti,

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Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Copper, Carolyn[Copper.Carolyn@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Alderton, Steven M.[Alderton.Steve@epa.gov]; El-Zoghbi, Christine[El-Zoghbi.Christine@epa.gov]
From: Larsen, Alan
Sent: Thur 2/2/2017 6:09:59 PM
Subject: RE: Question - OIG's Whistleblower Protection Ombudsman

The new OIG Whistleblower Protection Ombudsman is Steve Alderton, a senior attorney in the OIG's Office of Counsel. Francesca—feel free to contact Steve, who I'm copying on this note.

Al Larsen

Counsel to the IG

From: Copper, Carolyn
Sent: Wednesday, February 01, 2017 2:20 PM
To: Larsen, Alan <Larsen.Alan@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: Question - OIG's Whistleblower Protection Ombudsman

Al – With Mona's departure, which attny is OIG's Whistleblower Protection Ombudsman? Francesca (EPA's Scientific Integrity Official) had a question about our Whistleblower Protection Ombudsman during our quarterly meeting with her and OI today. Please reply all!

I noted that our public web site has a Whistleblower Protection Ombudsman poster that still lists Mona as the contact, see https://www.epa.gov/office-inspector-general/poster-whistleblower-protection-ombudsman-epa-oig

Thanks ~ Carolyn

Carolyn Copper, PhD

Assistant Inspector General for Program Evaluation

Office of Inspector General

United States Environmental Protection Agency

Washington, DC

202-566-0829

copper.carolyn@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Thur 2/2/2017 6:40:04 PM
Subject: February 2 -- Greenwire is ready

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GREENWIRE — Thu., February 2, 2017

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1.EPA:

Despite Dem no-shows, Barrasso pushes Pruitt vote to floor

Senate Environment and Public Works Committee Republicans today pushed through President Trump's nomination of Scott Pruitt to be U.S. EPA administrator over Democrats' objections and boycott of the vote for the second day in a row.

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'Transitions are always tough' — Trump spokesman

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Projects hang in the balance as Bay heads for exit

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EPA takes next step on 'findings of failure' for ozone plans

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Former DOJ official Lorenzen talks Gorsuch, future of environmental law and Chevron

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To: Alderton, Steven M.[Alderton.Steve@epa.gov]
Cc: Copper, Carolyn[Copper.Carolyn@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 7:31:36 PM
Subject: RE: Question - OIG's Whistleblower Protection Ombudsman

Hi there –

Would it be possible for us to meet next week to discuss your work and my work and how we can amplify your message and where our efforts possibly overlap?

Thank you

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Larsen, Alan
Sent: Thursday, February 02, 2017 1:10 PM
To: Copper, Carolyn <Copper.Carolyn@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Alderton, Steven M. <Alderton.Steve@epa.gov>; El-Zoghbi, Christine <El-Zoghbi.Christine@epa.gov>
Subject: RE: Question - OIG's Whistleblower Protection Ombudsman

The new OIG Whistleblower Protection Ombudsman is Steve Alderton, a senior attorney in the OIG's Office of Counsel. Francesca—feel free to contact Steve, who I'm copying on this note.

Al Larsen

Counsel to the IG

From: Copper, Carolyn
Sent: Wednesday, February 01, 2017 2:20 PM
To: Larsen, Alan <Larsen.Alan@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
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Al – With Mona's departure, which attny is OIG's Whistleblower Protection Ombudsman? Francesca (EPA's Scientific Integrity Official) had a question about our Whistleblower Protection Ombudsman during our quarterly meeting with her and OI today. Please reply all!

I noted that our public web site has a Whistleblower Protection Ombudsman poster that still lists Mona as the contact, see https://www.epa.gov/office-inspector-general/poster-whistleblower-protection-ombudsman-epa-oig

Thanks ~ Carolyn

Carolyn Copper, PhD

Assistant Inspector General for Program Evaluation

Office of Inspector General

United States Environmental Protection Agency

Washington, DC

202-566-0829

copper.carolyn@epa.gov

To: Otto, Martha[Otto.Martha@epa.gov]; Parkinson, Lorna[parkinson.lorna@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 7:32:01 PM
Subject: RE: Help with Acknowledgements Section in Survey Report

Yes

Francesca T. Grifo, Ph. D.

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From: Otto, Martha
Sent: Thursday, February 02, 2017 12:43 PM
To: Parkinson, Lorna <parkinson.lorna@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Help with Acknowledgements Section in Survey Report

I forgot to answer your last question. I think that the Committee should be acknowledged.

Also, Francesca, regarding OSA folks…Lara Phelps and Marie Russell (from Lara's office) helped a little. Should we acknowledge them?

From: Parkinson, Lorna
Sent: Thursday, February 02, 2017 10:27 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: Help with Acknowledgements Section in Survey Report

Hi Marti,

I was hoping you might be able to help with the acknowledgements section of the survey report.

- We need to write what exactly David Groemping / Innovate! Inc. did.
- Francesca said to write "Tom Burke for multiple rounds and extensive edits on the survey instrument.
- Francesca asked "Who from Al's shop reviewed the survey instrument?"

My questions-

- Does the committee or anyone from OSA also need to be acknowledged?

Thank you!

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Johnson, Lora[Johnson.Lora@epa.gov]; Nanartowicz, John[nanartowicz.john@epa.gov]
Cc: Cursio, Heather[Cursio.Heather@epa.gov]; Jones, Monica[Jones.Monica@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 7:34:51 PM
Subject: RE: AccuTest Workgroup

Thanks Lora –

Do you mean in the Scientific Integrity Policy or some other policy?

Sorry if this is obvious. If you meant the Scientific Integrity Policy – then this is problematic because any changes to the Policy are quite fraught with complexities.

Best,

Francesca

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Sent: Thursday, February 02, 2017 12:01 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
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If the practice is to notify you , then I suggest it be formally included in the final version of the policy. That kind of institutional memory can be lost as people move around so it's helpful to have it written down.

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 11:44 AM
To: Johnson, Lora <Johnson.Lora@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

Thanks Lora – we are in fact notified. It is not a "formal" process but in the end we accomplish what is needed. I typically get sent documents. I have added Monica to this email chain to be sure that this is still happening as it was useful to us to know what was coming in this way so we could see if there was any overlap with any allegations we were working on.

Thanks so much – hope all is well!

Francesca

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To: Grifo, Francesca <Grifo.Francesca@epa.gov>

Cc: Nanartowicz, John <nanartowicz.john@epa.gov>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: Fw: AccuTest Workgroup

Hi Francesca,

Thanks for taking my call and talking about the OEI data quality issue. Below please find the recommendation from Lora Johnson about formal notification of such issues to OSA. In a separate email I send you all the documentation I've received from Monica....

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Johnson, Lora
Sent: Wednesday, February 1, 2017 12:43 PM
To: Nanartowicz, John
Cc: Blancato, Jerry; John Nanartowicz; Cursio, Heather
Subject: RE: AccuTest Workgroup

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With respect to the interim notification procedure, I provided a few comments to OEI late in 2016. It seemed odd to me that there doesn't appear to be any requirement to notify the Office of the Agency Science Advisor when data quality issues that affect multiple programs are identified. Given the Agency's scientific integrity program is managed by the OSA it may be appropriate that they are formally included in the final version of the notification procedure. I would suggest this be considered for the final version of the procedure.

Take care,

Lora

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email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Nanartowicz, John
Sent: Tuesday, January 31, 2017 1:51 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>
Cc: Blancato, Jerry <Blancato.Jerry@epa.gov>; John Nanartowicz <sundowner201@comcast.net>; Cursio, Heather <Cursio.Heather@epa.gov>
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Hi Lora,

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anything. Hopefully we aren't.

I've copied Jerry Blancato on this email for informational purposes.

Let me know what you think, and also let me know if you see ORD playing a role in this end game.

Thanks,

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Copper, Carolyn[Copper.Carolyn@epa.gov]
From: Alderton, Steven M.
Sent: Thur 2/2/2017 7:39:08 PM
Subject: RE: Question - OIG's Whistleblower Protection Ombudsman

Of course, Francesca. When and where? (Except for Monday morning, I'm fairly flexible.)

Steve

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 2:32 PM
To: Alderton, Steven M. <Alderton.Steve@epa.gov>
Cc: Copper, Carolyn <Copper.Carolyn@epa.gov>
Subject: RE: Question - OIG's Whistleblower Protection Ombudsman

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Thanks ~ Carolyn

Carolyn Copper, PhD

Assistant Inspector General for Program Evaluation

Office of Inspector General

United States Environmental Protection Agency

Washington, DC

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copper.carolyn@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Jamie Merisotis
Sent: Thur 2/2/2017 7:45:51 PM
Subject: Immigration and American Opportunity

Statement by Jamie Merisotis on recent executive order on immigration

No images? View this email as a web page »

In a response to President Trump's executive order to suspend some immigration from seven predominantly Muslim countries, Lumina President and CEO Jamie Merisotis reminds us why we must remain true to the long-held values that have enabled the United States to integrate tens of millions of people from diverse races, religions, and cultures to form a distinct American identity.

This email was sent to: grifo.francesca@epa.gov

This email was sent by: Lumina Foundation
30 South Meridian Street Indianapolis, Indiana, 46204-3503, USA

Manage Subscriptions | Update Profile | Unsubscribe .

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Nanartowicz, John[nanartowicz.john@epa.gov]
Cc: Cursio, Heather[Cursio.Heather@epa.gov]; Jones, Monica[Jones.Monica@epa.gov]
From: Johnson, Lora
Sent: Thur 2/2/2017 7:52:40 PM
Subject: RE: AccuTest Workgroup and the Interim CIO Notification Procedure
Interim CIO Notification for Environmental Data Quality Issues Procedure....pdf

Without the original attachments in this email string, it's definitely not obvious! I've now attached the interim CIO notification procedure to which I was referring.

Lora Johnson, Director of Quality Assurance, ORD

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USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

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Phone: 202-564-4756

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Mail Code: 8102R (Ronald Reagan Building)

INFORMATION DIRECTIVE PROCEDURE

Interim CIO Notification Procedure for Environmental Data Quality Issues		
Directive No.: 2105-P-03.0	CIO Approval: 12/30/2016	Transmittal No.: 17-004f

Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005

Interim CIO Notification Procedure for Environmental Data Quality Issues

1. PURPOSE

This Procedure describes the comprehensive, coordinated due diligence process for evaluating environmental data quality issues or problems that have an adverse effect on more than one EPA organization. It also describes the procedure for notifying all potentially affected EPA organizations.

2. SCOPE

The Procedure applies to all EPA organizations, including the EPA program and regional offices that support environmental programs.

This Procedure applies to all environmental data activities. Environmental data may be defined as any measurements or information that describe environmental processes, locations or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data activities that are covered by this procedure may include, but are not limited to:

- Collection and analysis of environmental samples
- Chemical and biological agents testing
- Chemical and biological weapons threat analysis/studies
- Exposure studies
- Field methods and measurements

3. AUDIENCE

The audience of this Procedure is all agency employees (managers and staff) responsible for the generation and use of environmental data that support the EPA mission.

4. BACKGROUND

Policy and Program Requirements for the Mandatory Agency-Wide Quality System can be found in CIO 2105.0. This policy provides requirements for EPA organizations that collect, evaluate and use environmental data. This policy is supported by the EPA Quality Manual for Environmental Programs (CIO 2105-P-01). This manual provides a detailed description of how EPA organizations should implement the agency's quality policy for environmental data operations.

OEI issued a Quality Policy (CIO 2106.0) for EPA disseminated products and services in 2008. This policy is supported by a Quality Procedure (CIO 2106-P-01). Section G of this Procedure includes a description of a CIO Notification Process. This process requires that:

1) EPA organizations have procedures in place to conduct an internal review of quality-related problems or issues with any of their disseminated products or services;

ED_001292B_00002687-00001

2) EPA organizations send the Assistant Administrator (AA) for the Office of Environmental Information (OEI) and/or Chief Information Officer (CIO) information about any quality-related issue or problem with a product or service that may adversely affect agency operations; and
3) The OEI AA and/or CIO notify EPA Senior Information Officials (SIO) of the quality-related issue or problem and ensure that organizations are kept informed of the ongoing evaluation and the final outcome.

In 2010, OEI issued a memorandum to clarify the scope and applicability of the Quality Policy (CIO 2106.0). This memorandum stated that the scope of the Quality Program encompasses quality activities concerning the collection, production and use of environmental data. This changed the focus of the EPA Quality Program from disseminated products and services to environmental data.

In 2014, the Office of the Inspector General (OIG) issued Report No. 14-P-0270, *EPA Has Not Implemented Adequate Management Procedures to Address Potential Fraudulent Environmental Data* (May 2014). This Quality Procedure helps to address this OIG report by providing a more detailed description of the CIO Notification Process. It also describes the process that OEI plans to follow to evaluate information from EPA organizations about environmental data quality issues and how OEI plans to communicate information about this evaluation and the final outcome to EPA organizations.

5. AUTHORITY

Policy and Program Requirements for the Mandatory Agency-Wide Quality Management System (CIO 2105.0, May 2000) and the Quality Policy (CIO 2106.0, October 2008), establishes the authority for this Procedure.

The information directive is issued by the EPA Chief Information Officer (CIO), Pursuant to Delegation 1-19, dated 07/07/2005.

6. PROCEDURE

6.1 Management Review

6.1.1 EPA organizations should establish procedures for conducting a management review of data quality issues or problems. At a minimum, these procedures should determine the 1) potential impact of the data quality issue on the organization's environmental decisions and 2) the corrective actions needed to address any concerns regarding the continued use of the environmental data.

6.1.2 If an individual or organization suspects fraud, it should be reported to the Office of the Inspector General (OIG) Hotline. Additional information about fraud can be found on the OIG Resource Page - http://intranet.epa.gov/oig/

6.1.3 If the organization finds the data quality issue would affect other EPA organizations, it should complete the notification process found in Section 6.2. If the data quality issue only affects the EPA organization that discovered the issue, it should document the findings of the management review and implement the appropriate corrective actions.

6.2 **Notification Process**

6.2.1 The organization's Senior Information Official (SIO) sends the OEI Assistant Administrator (AA) and/or CIO a Memorandum with a carbon copy to the OEI Office of Enterprise Information Programs (OEIP) Office Director and the OEI OEIP Enterprise Quality Management Division (EQMD) Director. When OEI is informed of a closed enforcement case regarding environmental data quality issues, EQMD will request that the SIO for the affected EPA organization(s) submit a Memorandum. At a minimum the Memorandum should include the following:

i. A description of the issue/problem
ii. The name of the entity that produced the environmental data
iii. Timeframe in which the environmental data was produced by the entity
iv. Timeframe of receipt of the environmental data produced by or for the agency (if applicable)

6.2.2 The OEI AA and/or CIO issues the CIO Notification Memorandum to the EPA Senior Information Officials (SIOs) with a carbon copy to the Director of the Office of Enterprise Information Programs (OEIP) and the OEIP EQMD Director.

6.2.3 The EQMD Director posts the CIO Notification Memorandum on the EPA QA Community SharePoint site. The community consists of QA Managers (QAMs), Directors of Quality Assurance (DQA) and QA Coordinators from EPA program and regional offices.

6.3 **OEI Evaluation Process**

6.3.1 The EQMD convenes an Evaluation Workgroup which consists of a representative(s) from the:

i. EPA organization that submitted the Memorandum to the CIO. (At a minimum, the QA Manager (QAM) or DQA should be included and other individuals who are familiar with the data quality issues or problem);
ii. Office of General Counsel (OGC):
iii. Office of Administration and Resources Management (OARM) (At a minimum, a representative from the Office of Grants and Debarment and the Office of Acquisition Management should be included.)
iv. Others, as needed

6.3.2 The Evaluation Workgroup reviews the information found in the Memorandum sent to the OEI AA and/or CIO, to determine the potential risk and the impact of the quality issue or problem on the agency's environmental data operations. If needed, the workgroup may obtain additional information to evaluate the quality issue or problem.

6.3.3 The EQMD Director reports the findings of the Evaluation Workgroup's review to the OEI AA and/or CIO and the OEIP Office Director. At a minimum, the findings will include the results of the review and recommended next steps (actions to be taken by EPA organizations or a statement that no further action is required)

6.3.4 The OEI AA and/or CIO reviews the Evaluation Workgroup findings and provides direction about the content of the CIO Notification Findings Memorandum.

6.3.5 The EQMD prepares a draft CIO Notification Findings Memorandum.
6.3.6 The EQMD Director sends the CIO Notification Findings Memorandum to the OEI AA and/or CIO and the OEIP Office Director.
6.3.7 The OEI AA and/or CIO reviews the draft CIO Notification Findings Memorandum, makes the appropriate edits and issues it to the EPA Senior Information Officials (SIOs) with a carbon copy to the OEIP Office Director and the OEIP EQMD Director.
6.3.8 The EQMD Director posts the CIO Notification Findings Memorandum on the EPA QA Community SharePoint site.

7. ROLES AND RESPONSIBILITIES

EPA Administrator

The Administrator promotes the use of a consistent process to ensure notifications of environmental data issues are evaluated and communicated to the appropriate EPA program and regional offices and other affected data users.

Assistant Administrators and Regional Administrators

Assistant Administrators (AAs) and Regional Administrators (RAs) will ensure that policies and procedures defined in this Procedure are developed and implemented consistently throughout their programs and will dedicate sufficient resources to support the effective implementation of this Procedure within their organizations. Each AA or RA may re-delegate the responsibilities for this Procedure to appropriate senior managers.

OEI recommends that AAs and/or RAs give one or more individuals, the responsibility and authority to ensure that this Procedure is implemented and followed consistently.

Assistant Administrator for the Office of Environmental Information (OEI) and/or Chief Information Officer (CIO)

OEI's Assistant Administrator and/or Chief Information Officer (AA/CIO) acts as the EPA Senior Management Official for Quality Management and is responsible for overseeing the agency's Quality Program and this Quality Procedure. The AA and/or CIO is responsible for informing AAs, RAs and Laboratory Directors of any issues or concerns related to the quality of agency products or services encompassed by this Procedure. The AA and/or CIO will review the Evaluation Workgroup recommendations, issue CIO Notification Memorandums and monitor activities associated with these notifications.

Senior Information Official (SIO)

The SIO ensures their environmental programs conduct a management review when they receive information about environmental data quality problems that could potentially impact programmatic decisions. The SIO reviews the results of these internal management reviews and makes a decision about the scope of the environmental data quality issue or problem. If an environmental data quality issue or problem only affects their organization's environmental operations, the SIO ensures the appropriate corrective actions are taken. If the environmental data quality issue or problem may potentially affect other EPA organizations, the SIO sends a Memorandum to the OEI

AA and/or CIO. When the OEI AA and/or CIO issues CIO Notification Memorandums, the SIO distributes it to their sub-organizations that support environmental programs.

Office of Enforcement and Compliance Assurance (OECA), Office of Criminal Enforcement, Forensics and Training (OCEFT)
The Office of Enforcement and Compliance Assurance (OECA), Office of Criminal Enforcement, Forensics and Training (OCEFT) acts as the Senior Management Official for criminal enforcement issues and investigates environmental crimes using specialized investigative and forensic techniques. When there is a CIO notification about a closed enforcement case, OECA/OCEFT participates on the Evaluation Workgroup.

Office of General Counsel (OGC)

The Office of General Counsel (OGC) reviews all OEI information and correspondence associated with a CIO Notification Memorandum and provides legal counsel and guidance as appropriate. OGC participates on the Evaluation Workgroup.
Evaluation Workgroup
The Evaluation Workgroup reviews the information found in the CIO Notification Memorandum to determine the potential risk and the impact of the issue or problem on the agency's environmental data operations. If needed, the Workgroup may obtain additional information to evaluate the quality issue or problem. The Evaluation Workgroup makes recommends to the OEI AA and/or CIO about the actions the agency should take to address the quality issues found in EPA Organization's Memorandum to the Notification memorandum.
The Evaluation Workgroup consists of a representative from the EPA Organization that submitted the Memorandum to the CIO about the data quality issue; OEI Lead Region; Office of Research and Development; Program Office; OECA/OCEFT; OGC; Office of Administration and Resources Management (OARM) and others as needed.

OEI Office of Enterprise Information Programs (OEIP) Enterprise Quality Management Division (EQMD) Director

The EQMD Director receives Memorandums to the OEI AA and/or CIO about environmental data quality issues or problems. The EQMD Director ensures that draft CIO Notification Memorandums are sent to the AA and/or CIO and OEIP Office Director for review.

The EQMD Director receives information about closed OIG and/or OECA/OCEFT cases about fraudulent environmental data activities that may impact EPA Organizations. The EQMD Director uses this Procedure to inform the OEI AA and/or CIO and the EPA QA Managers and Directors of Quality Assurance. The EQMD Director leads the Evaluation Workgroup and maintains all records associated with CIO Notification Memorandums.

Office of Administration and Resources Management (OARM)

Representatives from the OARM Office of Grants and Debarment (OGD) and the Office of Acquisition Management (OAM) participate on the Evaluation Workgroup

EPA Quality Assurance Managers (QAMs) and Directors of Quality Management (DQAs)

EPAs Quality Assurance Managers (QAMs) and Directors of Quality Management (DQAs) may assist in the development of their organization's management review procedures. They may also participate in their organization's management review, review the results or oversee the completion of any corrective actions. QAMs and DQAs may participate on the Evaluation Workgroup.

8. RELATED INFORMATION

- Policy and Program Requirements for the Mandatory Agency-Wide Quality Management System (CIO 2105.0, May 5, 2000)
- EPA Quality Manual for Environmental Programs (CIO 2105-P-01-0, May 5, 2000)
- Quality Policy (CIO 2106.0, October 20, 2008)
- Quality Procedure, (CIO 2106-P-01.0, October 20, 2008)
- *EPA has not Implemented Adequate Management Procedures to Address Potential Fraudulent Environmental Data,* (Office of Inspector General Report, Report No. 14-P-0270, May 29, 2014)
- Contract Laboratory Program's Roles and Responsibilities Guidance Document (EPA, 2007)

9. DEFINITIONS

Due Diligence Process: A review to determine the procedure for managing the communications and actions addressing environmental data determined to be fraudulent.

Environmental Data: Any measurements or information that describe environmental processes, location or conditions; ecological or health effects and consequences; or the performance of environmental technology. For EPA, environmental data include information collected directly from measurements, produced from models and compiled from other sources such as databases or literature.

Fraud/Fraudulent Data: The deliberate falsification of analytical and quality assurance (QA) results. A number of laboratory practices may constitute fraud and include:

- Fabricating data,
- Intentionally calibrating equipment using other than accepted procedures,
- Modifying samples to alter characteristics,
- Manipulating analytical results,
- Substituting samples, files or data.

OEI should notify the OIG once fraud has been identified.

10. WAIVERS

N/A

11. MATERIAL SUPERSEDED

N/A

12. CONTACTS

For further information about this Procedure or the Quality Program, please contact the Office of Environmental Information, Enterprise Quality Management Division.

Ann Dunkin
Chief Information Officer
U.S. Environmental Protection Agency

APPENDIX:
ACRONYMS & ABBREVIATIONS

AA	Assistant Administrator
CIO	Chief Information Officer
DQA	Director of Quality Assurance
EPA	Environmental Protection Agency
EQMD	Enterprise Quality Management Division
OCEFT	Office of Criminal Enforcement, Forensics and Training
OECA	Office of Enforcement and Compliance Assurance
OEI	Office of Environmental Information
OEIP	Office of Environmental Information Programs
OGC	Office of General Counsel
OGD	Office of Grants and Debarments
OIG	Office of the Inspector General
OARM	Office of Administration and Resources Management
RA	Regional Administrator
SIO	Senior Information Official
QAM	Quality Assurance Manager

From: Grifo, Francesca
Location: Tom's Office - RRB 41251
Importance: Normal
Subject: Accepted: Scientific Integrity Bi-weekly
Start Date/Time: Wed 2/8/2017 8:00:00 PM
End Date/Time: Wed 2/8/2017 8:30:00 PM

From: Grifo, Francesca
Location: Tom's Office - RRB 41251
Importance: Normal
Subject: Accepted: Grifo/Sinks Bi-Weekly One-on-One
Start Date/Time: Wed 2/8/2017 7:30:00 PM
End Date/Time: Wed 2/8/2017 8:00:00 PM

To: Sinks, Tom[Sinks.Tom@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Parkinson, Lorna
Sent: Thur 2/2/2017 8:32:38 PM
Subject: Survey Report
DRAFT Survey Report 2-2-2017.docx

Hi Tom,

The draft Survey Report is attached for your review.

Thank you,

Lorna

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

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Scientific Integrity at EPA

U.S. Environmental Protection Agency

Contributors & Acknowledgments

Contributors

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Francesca is the Scientific Integrity Official at the U.S. Environmental Protection Agency. Previously, she was the Director of the Scientific Integrity Program at the Union of Concerned Scientists. In addition, she has 20 years of experience in biodiversity conservation at the United States Agency for International Development, Biodiversity Support Program, National Institutes of Health, the American Museum of Natural History, and Columbia University. She holds a bachelor's degree in biology from Smith College and a doctorate in plant systematics from Cornell University.

Lorna Parkinson
Lorna is a Scientific Integrity Research Support Associate in the Office of the Science Advisor, contracted by Oak Ridge Associated Universities. She holds a bachelor's degree in biological sciences and psychology from the University of Georgia and a master's degree in environmental studies from the College of Charleston.

Barbara Martinez
Barbara Martinez is currently the Open Innovation Director for Conservation X Labs. From 2012 to 2015, Barbara was an American Association for the Advancement of Science & Technology fellow and Oak Ridge Institute for Science fellow in the Office of the Science Advisor and the Office of Research and Development at EPA. Barbara holds a bachelor's degree in wildlife ecology from the University of Wisconsin – Madison and a doctorate of conservation biology from the University of Minnesota.

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Martha Otto
Martha is the Scientific Integrity Program lead in the Office of the Science Advisor. Martha has over 25 years of experience in hazardous waste site remediation, innovative treatment technologies, and policy, regulation and guidance development. She holds a bachelor's degree in biology and a master's degree in environmental science and engineering from Virginia Tech.

Emily Brantner
Emily is a Scientific Integrity Outreach Support Associate in the Office of the Science Advisor, contracted by Oak Ridge Associated Universities. She holds a bachelor's degree in biology from Messiah College and a master's degree in biology from Florida International University.

Acknowledgements

David Groemping of Innovate! Inc. for helping format and distribute the survey instrument.

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Executive Summary

The Scientific Integrity Memorandum of 2009[1] asked the White House Office of Science and Technology Policy (OSTP) to create a plan that would establish strong scientific integrity standards across federal agencies. The resulting OSTP Guidance Memorandum[2] required agencies and departments to create or improve policies related to foundations of scientific integrity in government, public communications, use of federal advisory committees, and professional development. EPA was among a few agencies to put its draft policy out for public comment and was one of the first to release a final Scientific Integrity Policy[3], published in February of 2012.

In 2012, EPA published its Scientific Integrity Policy, which provides a strong foundation to ensure a culture of scientific integrity. In 2014, EPA began an evaluation of the implementation and effectiveness of the Policy. As part of that evaluation, in fiscal year 2016, the Agency distributed a survey to all EPA employees. This report summarizes the results of that survey and what they tell us about successes and challenges in the Agency's efforts to nurture a culture of scientific integrity.

Responses from EPA employees who spend 25 percent or more of their time conducting, utilizing, communicating, or managing science account for 25 percent of the 14,906 employees who received the survey. These responses came from all major EPA offices and regions. Fifteen percent of these responses are from employees that self-identified as supervisors.

While these survey responses indicated that a large majority of EPA employees are aware of the Scientific Integrity Policy, they also indicated that over one third of employees are not familiar with the content of the Policy. Only 41 percent of respondents [3,772] reported that they know how to report instances or allegations relating to the loss of scientific integrity. Less than 10 percent of respondents [350] reported that they were not aware of whistleblower rights, but 46 percent of respondents [1,722] reported that they did not have specific knowledge. Survey results indicate a need for more training and outreach on scientific integrity and on the Policy. In 2016, the Scientific Integrity Program launched new and innovative trainings, briefed new senior leaders on scientific integrity, and expanded and updated both its internet and intranet sites.

Survey results indicated some confusion about the role of science and other factors in EPA decisions, with some respondents recommending greater transparency in the decision-making process and an explanation of how science informs decisions versus other factors (e.g., economic or legal considerations). The Scientific Integrity Program will work with managers to increase understanding of the roles that science plays in decision-making at EPA and provide support for their roles supervising science.

Some respondents expressed concerns that politics can sometimes interfere with EPA's work. While a majority of respondents said that they can openly express their scientific opinions about the Agency's scientific work without fear of retaliation, almost 13 percent disagreed or strongly disagreed. Just over half of respondents said that their management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial. Senior leaders were more likely to agree than GS-level respondents. And, when asked to whom they would feel comfortable reporting information regarding a loss of scientific integrity, the largest percentage (about 88 percent) of respondents said their supervisor. About half (51 percent) of respondents [1,938] agreed or strongly agreed that they have the right to review, correct and approve the scientific content of an Agency document that significantly relies on their scientific research, identifies them as an author, or represents their scientific opinion before public

[1] Memorandum from the President for the Heads of Executive Departments and Agencies (2009): https://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09

[2] Memorandum from the Science Advisor for the Heads of Executive Departments and Agencies (2010): https://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf

[3] U.S. EPA, Scientific Integrity Policy (2012): https://www.epa.gov/risk/policy-epa-scientific-integrity

release. Less than 10 percent [285] disagreed or strongly disagreed, and about one quarter (25 percent) of respondents [950] reported that they had no basis to judge or did not know. Results indicate a need to work with managers to encourage them to enhance a culture of scientific integrity for their employees. The Scientific Integrity Official is initiating formal dialogues with EPA leaders to clearly define responsibilities regarding scientific integrity.

Only about 10 percent of respondents felt that scientific or technical products are released to the public in a timely fashion. Senior leaders were more likely than GS-level respondents to speak positively about their office clearance procedures for scientific products, but some respondents expressed concerns about a lack of transparency in their office's clearance procedures. Thirty percent of respondents [1,145] agreed or strongly agreed that the clearance procedure is consistent within their office. Twenty-nine percent of respondents [1,069] agreed or strongly agreed that the clearance procedure is transparent. A much lower percentage, only 12 percent, of respondents [484], agreed or strongly agreed that they can accurately predict the amount of time that it will take to clear a scientific product. In 2017, we will draft a best practices document to assist programs, offices and regions in their work on creating transparent, clear, consistent and predictable clearance procedures.

Regarding whether the Agency encourages professional development of its technical workforce, over half of respondents said that they are frequently or occasionally provided with the appropriate time and encouragement to keep up with advances in their professions, with senior leaders more likely to agree than GS-level respondents. Results indicate a need for more transparency in the process for deciding who can attend and participate in professional conferences. We will draft a best practices document to assist programs offices and regions to address these issues.

This report includes action items designed to enhance the culture of scientific integrity at EPA. This will ensure that the Agency's science will stand up to scrutiny and provide a strong basis for decisions that directly impact EPA's ability to protect human health and the environment.

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Introduction

The Scientific Integrity Memorandum of 2009[4] asked the White House Office of Science and Technology Policy (OSTP) to create a plan that would establish strong scientific integrity standards across federal agencies. The resulting OSTP Guidance Memorandum[5] required agencies and departments to create or improve policies related to foundations of scientific integrity in government, public communications, use of federal advisory committees, and professional development. EPA was among a few agencies to put its draft policy out for public comment and was one of the first to release a final Scientific Integrity Policy[6], published in February of 2012.

The Scientific Integrity Policy provides a framework intended to ensure scientific integrity throughout EPA and promote the adherence to professional values and ethical standards when conducting, communicating, utilizing and supervising science. It establishes a Scientific Integrity Official (ScIO) to be a champion of scientific integrity for the Agency and chair a standing committee (the Scientific Integrity Committee) of Deputy Scientific Integrity Officials (DScIOs) representing all EPA offices and regions.

Since the release of the Policy, the ScIO along with the Committee have implemented several activities to provide ongoing support for the Policy, including quarterly Committee meetings, an annual meeting open to all EPA employees, an annual stakeholder meeting, and training and outreach on the Policy. The ScIO also receives and adjudicates allegations related to a loss of scientific integrity reported from both internal and external parties. In addition to these activities, the ScIO and Committee also create new products and procedures to prevent lapses in scientific integrity. These activities and products are summarized at the end of each year in an Annual Report on Scientific Integrity.[7]

In 2014, the Committee began a formal evaluation of the Policy including a systematic investigation of the merit, worth and significance of the Agency's scientific integrity efforts. The evaluation examines the content, implementation and impacts of the Policy. It is designed to be a practical, ongoing assessment that will identify criteria to assess performance, standards that must be reached to consider the program successful, and evidence needed to indicate performance relative to the standards.

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As part of this evaluation, a survey was distributed to all EPA employees in fiscal year (FY) 2016 to evaluate the implementation and impact of the Policy since 2012 and to assess the current culture of scientific integrity at the Agency. This report summarizes the results of the survey, identifies successes and challenges, and proposes an action plan focused on enhancing scientific integrity at EPA.

Methodology

The Scientific Integrity Program, located within the Office of the Science Advisor, with support from Innovate, Inc. created and distributed an online survey to EPA employees. The survey questionnaire was designed to measure employees' awareness and familiarity with the Policy, as well as their experience related to the culture of scientific integrity at EPA.

Participants were directed to one of two survey versions based on their response to the first question, which asked them to report the amount of time spent in the categories of conducting, utilizing, communicating or managing science. Respondents that indicated that they spend 25 percent or more of their time conducting, utilizing, communicating and managing science were directed to the long-form version, consisting of all 29 questions. Respondents who reported that

[4] Memorandum from the President for the Heads of Executive Departments and Agencies (2009): https://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09

[5] Memorandum from the Science Advisor for the Heads of Executive Departments and Agencies (2010): https://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf

[6] U.S. EPA, Scientific Integrity Policy (2012): https://www.epa.gov/risk/policy-epa-scientific-integrity

[7] All Annual Reports on Scientific Integrity can be found at https://www.epa.gov/osa/basic-information-about-scientific-integrity.

they spend less than 25percent (total) of their time in the listed categories were directed to the short-form version, which included only 15 of 29 questions. This report summarizes the long-form survey responses. A detailed methodology and results report can be found in Appendices I and II.

Who Filled Out the Survey

Total response rates are summarized in Table 1. Of the 14,906 employees who received the survey, 5,763 employees (39percent of the total sample) completed the survey. 1,970 were directed to the short-form version, while 3,793 took the long-form version. This report summarizes responses to the long-form survey report.

Table 1. Survey Response Rates	
Total Eligible Sample	14,906
Surveys Opened	6,780 (45%)
Total Completed (Response Rate)	5,763 (39%)
Short-Form	1,970 (13%)
Long-Form*	**3,793 (25%)**

**This report only summarizes responses for the long-form version of the survey.*

Employees in all major EPA offices and regions completed and submitted long-form surveys. A large portion of survey respondents were from the Office of Research and Development, the largest office at the Agency which is responsible for conducting most of the scientific research. Smaller offices that are less involved in the conduct, utilization, communication and supervision of science appropriately had lower response rates.

As seen in Figure 1, respondents represented a variety of General Schedule (GS) grade levels, from GS-9 and lower to GS-15, though the largest group was GS-13 (45 percent). Senior Level (SL), Senior Executive Service (SES) and Scientific or Technical (ST) positions, as well as Title-42 appointees were also represented. For the analysis, these employees were combined to protect anonymity. Only 7 percent of respondents had been at the Agency for less than one year at the time of the survey. Of the respondents, 67 percent had been at the Agency for more than 10 years, with almost 10 percent having been there for more than 30 years. Respondents also included employees with a range of education levels, but 44 percent of employees had master's degrees and 21 percent had a doctoral degree. Fifteen percent of respondents to the long-form survey self-identified as supervisors

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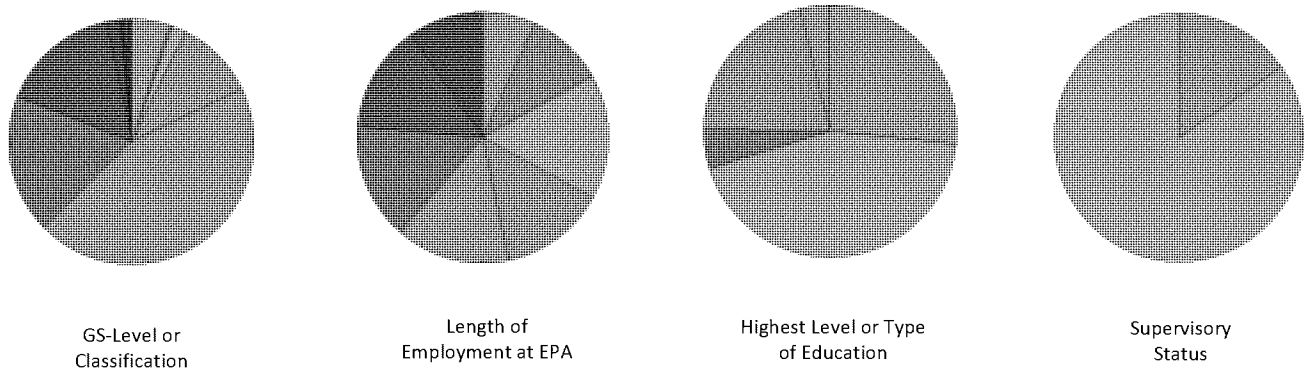
Figure 1. Basic Demographics of Long-form Survey Respondents



Awareness and Understanding of EPA's Scientific Integrity Policy and Procedures

To promote a culture of scientific integrity at the Agency, it is crucial that all employees are familiar with the Policy, understand that it applies to them and know what to do if they see something that they feel may compromise the integrity of EPA science.

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Almost 90 percent of respondents[8] [3,409] were aware that the Policy exists, however only 55 percent of respondents [2,095] had actually skimmed or read the Policy (Figure 2).[9] Ten percent of respondents [382] reported that they did not know that the Policy existed until receiving the survey. Supervisors[10] were generally more familiar with the Policy than non-supervisors[11], with only three percent of supervisors reporting that they did not know about the Policy compared to 11 percent of non-supervisors. Similarly, GS-15 respondents and senior leadership[12] reported a higher level of familiarity with the Policy than respondents in lower GS-levels. Respondents that have been at the Agency for less than one year were more likely to not know the Policy existed than those who have been at the Agency for longer than one year.

Figure 2. Level of Familiarity with the Scientific Integrity Policy

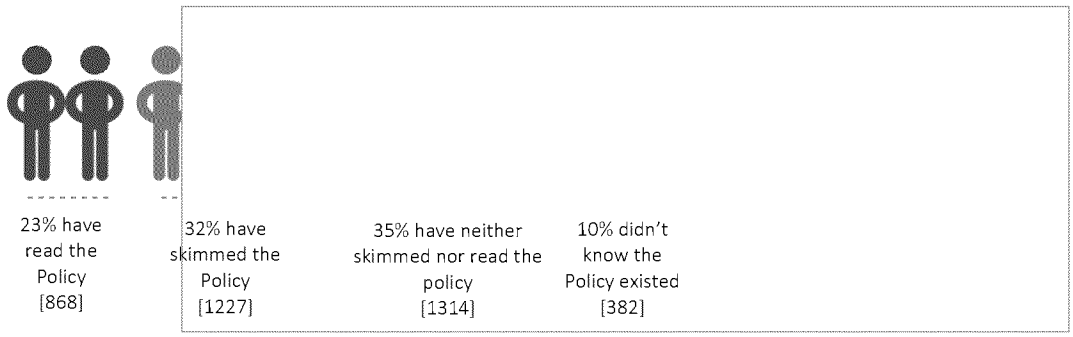
[8]Respondents were allowed to skip questions, causing the total number of responses for each question to vary. The percentage of respondents here and throughout this report refer to the percentage of total responses for each question.

[9] Short-form survey responses were also analyzed, and it was found short-form respondents were generally less familiar with the Scientific Integrity Policy and Procedures than respondents to the long-form survey.

[10] Supervisors refer to participants that responded 'yes' to the survey item, 'I work in a supervisory role at EPA.'

[11] Non-supervisors refer to participants that responded 'no' to the survey item, 'I work in a supervisory role at EPA.'

[12] Senior leadership or senior leaders refers to participants that reported they are SES, SL, ST or Title-42 employees.



In the two years before the survey was distributed, the Scientific Integrity Program used a variety of different outreach approaches to spread awareness of the Policy, including informational posters, an online website, online training, and presentations by the ScIO. Over half of the respondents reported that they first learned about the existence of the Policy online – 24 percent of respondents [812] by using the online training module and 36 percent of respondents [1,238] by using the EPA website. Senior leaders (42 percent), however, were more likely to have learned about the existence of the Policy through a presentation by the ScIO. Twenty-eight percent of respondents [950] reported that they had learned about the Policy's existence in some other way than the listed options. Many of these respondents wrote that they learned about the Policy in an Agency wide email or "mass mailer."

Despite a vast majority of respondents reporting that they were aware of the Policy, responses to other questions indicated that they were less aware of the Policy's content, and related procedures. When asked about the content of the Policy, 39 percent of respondents [1,450] reported that they do not know or are unfamiliar with the content in the Policy. However, only two percent of respondents [72] reported that the Policy does not apply to them or to their work at the Agency, and only six percent of respondents [272] reported that the Policy does not enhance their work. When asked about the roles of the Scientific Integrity Committee, 49 percent of respondents [1,853] reported that they do not know or are not familiar with Committee roles.

Only 41 percent of respondents [3,772] reported that they know how to report instances or allegations relating to the loss of scientific integrity. Senior leadership (77 percent) and GS-15 (60 percent) respondents were more likely to report that they know how to report allegations than lower GS-level respondents (ranging from 28 percent to 43 percent). Supervisors (63 percent) were more likely than non-supervisors (38 percent) to report that they know how to report allegations. Only 26 percent of respondents who have been at the Agency for less than one year reported that they know how to report allegations.

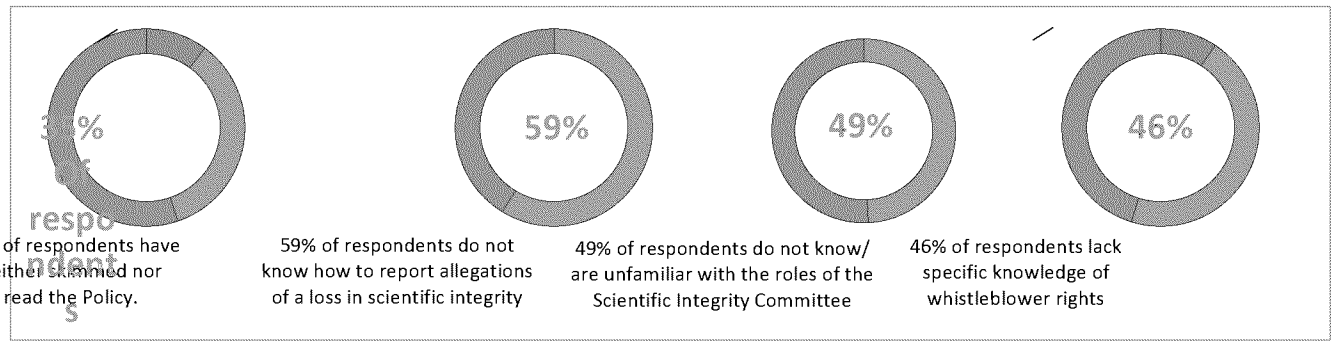
The Policy extends whistleblower protections to all EPA employees who uncover or report allegations of scientific or research misconduct. Less than 10 percent of respondents [350] reported that they were not aware of whistleblower rights, but 46 percent of respondents [1,722] reported that they did not have specific knowledge. A higher proportion of senior leadership (66 percent) reported that they were aware of whistleblower rights than lower GS level respondents (ranging from 36 percent to 54 percent). Supervisors (59 percent) were also more likely than non-supervisors (43 percent) to be aware of whistleblower rights.

Gaps in awareness and understanding of the Scientific Integrity Policy and procedures (Figure 3) revealed in the results reflect a need for more training and outreach, and many respondents suggested in open-ended responses that more training and outreach would be one way to improve scientific integrity at EPA. One respondent wrote, "I'm surprised by how little I know about this topic. If this survey shows low awareness of the policy and integrity committee throughout the agency, there should be some awareness-raising process." Respondents suggested a variety of different outreach activities such as sending Agency-wide emails about the Policy, releasing quarterly reports, and providing presentations.

Figure 3. Gaps in Knowledge of the Scientific Integrity Policy and Procedures

10% were not aware of the Policy

10% were not aware of their whistleblower rights



Respondents also specifically suggested training as a way to raise awareness and understanding of the Policy and procedures. Some respondents suggested including examples and case studies. One respondent stated, "I would suggest that any additional training on implementing the scientific integrity policy include specific case studies and examples, both when the guidelines are being followed and when they are not." Additionally, respondents also provided suggestions for focusing training on specific groups of employees, such as new hires or management.

> *"If you hold a scientific position within the EPA, Scientific Integrity training and information should be part of your onboarding process. This will 1) make the information readily available, and 2) demonstrate that EPA takes the policy seriously and is committed to it."*
>
> *-Anonymous Survey Respondent*

Actions

- ☑ During calendar year 2016, the Scientific Integrity Program trained 98 trainers and 5,659 employees using an innovative new discussion-based training program. The training incorporated animated "whiteboard" videos that presented introductory information and a case study on scientific integrity.[13]

- ☑ During calendar year 2016, the Scientific Integrity Official briefed all new members of the SES and new SLs, STs, and title 42 employees on scientific integrity as part of their onboarding.

- ☑ In January 2017, a training that includes a presentation by the ScIO and a whiteboard animated video became mandatory for all new EPA employees as part of their onboarding process.

- ☑ In 2016, both the scientific integrity internet and intranet websites were expanded, updated and redesigned to increase access to information and resources on scientific integrity at EPA.

- ☐ Create additional outreach materials for use by Deputy Scientific Integrity Officials to increase their visibility and outreach efforts.

- ☐ Work with the Whistleblower Ombudsman in the OIG to raise awareness of whistleblower rights and responsibilities.

Culture of Scientific Integrity at EPA

One of the goals of this survey was to better understand what the current culture of scientific integrity looks like at EPA. This culture manifests itself when EPA employees, contractors, grantees and collaborators conduct, communicate, utilize and supervise science. The Policy also aims to foster a culture of transparency regarding the results of research, scientific

[13] A recorded version of the Scientific Integrity Training can be found at https://www.youtube.com/watch?v=Zc0T7fooot8.

activities and technical findings. The Policy forbids all EPA employees, contractors, grantees and volunteers from suppressing or manipulating scientific data. EPA employees should be able to take part in open and robust conversations about Agency science, and freely express their opinions without fear of retaliation, retribution or reprisal.

Respondents were asked what they believe a culture of scientific integrity at EPA means, based on their understanding of the goals of the Scientific Integrity Policy. A majority of respondents agreed or strongly agreed that a culture of scientific integrity means that the work of EPA is informed by robust science; scientific findings are generated, reviewed and shared in a timely and transparent manner; and scientists are able to do their best work knowing that they are protected from intimidation and coercion to alter scientific data or findings (Figure 4). While all of this should translate to greater public trust in our science, less than half (48 percent) of respondents [1,749] strongly agreed that a culture of scientific integrity means that the public experiences increased appreciation and understanding of EPA's scientific work, and 14 percent of respondents [491] disagreed or strongly disagreed with this statement. Senior leadership and supervisors were typically more likely to strongly agree with all of the statements than lower GS-levels and non-supervisors respectively.[14]

When asked to comment on personal experiences relating to a culture of scientific integrity at EPA in the last three years, many respondents had positive statements or described positive experiences. Respondents wrote about their commitment to scientific. One respondent wrote, "My personal experiences regarding a culture of scientific integrity at EPA has always been positive with honest and professional outcomes and evaluations with the highest scientific integrity." Respondents also stated that the culture had improved in the last three years.

"In the past three years it has improved a lot. Prior to that there was substantial political management interference in already approved projects to try to influence publication of results or [the] way in which they were communicated in the academic community..."

-Anonymous Survey Respondent

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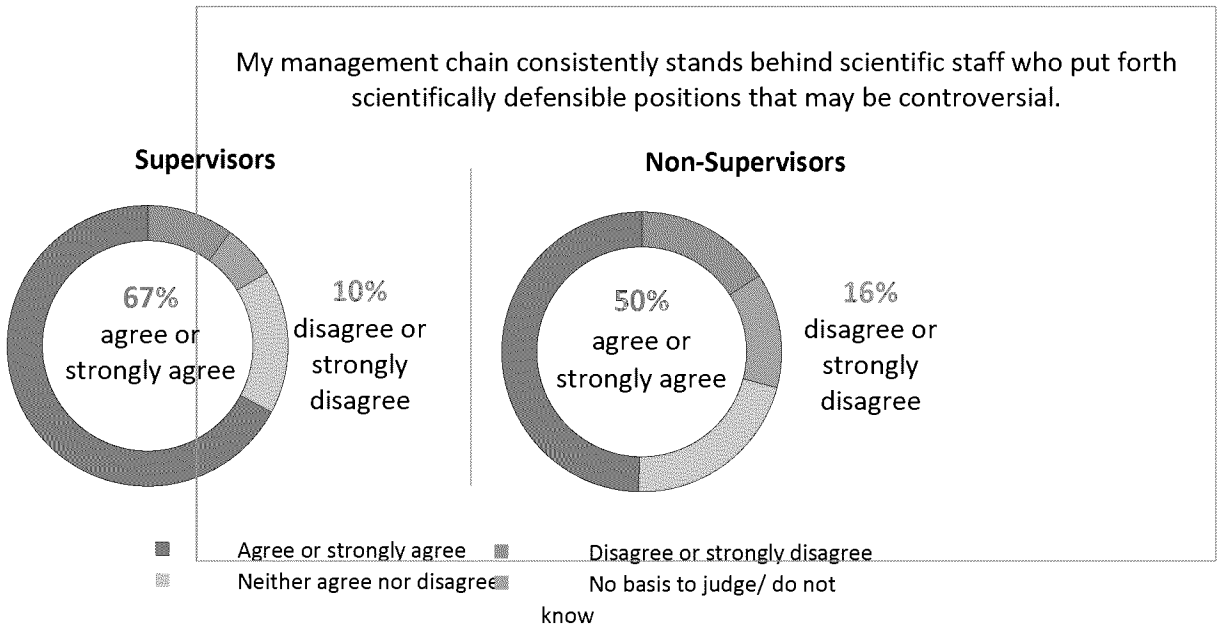
EPA management and leadership play a crucial role in setting the tone for scientific integrity at EPA. Just over half (52 percent) of respondents [1,974] agreed or strongly agreed that their management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial. Supervisors (67 percent) were more likely than non-supervisors (50 percent) to agree or strongly agree (Figure 4). Senior leaders (79 percent) were more likely to strongly agree than GS-level respondents (ranging from 48 percent to 61 percent). Fifteen percent of respondents [563] disagreed or strongly disagreed that their management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial. Twelve percent of respondents [420] reported that they have no basis to judge or do not know.

Figure 4. Management support for scientific staff

[14] See Appendix B, question 7.



Respondents expressed several concerns in the open-ended responses regarding EPA management and leadership with regard to scientific integrity. One respondent wrote, "The policy does not seem to be fully embraced or even fully known by all senior leaders." Respondents mentioned a variety of different issues that they perceive in management including instances of bias, suppression or delay in the release of information, coercion to manipulate findings or conclusions, as well as a general dismissiveness and lack of support for scientists or employees. A more widely expressed concern was that management and leadership lack the appropriate experience and knowledge to be in positions that routinely review or make decisions based on science. One respondent stated, "Managers generally have weak science understanding making it hard for them to support credible science. There is a lot of "managing up" to get the right answer."

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"There are some managers that lack a fundamental understanding of science and the scientific methods. They struggle with distilling complex scientific information into something digestible without losing important nuance and caveats. In some cases, they misinterpret information. When managers don't understand information and really don't have the knowledge to understand it, they may suppress its communication."

-Anonymous Survey Respondent

A majority (67 percent) of respondents [2,513] agreed or strongly agreed that they can openly express their scientific opinions about the Agency's scientific work without fear of retaliation, but 13 percent of respondents [487] disagreed or strongly disagreed. Supervisors (34 percent) were more likely than non-supervisors (24 percent) to strongly agree that they can openly express scientific opinions about the Agency's science without fear of retaliation. Senior leaders (48 percent) were more likely to strongly agree than GS-level respondents (ranging from 22 percent to 39 percent). Seven percent of respondents [290] reported that they have no basis to judge or do not know.

Fear of retaliation, retribution or reprisal was another management-related concern that emerged in the open-ended responses. Some respondents referenced a general 'culture of fear' or the lack of trust in whistleblower rights to provide any real protection. One respondent stated, "The whistleblower protection is a nice idea, but in reality doesn't seem to offer much protection." Some respondents gave

"I believe that there is a great deal of fear of retaliation, uncertainty and lack of guidelines for promoting a culture of scientific integrity across EPA."

-Anonymous Survey Respondent

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more specific instances in which they would not feel comfortable expressing their scientific opinions or not complying with management's requests to knowingly alter, manipulate or withhold scientific information. One respondent reflected, "You see time and time again that employees who bring something to light are intimidated, down graded on their performance, harassed, suspended, ostracized, and treated poorly by management in their agencies."

Despite comments related to a fear of retaliation and other cited issues with management, supervisors were the most widely reported authority to whom respondents would feel comfortable reporting information regarding a loss of scientific integrity (Figure 5). A vast majority (88 percent) of respondents [3,338] reported that they would feel comfortable reporting allegations to supervisors, followed by the Scientific Integrity Official (79 percent) [2,921], Deputy Scientific Official (76 percent) [2,783], and the OIG (67 percent) [2,440]. When employees were asked why they would not be comfortable reporting information to the Scientific Integrity Official, Deputy Scientific Integrity Official and OIG, respondents stated that they preferred not to go outside of their management chain, though some stated that they would if they received no initial response. For example, one respondent stated that they "Would like to report it to my next higher official rather than go higher up in the hierarchy and report. However, if needed I don't have a problem reporting to the OIG directly." Other respondents stated that they did not know who these authorities were or how to report to them.

Figure 5. Authorities to whom respondents feel comfortable Reporting Allegations

'Union' received the lowest percentage (54 percent) [1988] of responses for participants feeling comfortable reporting information. However, a larger percentage of non-supervisors (59 percent) than supervisors (25 percent) reported that they would feel comfortable reporting to a union (Figure 4). Likewise, many respondents stated that they would not be comfortable reporting to the union, simply because they were not a member or they were considered management. Some respondents wrote that they would not report to the union because it was outside their management chain. Other respondents stated it would be inappropriate to report issues of scientific integrity to the union. For example, one respondent wrote, "Scientific integrity does not seem to fit under the union's responsibility. I believe the union is to address working conditions, unless there is a concern about workplace retaliation."

About half (51 percent) of respondents [1,938] agreed or strongly agreed that they have the right to review, correct and approve the scientific content of an Agency document, before public dissemination, that significantly relies on their scientific research, identifies them as an author, or represents their scientific opinion. Less than 10percent [285] disagreed or strongly disagreed, and about a quarter (25 percent) of respondents [950] reported that they had no basis to judge or did not know.

> *"I don't think the issue is integrity. Rather science does not seem to be a priority at EPA and it is typically deemphasized is policy and decision making. This needs much more attention than integrity."*
>
> *-Anonymous Survey Respondent*

Respondents expressed concerns about the utilization of science in policy and decision-making. Some respondents had questions concerning how science is used to inform policy, or how scientific information is weighed against other considerations like economic and legal considerations. One respondent wrote, "I am not sure how to handle situations where scientifically there is a better solution to an issue, but the approach may be contrary to regulations or statutes. How do you mediate between science and regulatory/ legal requirements?" Other respondents directly expressed concerns about the inadequate use of science in decision making. Some stated that they believe that the importance of science is deemphasized or ignored in the policy and decision-making process.

Other respondents did not have questions or concerns regarding how science informs policies and decisions and instead stated that the issue is a lack of understanding of the decision-making process. Respondents said that they believe that employees (particularly scientists) are unfamiliar with considerations other than scientific information that must be included in deliberation. They argued that this is the reason why some employees believe that science is deemphasized in decision making.

> *"The committee should consider in communication with staff the importance of scientific integrity, but should also communicate that science "informs" policy, but does not "dictate" policy. Policy occurs at the intersection of science and law, together with social and political dimensions/considerations. Without this broader understanding, staff can get demoralized when they believe pure science should determine every decision."*
>
> *- Anonymous Survey Respondent*

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Respondents expressed concerns about potential political interference in EPA work. Some respondents mentioned that they believe that political considerations affect the use of scientific information and decision-making. Some stated that EPA is a political Agency or that the Agency operates in a political climate or nature. For example, one respondent stated, "EPA is too often a politicized agency, which serves to undermine the credibility of the largely excellent science performed by its staff and programs." Several respondents also commented that politics continuously "trump" science when considered for making policy or regulatory decisions. Others mentioned that political interference can delay the release of scientific information to the public.

> *"I've seen scientific information delayed because of political ramifications on numerous occasions. I have not seen any acts to alter scientific findings or conclusions. BUT, delay is often beneficial to the relevant parties if profits are at risk, and rarely of benefit to the public, so these delays deserve real attention and a changed culture of not allowing hot topics to be debated endlessly by management before being released publicly."*
>
> *- Anonymous Survey Respondent*

Actions

- ☐ Initiate formal dialogues with all EPA managers in 2017 to clearly define the responsibilities of management and senior leadership regarding scientific integrity.
- ☐ Work with managers to develop ways to increase transparency in decision-making and increase understanding of the roles that science plays in decision-making at EPA.

- ☐ Finalize and release the Differing Scientific Opinions Policy for use when an EPA employee substantively engaged in the science informing an EPA policy decision disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon.

- ☐ Work with managers to make certain that there is widespread understanding of scientists' right to review, correct, and improve the scientific content of any proposed Agency document intended for public dissemination that significantly relies on their research.

- ☐ Devise ways to provide additional scientific support to managers who supervise, utilize or communicate science

Release of Scientific Information to the Public

The Scientific Integrity Policy aims to foster a culture of transparency regarding the release of Agency scientific research, scientific activities and technical findings. Scientific research and analysis are the foundation of all EPA decision-making. EPA encourages open communication, free from political or other interference. The clear and timely release of science facilitates a free flow of information and increases public confidence in the Agency's ability to protect human health and the environment.

A majority (69percent) of respondents [2,582] agreed or strongly agreed that, in their personal capacity, they are able to freely express scientific views, provided that they specify that they are not speaking on behalf of the Agency. Only 9 percent of respondents [342] disagreed or strongly disagreed with this statement. Senior leaders (42 percent) were more likely to strongly agree than GS-15 or lower levels (ranging from 22 percent to 29 percent).

A relatively low proportion of respondents, only 31 percent [1,151], agreed or strongly agreed that the EPA policies regarding speaking to the news media support accurate representation of their scientific research to the general public (Figure 6); however, it is important to note that 36 percent of respondents [1,347] said that they have no basis to judge or do not know. Almost 10 percent of respondents [369] disagreed or strongly disagreed with this statement. Supervisors (42 percent) were more likely to strongly agree or agree to this statement than non-supervisors (29 percent). Likewise, senior leaders (25 percent) were more likely to strongly agree than GS-15 and lower levels (ranging from seven percent to 16 percent).

Figure 6: Policies on Speaking to the News Media and Accurate Representation of Science

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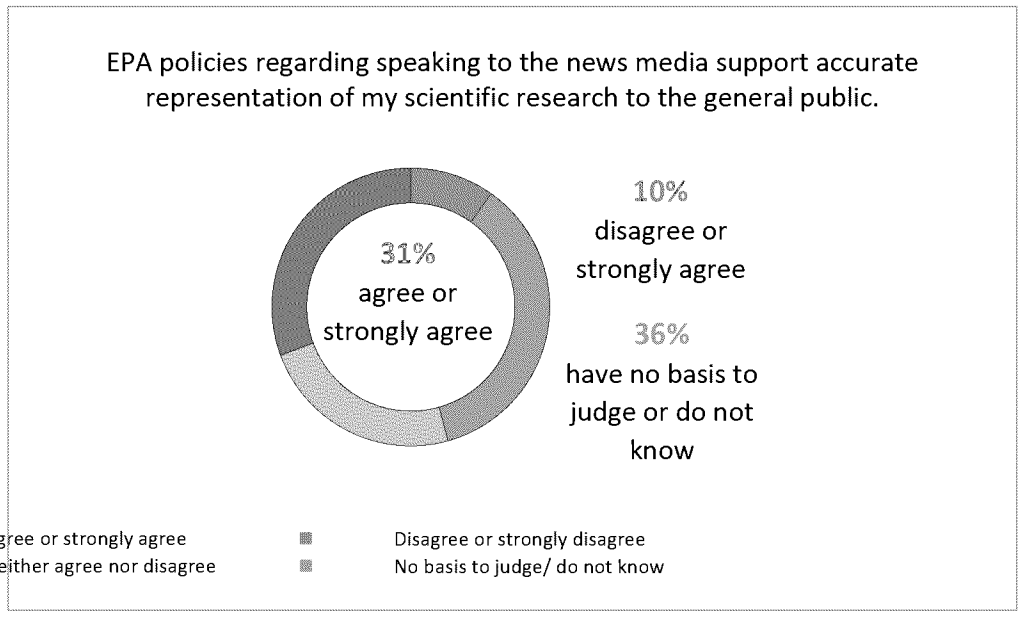

Many respondents mentioned that speaking to the news media is a role specifically for EPA communications staff. Several stated that all inquiries and requests from the media are forwarded or must go through communications (i.e. press office, public affairs, public relations, external affairs, public information officials, etc.). For example, one anonymous respondent said, "Most questions by the news media (and attempts to contact staff) are referred to communication staff in our front office, as the front office has requested."

"My speaking to the new media is ALWAYS conducted with our External Affairs folks present, which I have no issues with for they may have knowledge I don't and can help keep me from "going down a dead end road." I have been able to speak on the environmental law I oversee [...] and to answer questions from the new media with no censorship whatsoever from the External Affairs folks. It has always been in publication as I wrote it in my opinion."

-Anonymous Survey Respondent

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Respondents were divided, however, on experiences related to working with communications staff. Some respondents stated that they found communications staff to be very helpful when dealing with the news media, while others felt communications staff lacked the appropriate scientific or technical knowledge to be responsible for such communication. One respondent wrote, "In my experience, all such communications have been written and have been coordinated by public affairs offices, whose personnel generally lack sufficient scientific understanding to recognize how their "editing" may unwittingly change scientific meanings."

*"This is not *EVEN* a possibility [...] Scientists operate under a veritable gag order."*

-Anonymous Survey Respondent

Other respondents stated that they are discouraged or not allowed to speak with the news media. While some of these responses were neutral in tone, not mentioning whether they believed this was reasonable or not, others expressed a more negative tone. One respondent wrote, "I have been consistently told that I am not allowed to speak to the news media about my work. We are told to refer any inquiries to a media officer."

Forty-five percent of respondents [1,663] reported that they have never received any training on how to communicate scientific topics to the media. Almost one third (31 percent) of respondents [1,203] reported that they had received training from EPA. GS-13 and higher level respondents, including senior leaders, were more likely to have received training from EPA than lower GS-levels, although still a relatively large percentage said that they had received no training at all. Forty-one percent of supervisors reported that they had received training from EPA, compared to only 23 percent of non-supervisors. Sixteen percent of respondents [594]

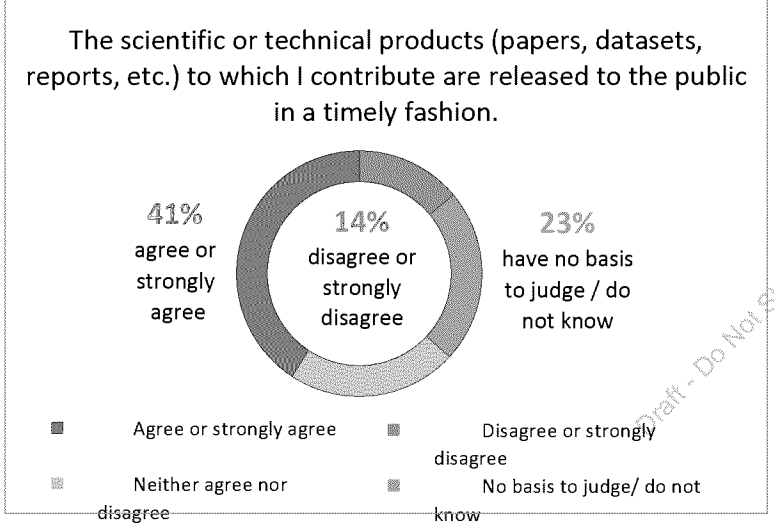
stated that communicating scientific topics to the media is not something their job requires them to do.

Only 10 percent of respondents [393] strongly agreed and 30 percent [1,143] agreed that scientific or technical products are released to the public in a timely fashion (Figure 7). About 14 percent of respondents [426] disagreed or strongly disagreed. Twenty-two percent of respondents [840] said that they had no basis to judge/ do not know. A higher percentage of senior leaders strongly agreed with this statement than GS-15 level and lower classification levels.

"I have been involved in collecting samples from private properties and we released the results to the home owners as soon as the results were validated and presented the findings to the general public and media at the following [...] meeting. In my opinion the dissemination of information was timely."

-Anonymous Survey Respondent

Figure 7. Experience Regarding Timely Release



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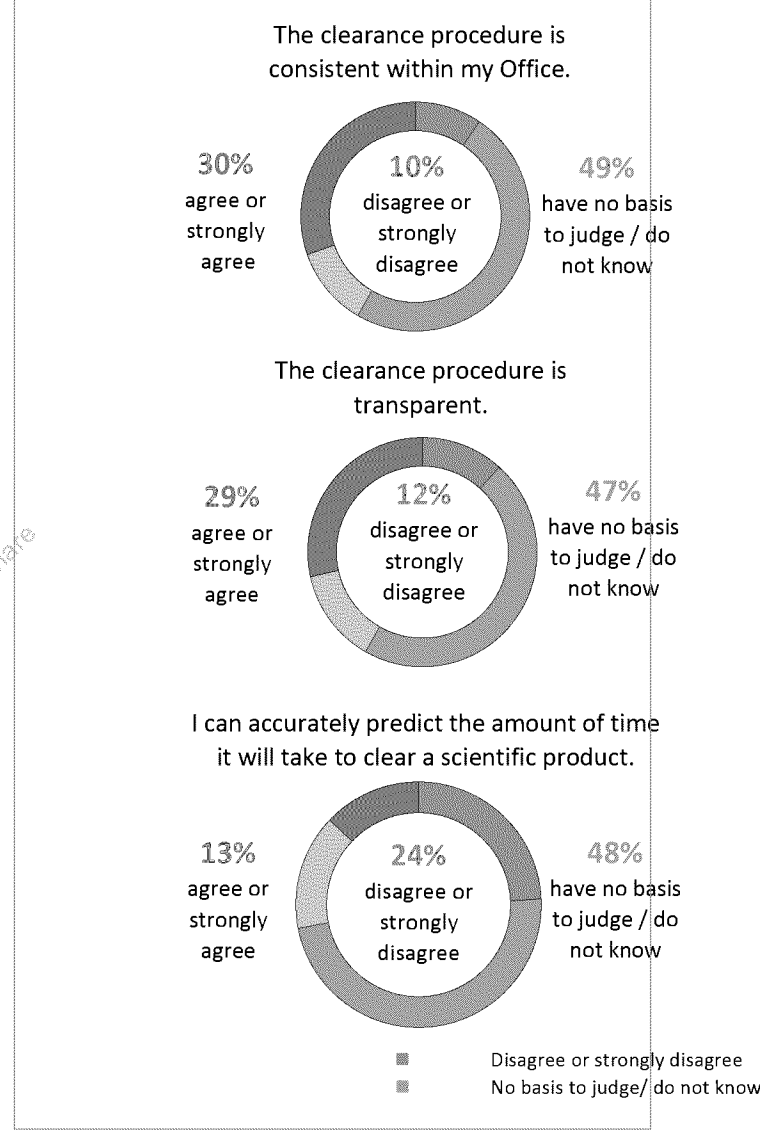
In the open-ended responses, respondents mentioned that they generally experienced timely release. Most of these comments were very general, but some respondents gave specific examples of timely release. However, some respondents wrote that they had experienced slowed or delayed release of scientific products. Some mentioned having a specific report currently being held up in review or never released at all. Sometimes respondents mentioned that the delay was not deliberate, while others expressed that they believe that it was deliberate.

"In my experience, scientific documents are produced but then sit on the desks of managers (within the division) and/or regulatory divisions waiting to be reviewed. For example, I submitted a completed draft [...] in the spring of 2015 and it has still not been reviewed by management as of January 2016."

-Anonymous Survey Respondent

Respondents were asked how much they agree or disagree with a series of statements about clearance (Figure 8). Before a scientific product can be released from EPA, it must go through clearance. Clearance is an internal review and approval procedure performed by managers. Clearance procedures for an office should be consistent and transparent to allow for the timely release of scientific products.

Figure 8. Clearance Procedures at EPA



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Thirty percent of respondents [1,145] agreed or strongly agreed that the clearance procedure is consistent within their office. Senior leadership (61 percent) were more likely than GS-level respondents (ranging from 22 percent to 42 percent) to agree or strongly agree that the clearance procedure is consistent for their office. Almost half (49 percent) of respondents [1,842] reported that they have no basis to judge or do not know.

Twenty-nine percent of respondents [1,069] agreed or strongly agreed that the clearance procedure is transparent. Twelve percent of respondents [440] disagreed or strongly disagreed that the clearance procedure is transparent. Again, senior leaders (59 percent) were more likely to agree or strongly agree than GS-level respondents (ranging from 20 percent to 41percent). Forty-seven percent of respondents [1751] reported that they have no basis to judge or do not know.

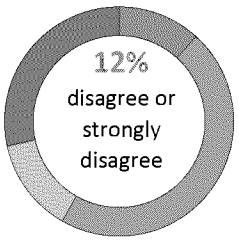
A much lower percentage, only 12 percent, of respondents

30% agree or strongly agree

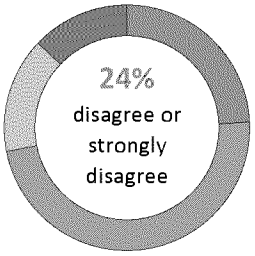
10% disagree or strongly disagree

49% have no basis to judge / do not know

The clearance procedure is transparent.



I can accurately predict the amount of time it will take to clear a scientific product.



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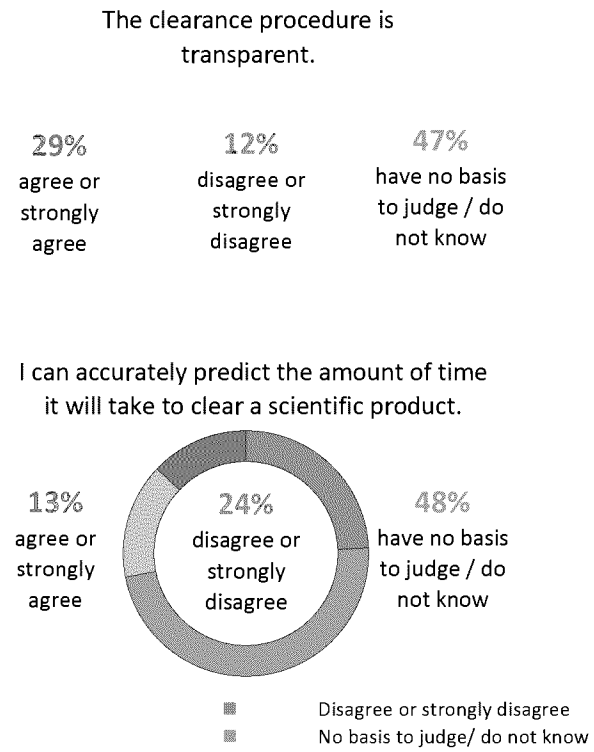
Agree or strongly agree
Neither agree nor disagree
Disagree or strongly disagree
No basis to judge/ do not know

Respondents were asked how much they agree or disagree with a series of statements about clearance (Figure 8). Before a scientific product can be released from EPA, it must go through clearance. Clearance is an internal review and approval procedure performed by managers. Clearance procedures for an office should be consistent and transparent to allow for the timely release of scientific products.



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Twenty-nine percent of respondents [1,069] agreed or strongly agreed that the clearance procedure is transparent. Twelve percent of respondents [440] disagreed or strongly disagreed that the clearance procedure is transparent. Again, senior leaders (59 percent) were more likely to agree or strongly agree than GS-level respondents (ranging from 20 percent to 41percent). Forty-seven percent of respondents [1751] reported that they have no basis to judge or do not know.

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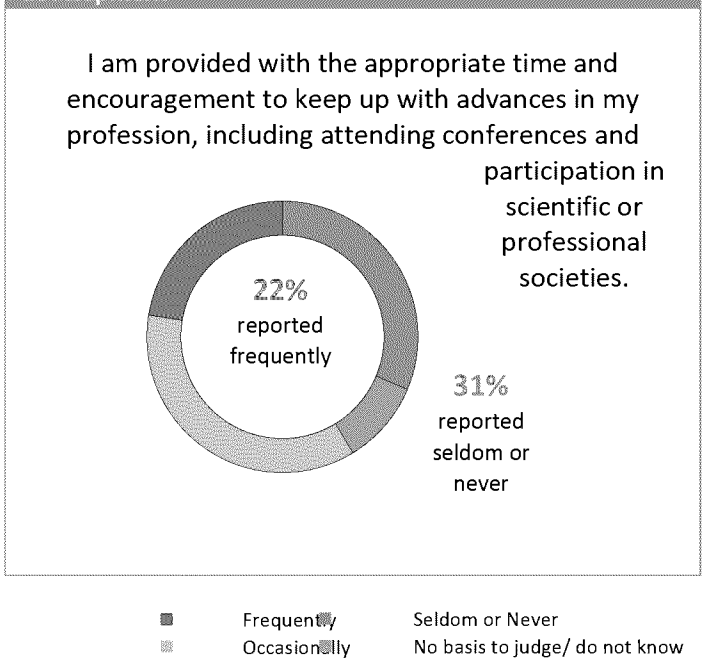
A much lower percentage, only 12 percent, of respondents [484], agreed or strongly agreed that they can accurately predict the amount of time that it will take to clear a scientific product. Almost one quarter (24 percent) of respondents [910] disagreed or strongly disagreed. For all three statements about clearance, a significant number of respondents reported that they have no basis to judge or do not know (ranging from 46 percent to 48 percent). A higher proportion of senior leaders (28 percent) agreed or strongly agreed than GS-level respondents (ranging from nine percent to 18 percent). Forty-eight percent of respondents [1,792] reported that they have no basis to judge/ do not know.

Actions

- ☐ Finalize and release *Best Practices and Procedures for Pre-Release of Scientific Products at EPA*.
- ☐ Work with offices, programs and regions evaluate and revise or enhance their clearance procedures.
- ☐ Work with incoming Office of Public Affairs officials to increase access of the news media to scientists and their research results.
- ☐ Provide media training to scientists to become more effective communicators.

Professional Development

Figure 9. Time and Encouragement to Pursue Professional development



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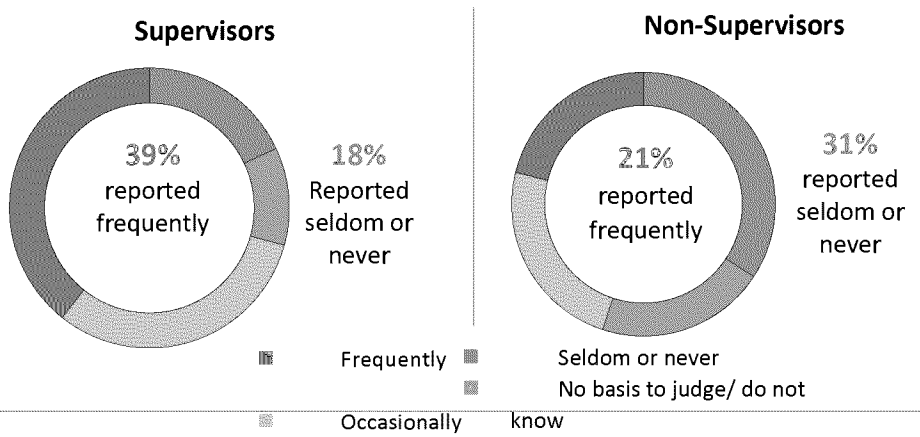
Scientific leadership is a key component of advancing EPA's science and its mission to protect human health and the environment. Therefore, Agency scientists are encouraged to participate in professional development activities to fully engage with their scientific communities to become leaders in their scientific fields. Professional development also offers a way for scientists to stay current with emerging technology and science. Professional development activities may include attending scientific meetings or conferences, participating in professional societies, obtaining scientific training, or serving on editorial boards of peer-reviewed journals.

Twenty-two percent of respondents [848] reported that they are frequently provided with the appropriate time and encouragement to keep up with advances in their professions, including attending conferences and participating in scientific or professional societies (Figure 9). Thirty-six percent said they are occasionally provided the appropriate time and encouragement to pursue professional development. Eight percent of respondents [305] reported that they are never provided the time or encouragement. Senior leadership (42 percent) were more likely to say that they are frequently provided with time and encouragement for professional development than GS-level respondents (ranging from 18 percent to 28 percent), who were more likely to report that they are occasionally provided with the appropriate time and encouragement.

Less than half (48 percent) of respondents [1,844] reported that the process for deciding who can attend and participate in meetings sponsored by scientific or professional societies is occasionally (25 percent) or frequently (23 percent) transparent. However, 31 percent said [1,196] that the process is seldom or never transparent. Supervisors (39 percent) were more likely than non-supervisors (21 percent) to report that the process is frequently or occasionally transparent (Figure 10). Likewise, senior leadership (52 percent) respondents were more likely to say that the process is frequently transparent than GS-level respondents (ranging from 18 percent to 35 percent).

Figure 10. Transparency in the Professional Development Selection Process

The process for deciding who can attend and participate in meetings sponsored by scientific or professional societies is transparent.



Actions

- ☐ Create a list of best practices for professional development from which offices, programs and regions can create consistent and transparent criteria for deciding who receives opportunities for professional development.

Conclusions

The EPA Scientific Integrity Policy establishes a strong foundation to ensure a culture of scientific integrity in Agency

work. Results of this survey establish a baseline understanding of the culture of scientific integrity and impact of the Policy, now in its fourth year of implementation. Results also indicate areas of Policy implementation that could be improved to further enhance the culture of scientific integrity at EPA.

The Policy provides both a vision and a roadmap to ensure science is safeguarded against inappropriate interference, manipulation and suppression. Awareness and understanding of the Policy plays a key part in the ability of employees to recognize and prevent potential lapses in scientific integrity. Survey results indicate that employees would benefit from more training and outreach on the Policy to better understand how it affects their work at the Agency.

Science is the foundation of decision-making at EPA, but it can often be a long and sometimes curve-filled journey from the bench to the use of scientific results in decision-making. Survey results indicate that there is confusion and concern regarding how science is represented in Agency decisions. Results also reveal the perception of political interference in Agency decisions. The Agency may make final decisions that weigh other factors besides science and be consistent with EPA's governing statutes. Such decisions, even if they are not consistent with the science, do not in and of themselves constitute a loss of scientific integrity. The Agency must work to enhance transparency in these decision-making processes and scientists understandably as well.

Agency leadership and management significantly influence the culture of scientific integrity at EPA. Management must support objective science needed for decision-making, even when it may be controversial. Differing scientific opinions should be fully heard, respected and rewarded. Scientists must be able to express their professional opinions and work in a culture that is free from fear of retaliation, retribution and reprisal. Results reveal a need to work with Agency leadership and management to help them positively enhance the culture of scientific integrity for the employees that they supervise.

The timely release of science to the public plays a crucial role in the Agency's ability to protect human health and the environment. While clearance is a necessary procedure in the release of information, results indicate that a lack of consistency and transparency in the process may act as a barrier to the timely release of information. Results also suggest that there is a perceived inability to speak directly with news media. Again, it is necessary for any employee to coordinate with the Office of Public Affairs when communicating to the news media, but scientists should not be forbidden to speak to the news media about their research results without just cause.

Scientists are one of the Agency's most precious resources and should be given the appropriate opportunity to remain current in their fields by participating in professional development. Results indicate the need for transparency in the process for deciding who may participate in these critical activities.

The Scientific Integrity Official and the Scientific Integrity Committee have devised this action plan to move the Agency forward towards the use of strong, independent science in its decision-making and the mission to protect human health and the environment.

Action Plan Summary

Increase Awareness and Understanding of the EPA Scientific Integrity Policy and Procedures

- ☑ During calendar year 2016, the Scientific Integrity Program trained 98 trainers and 5,659 employees using an innovative new discussion-based training program. The training incorporated animated "whiteboard" videos that presented introductory information and a case study on scientific integrity.[15]

- ☑ During calendar year 2016, the Scientific Integrity Official briefed all new members of the SES and new SLs, STs,

[15] A recorded version of the Scientific Integrity Training can be found at https://www.youtube.com/watch?v=Zc0T7fooot8.

and title 42 employees on scientific integrity as part of their onboarding.

- ☑ In January 2017, a training that includes a presentation by the ScIO and a whiteboard animated video became mandatory for all new EPA employees as part of their onboarding process.

- ☑ In 2016, both the scientific integrity internet and intranet websites were expanded, updated and redesigned to increase access to information and resources on scientific integrity at EPA.

- ☐ Create additional outreach materials for use by Deputy Scientific Integrity Officials to increase their visibility and outreach efforts.

- ☐ Work with the Whistleblower Ombudsman in the OIG to raise awareness of whistleblower rights and responsibilities.

Promote a Culture of Scientific Integrity at EPA

- ☐ Initiate formal dialogues with all EPA managers in 2017 to clearly define the responsibilities of management and senior leadership regarding scientific integrity.

- ☐ Work with managers to develop ways to increase transparency in decision-making and increase understanding of the roles that science plays in decision-making at EPA.

- ☐ Finalize and release the Differing Scientific Opinions Policy for use when an EPA employee substantively engaged in the science informing an EPA policy decision disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon.

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- ☐ Work with managers to make certain that there is widespread understanding of scientists' right to review, correct, and improve the scientific content of any proposed Agency document intended for public dissemination that significantly relies on their research.

- ☐ Devise ways to provide additional scientific support to managers who supervise, utilize or communicate science

Improve Practices for the Release of Scientific Information to the Public

- ☐ Finalize and release *Best Practices and Procedures for Pre-Release of Scientific Products at EPA*.

- ☐ Work with offices, programs and regions evaluate and revise or enhance their clearance procedures.

- ☐ Work with incoming Office of Public Affairs officials to increase access of the news media to scientists and their research results.

- ☐ Provide media training to scientists to become more effective communicators.

Promote Professional Development for EPA Scientists and Other Technical Staff

- ☐ Create a list of best practices for professional development from which offices, programs and regions can create consistent and transparent criteria for deciding who receives opportunities for professional development.

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Appendix I. Detailed Methodology Report

The EPA Scientific Integrity Program, located within the Office of the Science Advisor, designed and conducted this survey project. Innovation, Inc., provided support for project design, survey distribution, and data collection.

Sample

The intended sample for this survey was all current EPA employees. The Office of Administration and Resources Management's (OARM's) Office of Human Resources (OHR) provided an initial list of 14,913 employees. A total of 53 employees were not included in the initial sample list due to incorrect email addresses or recent hire and were added to the sample upon verification of their employment. When the survey was first distributed, four email messages were returned as undeliverable due to invalid email addresses, and these were removed from the sample. Forty-four employees were identified as being unavailable during the data collection timeframe due to extended leave or no longer being employed by the Agency. The resulting total eligible sample consisted of 14,906 employees (Table 2).

Table 2. Survey Sample	
Initial Sample	14,913
Additions	53
Bounced emails	4
Unavailable	44
Total Eligible Sample	**14,906**

Survey Instrument

The survey questionnaire (Appendix II) was designed and developed by the EPA Office of the Science Advisor. The survey questionnaire featured 29 questions designed to measure employees' experience with scientific integrity at EPA, as well as their awareness and familiarity with the Policy.

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The survey included three types of questions: multiple choice, Likert scale and open-ended. Participants were directed to one of two forms based on their response to the first question, which asked them to report the amount of time spent conducting, utilizing, communicating or managing science. Participants indicating that they spend a total of 25 percent or more of their time conducting, utilizing, communicating or managing science were directed to the long-form version, which consisted of all 29 questions. Using skip logic, participants who reported that they spend less than 25 percent (total) on the listed activities were directed to a short-form version of the survey, which included only 15 of the 29 questions.

The online instrument was developed in Qualtrics by Innovate! Inc. staff. Template and formatting options of the online survey tool were selected to enhance readability and experience of survey participants. The survey was also formatted to allow participants to complete the survey using any type of device. Respondents were permitted to skip questions, but required to submit their survey at the end, in order for their survey to be considered "complete." Footnotes were also provided throughout the survey for clarity.

Distribution and Data Collection

The survey was administered to EPA employees from November 17, 2015, to January 19, 2016. EPA employees received an initial email message from the Scientific Integrity Official that explained the purpose of the survey and included information regarding security and confidentiality. The email message also contained a survey link unique to each recipient, which prevented "ballot stuffing" and allowed responses to be tracked for completion; however, no individual responses were traced back to the employee.

Three follow-up emails were sent to employees that had not yet completed the survey to remind them of the survey opportunity, to provide additional information to assure recipients of the survey's legitimacy, and to encourage participation. In addition, between November and January, members of the Scientific Integrity Committee and the Scientific Integrity Union Working Group also sent reminders encouraging participation.

Each participant received a unique survey link via email, which was generated by the Qualtrics mailer tool. Both the survey and data submitted were stored on a secure server hosted by a third-party online survey administrator. Participants were advised to complete the survey in one sitting to maximize security and confidentiality.

Survey Response Rates and Demographics

Finalized response rates are summarized in Table 1 below. Of the total eligible sample, 45 percent opened the survey link that was provided via email and about 39 percent completed the surveys. 34 percent of respondents that completed the survey took the short-form version and close to 66 percent completed the long-form version. This report summarizes the long-form responses.

Table 1. Survey Response Rates	
Total Eligible Sample	14,906
Surveys Opened	6,780 (45%)
Total Completed (Response Rate)	5,763 (39%)
Short-Form	1,970 (13%)
Long-Form*	**3,793 (25%)**

**This report only summarizes responses for the long-form version of the survey.*

Employees located in all major EPA offices and regions completed long-form surveys. A large portion of survey respondents were from the Office of Research and Development, the largest office at the Agency that is responsible for conducting most of the scientific research. Smaller offices that are less involved in the conduct, utilization, communication and supervision of science appropriately had smaller response rates.

Respondents represented a variety of General Schedule (GS) grade levels, from GS-9 and lower to GS-15, though the largest group was GS-13 (45 percent). Senior Level (SL), Senior Executive Service (SES) and Scientific and professional (ST) positions, as well as Title-42 appointees were also represented. For the analysis, these four categories of employees were combined to protect anonymity and are referred to collectively as "senior leadership" or "senior leaders". Only seven percent of respondents had been at the Agency for less than one year at the time of the survey. Sixty-seven percent of respondents had been at the Agency for more than 10 years, with almost 10 percent having been here for more than 30 years. Respondents also included employees with a range of education levels, but 44 percent of employees had master's degrees and 21 percent had doctoral degrees. Fifteen percent of respondents to the long-form survey self-identified as supervisors.

Analysis

Innovate! Inc. edited and refined the resulting data file using reporting features in Qualtrics and the data was exported as Microsoft Excel files for analysis. A preliminary analysis of response frequencies was conducted for all multiple-choice and Likert scale response questions. Responses to multiple-choice questions were cross tabulated with demographic categories including GS grade level, length of employment, supervisory status and, when appropriate, level of familiarity with the Policy to examine relationships among these variables and responses to questions. Prominent trends or differences among response frequencies are described in this report.

Responses to the open-ended questions resulted in several hundred pages of text. These responses were analyzed using

an open-coding approach, a process of examining comments made by respondents and identifying emerging patterns, concepts, and themes. After coding references for these themes, the most commonly referenced codes or themes are highlighted in the results as "prominent themes."

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Appendix II. Survey Instrument and Results

The Scientific Policy was issued in 2012. Provide responses that reflect your understanding and experience regarding science and scientific integrity in the past 3 years.

"Science" and "scientific" are expansive terms that refer to the full spectrum of scientific endeavors, including: basic science (e.g., biology, chemistry), applied science, engineering, technology, economics, social sciences, and statistics. The term "scientist" refers to anyone who collects, generates, uses, or evaluates scientific data, analyses, or products.

Please select one response per question unless otherwise noted.

1. What percentage of your time is spent on scientific work in the following broad categories?
Please provide the best estimates. This does not need to add up to 100% of your time, but you must enter a number from 0 to 100 in each box.

Create or conduct science through original research or synthesize/analyze existing data for assessments (for example: modeling, data collection in the field or laboratory, analyze or evaluate lab samples, economic analysis, risk assessment, other technical activities, etc.)

Average: 23.09%

Utilize scientific data or conclusions to inform Agency actions or decisions (for example: policy analysis, rule or policy development, permit writing, inspections or evaluations, grant review, enforcement, etc.) or develop policies, guidance or regulations that affect science.

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Average: 28.65%

Communicate science via any media (i.e. public affairs, internal communication, community outreach, stakeholder engagement, write/publish papers, etc.)

Average: 17.65%

Manage science, scientists or technical activities involving personnel performing such tasks (i.e. direct, supervise, manage or oversee scientific activities listed in a., b., and c.)

Average: 17.41%

The purpose of the remaining questions is to understand your awareness of the Scientific Integrity Policy. Your work is critical to EPA's mission to protect human health and the environment. From here, the survey should take about 10 minutes to complete.

AWARENESS AND UNDERSTANDING OF EPA'S SCIENTIFIC INTEGRITY POLICY AND PROCEDURES

In the next several questions, please select the response(s) that best characterizes your familiarity with and understanding of EPA's Scientific Integrity Policy.

2. How familiar are you with EPA's Scientific Integrity Policy? (select one):

Total Responses: 3,791

I am aware EPA has the Policy, but I have neither skimmed nor read it | 1,062 (28.0%)

I know where to find the Policy, but I have neither skimmed nor read it | 252 (6.7%)

I have skimmed the Policy | 1,227 (32.4%)

I have read the Policy | 868 (22.9%)

I was not aware of the Policy until I received this survey | 382 (10.1%)

3. How did you learn about the existence of the Scientific Integrity Policy? (select all that apply)

Total Responses: 3,401

Online training module | 812 (23.9%)

An informational Poster | 253 (7.4%)

EPA website | 1,238 (36.4%)

Annual Report on Scientific Integrity at EPA | 523 (15.4%)

My supervisor | 549 (16.1%)

The Deputy Scientific Integrity Official in my program/region | 263 (7.7%)

Presentation by Scientific Integrity Official | 633 (18.6%)

Other | 950 (27.9%)

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4. Do you know how to report instances/allegations[1] relating to the loss of scientific integrity?

Total Responses: 3,772

Yes	No
1,559 (41.3%)	2,213 (58.7%)

[1]A scientific integrity allegation refers to a claim of the loss of scientific integrity at the Agency. Scientific integrity is adherence to professional values and practices, when conducting, supervising, communicating, and applying the results of science. It ensures objectivity, clarity, reproducibility, and utility and provides insulation from bias, fabrication, falsification, plagiarism, outside interference, and censorship. For example, a loss of scientific integrity might include discouragement to collect data crucial to a robust scientific outcome; removal from a team or project due to a different scientific opinion; or non-scientific motivation for changes in a study design or the interpretation of data.

For the next several questions, to whom would you feel comfortable reporting your information:

A. Supervisor

Total Responses: 3,777

Yes	No
3,338 (88.4%)	439 (11.6%)

B. Union

Total Responses: 3,678

Yes	No
1,988 (54.1%)	1,690 (45.9%)

C. OIG (Office of Inspector General)

Total Responses: 3,657

Yes	No
2,440 (66.7%)	1,217 (33.3%)

D. Scientific Integrity Official

Total Responses: 3,679

Yes	No
2,921 (79.4%)	758 (20.6%)

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E. Deputy Scientific Integrity Official

Total Responses: 3,658

Yes	No
2,783 (76.1%)	875 (23.9%)

5. For this question, please consider the content in the Scientific Integrity Policy rather than how the Policy is being implemented. The content in the Scientific Integrity Policy (select all that apply):

Total Responses: 3,770

Adds Value | 1,601 (42.5%)

Effectively addresses concerns about Scientific Integrity | 1,418 (37.6%)

Is easy to interpret | 795 (21.1%)

Does not apply to me or my work at the Agency | 72 (1.9%)

Does not enhance my work | 237 (6.3%)

Don't know/I am unfamiliar with the content in the Scientific Integrity Policy | 1,450 (38.46%)

6. What are the roles of the Scientific Integrity Committee? (select all that apply):

Total Responses: 3,769

To develop additional procedures to fully implement the Scientific Integrity Policy | 1,195 (31.7%)

To provide leadership for the Agency on scientific integrity | 1,580 (41.9%)

To implement the Scientific Integrity Policy across the Agency in a consistent manner | 1,562 (41.4%)

To promote Agency compliance with the Scientific Integrity Policy | 1,609 (42.7%)

To address concerns about the Scientific Integrity Policy | 1,409 (37.4%)

Don't know/not familiar with Committee roles | 1,853 (49.2%)

7. Based on your understanding of the goals of the Scientific Integrity Policy, do you believe that a culture of scientific integrity means

A. The work of EPA is informed by robust science

Total Responses: 3,630

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
1,389 (38.5%)	1,432 (39.5%)	279 (7.7%)	121 (3.3%)

Strongly Disagree	No Basis to Judge/Do not Know
58 (1.6%)	342 (9.4%)

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B. Scientific findings are generated, reviewed, and shared in a timely manner

Total Responses: 3,618

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
904 (25%)	1,478 (40.9%)	504 (13.9%)	253 (7.0%)

Strongly Disagree	No Basis to Judge/Do not Know
91 (2.5%)	388 (10.7%)

C. The public experiences increased appreciation and understanding of EPA's scientific work

Total Responses: 3,621

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
607 (18.5%)	1,079 (29.8%)	893 (24.7%)	363 (10.0%)

Strongly Disagree	No Basis to Judge/Do not Know
128 (3.5%)	488 (13.5%)

D. Scientists are able to do their best work knowing they are protected from intimidation or coercion to alter scientific data or findings

Total Responses: 3,615

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
1,217 (33.7%)	1,221 (33.8%)	440 (12.2%)	192 (5.3%)

Strongly Disagree	No Basis to Judge/Do not Know
125 (3.5%)	420 (11.6%)

WHISTLEBLOWER PROTECTIONS

8. The Scientific Integrity Policy extends whistleblower protections to all EPA employees who uncover or report allegations of scientific and research misconduct, or who express a differing scientific opinion. Are you aware of whistleblower rights under the Whistleblower Protection Enhancement Act of 2012?

Total Responses: 3,783

Yes	No	Generally, not specifically
1,711 (45.2%)	350 (9.3%)	1,722 (45.5%)

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9. What suggestions do you have for improving scientific integrity at EPA based on your understanding and experience? Is there anything else you would like to share with us regarding scientific integrity at EPA? Your response will be extremely useful to the Scientific Integrity Official and Committee because it will inform the Agency's future implementation of the Scientific Integrity Policy.

Total Responses: 1,657 | Non-Applicable Responses: 184

Responses to this question varied. Some responses provided suggestions, and other responses detailed issues related to scientific integrity. The most prominent themes of responses were:

1. Suggestion for more training and outreach on scientific integrity
2. Issues with EPA management and leadership
3. Perceived political interference in EPA work
4. Concerns about the role/ importance science in science-informed decision-making at EPA

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

CULTURE OF SCIENTIFIC INTEGRITY AT EPA

To support a culture of scientific integrity within the Agency, EPA's Scientific Integrity Policy:

Promotes a culture of scientific integrity, fostering honest investigation, open discussion, refined understanding, and a firm commitment to evidence. Prohibits all EPA employees, including scientists, managers, and other Agency leadership, from suppressing, altering, or otherwise impeding the timely release of scientific findings or conclusions. Requires all

Agency employees to act honestly and refrain from acts of scientific misconduct. Scientific misconduct includes fabrication, falsification, or plagiarism in proposing, performing, or reviewing scientific and research activities, or in the publication or reporting of these activities; scientific misconduct does not include honest error or differences of opinion.

EPA Scientific Integrity Policy, pg. 3-4, 2012

10. Please comment on your personal experiences regarding a culture of scientific integrity at EPA in the past 3 years.

Total Text Responses: 2,215 | Non-Applicable Responses: 266

Summary: Responses to this question varied, but a majority of the responses were categorized into the following three emerging themes. Prominent themes included:

1. Positive statements and experiences regarding a culture of scientific integrity at EPA
2. Issues with EPA management and leadership
3. Perceived political interference in EPA work

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

Please indicate how much you agree or disagree with the following statements:

11. Within EPA in my official capacity, I can openly express my scientific opinions about the Agency's scientific work without fear of retaliation.

Total Responses: 2,779

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Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
953 (25.2%)	1,560 (41.3%)	489 (12.9%)	308 (8.2%)

Strongly Disagree	No Basis to Judge/Do not Know
179 (4.7%)	290 (7.7%)

12. In my personal capacity, I can freely express my scientific views provided I specify that I am not speaking on behalf of, or as a representative of, the agency.

Total Responses: 3,768

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
917 (24.3%)	1,665 (44.2%)	545 (14.5%)	241 (6.4%)

Strongly Disagree	No Basis to Judge/Do not Know
101 (2.7%)	299 (7.9%)

13. My management chain consistently stands behind scientific staff who put forth scientifically defensible positions that may be controversial.

Total Responses: 3771

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree

687 (18.2%)	1,287 (34.1%)	774 (20.5%)	360 (9.6%)

Strongly Disagree	No Basis to Judge/Do not Know
203 (5.4%)	460 (12.2%)

14. I have the right to review, correct and approve the scientific content of an Agency document, before public dissemination, that significantly relies on my scientific research, identifies me as an author, or represents my scientific opinion.

Total Responses: 3,766

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
664 (17.6%)	1,274 (33.8%)	593 (15.8%)	175 (4.7%)

Strongly Disagree	No Basis to Judge/Do not Know
110 (2.9%)	950 (25.2%)

15. The scientific or technical products (papers, datasets, reports, etc.) to which I contribute are released to the public in a timely fashion.

Total Responses: 3,763

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
393 (10.4%)	1,143 (30.4%)	864 (23.0%)	362 (9.6%)

Strongly Disagree	No Basis to Judge/Do not Know
161 (4.3%)	840 (22.3%)

16. EPA policies regarding speaking to the news media support accurate representation of my scientific research to the general public.

Total Responses: 3,755

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
303 (8.1%)	848 (22.6%)	888 (23.7%)	236 (6.3%)

Strongly Disagree	No Basis to Judge/Do not Know
133 (3.5%)	1,347 (35.9%)

RELEASE OF SCIENTIFIC INFORMATION[3] TO THE PUBLIC

[3]Consider OMB's definition of "Scientific Information": factual inputs, data, models, analyses, technical information, or scientific assessments related to such disciplines as the behavioral and social sciences, public health and medical sciences, life and earth sciences, engineering, or physical sciences. This includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms. This definition includes information that an agency disseminates from a web page, but does not include the provision of hyperlinks on a web page to information that others disseminate. This definition excludes opinions, where the agency's presentation makes clear that an individual's opinion, rather than a statement of fact or of the agency's findings and conclusions, is being offered. OMB Final Information Quality Bulletin for Peer Review M-05-03.

17. Many parts of the Agency have specific procedures for obtaining permission for the release of scientific products outside of the EPA. Respond to the following statements about the clearance process or procedure for scientific products in your office. If you are not aware of a process or procedure, please select "No Basis to Judge/Do Not Know."

A. The clearance procedure is consistent within my Office.

Total Responses: 3,769

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
299 (7.9%)	846 (22.5%)	421 (11.2%)	254 (6.7%)

Strongly Disagree	No Basis to Judge/Do not Know
107 (2.8%)	1,842 (48.9%)

B. The clearance procedure is transparent.

Total Responses: 3756

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
273 (7.3%)	796 (21.2%)	496 (13.2%)	300 (8.0%)

Strongly Disagree	No Basis to Judge/Do not Know
140 (3.7%)	1,751 (46.6%)

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C. I can accurately predict the amount of time it will take to clear a scientific product.

Total Responses: ,3757

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree
93 (2.5%)	391 (10.4%)	571 (15.2%)	577 (15.4%)

Strongly Disagree	No Basis to Judge/Do not Know
333 (8.9%)	1,792 (47.7%)

Regarding the release of scientific information to the public, EPA's Scientific Integrity Policy:

This Policy is intended to outline the Agency's expectations for developing and communicating scientific information to the public, to the scientific community, to Congress, and to the news media by further providing for and protecting the EPA's longstanding commitment to the timely and unfiltered dissemination of its scientific information- uncompromised by political or other interference.

EPA Scientific Integrity Policy, pg. 5, 2012

18. Please comment on your personal experiences regarding the timely release of scientific information to which you contributed at EPA in the past 3 years.

Total Text Responses: 1,825 | Non-applicable responses: 614

Prominent Themes:

1. Appropriate timely release of information
2. Slow or delayed release of information

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

19. Please comment on your personal experiences regarding speaking to the news media about your scientific or technical research findings at EPA in the past 3 years.

Total Text Responses: 1,891 | Non-applicable responses: 1,112

Prominent Themes:

1. Communicating with the news media is primarily a role for EPA communications staff
2. Discouragement or prohibition related to communicating directly with the news media
3. Experiences with no issues or positive experiences with speaking to the news media

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

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20. Have you had training on how to communicate scientific topics to the media? (select all that apply):

Total Responses: 3,742

Through training at the EPA | 1,203 (31.2%)

Through training at another federal organization | 187 (5.0%)

Through a professional society | 286 (7.6%)

Through an academic institution | 428 (11.4%)

Communicating scientific topics to the media is not something my job requires me to do | 594 (15.9%)

Other training elsewhere | 312 (8.3%)

Not at all | 1,663 (44.4%)

PROFESSIONAL DEVELOPMENT

In the past 3 years, how frequently have you personally experienced the following?

21. I am provided with the appropriate time and encouragement to keep up with advances in my profession, including attending conferences and participation in scientific or professional societies.

Total Responses: 3,780

Frequently	Occasionally	Seldom	Never	No basis to judge/do not know

848 (22.4%)	1,373 (36.3%)	875 (23.2%)	305 (8.1%)	379 (10.0%)

22. The process in my office for deciding who can attend and participate in meetings sponsored by scientific or professional societies is transparent.

Total Responses: 3,774

Frequently	Occasionally	Seldom	Never	No basis to judge/do not know
903 (23.4%)	941 (24.9%)	715 (19.0%)	481 (12.8%)	734 (19.5%)

PEER REVIEW

23. Independent peer review of Agency science is a crucial aspect of scientific integrity. To ensure that scientific products undergo appropriate peer review by qualified experts, the EPA relies on its Peer Review Policy and Peer Review Handbook. Please comment on your personal experiences with peer review at EPA in the past three years.

Total text responses: 2,142 | Non-applicable responses: 852

Prominent themes:

1. Positive experiences or remarks regarding scientific integrity at EPA
2. Experience using peer review in EPA work
3. Peer review used as common procedure in offices, programs and regions

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A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

DEMOGRAPHICS

24. My current grade of classification level is:

Total Responses: 3,758

GS-10 or lower	GS-11	GS-12	GS-13	GS-14	GS-15
205 (5.6%)	68 (1.8%)	402 (10.7%)	1,680 (44.7%)	688 (18.3)	584 (15.5%)

SES, SL, ST or Title 42	Other
106 (2.8)	25 (0.67%)

25. I have worked at EPA for:

Total Responses: 3764

< 1 year	1-5 years	6-10 years	11-15 years	16-20 years	21-25 years
257 (6.8%)	278 (10.0%)	605 (16.1%)	516 (13.7%)	552 (14.7%)	567 (15.1%)

26-30 years	>30 years

520 (13.8%)	369 (9.8%)

26. The highest level of education I have completed is:

Total Responses: 3,756

Bachelor's	Master's	JD	PhD	Other
1,000 (26.6%)	1,636 (43.6%)	188 (5.0%)	786 (20.9%)	146 (3.9%)

27. My current affiliation at EPA is:
(To further ensure the confidentiality of your response, a contractor will combine the reported results from Offices or Regions with less than 20 respondents)

Total Responses: 3,731

Office of the Administrator	OARM	OAR	OCFO	OCSPP	OECA
72 (1.9%)	18 (0.5%)	258 (6.9%)	11 (0.3%)	302 (8.1%)	80 (2.1%)

OEI	OGC	OIG	OITA	OSA	ORD
33 (0.9%)	16 (0.4%)	35 (0.9%)	8 (0.2%)	7(0.2%)	702 (18.8%)

OSWER (Now OLEM)	OW	Region 1	Region 2	Region 3	Region 4
135 (3.6%)	142 (3.8%)	137 (3.7%)	174 (4.7%)	272 (7.3%)	231 (6.2%)

Region 5	Region 6	Region 7	Region 8	Region 9	Region 10
245 (6.6%)	196 (5.3%)	167 (4.5%)	176 (4.7%)	158 (4.2%)	156 (4.18%)

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28. I work in a supervisory role at EPA.

Total Responses: 3,741

Yes	No
575 (15.4%)	3,166 (84.6%)

FINAL COMMENTS

29. Please provide any final comments here:

Total Responses: 827 | Non-applicable Responses: 195

Prominent themes:

1. Positive remarks and experiences regarding scientific integrity at EPA
2. Issues with EPA management and leadership
3. Political Interference in EPA work

A variety of themes emerged in the data, which were less prominent and often overlapped with or were related to the themes listed above.

30. The purpose of this survey is to better understand your experience with and understanding of scientific integrity at EPA, your awareness of the Agency's Scientific Integrity Policy and to improve the implementation of the policy. Please indicate if you read any part of EPA's Scientific Integrity Policy while taking this survey:

Total Responses: 3,747

Yes	No
1,604 (42.8%)	2,143 (57.2%)

Your responses are important to maintain scientific integrity at the Agency. The survey process maintains strict security procedures to ensure the anonymity of respondents. Any connection between your personal identifiable information and your survey response will be kept completely confidential by a third party contractor. To further ensure the confidentiality of your responses, the contractor will combine the reported results from Offices or Regions with less than 20 respondents.

[After submitting the survey]

Thank you for your time. You may notice that some people took a longer survey than others. This was based on your response to Question #1. There were additional questions for those of you who responded that more than 25percent of your time at EPA is spent conducting, creating, utilizing, managing, or communicating science. Please feel free to contact EPA's Scientific Integrity Official or Deputy Scientific Integrity Officials with any questions or concerns.

Again, we deeply appreciate your participation.

For more information on Scientific Integrity, please visit the Scientific Integrity web page:
http://www2.epa.gov/osa/basic-information-about-scientific-integrity

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Sincerely,

Francesca T. Grifo

EPA Scientific Integrity Official

From: Grifo, Francesca
Location: 3219 West
Importance: Normal
Subject: Whistleblower Protections
Start Date/Time: Thur 2/9/2017 6:30:00 PM
End Date/Time: Thur 2/9/2017 7:30:00 PM

Thanks so much! Look forward to meeting you!

To: Hitchens, Lynnann[hitchens.lynnann@epa.gov]; Corbett, Krysti[Corbett.Krysti@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 8:40:19 PM
Subject: OSP Whistleblower Certification

Hi there –

Hope all is as well as can be expected and that you all are the right folks to contact on this. I have heard that we are in the process of obtaining this certification from the Office of the Special Counsel. Is this true? Do you know its current status? I have had an external source publicly criticize the Agency for not having this so I promised to inquire about the status. The OIG has successfully completed their certification.

Thank you!!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: OAR HQ Employees[OAR_HQ_Employees@epa.gov]; OCFO-HQ[OCFOHQ@epa.gov]; OCSPP ALL[OCSPP_ALL@epa.gov]; OEI-All-DC[OEIAllDC@epa.gov]; OGC HQ Only[OGC_HQ_Only@epa.gov]; OITA-EVERYONE[OITAEVERYONE@epa.gov]; OLEM HQ EVERYONE[OLEMHQEVERYONE@epa.gov]; ORD-DC Feds[ORDDCFeds@epa.gov]; OW-ALL-FEDS[OW-ALL-FEDS@epa.gov]; OIG-HQ[OIGHQ@epa.gov]; OECA Employees – DC only[OECA_EmployeesDC_only@epa.gov]; OARM-HQ[OARMHQ@epa.gov]; OGC HQ Only[OGC_HQ_Only@epa.gov]
From: Lopez-Alvarado, Melinda
Sent: Thur 2/2/2017 8:56:35 PM
Subject: DEADLINE EXTENDED: Talent Hub Opportunity in OW/OWOW/WD/IO to Serve as the Acting Associate Division Director

EPA Colleagues,

This is just a quick note to inform you that the closing date for applying to the opportunity below has been extended to Wednesday, February 8, 2017.

https://usepa.sharepoint.com/sites/OA_Applications/TalentHub/details/Lists/Detail/DispForm.aspx?ID=

Melinda López-Alvarado

Human Capital Analyst

Management and Operations Staff

Office of Water, USEPA-Headquarters

William Jefferson Clinton Building-East

Room 3311N, Mail Code 4101M

Washington, DC

(202) 308-0549

lopez-alvarado.melinda@epa.gov

From: Lopez-Alvarado, Melinda
Sent: Tuesday, January 24, 2017 11:25 AM
To: OAR HQ Employees <OAR_HQ_Employees@epa.gov>; OCFO-HQ <OCFOHQ@epa.gov>; OCSPP ALL <OCSPP_ALL@epa.gov>; OEI-All-DC <OEIAllDC@epa.gov>; OGC HQ Only <OGC_HQ_Only@epa.gov>; OITA-EVERYONE <OITAEVERYONE@epa.gov>; OLEM HQ EVERYONE <OLEMHQEVERYONE@epa.gov>; ORD-DC Feds <ORDDCFeds@epa.gov>; OW-ALL-FEDS <OW-ALL-FEDS@epa.gov>; OIG-HQ <OIGHQ@epa.gov>; OECA Employees – DC only <OECA_EmployeesDC_only@epa.gov>; OARM-HQ <OARMHQ@epa.gov>; OGC HQ Only <OGC_HQ_Only@epa.gov>
Subject: Talent Hub Opportunity in OW/OWOW/WD/IO to Serve as the Acting Associate Division Director

EPA Colleagues,

I would like to inform you of an exciting opportunity to that we are posting to serve as the Acting Associate Division Director in the Immediate Office of the Wetlands Division, Office of Wetlands, Oceans and Watersheds within the Office of Water. If you or someone you know would be interested, please apply through the Agency's Talent Hub system.

The link below contains the detail announcement. Job Title: Acting Associate Division Director

https://usepa.sharepoint.com/sites/OA_Applications/TalentHub/details/Lists/Detail/DispForm.aspx?ID=

Melinda López-Alvarado

Human Capital Analyst

Management and Operations Staff

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Phone: (202) 564-8376

lopez-alvarado.melinda@epa.gov

Please consider the environment before printing this email.

To: Francesca Grifo[francescatgrifo@gmail.com]
From: Grifo, Francesca
Sent: Thur 2/2/2017 9:03:59 PM

Ex. 6

What Are the Risk Factors for Heart Disease?

Risk factors are conditions or habits that make a person more likely to develop a disease. They can also increase the chances that an existing disease will get worse. Important risk factors for heart disease that you can do something about are:

Ex. 6

Some risk factors, such as age and family history of early heart disease, can't be changed. For women, age becomes a risk factor at 55. After menopause, women are more apt to get heart disease, in part because their body's production of estrogen drops. Women who have gone through early menopause, either naturally or because they have had a hysterectomy, are twice as likely to develop heart disease as women of the same age who have not yet gone through menopause.

Another reason for the increasing risk is that middle age is a time when women tend to develop risk factors for heart disease. Family history of early heart disease is another risk factor that can't be changed. If your father or brother had a heart attack before age 55, or if your mother or sister had one before age 65, you are more likely to get heart disease yourself. Preeclampsia is another heart disease risk factor that you can't control. However, if you've had the condition, you should take extra care to try and control other heart disease risk factors.

You can make the changes gradually, one at a time. But making them is very important. Other women may wonder: If I have just one risk factor for heart disease—say, I'm overweight or I have high blood cholesterol—aren't I more or less "safe"? Absolutely not. Each risk factor greatly increases a woman's chance of developing heart disease. But having more than one risk factor is especially serious, because risk factors tend to "gang up" and worsen each other's effects. So, the message is clear: Every woman needs to take her heart disease risk seriously—and take action now to reduce that risk.

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Thur 2/2/2017 9:12:25 PM
Subject: February 2 -- E&E News PM is ready

Read today's E&E News PM on the web

AN E&E NEWS PUBLICATION

POWER SHIFT: YOUR 2017 TRANSITION GUIDE

Who is coming and going? And who decides? E&E News gives you the latest roster of agency landing teams, committee assignments, nominees and power brokers — plus profiles and analysis — at your fingertips.
Read Power Shift today.

E&E NEWS PM — Thu., February 2, 2017

READ FULL EDITION

1.REGULATIONS:

Congress kills landmark Obama coal mining rule

The Senate voted this afternoon to repeal one of the Obama administration's landmark rules for protecting waterways from coal mining.

THIS AFTERNOON'S STORIES

2.DOE:

Who's in the mix for Perry's chief of staff?

3.COURTS:

Ariz. senators seek to split 9th Circuit

4.LAW:

House panel passes mandatory sanctions bill

5.AIR POLLUTION:

Plaintiffs seek delay in MATS case briefing schedule

6.PEOPLE:

Enviro 'star' tapped to head Public Citizen's Texas office

7.PEOPLE:

Ex-Oversight aide goes to law firm

UPCOMING HEARINGS AND MARKUPS

8.CALENDAR:

Activity for January 30 - February 5, 2017

E&ETV'S ONPOINT

9.SUPREME COURT:

Former DOJ official Lorenzen talks Gorsuch, future of environmental law and Chevron

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From: Brantner, Emily K.
Location: WJC-W 4402A
Importance: Normal
Subject: N. Simon/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Thur 3/30/2017 7:00:00 PM
End Date/Time: Thur 3/30/2017 7:45:00 PM

Hi Nigel,

This was supposed to be today. I'm not sure if it got bumped over to Friday for some reason. Hopefully this still works?

Sorry!

Emily

Dear Nigel,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-W 4424A
Importance: Normal
Subject: McGartland/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Wed 3/29/2017 5:00:00 PM
End Date/Time: Wed 3/29/2017 5:45:00 PM

Francesca has had a schedule change, and needs to move the meeting. Hopefully this time still works for you!

Thank you,

Emily

Dear Al,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-E 3219A
Importance: Normal
Subject: Shapiro/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Wed 3/29/2017 3:00:00 PM
End Date/Time: Wed 3/29/2017 3:45:00 PM

Francesca is booked up for all of that week. Will this Wednesday, of the following week work for you?

Thank you,

Emily

Dear Mike,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-E 3130A
Importance: Normal
Subject: Wise/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Thur 3/30/2017 6:00:00 PM
End Date/Time: Thur 3/30/2017 6:45:00 PM

Dear Louise,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-N 3304A
Importance: Normal
Subject: Reeder/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Wed 4/5/2017 5:00:00 PM
End Date/Time: Wed 4/5/2017 5:45:00 PM

Hi John,

Francesca is attending and speaking at the AAAS Science and Technology Forum on Monday, and we need to reschedule this again. I apologize for any inconvenience! Let me know if this new time does not work for you.

Thank you,

Emily

Dear John,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-N 7526E
Importance: Normal
Subject: Siciliano/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Thur 4/6/2017 5:00:00 PM
End Date/Time: Thur 4/6/2017 5:45:00 PM

Let me know if this time doesn't work.

Thank you!

Emily

Dear CarolAnn,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-N 5000A
Importance: Normal
Subject: H. Simon/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Thur 3/30/2017 8:30:00 PM
End Date/Time: Thur 3/30/2017 9:15:00 PM

Francesca has had another schedule change, and needs to move the meeting. Hopefully this time still works for you! Your schedule is private, so please suggest a different time if this doesn't work. Sorry for all of the changes!

Thank you,

Emily

Dear Harvey

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-N 4412A
Importance: Normal
Subject: Bloom/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Wed 3/29/2017 7:00:00 PM
End Date/Time: Wed 3/29/2017 7:45:00 PM

Francesca has had a schedule change, and needs to move the meeting. Hopefully this time still works for you!

Thank you,

Emily

Dear David,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-N 3330E
Importance: Normal
Subject: Hitchens/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Wed 3/29/2017 8:00:00 PM
End Date/Time: Wed 3/29/2017 8:45:00 PM

Hi Lynnann,

Sorry to move this meeting again, but Francesca will be attending and speaking the AAAS Science and Technology Forum on Monday. Let me know if this updated time doesn't work for you.

Thank you!

Emily

Dear Lynnann

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you,

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: WJC-N 5426E
Importance: Normal
Subject: Shaw/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Wed 3/29/2017 8:00:00 PM
End Date/Time: Wed 3/29/2017 8:45:00 PM

Francesca has had a schedule change, and needs to move the meeting. Hopefully this time still works for you!

Thank you,

Emily

Dear Betsy,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: RRB
Importance: Normal
Subject: Sinks/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Tue 3/28/2017 5:00:00 PM
End Date/Time: Tue 3/28/2017 5:45:00 PM

Dear Tom,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: RRB 31226
Importance: Normal
Subject: Hill/Grifo Scientific Integrity Pre-Meeting
Start Date/Time: Wed 3/29/2017 6:00:00 PM
End Date/Time: Wed 3/29/2017 6:45:00 PM

Francesca has had a schedule change, and needs to move the meeting. Hopefully this time still works for you!

Thank you,

Emily

Dear Randy,

Francesca would like to set up a one-on-one meeting in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Corbett, Krysti[Corbett.Krysti@epa.gov]
From: Hitchens, Lynnann
Sent: Thur 2/2/2017 9:20:21 PM
Subject: RE: OSP Whistleblower Certification

Francesca –

The agency has completed all of the requirements. If you need specific information, please give me a call. I tried to call you but there seemed to be a problem with your phone. I will be in the office tomorrow.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 3:40 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: OSP Whistleblower Certification

Hi there –

Hope all is as well as can be expected and that you all are the right folks to contact on this. I have heard that we are in the process of obtaining this certification from the Office of the Special Counsel. Is this true? Do you know its current status? I have had an external source publicly criticize the Agency for not having this so I promised to inquire about the status. The OIG has successfully completed their certification.

Thank you!!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Johnson, Lora[Johnson.Lora@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Nanartowicz, John[nanartowicz.john@epa.gov]
Cc: Cursio, Heather[Cursio.Heather@epa.gov]; Holloman, Vincia[Holloman.Vincia@epa.gov]; Chalfant, Katherine[Chalfant.Katherine@epa.gov]
From: Jones, Monica
Sent: Thur 2/2/2017 9:23:27 PM
Subject: RE: AccuTest Workgroup and the Interim CIO Notification Procedure

Lora, Francesca & John,

Including a cc to the EPA Scientific Integrity Official was a standard practice. I think it would be a good idea to include this in Section 6.2.1 of the final version of the Interim CIO Notification Procedure. I cc'd Vini Holloman, Acting Director of the Enterprise Quality Management Division (EQMD) and Katherine Chalfant on this response. Katherine is leading the process to finalize the CIO Notification Procedure.

If you have additional questions about the procedure, please contact Vini (Holloman.vincia@epa.gov or 202.564.5176) or Katherine (Chalfant.katherine@epa.gov or 202.564.1511)

Monica D. Jones, Deputy Director

Office of Enterprise Information Programs

Office of Environmental Information

Mailcode: 2821T

Office Phone: (202) 564-1641

Mobile Phone: (202) 689-9396

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From: Johnson, Lora
Sent: Thursday, February 02, 2017 2:53 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup and the Interim CIO Notification Procedure

Without the original attachments in this email string, it's definitely not obvious! I've now attached the interim CIO notification procedure to which I was referring.

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 2:35 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

Thanks Lora –

Do you mean in the Scientific Integrity Policy or some other policy?

Sorry if this is obvious. If you meant the Scientific Integrity Policy – then this is problematic because any changes to the Policy are quite fraught with complexities.

Best,

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Johnson, Lora
Sent: Thursday, February 02, 2017 12:01 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

If the practice is to notify you , then I suggest it be formally included in the final version of the policy. That kind of institutional memory can be lost as people move around so it's helpful to have it written down.

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Grifo, Francesca

Sent: Thursday, February 02, 2017 11:44 AM
To: Johnson, Lora <Johnson.Lora@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

Thanks Lora – we are in fact notified. It is not a "formal" process but in the end we accomplish what is needed. I typically get sent documents. I have added Monica to this email chain to be sure that this is still happening as it was useful to us to know what was coming in this way so we could see if there was any overlap with any allegations we were working on.

Thanks so much – hope all is well!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Nanartowicz, John
Sent: Wednesday, February 01, 2017 2:48 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Nanartowicz, John <nanartowicz.john@epa.gov>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: Fw: AccuTest Workgroup

Hi Francesca,

Thanks for taking my call and talking about the OEI data quality issue. Below please

find the recommendation from Lora Johnson about formal notification of such issues to OSA. In a separate email I send you all the documentation I've received from Monica....

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Johnson, Lora
Sent: Wednesday, February 1, 2017 12:43 PM
To: Nanartowicz, John
Cc: Blancato, Jerry; John Nanartowicz; Cursio, Heather
Subject: RE: AccuTest Workgroup

Hi John,

Thanks for sharing these documents. When this issue originally surfaced I worked with OARS/EMD and the ORD QA community to try and understand if any ORD data might have been impacted by the Accutest problems. We found no impact at that time.

With respect to the interim notification procedure, I provided a few comments to OEI late in 2016. It seemed odd to me that there doesn't appear to be any requirement to notify the Office of the Agency Science Advisor when data quality issues that affect multiple programs are identified. Given the Agency's scientific integrity program is managed by the OSA it may be appropriate that they are formally included in the final version of the notification procedure. I would suggest this be considered for the final version of the procedure.

Take care,

Lora

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Nanartowicz, John
Sent: Tuesday, January 31, 2017 1:51 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>
Cc: Blancato, Jerry <Blancato.Jerry@epa.gov>; John Nanartowicz <sundowner201@comcast.net>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: AccuTest Workgroup

Hi Lora,

Per our conversation on Accutest Laboratories from today, I've attached the materials that were distributed for today's meeting of the Accutest Workgroup. They include the CIO Interim Notification Procedure document; correspondence that was sent out to companies that used Accutest services as part of an EPA action; and a list of grant actions that may have a relationship Accutest testing. I plan on contacting the Workgroup lead from OEI (Monica Jones) to see if ORD will be on the hook for anything. Hopefully we aren't.

I've copied Jerry Blancato on this email for informational purposes.

Let me know what you think, and also let me know if you see ORD playing a role in this end game.

Thanks,

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Brantner, Emily K.
Location: Call 732-321-4377 (Linda's phone)
Importance: Normal
Subject: Williamson/Mauel/Grifo Scientific Integrity Pre-Call
Start Date/Time: Tue 4/4/2017 3:00:00 PM
End Date/Time: Tue 4/4/2017 3:45:00 PM

Dear Anahita and Linda,

Francesca would like to set up a call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 617-918-8640
Importance: Normal
Subject: Maxfield/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 2:00:00 PM
End Date/Time: Thur 3/23/2017 2:45:00 PM

Dear Rob,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 404-562-9949 Code Ex. 2
Importance: Normal
Subject: Maycock/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 5:00:00 PM
End Date/Time: Thur 3/23/2017 5:45:00 PM

According the schedule that I can see, everyone should be free at this time. Let me know if I need to reschedule!

Thank you,

Emily

Dear Marilyn,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 215-814-2705
Importance: Normal
Subject: Forren/Grifo Scientific Integrity Pre-Call
Start Date/Time: Mon 4/3/2017 2:00:00 PM
End Date/Time: Mon 4/3/2017 2:45:00 PM

Dear John,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 214-665-6722
Importance: Normal
Subject: McQuiddy/Grifo Scientific Integrity Pre-Call
Start Date/Time: Wed 3/22/2017 7:00:00 PM
End Date/Time: Wed 3/22/2017 7:45:00 PM

Dear Wes,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 312-353-7359
Importance: Normal
Subject: Braverman/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 3:00:00 PM
End Date/Time: Thur 3/23/2017 3:45:00 PM

Dear Carole,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 913-551-7733
Importance: Normal
Subject: Tapia/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 6:00:00 PM
End Date/Time: Thur 3/23/2017 6:45:00 PM

Dear Cecilia,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 303-462-9003
Importance: Normal
Subject: Canzler/Grifo Scientific Integrity Pre-Call
Start Date/Time: Mon 4/3/2017 7:00:00 PM
End Date/Time: Mon 4/3/2017 7:45:00 PM

Hi Erica,

Francesca is giving a talk at the AAAS Science and Technology Forum, so we need to change this meeting again. Sorry!

-Emily

Dear Erica,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 303-312-6298
Importance: Normal
Subject: Thomas/Grifo Scientific Integrity Pre-Call
Start Date/Time: Wed 3/22/2017 5:00:00 PM
End Date/Time: Wed 3/22/2017 5:45:00 PM

Dear Deb,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 206-553-2581
Importance: Normal
Subject: Allnutt/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 8:00:00 PM
End Date/Time: Thur 3/23/2017 8:45:00 PM

Dear David,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Brantner, Emily K.
Location: Call 415-972-3411
Importance: Normal
Subject: McNaughton/Grifo Scientific Integrity Pre-Call
Start Date/Time: Fri 3/24/2017 6:00:00 PM
End Date/Time: Fri 3/24/2017 6:45:00 PM

Dear Eugenia,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

To: Hitchens, Lynnann[hitchens.lynnann@epa.gov]
Cc: Corbett, Krysti[Corbett.Krysti@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 9:38:05 PM
Subject: RE: OSP Whistleblower Certification

Great – very helpful. Is there a place on the internet where this is "officially" stated that I can point them to? Or is there an actual certificate that could be scanned and sent? Only the Inspector General certification is listed on the OSC website so if we have done this for whatever reason we are not getting credit for it.

Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hitchens, Lynnann
Sent: Thursday, February 02, 2017 4:20 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: RE: OSP Whistleblower Certification

Francesca –

The agency has completed all of the requirements. If you need specific information, please give me a call. I tried to call you but there seemed to be a problem with your phone. I will be in the office tomorrow.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 3:40 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: OSP Whistleblower Certification

Hi there –

Hope all is as well as can be expected and that you all are the right folks to contact on this. I have heard that we are in the process of obtaining this certification from the Office of the Special Counsel. Is this true? Do you know its current status? I have had an external source publicly criticize the Agency for not having this so I promised to inquire about the status. The OIG has successfully completed their certification.

Thank you!!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

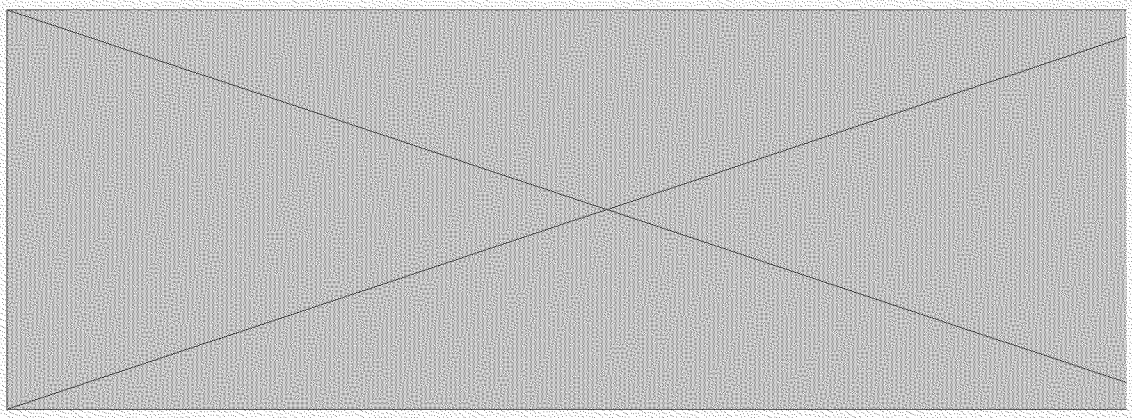
http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Thur 2/2/2017 9:41:45 PM
Subject: Energy News Ticker: THURS 2/2

Republicans Push Through Pruitt Nomination While Democrats Boycott

2/2/17 12:21 PM

Republicans on the Senate Environment and Public Works Committee voted to advance Scott Pruitt's nomination to lead the Environmental Protection Agency on Thursday, sidestepping a Democratic boycott of the vote and ensuring the attorney general of Oklahoma would likely be confirmed.



More From Morning Consult

Republicans Cheer Trump's Resurfaced Pledge to Repeal Johnson Amendment

2/2/17 3:45 PM

President Donald Trump on Thursday breathed new life into an effort on Capitol Hill to remove a restriction on the role churches can play in political campaigns.

Republicans Send Mulvaney Nomination to Senate Floor

2/2/17 12:46 PM

Senate Republicans on Thursday advanced the nomination of Rep. Mick Mulvaney, President Donald Trump's pick for budget director, to the Senate floor over the objections of Democrats.

McCain Calls Australian Ambassador Amid Trump Tensions With Turnbull

2/2/17 12:45 PM

Senate Armed Services Committee Chairman John McCain on Thursday expressed his "unwavering support" for the U.S.-Australia alliance following President Donald Trump's combative phone call last week with Prime Minister Malcolm Turnbull.

Poll: Americans Want an Atlanta Super Bowl Victory

2/2/17 6:00 AM

The Atlanta Falcons have not played in a Super Bowl since 1999, and the American people want to see them win this Sunday - even if they think the New England Patriots ultimately will once again claim victory.

This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

Manage your email preferences

SUBSCRIBE

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Corbett, Krysti[Corbett.Krysti@epa.gov]
From: Hitchens, Lynnann
Sent: Thur 2/2/2017 9:41:06 PM
Subject: RE: OSP Whistleblower Certification

The requirements were met and the information was submitted as required back in November, however we have not received any kind of certificate from OSC. Maybe there is a delay in confirmation, or perhaps someone needs to follow up.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 4:38 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Cc: Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: RE: OSP Whistleblower Certification

Great – very helpful. Is there a place on the internet where this is "officially" stated that I can point them to? Or is there an actual certificate that could be scanned and sent? Only the Inspector General certification is listed on the OSC website so if we have done this for whatever reason we are not getting credit for it.

Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hitchens, Lynnann
Sent: Thursday, February 02, 2017 4:20 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: RE: OSP Whistleblower Certification

Francesca –

The agency has completed all of the requirements. If you need specific information, please give me a call. I tried to call you but there seemed to be a problem with your phone. I will be in the office tomorrow.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 3:40 PM

To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: OSP Whistleblower Certification

Hi there –

Hope all is as well as can be expected and that you all are the right folks to contact on this. I have heard that we are in the process of obtaining this certification from the Office of the Special Counsel. Is this true? Do you know its current status? I have had an external source publicly criticize the Agency for not having this so I promised to inquire about the status. The OIG has successfully completed their certification.

Thank you!!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: GGoldman@ucsusa.org[GGoldman@ucsusa.org]
From: Grifo, Francesca
Sent: Thur 2/2/2017 9:44:06 PM
Subject: FW: OSP Whistleblower Certification

Followed up – so this is the status of our other whistleblower certification. I will keep pinging them until something is posted on OSC's website.

Best,

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hitchens, Lynnann
Sent: Thursday, February 02, 2017 4:41 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: RE: OSP Whistleblower Certification

The requirements were met and the information was submitted as required back in November, however we have not received any kind of certificate from OSC. Maybe there is a delay in confirmation, or perhaps someone needs to follow up.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 4:38 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Cc: Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: RE: OSP Whistleblower Certification

Great – very helpful. Is there a place on the internet where this is "officially" stated that I can point them to? Or is there an actual certificate that could be scanned and sent? Only the Inspector General certification is listed on the OSC website so if we have done this for whatever reason we are not getting credit for it.

Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hitchens, Lynnann
Sent: Thursday, February 02, 2017 4:20 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>

Subject: RE: OSP Whistleblower Certification

Francesca –

The agency has completed all of the requirements. If you need specific information, please give me a call. I tried to call you but there seemed to be a problem with your phone. I will be in the office tomorrow.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 3:40 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: OSP Whistleblower Certification

Hi there –

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Thank you!!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Hitchens, Lynnann[hitchens.lynnann@epa.gov]
Cc: Corbett, Krysti[Corbett.Krysti@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 9:46:11 PM
Subject: RE: OSP Whistleblower Certification

Thank you – would you like me to inquire of the OSC? Or wait a few weeks and then ping them or? I got several single ring calls from you but when I picked up no one was there. Sorry about that!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hitchens, Lynnann
Sent: Thursday, February 02, 2017 4:41 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: RE: OSP Whistleblower Certification

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Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 4:38 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Cc: Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: RE: OSP Whistleblower Certification

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Thank you!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Hitchens, Lynnann
Sent: Thursday, February 02, 2017 4:20 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>

Subject: RE: OSP Whistleblower Certification

Francesca –

The agency has completed all of the requirements. If you need specific information, please give me a call. I tried to call you but there seemed to be a problem with your phone. I will be in the office tomorrow.

Lynnann Hitchens

Acting Director, Office of Resources, Operations and Management

Office of Administration and Resources Management

P: 202-564-3184

M: 202-617-0738

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 3:40 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Corbett, Krysti <Corbett.Krysti@epa.gov>
Subject: OSP Whistleblower Certification

Hi there –

Hope all is as well as can be expected and that you all are the right folks to contact on this. I have heard that we are in the process of obtaining this certification from the Office of the Special Counsel. Is this true? Do you know its current status? I have had an external source publicly criticize the Agency for not having this so I promised to inquire about the status. The OIG has successfully completed their certification.

Thank you!!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: EPA Call Center
Sent: Thur 2/2/2017 10:09:46 PM
Subject: Incident INC000002126159 receipt confirmation. people are calling her and the caller nor her are able to hear each other.

You are receiving this message because you have reported an issue to the EPA Call Center or your local Help Desk. A technician will contact you for further troubleshooting and resolution of the issue you have reported. Please refer to the incident number listed below in your correspondence regarding this issue and when contacting the EPA Call Center or local Help Desk for update and status information.

The following Incident has been created:

Incident Number: INC000002126159
Reported Date & Time: 2/2/2017 5:04:14 PM
Submitted By: Apptis Support>EPA Call Center
Assigned To Group: Telcom Support>VOIP/TSR/Telcom Techs
Incident Summary: people are calling her and the caller nor her are able to hear each other.

Please contact your Help Desk if you have any further questions or requests.

To: Jones, Monica[Jones.Monica@epa.gov]; Johnson, Lora[Johnson.Lora@epa.gov]; Nanartowicz, John[nanartowicz.john@epa.gov]
Cc: Cursio, Heather[Cursio.Heather@epa.gov]; Holloman, Vincia[Holloman.Vincia@epa.gov]; Chalfant, Katherine[Chalfant.Katherine@epa.gov]
From: Grifo, Francesca
Sent: Thur 2/2/2017 10:28:39 PM
Subject: RE: AccuTest Workgroup and the Interim CIO Notification Procedure

Terrific! I thank you all for identifying and raising this issue and creating a path forward! Who says we aren't amazing?

Thanks

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Jones, Monica
Sent: Thursday, February 02, 2017 4:23 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Holloman, Vincia <Holloman.Vincia@epa.gov>; Chalfant, Katherine <Chalfant.Katherine@epa.gov>
Subject: RE: AccuTest Workgroup and the Interim CIO Notification Procedure

Lora, Francesca & John,

Including a cc to the EPA Scientific Integrity Official was a standard practice. I think it would be a good idea to include this in Section 6.2.1 of the final version of the Interim CIO Notification Procedure. I cc'd Vini Holloman, Acting Director of the Enterprise Quality Management Division (EQMD) and Katherine Chalfant on this response. Katherine is leading the process to finalize

the CIO Notification Procedure.

If you have additional questions about the procedure, please contact Vini (Holloman.vincia@epa.gov or 202.564.5176) or Katherine (Chalfant.katherine@epa.gov or 202.564.1511)

Monica D. Jones, Deputy Director

Office of Enterprise Information Programs

Office of Environmental Information

Mailcode: 2821T

Office Phone: (202) 564-1641

Mobile Phone: (202) 689-9396

NOTICE: This communication may contain deliberative, privileged or other confidential information. Do not release under FOIA without appropriate review. If you are not the intended recipient or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate or otherwise use the information. Thank you.

From: Johnson, Lora
Sent: Thursday, February 02, 2017 2:53 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup and the Interim CIO Notification Procedure

Without the original attachments in this email string, it's definitely not obvious! I've now attached the interim CIO notification procedure to which I was referring.

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 2:35 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

Thanks Lora –

Do you mean in the Scientific Integrity Policy or some other policy?

Sorry if this is obvious. If you meant the Scientific Integrity Policy – then this is problematic because any changes to the Policy are quite fraught with complexities.

Best,

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Johnson, Lora
Sent: Thursday, February 02, 2017 12:01 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

If the practice is to notify you , then I suggest it be formally included in the final version of the policy. That kind of institutional memory can be lost as people move around so it's helpful to have it written down.

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 11:44 AM
To: Johnson, Lora <Johnson.Lora@epa.gov>; Nanartowicz, John <nanartowicz.john@epa.gov>
Cc: Cursio, Heather <Cursio.Heather@epa.gov>; Jones, Monica <Jones.Monica@epa.gov>
Subject: RE: AccuTest Workgroup

Thanks Lora – we are in fact notified. It is not a "formal" process but in the end we accomplish what is needed. I typically get sent documents. I have added Monica to this email chain to be sure that this is still happening as it was useful to us to know what was coming in this way so we could see if there was any overlap with any allegations we were working on.

Thanks so much – hope all is well!

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Nanartowicz, John
Sent: Wednesday, February 01, 2017 2:48 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Nanartowicz, John <nanartowicz.john@epa.gov>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: Fw: AccuTest Workgroup

Hi Francesca,

Thanks for taking my call and talking about the OEI data quality issue. Below please find the recommendation from Lora Johnson about formal notification of such issues to OSA. In a separate email I send you all the documentation I've received from Monica....

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Johnson, Lora
Sent: Wednesday, February 1, 2017 12:43 PM
To: Nanartowicz, John
Cc: Blancato, Jerry; John Nanartowicz; Cursio, Heather
Subject: RE: AccuTest Workgroup

Hi John,

Thanks for sharing these documents. When this issue originally surfaced I worked with OARS/EMD and the ORD QA community to try and understand if any ORD data might have been impacted by the Accutest problems. We found no impact at that time.

With respect to the interim notification procedure, I provided a few comments to OEI late in 2016. It seemed odd to me that there doesn't appear to be any requirement to notify the Office of the Agency Science Advisor when data quality issues that affect multiple programs are identified. Given the Agency's scientific integrity program is managed by the OSA it may be appropriate that they are formally included in the final version of the notification procedure. I would suggest this be considered for the final version of the procedure.

Take care,

Lora

Lora Johnson, Director of Quality Assurance, ORD

ASQ CQE, ASQ CMQ/OE

USEPA/ORD/OSIM/IO

email: johnson.lora@epa.gov

Phone: 513.569.7299

From: Nanartowicz, John
Sent: Tuesday, January 31, 2017 1:51 PM
To: Johnson, Lora <Johnson.Lora@epa.gov>
Cc: Blancato, Jerry <Blancato.Jerry@epa.gov>; John Nanartowicz <sundowner201@comcast.net>; Cursio, Heather <Cursio.Heather@epa.gov>
Subject: AccuTest Workgroup

Hi Lora,

Per our conversation on Accutest Laboratories from today, I've attached the materials that were distributed for today's meeting of the Accutest Workgroup. They include the CIO Interim Notification Procedure document; correspondence that was sent out to companies that used Accutest services as part of an EPA action; and a list of grant actions that may have a relationship Accutest testing. I plan on contacting the Workgroup lead from OEI (Monica Jones) to see if ORD will be on the hook for anything. Hopefully we aren't.

I've copied Jerry Blancato on this email for informational purposes.

Let me know what you think, and also let me know if you see ORD playing a role in this end game.

Thanks,

John J. Nanartowicz III

Junior Resource Official for Assistance and Interagency Agreements

Office of Research and Development

U. S. Environmental Protection Agency

Phone: 202-564-4756

email: nanartowicz.john@epa.gov

Mail Code: 8102R (Ronald Reagan Building)

From: Grifo, Francesca
Location: 3219 West
Importance: Normal
Subject: Whistleblower Protections
Start Date/Time: Tue 2/14/2017 8:00:00 PM
End Date/Time: Tue 2/14/2017 9:00:00 PM

Thanks so much! Look forward to meeting you!

From: Grifo, Francesca
Location: 41225 RRB
Importance: Normal
Subject: Accepted: Monthly General Rodan/Grifo
Start Date/Time: Thur 2/2/2017 6:30:00 PM
End Date/Time: Thur 2/2/2017 7:00:00 PM

To: OAR HQ Employees[OAR_HQ_Employees@epa.gov]; OCFO-HQ[OCFOHQ@epa.gov]; OCSPP ALL[OCSPP_ALL@epa.gov]; OEI-All-DC[OEIAllDC@epa.gov]; OGC HQ Only[OGC_HQ_Only@epa.gov]; OITA-EVERYONE[OITAEVERYONE@epa.gov]; OLEM HQ EVERYONE[OLEMHQEVERYONE@epa.gov]; ORD-DC Feds[ORDDCFeds@epa.gov]; OW-ALL-FEDS[OW-ALL-FEDS@epa.gov]; OIG-HQ[OIGHQ@epa.gov]; OECA Employees – DC only[OECA_EmployeesDC_only@epa.gov]; OARM-HQ[OARMHQ@epa.gov]; OGC HQ Only[OGC_HQ_Only@epa.gov]
From: Lopez-Alvarado, Melinda
Sent: Thur 2/2/2017 10:34:22 PM
Subject: CLOSING TOMORROW: Talent Hub Opportunity in OW/IO/RMS to Serve as the Budget Team Leader and Operating Plan Lead

EPA Colleagues, this is just a friendly reminder that this announcement closes tomorrow, Friday, February 3, 2017.

Thanks!

Melinda López-Alvarado

Human Capital Analyst

Management and Operations Staff

Office of Water, USEPA-Headquarters

William Jefferson Clinton Building-East

Room 3311N, Mail Code 4101M

Washington, DC

(202) 308-0549

lopez-alvarado.melinda@epa.gov

From: Lopez-Alvarado, Melinda
Sent: Thursday, January 26, 2017 3:01 PM
To: OAR HQ Employees <OAR_HQ_Employees@epa.gov>; OCFO-HQ <OCFOHQ@epa.gov>; OCSPP ALL <OCSPP_ALL@epa.gov>; OEI-All-DC <OEIAllDC@epa.gov>; OGC HQ Only <OGC_HQ_Only@epa.gov>; OITA-EVERYONE <OITAEVERYONE@epa.gov>; OLEM HQ EVERYONE

<OLEMHQEVERYONE@epa.gov>; ORD-DC Feds <ORDDCFeds@epa.gov>; OW-ALL-FEDS <OW-ALL-FEDS@epa.gov>; OIG-HQ <OIGHQ@epa.gov>; OECA Employees – DC only <OECA_EmployeesDC_only@epa.gov>; OARM-HQ <OARMHQ@epa.gov>; OGC HQ Only <OGC_HQ_Only@epa.gov>
Subject: Talent Hub Opportunity in OW/IO/RMS to Serve as the Budget Team Leader and Operating Plan Lead

EPA Colleagues,

I would like to inform you of an exciting temporary promotion opportunity to serve as the Budget Team Leader and Operating Plan Lead in the Resource Management Staff, Immediate Office within the Office of Water. If you or someone you know would be interested, please apply through the Agency's Talent Hub system.

The link below contains the detail announcement. Job Title: Temporary Promotion Opportunity to Serve as the Budget Team Leader and Operating Plan Lead in OW

https://usepa.sharepoint.com/sites/OA_Applications/TalentHub/details/Lists/Detail/DispForm.aspx?ID=

Melinda López-Alvarado

Human Capital Analyst

Management and Operations Staff

Office of Water, USEPA-Headquarters

William Jefferson Clinton Building-East

Room 3311N, Mail Code 4101M

Washington, DC

Phone: (202) 564-8376

lopez-alvarado.melinda@epa.gov

To: ameros@mail.nih.gov[ameros@mail.nih.gov]; Bannerman, Douglas - OSEC[Douglas.Bannerman@osec.usda.gov]; bshumate@usgs.gov[bshumate@usgs.gov]; bzc6@cdc.gov[bzc6@cdc.gov]; christopher.skinner1@navy.mil[christopher.skinner1@navy.mil]; colbertmc@od.nih.gov[colbertmc@od.nih.gov]; cynthia.decker@noaa.gov[cynthia.decker@noaa.gov]; dana.reynolds@oig.hhs.gov[dana.reynolds@oig.hhs.gov]; diane.cutler@oig.hhs.gov[diane.cutler@oig.hhs.gov]; draff@usbr.gov[draff@usbr.gov]; eangus@lmi.org[eangus@lmi.org]; Elton.Malone@oig.hhs.gov[Elton.Malone@oig.hhs.gov]; erunko@nsf.gov[erunko@nsf.gov]; esl@nei.nih.gov[esl@nei.nih.gov]; evelyn.kent@osd.mil[evelyn.kent@osd.mil]; evelyn.w.kent.civ@mail.mil[evelyn.w.kent.civ@mail.mil]; flarocca@nasa.gov[flarocca@nasa.gov]; franziska.grieder@nih.hhs.gov[franziska.grieder@nih.hhs.gov]; Gabriel.lohr@sol.doi.gov[Gabriel.lohr@sol.doi.gov]; gary_machlis@nps.gov[gary_machlis@nps.gov]; georged@nih.gov[georged@nih.gov]; Green, Kim - OSEC[Kim.Green@osec.usda.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; hagana@nigms.nih.gov[hagana@nigms.nih.gov]; henry.wixon@nist.gov[henry.wixon@nist.gov]; jay.winchester1@us.army.mil[jay.winchester1@us.army.mil]; jeff.dillen@noaa.gov[jeff.dillen@noaa.gov]; Jeffrey.Degrasse@fda.hhs.gov[Jeffrey.Degrasse@fda.hhs.gov]; jennifer.nist@nist.gov[jennifer.nist@nist.gov]; jkroll@nsf.gov[jkroll@nsf.gov]; jnoronha@mail.nih.gov[jnoronha@mail.nih.gov]; Kathleen.Pfaender@fda.hhs.gov[Kathleen.Pfaender@fda.hhs.gov]; lbruegge@blm.gov[lbruegge@blm.gov]; lgundersen@usgs.gov[lgundersen@usgs.gov]; matthew.warren@fda.hhs.gov[matthew.warren@fda.hhs.gov]; moenl@mail.nih.gov[moenl@mail.nih.gov]; nbaumgartner@usgs.gov[nbaumgartner@usgs.gov]; Otto, Martha[Otto.Martha@epa.gov]; patricia.valdez@nih.gov[patricia.valdez@nih.gov]; patrick.glynn@science.doe.gov[patrick.glynn@science.doe.gov]; pluded@csr.nih.gov[pluded@csr.nih.gov]; racoleman@usgs.gov[racoleman@usgs.gov]; richard.cavanagh@nist.gov[richard.cavanagh@nist.gov]; RKOTRA@USGS.GOV[RKOTRA@USGS.GOV]; sean.hart@bia.gov[sean.hart@bia.gov]; stanfibr@nih.gov[stanfibr@nih.gov]; stephen.maleson@us.army.mil[stephen.maleson@us.army.mil]; Susan.Garfinkel@hhs.gov[Susan.Garfinkel@hhs.gov]; suzette_kimball@usgs.gov[suzette_kimball@usgs.gov]; tiffany.parson@bsee.gov[tiffany.parson@bsee.gov]; Ulmer, Craig[Ulmer.Craig@epa.gov]; William.Trenkle@hhs.gov[William.Trenkle@hhs.gov]
Cc: Otto, Martha[Otto.Martha@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Parkinson, Lorna
Sent: Thur 2/2/2017 10:39:28 PM
Subject: Interagency Working Group on Scientific Integrity / Research Integrity

Sent on behalf of Francesca T. Grifo, U.S. EPA Scientific Integrity Official

Dear Colleagues,

Thank you for taking the time to let us know your availability. We will be holding the next meeting on February 28, 2017, 1:00 PM – 3:00 PM at U.S. EPA HQ at Federal Triangle (Washington, D.C.). We understand that some of you may be unavailable, but it was the best time for most individuals. We will provide a conference number to those who are unavailable to attend in person.

The focus of the meeting will be to share expertise on training. We will share our whiteboard videos on scientific integrity and would like to put time on the agenda for you all to share any trainings. If you are interested in sharing your training, please email Lorna Parkinson at parkinson.lorna@epa.gov.

We are also doing some housekeeping and editing the contact list for this group. Our original list contained the following individuals who now have undeliverable email addresses. If you know whether they have left their agency or can provide information about who to contact for scientific integrity / research integrity at their agency, please let us know.

- Steve Felch – OSMRE
- Sharon Buffington – BSEE
- Tiffany Parson – BSEE
- Heidi Hadley – BLM
- Erika Armani – USBR
- Sean Hart – BIA
- Jay Winchester – DOD

Thank you,

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Kent, Evelyn W CIV OSD OUSD ATL (US)
Sent: Thur 2/2/2017 10:49:58 PM
Subject: RE: [Non-DoD Source] Interagency Working Group on Scientific Integrity / Research Integrity
smime.p7s

Dear Francesca,

Please know that Jay Winchester - DOD has moved on. I am the Primary DOD point of contact.

Thank you,
Evelyn Kent
571.372.6546

-----Original Message-----
From: Parkinson, Lorna [mailto:parkinson.lorna@epa.gov] On Behalf Of Grifo, Francesca
Sent: Thursday, February 02, 2017 5:39 PM
To: ameros@mail.nih.gov; Bannerman, Douglas - OSEC; bshumate@usgs.gov; bzc6@cdc.gov; Skinner, Christopher L CIV USN ONR (US); colbertmc@od.nih.gov; Decker, Cynthia J CIV (US); dana.reynolds@oig.hhs.gov; diane.cutler@oig.hhs.gov; draff@usbr.gov; eangus@lmi.org; Elton.Malone@oig.hhs.gov; erunko@nsf.gov; esl@nei.nih.gov; evelyn.kent@osd.mil; Kent, Evelyn W CIV OSD OUSD ATL (US); flarocca@nasa.gov; franziska.grieder@nih.hhs.gov; Gabriel.lohr@sol.doi.gov; gary_machlis@nps.gov; georged@nih.gov; Green, Kim - OSEC; Grifo, Francesca; hagana@nigms.nih.gov; henry.wixon@nist.gov; jay.winchester1@us.army.mil; Dillen, Jeffrey S SES (US); Jeffrey.Degrasse@fda.hhs.gov; jennifer.nist@nist.gov; jkroll@nsf.gov; jnoronha@mail.nih.gov; Kathleen.Pfaender@fda.hhs.gov; lbruegge@blm.gov; lgundersen@usgs.gov; matthew.warren@fda.hhs.gov; moenl@mail.nih.gov; nbaumgartner@usgs.gov; Otto, Martha; patricia.valdez@nih.gov; patrick.glynn@science.doe.gov; pluded@csr.nih.gov; racoleman@usgs.gov; richard.cavana
gh@nist.gov; RKOTRA@USGS.GOV; sean.hart@bia.gov; stanfibr@nih.gov; Maleson, Stephen E CIV USARMY MEDCOM USAMRMC (US); Susan.Garfinkel@hhs.gov; suzette_kimball@usgs.gov; tiffany.parson@bsee.gov; Ulmer, Craig; William.Trenkle@hhs.gov
Cc: Otto, Martha; Brantner, Emily K.
Subject: [Non-DoD Source] Interagency Working Group on Scientific Integrity / Research Integrity

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Sent on behalf of Francesca T. Grifo, U.S. EPA Scientific Integrity Official

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- Sharon Buffington - BSEE
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- Heidi Hadley - BLM
- Erika Armani - USBR
- Sean Hart - BIA
- Jay Winchester - DOD

Thank you,

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Etcheberrigaray, Rene (NIH/CSR) [E][etcheber@csr.nih.gov]
From: Plude, Dana (NIH/NIA/ERP) [E]
Sent: Thur 2/2/2017 11:40:38 PM
Subject: Re: Interagency Working Group on Scientific Integrity / Research Integrity

Francesca

I am no longer CSR RIO so please remove me from this list.

I cc Dr. Etcheberrigaray who is currently Acting RIO for CSR

Thanks
Dana

Pleas excuse clumsy thumbs &/or autocomplete errors - Sent from my iPhone

> On Feb 2, 2017, at 3:45 PM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:
>
> Details and agenda to follow
> <meeting.ics>

From: Mauel, Linda
Location: Call
Importance: Normal
Subject: Accepted: Williamson/Mauel/Grifo Scientific Integrity Pre-Call
Start Date/Time: Tue 4/4/2017 3:00:00 PM
End Date/Time: Tue 4/4/2017 3:45:00 PM

Hi, If the date/time works for Anahita, it will work for me. She has a tighter calendar. Thanks.

To: Francesca Grifo[francescatgrifo@gmail.com]
From: Grifo, Francesca
Sent: Fri 2/3/2017 12:11:47 AM
Subject: 2016 Annual Report .docx
2016 Annual Report .docx

Scientific Integrity Annual Report - 2016

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Contributors and Acknowledgments

Contributors

Francesca T. Grifo

Francesca is the Scientific Integrity Official at the U.S. Environmental Protection Agency. Previously, she was the Director of the Scientific Integrity Program at the Union of Concerned Scientists. In addition, she has 20 years of experience in biodiversity conservation at the United States Agency for International Development, Biodiversity Support Program, National Institutes of Health, the American Museum of Natural History, and Columbia University. She holds a BA in biology from Smith College and PhD in plant systematics from Cornell University.

Martha Otto
Martha is the Scientific Integrity Program lead in the Office of the Science Advisor. Martha has over 25 years of experience in hazardous waste site remediation, innovative treatment technologies, and policy, regulation and guidance development. She holds a BS in biology and an MS in environmental science and engineering from Virginia Tech.

Emily Brantner
Emily is a Scientific Integrity Outreach Support Associate in the Office of the Science Advisor, contracted by Oak Ridge Associated Universities. She holds a BS in biology from Messiah College and an MS in biology from Florida International University.

Acknowledgments

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Figures and Boxes

Figures

Figure 1. Scientific Integrity

Figure 2. Ensuring Scientific Integrity

Figure 3. Scientific Integrity Annual Activities

Figure 4. Training

Figure 5. Training

Figure 6. Survey Results

Figure 7. Survey Results

Figure 8. Status of Allegations

Figure 9. Allegations received by quarter

Figure 10. Allegations

Figure 11. Allegations

Figure 12. Allegations

Boxes

Box 1. Authorship Criteria

Box 2.

Box 3.

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Letter?

Executive Summary

The Fiscal Year (FY) 2016 Scientific Integrity Annual report chronicles the accomplishments, areas of improvement, and future initiatives that enhance scientific integrity at EPA. The EPA Scientific Integrity Policy has served as a framework for securing a strong, Agency-wide culture of scientific integrity since its inception in February of 2012. While the Policy treats scientific integrity as a single issue, but promoting and maintaining a culture of scientific integrity is reliant on the investment of all parts of EPA. This Annual Report showcases those areas of collaboration.

Following the model set forth in FY2014, the 2016 Annual Report on Scientific Integrity uses the Federal Managers Financial Integrity Act (FMFIA) process to assess the state of scientific integrity at EPA. Every program and regional office submitted a form to the Office of the Chief Financial Officer that highlighted their accomplishments and new initiatives, as well as problems and vulnerabilities in scientific integrity in FY2016.

There are several ongoing scientific integrity activities that support a culture of scientific integrity at EPA. These activities include quarterly Scientific Integrity Committee (ScIC) meetings, the Annual Employee Conversation with the Scientific Integrity Official (ScIO), scientific integrity training, the Annual Stakeholder meeting, oversight of contractor-led peer review, coordination with the Office of Inspector General (OIG) and the Office of General Counsel (OGC), and production of an annual report.

In FY 2016, the Scientific Integrity Committee implemented numerous scientific integrity initiatives across the Agency. This year a new Scientific Integrity Training program was developed and presented to over 3,500 employees, with more to come in FY 2017. *Scientific Integrity Best Practices for Designating Authorship* was also released, which lists the criteria for being listed as an author and can be used a tool to prevent and/or resolve authorship issues. Scientific integrity relies on transparency, and transparency is lost if authorship is unknown. The Scientific Integrity Committee distributed an Agency-wide survey to assess the current culture of scientific integrity within the EPA.

Programs and regional offices have made significant strides to enhance a culture of scientific integrity at EPA. They have promoted a culture of scientific integrity by distributing outreach materials, conducting and receiving training, and developing and updating QA procedures. They have also pushed for public release of data sets and developed dashboards to help users explore the data to increase transparency within the Agency.

Scientific integrity is a continual priority at EPA, and we must continue to build on our successes to further promote our culture of scientific integrity. While this Annual Report highlights many FY 2016 success, there is always room for improvement. In FY 2017 and beyond, these issues present opportunities for ongoing investment:

1. Reporting and Resolving allegations of a loss of scientific integrity
2. Increasing transparency
3. Addressing constraints to full implementation of the Policy.
4. Defining the timely release of agency science and scientific products, and reducing confusion

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about clearance procedures.

5. Enhancing peer review

Investing in these activities ensures and maintains the credibility of the Agency and the trust of the public.

The EPA produces robust science that guides our charge to protect human health and the environment. Our investment in scientific integrity supports EPA's position as a high-performing and trusted organization. Scientific integrity protects the science from inappropriate interference, manipulation, or suppression throughout every step of the process involved in creating a quality scientific document or activity. This protection ensures that EPA makes decisions that are informed by the best science available. The Scientific Integrity Official and the Scientific Integrity Committee are committed to working with the Senior Counsel for Ethics, the Office of Inspector General, the Office of General Counsel, and the rest of the agency to safeguard our science and continue to secure the public's trust in the quality and integrity of our work. Scientific integrity gets us there.

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Introduction

What is Scientific Integrity?

Scientific integrity is the adherence to professional values and practices when conducting, supervising, managing, influencing, utilizing, and communicating science both inside and outside the EPA. Scientific Integrity ensures objectivity, clarity, reproducibility, and utility. It provides insulation from bias, fabrication, falsification, plagiarism, outside interference, and censorship. It also encourages professional development of EPA scientists and the expression of differing scientific opinions.

Most policy decisions made by the EPA may weigh science along with other factors. Even if a decision is made that is not consistent with the science, it is not necessarily a scientific integrity issue. Furthermore, denying travel or training due to budget or time constraints denial of permission to publish flawed research or lack of freedom to choose one's own research topic are also not scientific integrity issues.

EPA's Scientific Integrity Policy

The Policy is divided into four sections:

1. Promoting a Culture of Scientific Integrity at EPA
   - This section highlights the importance of "fostering honest investigation, open discussion, refined understanding, and a firm commitment to evidence." It also stresses the importance of timely release of scientific documents and forbids suppression, manipulation, or other alteration of scientific data by any employee, contractor, or grantee. Further, a culture of scientific integrity protects employees who report allegations of misconduct or voice a differing scientific opinion from retaliation.
2. Releasing Information to the Public
   - This part of the Policy focuses on transparency regarding results of research, scientific activities, and technical findings. Open communication, free from political or other interference is encouraged in news releases, web postings, responses to congressional inquiries, and publication in peer-reviewed journals.
3. Peer Review and the Use of Federal Advisory Committees
   - Independent peer review is necessary for quality science and for maintaining scientific integrity. The EPA review process is detailed in the Agency Peer Review Handbook. Additional opportunities for review of scientific information are offered by external Federal Advisory Committees.
4. Professional Development of Government Scientists and Engineers
   - Agency scientists are encouraged to engage with their peers across academia, industry, government, and nongovernmental organizations, as is consistent with the responsibilities of their work. This may include presenting at scientific conferences or meetings, serving on editorial boards or scientific expert review panels, or participating in professional societies.

Scientific Integrity at EPA in FY 2016

In addition to our ongoing activities, the Scientific Integrity Official and Committee put a particular

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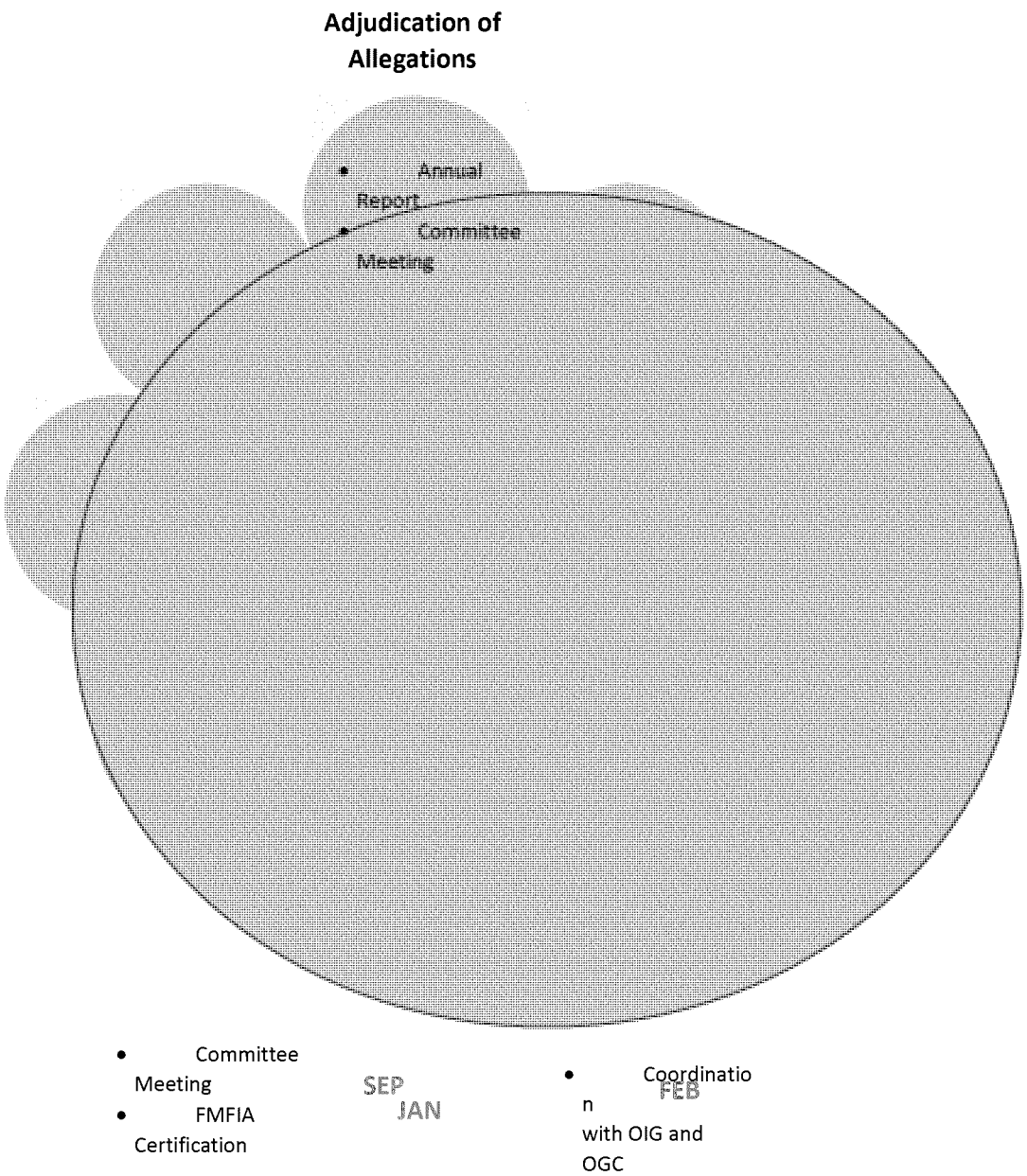
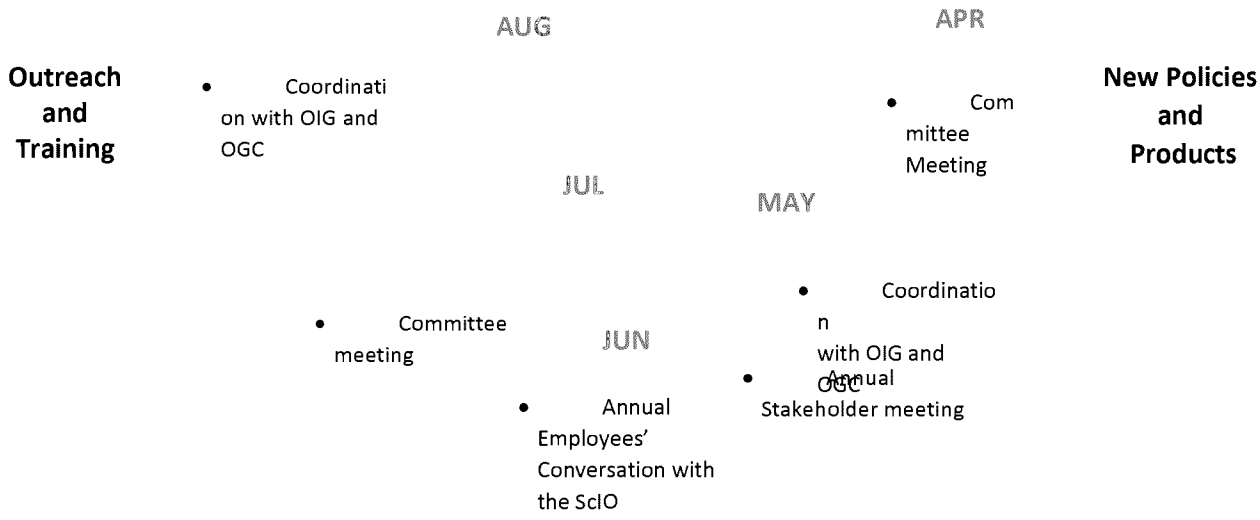
emphasis on training, evaluation, and authorship initiatives this year. The regions, offices, and programs implemented the Policy in a variety of innovative and interesting ways which are summarized under the accomplishments section.

Annual Scientific Integrity Activities

The activities described in Figure 1. support a culture of scientific integrity at EPA every year. These initiatives provide important opportunities for coordination and communication in support of our implementation of the Scientific Integrity Policy across the Agency. Some are mandated by the Policy such as the Scientific Integrity Committee and Stakeholder Meetings and others have become important as we have learned what fully implementing the Policy means.





Scientific Integrity Initiatives

Scientific Integrity Whiteboard Video Training

In FY2016, the Scientific Integrity Program deployed a new training program focused on increasing the awareness and understanding of the EPA Scientific Integrity Policy and demonstrating how scientific integrity enhances the Agency's work. The training was intended for employees who spend at least 25% of their time conducting, utilizing, communicating or supervising science.

The Scientific Integrity Whiteboard Video Training consists of in-person workshops, conducted by designated trainers for each program office and regions. These trainers received initial instruction on how to conduct sessions from the ScIO. The sessions were comprised of a short presentation providing context and background information about the Policy, and two short whiteboard animated videos – the first providing an introduction to scientific integrity at EPA and the second providing a case study of how to prevent a potential lapse of scientific integrity. This is followed by group discussion, allowing for participants to ask any relevant questions. Supplemental materials for the training were provided, including a curriculum guide and frequently asked questions and answers for trainers as well as an informational handout for participants.

Over 3,400 employees participated in the Whiteboard Video Training in FY 2016. The training initiative extends through November 30, 2016 and is estimated to reach over 5,000 employees across the Agency. The innovative format has been well-received by employees across the Agency, and EPA Received a bronze Telly Award for the introductory whiteboard video "Scientific Integrity at EPA," in the category for online video training.

Training Evaluation

While the Scientific Integrity Training is still ongoing, efforts have been underway to evaluate the usefulness of such a training. A survey was sent out to the first approximately 2000 recipients of the training that asked their opinions on the training and tested their knowledge. Preliminary results (see below) show positive responses to the training.

INSERT GRAPHS HERE

Best Practices for Designating Authorship

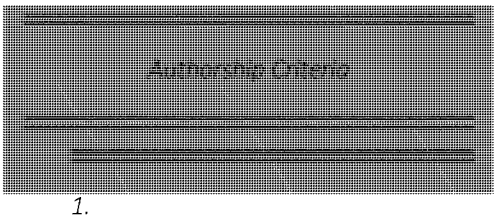
Authorship disputes were a major theme in the allegations received by the Scientific Integrity Official. The newly released *Best Practices for Designating Authorship* was written and provides guidance for EPA employees, contractors, and grantees on who should be included as an author in any scientific product. To qualify as an author, one must make a substantial intellectual contribution, write or provide editorial revisions with critical intellectual content, and approve the final version with the understanding that authorship comes with accountability for the work. Furthermore, "Any individual who has met these criteria, independent of their rank, status or affiliation, should be named as an author. Any individual who has not met these criteria, independent of their rank, status or affiliate, should not be named as an author."

Authorship is an important part of scientific integrity, as it provides transparency into the origins of a scientific product. Without knowing who was involved in the product, it is difficult to validate the merit of the work. Authorship is a reward and a responsibility and should be talked about early and often. It is the hope of the Scientific Integrity Program that this best practices document will help to prevent and resolve authorship disputes and issues and enhance the culture of scientific integrity at the EPA. Since the release of the document, there have been no new allegations of authorship dispute.

- Products:
  - Booklet
  - Trifold
  - Inter/Intranet
  - Bookmarks

Scientific Integrity On-Boarding Training

The Scientific Integrity Program received approval to implement a mandatory training video for the new employee on-boarding process. The approved video show Scientific Integrity Officer conducting the first part of the Scientific Integrity training and showing the introductory whiteboard video. Showing this training to new employees will help to establish a personal commitment to scientific integrity in them, which will contribute to the overall culture of scientific integrity at the EPA.



1.

Sci Survey

In FY 2016, a survey was administered to all EPA employees as part of a broader effort to formally evaluate the Policy and the significance of the

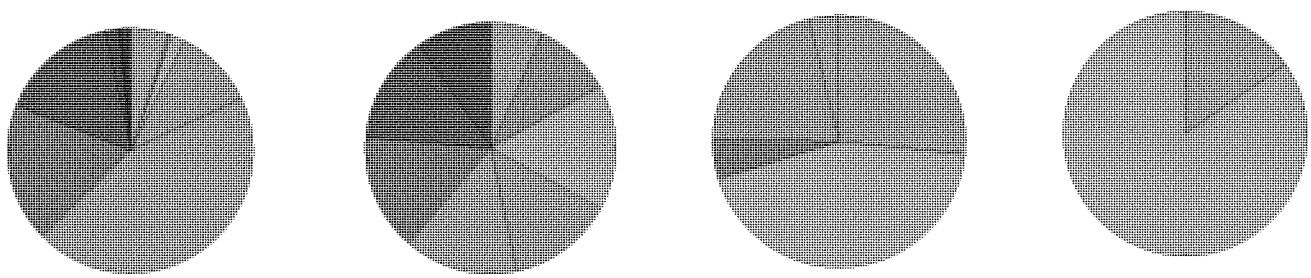
Agency's scientific integrity efforts. The goals of the survey include: establishing a baseline of EPA employees' experiences and awareness of scientific integrity issues regarding their scientific research and scientific products; establishing a baseline of EPA employees' awareness and understanding of EPA's Scientific Integrity Policy and associated procedures and policies; and, providing information for the Scientific Integrity Committee and Scientific Integrity Official on potential ways to improve the implementation, content, and impact of the Scientific Integrity Policy.

The survey questionnaire featured 29 questions designed to measure employees' experience with scientific integrity at EPA, as well as their awareness and familiarity with the Policy. Participants were automatically directed to one of two forms based on their response to the first question, which asked them to report the amount of time spent conducting, utilizing, communicating or managing science. Using skip logic, participants who reported that they spend less than 25% (total) on the listed activities were directed to a short-form version of the survey, which included only 15 of 29 questions. Participants indicating that they spend a total of 25% or more of their time conducting, utilizing, communicating or managing science were directed to the long-form version, which consisted of all 29 questions, organized into the following broad categories:

1. Awareness and Understanding of EPA's Scientific Integrity Policy and Procedures
2. Whistleblower Protections
3. Culture of Scientific Integrity at EPA
4. Release of Scientific Information to the Public
5. Professional Development
6. Peer Review
7. Demographics
8. Final Comments

The survey was sent to 14, 903 eligible EPA employees from November 16, 2015, to January 19, 2016. A total of 5,763 employees submitted their responses, representing all program offices and regions. Of those, 1,970 (just over a third) were directed to the short-form version, while 3,793 took the long-form version. A preliminary analysis of the long-form responses was conducted.

As seen in Figure XX, respondents of the long-form survey included employees from a range of different Participants represented a variety of General Schedule (GS)-grade levels from GS-9 and lower to GS-15, though the largest group was GS-13 (44.7%). 18.3% of employees identified as being GS-14 grade level and 15.5% were GS-15 grade level.



Additional Scientific Integrity Outreach

- Scientific integrity outreach is key to implementing the Scientific Integrity Policy. In FY 2015, the Scientific Integrity Official participated in a cumulative 48 trainings and presentations, reaching 1578 internal participants and 1631 external participants, for a combined total of 3209 people reached. Internally, the ScIO presented for the RS&T Director's meeting, OAR in Ann Arbor, Region 1, Region 2, ORD Managers, NCEA, OCSPP, OW, and the Annual Meeting. Furthermore, the Scientific Integrity Program Lead spoke at a Region 4 senior luncheon. The ScIO also gave presentations to 11 external audiences, including: SAB, Smith College, the Conference of World Affairs, OSTP, NSF, and stakeholders.

- The Scientific Integrity Program also developed outreach materials including:
  - Annual Report
  - Best Practices for Designating Authorship: Essential Concepts Tri-fold
  - Scientific Integrity: Best Practices for Designating Authorship Booklet
  - Best Practices for Designating Authorship Bookmarks
  - Authorship FAQs
  - Authorship FAQs for Managers
  - 2017 Scientific Integrity Planner
  - Internet webpages on scientific integrity
  - Intranet webpages on scientific integrity

Scientific Integrity Accomplishments

In FY 2016, EPA regions and programs took many approaches to enhance the culture of scientific integrity at the EPA.

Promoting a Culture of Scientific Integrity

A culture of scientific integrity promotes the quality, collection, processing, and communication of scientific information. Many quality assurance systems are already in place to ensure the integrity of the scientific research process. In FY 2016, several new initiatives were introduced to demonstrate EPA's commitment to evidence, objectivity, and the quality of scientific information.

Training

- Across the agency, regions and offices have been conducting their in-person scientific integrity training sessions.

Data Management

- OWOW is using Success Stories to describe the achievements of the Section 319 program. Invested in improving the data management and interface of the Section 319 Grants Reporting and Tracking System (GRTS) and moving towards building Section 319 success stories within the GRTS system (vs. manually) which will improve efficiency and reduce errors.
- APD developed and completed beta testing of the Air Data Spreadsheet tool that

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imports and formats data downloaded from the Air Quality System (AQS) 504 report. Currently, monitoring staff manually processes the downloaded data into the format needed to even begin a review. This tool will improve efficiencies by reducing the time needed to manually process the data by each staff member.

Clearance Procedures

- OSCP facilitated the development of a systematic review framework for the entire OCSPP
- NERL is developing revised guidance relating to implementing the clearance process (including guidance on the role of internal and external peer review) to ensure scientific and/or technical work products follow current requirements and ensure high quality and sound science is being used and released by the Agency.
- OW's Office of Science and Technology has developed a form for clearing journal articles, technical posters and presentations, and this clearance form is available for use by OWM (as well as the other OW offices). Scientists can use this form to track the progress of clearance and detect delays if they exist.

Quality Assurance

- OSCP developed and implemented performance-based validation approaches for high throughput testing and screening of chemicals for endocrine bioactivity
- OPPT provided the new Chemical Safety Advisory Committee with an overview of risk assessment practices and methodologies in April 2016, and had a TSCA Work Plan Chemical Risk Assessment developed and peer reviewed by this committee in May 2016.
- OPPT's Risk Assessment Division (RAD) conducted a QA Audit in the 2nd quarter of FY 2016, thereby complying with the OPPT-wide QMP and completing a corrective action identified in a 2014 Office of Inspector General report regarding RAD's compliance with OPPT's QMP.
- NERL added three new QAMs in FY15/16 following an extensive search. The new QA staff were trained in QA processes during daily conference calls and, to calibrate with the existing members of the NERL QA Team, during a QA Training conference in RTP, NC.
- OW prepared a Quality Assurance Project Plan (QAPP) for the LC-MS Toolkit. The LC/MS Toolkit QAPP provides information regarding quality assurance (QA)/quality control (QC) activities that were performed prior to and during data collection, assessment and reporting. The QAPP also provides information regarding QA/QC that will be applied in support of preparing the existing Toolkit for publication.
- Region 2 is advertising and filling a position entitled Region 2 Scientific Integrity Manager, whose duties will include Regional QA Manager duties and Peer Review Coordinator duties.
- Region 3's Chesapeake Bay Program Partnership, with support from the Chesapeake Bay Program Office, applied its Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model to direct the work of over 20 different Best Management Practices (BMP) expert panels, which involved the work of hundreds of

recognized experts from around the six state watershed and across the country. EPA reviewed and approved the first set of state-specific BMP verification program quality assurance (QA) plans for each of the six watershed states and the District of Columbia, based on the expectation that all the thousands of practices submitted annually for pollutant load reduction credit would be verified starting in 2018.

- OEI conducted a Quality System Assessment of Region 3, and the Air Protection Division was cited as having best practices in place for managing the QA aspect of the air monitoring program.
- OEI conducted a Quality System Assessment of the Region in April of 2016. Because of that review, the APD was cited as having best practices in place in managing the QA aspect of the air monitoring program.
- Region 3's HSCD Divisional Quality Management Plan (QMP) was finalized and uploaded to the Regional Quality Webpage; the plan is in effect for five years.
- Region 4's Water Protection Division completed the drafting of an update to the WEGs to reflect changes in auditing tools and quantitative methods used for water supply optimization and assessment, after submitting the previous version for peer review.
- Region 8 established a Science Council to promote an EPA where management and staff recognize the need for and are fully committed to incorporating scientific and technical excellence into the decision making process.
- Region 8 Field operations has implemented a field quality management system that incorporates all ten QA "Field Activities Procedure (QAFAP) requirements into programs that are involved in field activities.
- Region 8 established a Field Activities Implementation Team (FIT) to strengthen integration of the QAFAP standards into field activities that are conducted by EPA Region 8 personnel. The FIT team conducted internal audits of Region 8.
- Region 10 implemented a reorganization to address areas of improvement that arose from the 300 comments submitted by Region 10 staff and management.

Release of Information to the Public

EPA encourages the transparency of Agency activities through communications tools such as online blogs, newsletters, news releases and official publications. EPA also maintains several online databases to provide open access to Agency information. Special user interfaces allow the public to navigate EPA databases easily. Online tools such as dashboards and calculators allow users to access a variety of datasets, input their own data, and model personalized scenarios.

- OLEM provided maintenance and provision of the leading technical clearinghouse of information for site cleanup (the Hazardous Waste Cleanup Information or CLUIN web site) which tops two million visits per year and is the platform for 120+ live Internet seminars/year reaching approximately 20,000 participants/year.
- OSIM worked with other ORD Assessable Units (AUs) to develop and review an ORD Scientific Data Management policy to craft a useful process to better guarantee the transparency of and easy access to ORD's scientific data used in published articles and documents, and an accompanying guidance web site for use by ORD researchers and managers.

- ORD NCCT continued to provide full access to all of the generated chemical data, models and software packages on the EPA Computational Toxicology Data download website

Peer Review and Federal Advisory Committees

Scientific Integrity ensures the quality of scientific and technical products by promoting adherence to proper scientific procedures. In FY 2016, EPA continued its efforts to promote peer review as an essential component of quality scientific research products.

- OAR offices have established peer-review coordinators, who help staff to determine the level of peer-review appropriate for their scientific documents, including classification as influential scientific information, or highly influential scientific assessments.
- OAR conducted a number of outreach activities in conjunction with the release of its "Climate Change in the United States: Benefits of Global Action" report, including the development of an overview brochure, public FAQs, two public webinars, and providing information through social media.
- OAR's Office of Transportation and Air Quality Public Inquiry Services Team received and responded to 680 inquiries in the first two quarters of FY 2016.

Professional Development

EPA encourages professional development activities so that EPA's scientists and engineers can maintain their expertise, be active members of their scientific communities and become leaders in their fields. Training activities may include online courses, webinars, in-person workshops, or conferences. EPA provides several professional development opportunities for employees and encourages their participation in professional societies.

- OAR hosted two large conferences, including the 3rd Vehicle Technology Showcase and the biennial National Monitoring Conference.
- OLEM advanced training opportunities related to scientific and technical information to Superfund staff and project managers on capabilities of technologies and best practices (online and classroom).
- OLEM's delivery of National Association of Remedial Project Managers (NARPM) National training event providing over 50 courses and opportunities for project managers and technical staff to interact and share information on new technologies.
- OW held a Certification Officer Online Training Course for Cryptosporidium on Jan 13-Feb 6, 2015 for attendees from States and Regions.
- Region 3's Air Protection Division hosted the Integrated Compliance Information System (ICIS)-Air/High Priority Violators (HPV) Training on EPA's Policy and ICIS-Air Database.
- Region 5 developed new training to complement the Agency's introductory Field Operations course. All R5 field staff were trained.
- Region 6's Houston Laboratory staff continue to give the annual laboratory ethics training, which includes discussion of the EPA Scientific Integrity Policy.
- Regions 8, 9, 10, OAQPS and ORD's air scientists lead the efforts in developing an internal EPA, virtual Western Regions Air Research Workshop

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Allegations Update

EPA has received 106 allegations of a loss of scientific integrity since the Scientific Integrity Policy was published in 2012. Of those, 42 are active, 32 have been adjudicated; seven were determined to not be scientific integrity issues; 21 are inactive (withdrawn or unable to proceed); and four were reassigned (Figure 1).

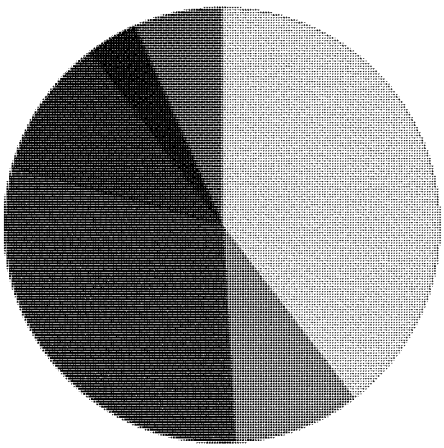

Figure 1. Status of All Allegations as of September 2016

Of the 106 allegations received as of the end of FY2016, the Agency received 22 within fiscal year 2016. This represents 0.14% of the total number of EPA employees and a decrease from the number received in FY2015 (which was 37).

Of the 22 allegations that were received in FY2016, twelve were made informally (where the person submitting the allegation prefers to not reveal their identity), and ten were made formally. In FY2015, 81% were informal; in FY2016, 55% were informal.

Of the twelve informal reports received in FY2016, one came from outside the Agency, seven came from EPA offices and programs, two came from a regional office and two were anonymous EPA submissions. Of the ten formal allegations in FY2016, three came from outside the Agency, five from EPA offices and programs, and two from regional offices. There was a slight decrease in external allegations in FY2016,

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including both informal and formal allegations (4), compared to external allegations received in FY2015 (5). There was also a decrease in internal allegations in FY 2016 (18), compared to FY2015 (32).

Figure 2 shows the number of allegations received each quarter since publication of the Scientific Integrity Policy.

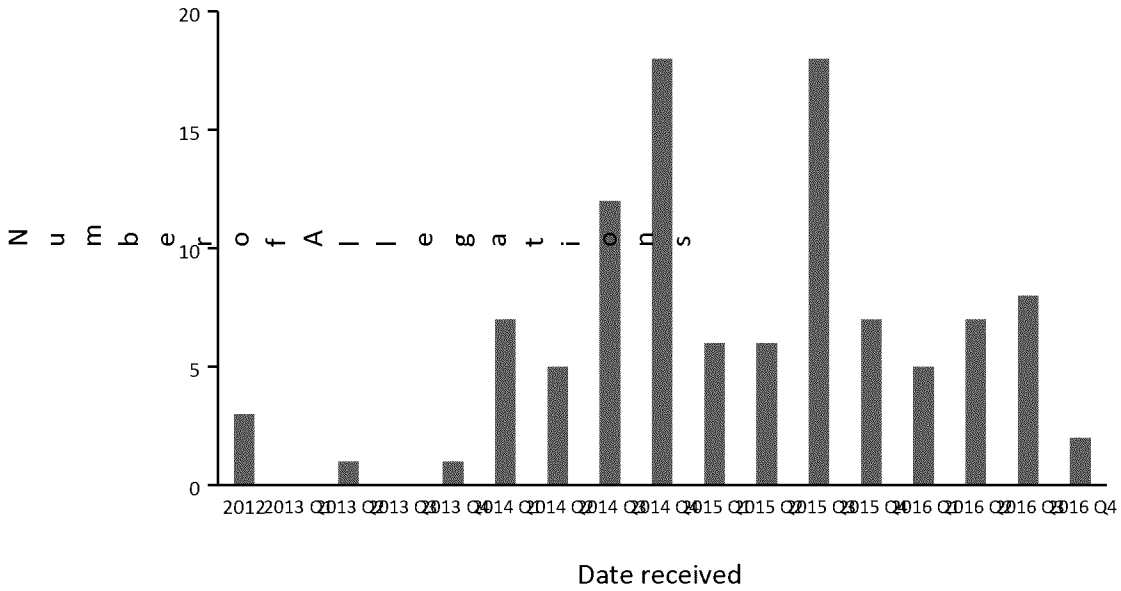

Figure 2. Allegations Received as of FY 2016

The figure below shows the types of allegations received each quarter in FY2016.

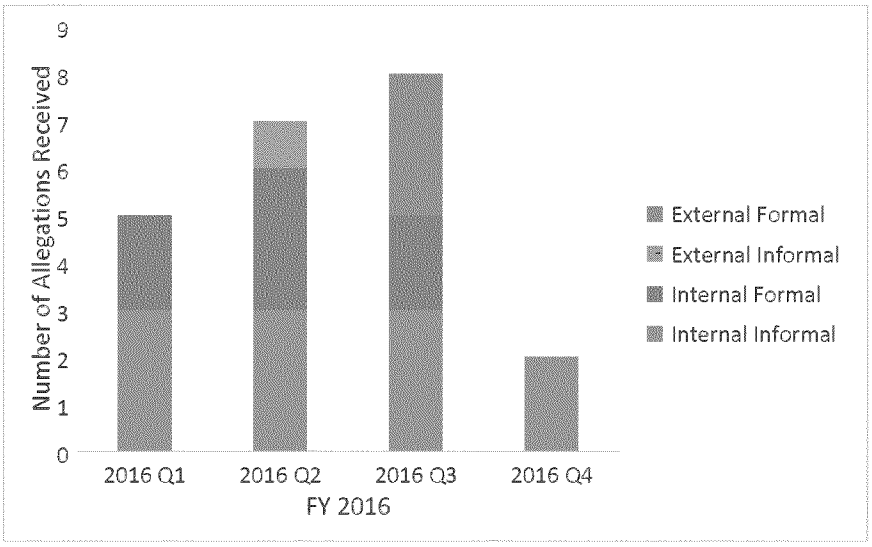

Figure 3. Types of Allegations Received Each Quarter in FY2016.

The allegations received in FY2016 relate to several topics regarding scientific integrity. Eight concern suppression or delay of release of a scientific report or information; seven were interference with science by manager; one concerns scientific methods; two were scientific misconduct; two are conflicts of interest; one was differing scientific opinion; and one was about data quality. See Figure 4.

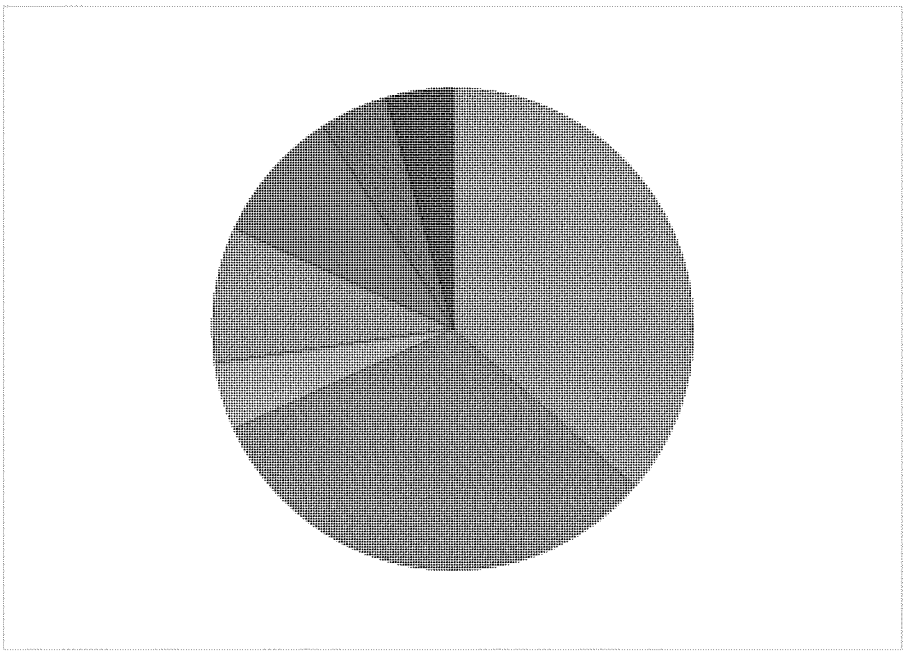

Figure 4: Topics of Allegations Received during FY 2016

While there were eight allegation regarding authorship and attribution in FY2015, there were none in 2016. The elimination of authorship disputes could possibly be due to the release of "Scientific Integrity: Best Practices for Designating Authorship" in 2016.[1]

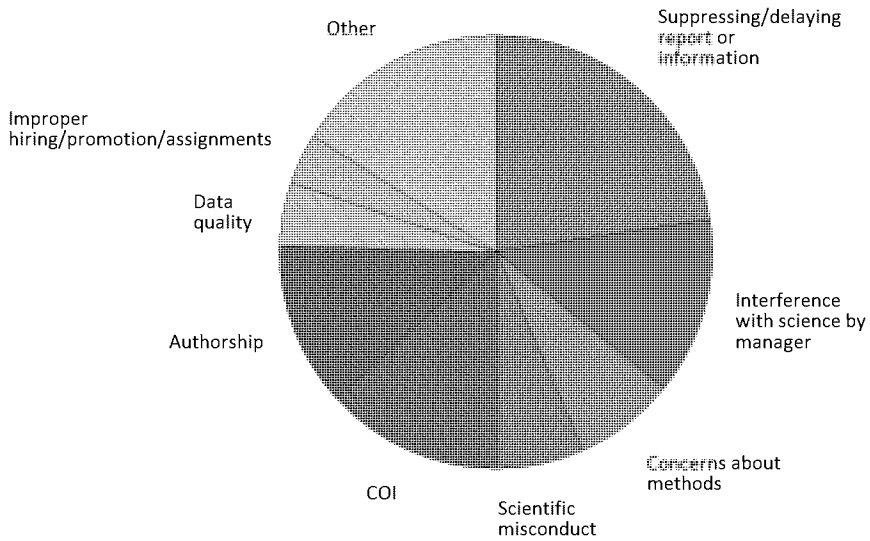

Figure 5: Topics of Allegations Received FY 2012-2016. Other includes differing scientific opinion, concerns about clearance procedures, misrepresentation, peer review insufficient or absent, legal protections for scientists and transparency.

[1] https://www.epa.gov/osa/authorship-best-practices

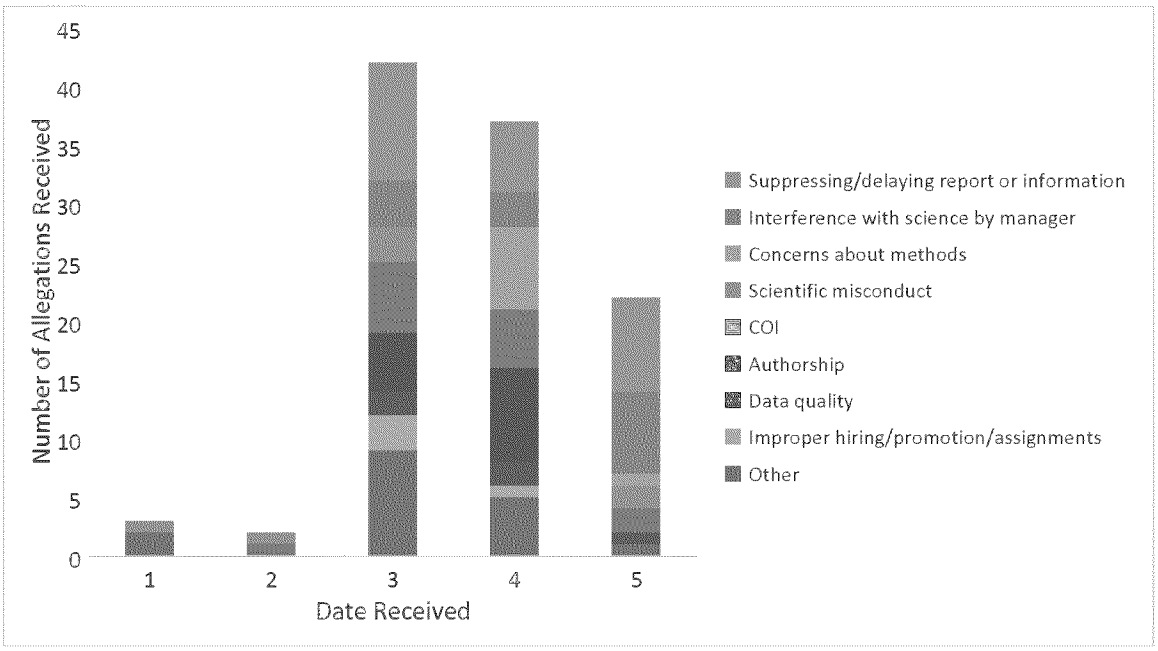

Figure 6: Topics of Allegations, FY 2012-2016.

- Summary of Adjudicated Allegations

Summary of Adjudicated Allegations

Eight allegations were adjudicated in FY2016. Four of these were substantiated and four were dismissed. Three of these adjudicated allegations concerned authorship disputes; four involved delayed release/suppression of scientific information; and one concerned scientific misconduct. Summaries of the disposition of these allegations are below.

Adjudicated in FY 2016

1. **Allegation Regarding Authorship Criteria for US EPA Employee Substantial Contributions to Article/Abstract of non-US EPA Researcher**
   Allegation: #41
   The complainant inquired about the criteria for determining if a US EPA employee is entitled to authorship when US EPA work is used in and/or the US EPA employee is asked to comment on an article/abstract developed by a researcher outside of the Agency.
   Summary:
   The Scientific Integrity Official and the Scientific Integrity Committee developed a "Best

Practices for Designating Authorship" document to provide a set of objective criteria and general standards to resolve authorship issues. The document is available at https://www.epa.gov/osa/authorship-best-practices.

2. **Allegation Regarding Authorship Criteria for Non-federal Colleague Contributions to US EPA Documents**
   Allegation: #42
   The complainant inquired about criteria for authorship for non-federal colleagues that provide technical or scientific advice and substantive input to an US EPA authored document, but not involving a grant or contract.
   Summary:
   The Scientific Integrity Official and the Scientific Integrity Committee developed a "Best Practices for Designating Authorship" document to provide a set of objective criteria and general standards to resolve authorship issues. The document is available at https://www.epa.gov/osa/authorship-best-practices.

3. **Allegation Regarding Authorship Dispute**
   Allegation: #52
   The complainant reported that he and other US EPA scientists were excluded from the authorship list of a journal article and from the abstract/poster for a scientific conference in which they had contributed. In addition, the colleagues of the complainant were prohibited from including him as an author on a presentation, to which he contributed, at a professional meeting.
   Summary:
   The Scientific Integrity Panel found the allegations to be substantiated and recommended that the complainant's office adopt written clearance procedures consistent with the "Best Practices for Designating Authorship" document, available at https://www.epa.gov/osa/authorship-best-practices.

4. **Allegation of Interference with Science by Manager**
   Allegation: #71
   Complainant accused supervisors of preventing him from working on a topic within the scope of his work unit.
   Summary:
   The allegation was dismissed. At US EPA, supervisors may determine what type of work is necessary for employees to fulfill the Agency's mission.

5. **Allegation of Interference with Science by Manager**
   Allegation: #87
   Complainant accused supervisor of auditing portion of manuscript as harassment. Audit was prompted by colleague who had reported manipulated and/or misrepresented research data or results to management.
   Summary:
   The program office investigation found no evidence of manipulated and/or misrepresented research data or results. Allegation was dismissed.

6. **Allegation of Interference with Science by Manager**
   Allegation: #88
   Complainant was denied request to make a division-wide presentation about his career at EPA.
   Summary:
   Allegation was dismissed. Supervisor was correct in allowing a brownbag presentation, not under the auspices of the division.

7. **Allegation of Scientific Misconduct/Laboratory Sabotage**
   Allegation: #98
   Researcher at an academic institution with an US EPA assistance agreement was investigating a case of laboratory sabotage and requested information regarding any further US EPA requirements for the investigation in addition to fulfilling their institutional requirements.
   Summary:
   The researcher was directed to Federal Policy 3120.5 (https://www.epa.gov/osa/epa-order-policy-and-procedures-addressing-research-misconduct) which specifies procedures for addressing research misconduct for all federally funded and federally conducted research.

8. **Allegation Media Policy Restricts Media Access to US EPA Scientists**
   Allegation: #106
   US EPA employee spoke to media without indicating he/she was speaking in a personal capacity and not as US EPA employee. Management issued suspension for failing to notify them prior to speaking with media. Employee made scientific integrity complaint for suppressing information.
   Summary:
   Allegation was dismissed. Not found to be a scientific integrity issue.

Additional Allegations Adjudicated in FY- 2015
(For full listing, please see the FY 2015 Annual Report)

1. **Allegation of Interference with Science by Manager**
   Allegation: #51
   US EPA scientists asked manager to request relevant studies from a manufacturer for a risk assessment. The management blocked the request and re-assigned staff.
   Summary:
   Office asked for and received the studies 5 years later and incorporated the information into the risk assessment.

2. **Allegation of Self-Plagiarism**
   Allegation: #56
   Manager asked to review document discovered employee had self-plagiarized.
   Summary:
   Treated as a performance issue. Self-plagiarism is addressed in "Best Practices for Designating Authorship" available at https://www.epa.gov/osa/authorship-best-practices

3. **Concern Regarding the Lack of a Systematic Review Process for IRIS**
   Allegation: #79
   A chemical trade association expressed concern about the lack of a systematic review process

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for available studies by IRIS.

Summary:

The allegation was not found to be a scientific integrity issue but rather a difference in scientific judgement. IRIS has implemented a process for systematic review in its assessments, according to recommendations by the National Research Council.

Additional Allegations Adjudicated in FY- 2014

(For full listing, please see the FY 2015/2014 Annual Report)

1. **Concern about Loss of Scientific Integrity Due to Staff Reductions**

   Allegation: #23

   Scientist expressed concerns that staff reductions were leading to a loss of scientific integrity.

   Summary:

   Reorganization addressed the issue.

2. **Concern that Pressure for Diversification on BOSC and SAB Impacting the Selection of Qualified Committee Members**

   Allegation: #29

   The BOSC and SAB have been under pressure to select diversified memberships. Concern was expressed that some members might not be the most qualified in order to meet the diversification goals.

   Summary:

   The Scientific Integrity Official conducted a training session with the relevant office to bring attention to the issue.

3. **Allegation Regarding Suppression of Scientific Report**

   Allegation: #36

   Concern that request from Agency counselor that a journal article submission be delayed during rule making negotiations was suppression of science and a violation of scientific integrity.

   Summary:

   Allegation was substantiated. Journal article has been published.

4. **Allegation Regarding US EPA Policy on FAC Members Ability to Speak with the Media and Public**

   Allegation: #39

   Several NGOs sent a letter to the US EPA Administrator to express their concern that a recent memorandum regarding the policy on communication between members of FACs and parties outside of EPA is a violation of the Agency's scientific integrity policy. The FACA communication policy can be found here https://yosemite.epa.gov/sab/sabproduct.nsf/webfiles/policy-communication/$file/policy-gkf-04.11.14.pdf.

   Summary:

   A clarification to the policy was issued which states that the EPA policy only applies to FAC members with regards to the work they were appointed. This clarification to the policy can be found here https://yosemite.epa.gov/Sab/Sabproduct.nsf/WebFiles/2014Clarification/$File/ClarPol-11-

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2015-2.pdf.

Future Investment

Retribution, Retaliation, and Reprisal

Increasing Transparency

Addressing Constraints to Full Implementation of the Policy

Defining the Timely Release of Agency Science and Scientific Products

Enhancing Peer Review

Annual Activities and Requirements

Ongoing Projects

New Initiatives

Appendix 1. May 5th ScI Stakeholder Meeting Summary

EPA ANNUAL SCIENTIFIC INTEGRITY 2016 NON-GOVERNMENTAL ORGANIZATIONS AND REGULATED INDUSTRY STAKEHOLDER MEETING

Chair: Dr. Francesca Grifo, Scientific Integrity Official

May 5, 2016
Meeting Summary

Welcome and Introduction

Dr. Francesca Grifo (the Scientific Integrity Official or ScIO) opened the meeting and conducted the roll call. Participants included seven members of the Scientific Integrity Community, 10 EPA employees, fellows, and contractors, and 16 representatives from stakeholders, including: Society of Environmental Journalists, American Chemistry Council CropLife America, ExxonMobil, Society of Professional Journalists, Union of Concerned Scientists, Environmental Defense Fund, Open Government Partnership, Monsanto Company, Olin Corporation, Public Employees for Environmental Responsibility, and FMC Corporation.

Dr. Grifo welcomed the participants to EPA's Annual Scientific Integrity Stakeholder Meeting. She introduced Dr. Thomas Burke, EPA Science Advisor.

Remarks from the Science Advisor

Dr. Burke welcomed the meeting participants and expounded on the importance of scientific integrity at EPA. Dr. Burke recognized the efforts of Dr. Grifo, who chairs the Scientific Integrity Committee and has

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led a cross-Agency training program on EPA's Scientific Integrity Policy to ensure that scientific integrity is engrained in EPA's culture

Policies, Resources and Training and Updates

Dr. Grifo provided an overview of the policies and resources related to scientific integrity that have been compiled on the EPA Scientific Integrity Intranet site. She spoke about the scientific integrity whiteboard and PowerPoint training program that was initiated in March, and showed the introductory whiteboard video to the participants.

In response to a question about how many people the training will reach, Dr. Grifo stated that an exact estimate has not been made but they could number in the thousands. Dr. Grifo noted that, as of February 2016, the Scientific Integrity Office received 97 allegations (37 active, 42 resolved, 11 with the status of being unable to proceed, and 7 reassigned). Dr. Grifo also discussed the development of authorship best practices. The best practices will include authorship criteria, common authorship abuses, and information about plagiarism and self-plagiarism. The scientific integrity survey was returned by 5,763 respondents. Many of the questions called for responses in essay format, which require a long time to analyze.

Dr. Grifo responded to questions about the DSO Policy, indicating that the process will be as transparent as possible and enjoys full support from EPA's OIG.

Stakeholder Concerns

In response to stakeholder concerns, Dr. Grifo made the following points about the DSO Policy:

- The DSO process will serve as an alternative for resolving disagreements that are not resolved under the Action Development Process.
- Protections for individuals who might suffer retaliation for expressing a DSO are under discussion with EPA's Office of General Counsel.
- The DSO Policy will be transparent about potential risks of retaliation and realistic about the potential for negative consequences for those of differing views.
- Written clarification regarding the applicability of the Whistleblower Protection Act of 1989 is being sought from the U.S. Office of Special Counsel.
- The Agency will consider providing an opportunity for public comment on the policy, but possible delays this might engender are a concern. A less formal external review is another option.

With regard to the Scientific Integrity Policy, Dr. Grifo made the following points in response to stakeholder questions:

- The Scientific Integrity Policy applies to Agency science (i.e., data and the conclusions drawn from data), not policy (i.e., what the science means or is used for).
- Whether the policy applies to social and political science is an issue that Dr. Grifo will discuss with her staff.
- The policy addresses concerns about restrictions on media contact, but no allegations have been brought that pertain to that issue. If specific allegations are brought about restricted access to media, they will be investigated.

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- The process of reporting an allegation of loss of scientific integrity can be started in multiple ways, including in writing, via email or by telephone to Dr. Grifo or Deputy Scientific Integrity Officials, as well as anonymously via the OIG hotline. Many times the issue can be resolved through meetings of the concerned parties without invoking the allegation process.
- Each year, information about adjudicated allegations is published in redacted format in the annual report. All identifying details that might result in the identification of the involved parties are removed.
- Confidentiality agreements are being developed to encourage EPA staff to come forward with allegations.
- The policy applies to full-time employees, grantees and collaborators. Language is being developed that will require all grantees to certify that they have read and will abide by EPA's Scientific Integrity Policy. It will be implemented in a phased approach. Implementing the requirement for contractors will require a regulatory change.

Dr. Grifo provided the following responses about the Agency Framework for Clearance Procedures for Scientific Products:

- The Clearance Framework is separate from the DSO Policy.
- The Agency will consider providing an opportunity for public comment on the framework, but possible delays this might engender are a concern. A less formal external review is another option.

In response to a question, Dr. Grifo indicated that the Data Access Plan will be released soon but no specific release date has been established. The Office of Research and Development is in the forefront of transparency efforts at the Agency, but developing an Agency-wide plan has proved to be a challenging task.

A question was asked about the format in which survey results will be available. Dr. Grifo replied that aggregated responses will be provided. A presentation in PowerPoint will be prepared describing the results of the survey when the analysis is complete.

A participant asked whether certain parts of the Agency have higher rates of allegations than others. Dr. Grifo answered that the only patterns observed have been that larger parts of EPA have more allegations than smaller parts.

In response to a participant's question, Dr. Grifo described the training process. Trainings have taken place across the country in almost all of EPA's laboratories and offices. Dr. Grifo typically meets with senior managers, middle managers and all hands, as well as holds office hours. The trainings have succeeded in encouraging people to come forward with their scientific integrity concerns.

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Appendix 2. Annual Conversation with the Scientific Integrity Official and the EPA Community

Annual Conversation with the Scientific Integrity Official and the EPA Community

Chair: Francesca Grifo, Ph.D., Scientific Integrity Official

June 2, 2016

Meeting Summary

Participants

Over 50 participants attended online or in person and represented several EPA program offices and regions.

Scientific Integrity at the EPA Annual Update

Dr. Francesca Grifo (the Scientific Integrity Official or ScIO) opened the meeting, explaining that the webinar serves as the annual update regarding scientific integrity at EPA. She highlighted the importance of scientific integrity and how the Agency addresses scientific integrity and misconduct, specifically noting that plagiarism, which falls under misconduct, is under negotiations to be included in the Scientific Integrity Policy. Dr. Grifo also noted the new intranet page for Scientific Integrity and the whiteboard training videos released in FY 2016. Furthermore, Dr. Grifo updated the attendees on allegations and the near-completion of the Authorship Best Practices document. Dr. Grifo spent time discussing the Agency-wide survey with a phenomenal 38.8% response rate. She also listed the many outreach materials that have been developed and the work being done on the Agency's Differing Scientific Opinion Policy.

Question and Answer Period

- A participant asked, from a labor and employee relations standpoint, how the Scientific Integrity Committee partners with other groups regarding authorship issues. Dr. Grifo responded that she had partnered with the participant's office in the past. Following a discussion with the office about the specific issue, Dr. Grifo generally drafts a memorandum with her recommendations.

- A participant asked whether the new authorship best practices indicated that all Agency documents should include authorship. Dr. Grifo responded that this is not the case. The best practices do not create new authorship opportunities; rather, they help Agency personnel determine appropriate authorship for documents that have traditionally had authors.

- A participant asked whether the Scientific Integrity Committee interacted with unions regarding the authorship best practices. Dr. Grifo stated that because the best practices are not considered guidance or required, unions had not been consulted. The goal is for all Agency best

ED_001292B_00026228-00026

practices to be consistent, predictable and transparent; uniformity is not a goal.

- A participant asked about the consistency of regional science papers with Office of Research and Development science papers. Will the clearance procedures include this topic? Dr. Grifo noted that this issue is about scientific consistency across all areas of the Agency. Sometimes research will differ, and the best practices address this via a recommendation for advanced notification. Researchers are encouraged to communicate with other colleagues across EPA who are performing similar research well before a study is completed. Unambiguous, consistent and transparent clearance procedures will make it difficult for these issues to be lost during the clearance process, which in turn will decrease delays and suppression.

- A participant asked whether any of the allegations are from subject experts who think that they have been circumvented (i.e., not consulted). Dr. Grifo indicated that some of the allegations are of this type. The goal is to discuss the problem with those involved to determine how the issue manifested.

- A participant asked whether the Office of the Administrator would establish a clearance policy and procedure; she noted that EPA's most controversial reports often seem to be cleared through this office. Dr. Grifo responded that two members of the Scientific Integrity Committee represent this office, which will be included in the same way that all other Agency offices are being included in the process.

- A participant asked how the differing scientific opinions issue will be incorporated into various Agency policies. Dr. Grifo responded that the few instances of this that she has dealt with involve regulatory decisions, and ultimately, the scientists just want to ensure that their opinions are considered and not ignored. Transparency is critical, and considering differing opinions fosters public trust in Agency science.

- A participant asked how vindictive actions (e.g., retaliation) are addressed. Dr. Grifo explained that each situation is different, but the ultimate goal is for staff members to come forward and express differing scientific opinions without fear of reprisal. Retaliation occurs but infrequently. Retaliation as a result of whistle blowing is covered under the Whistleblower Protection Act of 1989 and addressed by the Inspector General and EPA's Whistleblower Ombudsman. Other types of retaliation are discussed on a case-by-case basis.

ED_001292B_00026228-00027

To: Brym, Monica[Brym.Monica@epa.gov]
Cc: Kohler, James[Kohler.James@epa.gov]; Barnes-Weaver, Erin[Barnes-Weaver.Erin@epa.gov]; Adrian, Raul[Adrian.Raul@epa.gov]; Brady, Claire[brady.claire@epa.gov]; Gilbride, Patrick[Gilbride.Patrick@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 12:14:28 AM
Subject: RE: OIG coordination request

Thanks so much Monica for keeping us in the loop on this but it does not match up with any of our allegations. We have nothing related. We do not have the staffing levels required to initiate investigations so if no one brings an issue to our attention, we would not work on it.

Please let me know if we can be of further assistance.

Best,

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Brym, Monica
Sent: Monday, January 30, 2017 4:58 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Kohler, James <Kohler.James@epa.gov>; Barnes-Weaver, Erin <Barnes-Weaver.Erin@epa.gov>; Adrian, Raul <Adrian.Raul@epa.gov>; Brady, Claire <brady.claire@epa.gov>; Gilbride, Patrick <Gilbride.Patrick@epa.gov>
Subject: OIG coordination request

Greetings Dr. Grifo,

I was part of Carolyn Copper's team in OIG's Office of Program Evaluation that met with you last year in DC to obtain a better understanding of the coordination role between the OIG and ScIO. Thank you again for taking the time to meet with us. It was helpful to our review. Our work on that project, reviewing the internal controls for fraud prevention in EPA's Contract Laboratory Program, is wrapping up and our final report should be issued in the next few weeks.

Ex. 2 You may already be aware of this initiative via your coordination meetings with our office. However, given that this hotline complaint involves, in part, the availability of science for an ORD tool, our team felt it was important to coordinate with you directly about this inquiry. We would like to learn if you have received any similar complaints about C-FERST and if you might also be examining aspects of this tool.

Some of the concerns raised by the anonymous hotline received by OIG in August 2016 are with the usability of the tool and that it does not contain adequate science for exposure risk screening. Attached is an email that was sent to ORD providing notification of our work. This email identifies the areas of concerns we are examining. You may also contact our Project Manager, Erin Barnes-Weaver, directly if you'd like to discuss the details of this hotline inquiry in greater detail. (barnes-weaver.erin@epa.gov or 303-312-6871). Erin and/or our team is available to meet with you to discuss further. We look forward to hearing from you.

Thank you.

Respectfully,

Monica Brym

Monica Brym | US EPA Office of Inspector General | 1595 Wynkoop St. 4th floor, Denver CO 80202 | (303) 312-6516

To: Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 12:21:09 AM
Subject: FYI

FYI

I think we need to stay informed about what the media is saying about EPA and Scl

https://www.yahoo.com/news/climate-advocates-study-industry-lobbys-playbook-fight-trump-185103263.html?soc_src=social-sh&soc_trk=ma

To: Otto, Martha[Otto.Martha@epa.gov]; Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 12:36:59 AM
Subject: FYI

Very distressing to see more wrong information repeated in the media echo chamber. Thye just cannot let go of the grants and contracts thing!

https://www.washingtonpost.com/news/speaking-of-science/wp/2017/02/01/canadian-scientists-were-followed-threatened-and-censored-they-warn-trump-could-do-the-same/?utm_term=.9bd11daa40a7

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Fri 2/3/2017 1:32:43 AM
Subject: Feb. 3 -- BNA, Inc. Daily Environment Report

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Friday, February 3, 2017 · Number 22

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LEADING THE NEWS

EPA
Suspended Committee Rules Don't Merit Pruitt Challenge: Carper
Suspended committee rules used to advance the nomination of Scott Pruitt as EPA administrator probably don't merit a technical challenge on the Senate floor, the leading Democrat in the uphill battle to derail the nominee, Sen. Tom...

NEWS

Air Pollution
Eight-Year Ozone Standard Delay Legislation Revived
An industry-supported proposal to delay deadlines under the EPA's 2015 ozone standards was revived for consideration by the 115th Congress, with the bill expected to be strongly opposed by environmental and public health advocates....

Air Pollution
Finding on Missing State Ozone Plans Clears Regulatory Freeze
The EPA is taking action against 15 states and the District of Columbia that failed to submit required plans for controlling ozone pollution, in what is one of the few agency decisions to be issued during a governmentwide freeze on new regulations....

Biofuels
Biofuel Credits Plummet Amid Renewable Mandate Uncertainty
A precipitous decline in ethanol credit prices is likely linked to uncertainty over the future of the underlying biofuel mandate, industry members and an energy analyst told Bloomberg BNA. ...

Chemicals
Children's Total Chemical Exposure Crucial, EPA Advisers Say
The EPA should assess children's total exposure to chemicals as it evaluates the substance's risks under the amended commercial chemicals law, an agency advisory committee says....

Chemical Security
Chemical Makers Get Reprieve If Congress Blocks Plant Security Rule
Chemical manufacturers might win a reprieve from new EPA regulations as Congress moves forward with a plan to overturn a new chemical plant security rule....

Chemicals
Natural Gas Product Explosion Not Covered by Policy
An insurer doesn't have to cover injuries caused by the explosion of a product it intended to resell, the U.S. Court of Appeals for the Eighth Circuit ruled (Hiland Partners GP Holdings, LLC v. Nat'l Union Fire Ins. Co. of Pittsburgh,...

Climate Change
EU Moves on Montreal Protocol Refrigerant Gases Deal
The European Union should rapidly ratify the Kigali Amendment to the United Nations Montreal Protocol on Substances that Deplete the Ozone Layer to pave the way for its swift implementation, according to a draft ratification decision published...

Climate Policy
One Obama Climate Rule Trump Might Not Consider a 'Disaster'
Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast...

Climate Regulation
Trump Climate Chaos Won't Deter Green Bond Record, Moody's Says
Green bond sales are likely to reach a record this year in spite of confusion over whether President Donald Trump will undercut efforts to combat climate change, according to Moody's Investors Service....

Coal Mining
Senate Votes to Reverse Obama-Era Coal Rule, Sends to Trump
Republicans in Washington took their biggest step yet to reverse Barack Obama's regulatory legacy, dusting off a little-used congressional tool and voting to kill a rule aimed at protecting streams from the effects of coal mining....

Congress
Bill Gutting EPA Climate Authority Has 100-Plus GOP Co-Sponsors
A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of co-sponsors days after being introduced....

Congress
Bishop Plans Action on Regulations and Resource Laws
There is an overflowing list of possible actions the House Natural Resources Committee could launch in 2017 after six years of sometimes rancorous stalemate on many of them between Congress and the Obama administration....

Corporate Responsibility
NYC Pension Funds to Weigh Carbon Impact in $160B Portfolio
New York City pension funds will analyze their $160 billion investment portfolio for its carbon

pollution impact and study ways to manage their exposure to climate change risks, city Comptroller Scott Stringer (D) said Feb. 2....

Drinking Water
Water Rule, Standards Central to Cut Lead Exposures: EPA Panel
Tightening lead-hazard standards and issuing a rule to reduce lead in drinking water should be among the EPA's priorities to reduce children's lead exposures, an agency advisory committee says. ...

Energy
Dynegy's $3.3 Billion Takeover of Engie Plants Gets U.S. Approval
Federal regulators approved Dynegy Inc.'s plan to prevent it from wielding too much market clout, clearing the way for the power generator to buy $3.3 billion of power plants from Engie SA....

EPA
Former Top EPA Deputy to Head Wake Forest Graduate Program
The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. ...

EPA
Republicans Advance Trump's EPA Pick Over Democratic Boycott
Senate Republicans advanced President Donald Trump's nominee to lead the Environmental Protection Agency Feb. 2, over the objections of Democrats who boycotted the action....

Oil & Gas
Electric Cars Could Cause Oil Market Disruption on Par With OPEC
The growth of battery-powered cars could be as disruptive to the oil market as the OPEC market-share war that triggered the price crash of 2014, potentially wiping hundreds of billions of dollars off the value from fossil fuel producers in the...

Oil & Gas
Key Crude Pipeline Link to U.S. Gulf Set to Restart by Feb. 7
A key pipeline which takes U.S. and Canadian oil to the Gulf Coast is set to restart by Feb. 7, more than a week after a rupture northeast of Dallas stopped shipments....

Oil & Gas
LNG Plant's Environmental Impact May Need Closer Look: Court
Federal appeals court judges questioned whether the Energy Department went far enough to analyze the environmental impacts of increased natural gas production tied to exports from a liquefied natural gas terminal in Texas (Sierra Club v....

Oil & Gas
Tillerson Vows to Keep Away From Exxon Runs Into World of Oil
Exxon Mobil Corp. boasts that it drills for oil and gas on six continents and sells fuel and chemicals in almost every country on the planet. That global reach will pose a wealth of conflict-of-interest questions for former CEO Rex Tillerson...

Pesticides
Endangered Species Act Case on Pesticides Can Proceed, Says Court
Federal regulators must do more to ensure that approved pesticides don't harm imperiled wildlife, a U.S. appeals court ruled Feb. 2, backing environmental activists' claims Ctr for Biological Diversity, et al v. EPA , 9th Cir.,...

Renewable Energy
Biggest Wealth Fund Seen Dashing Hopes of Green Energy Activists
Environmental activists hoping to see a big push by Norway's $890 billion sovereign wealth fund into emerging market renewable energy and infrastructure projects are likely to be disappointed, according to a key Norwegian lawmaker. ...

Renewable Energy
CEO of World's Biggest Offshore Wind Utility Is Bullish on Trump
The utility installing the world's most offshore wind turbines expects U.S. President Donald Trump to embrace the technology once he recognizes how many jobs are created by green energy....

Renewable Energy
Los Angeles to Buy Solar Electricity That Costs the Same as Gas
8minutenergy Renewables LLC won a contract to supply the Los Angeles Department of Water & Power with solar energy for $52 a megawatt-hour, matching the average lifetime cost of a natural gas plant....

Renewable Energy
Maryland to Increase Renewable Energy After Veto Override
Maryland will increase the amount of electricity that suppliers must obtain from renewable energy sources after the state's General Assembly voted to override the Republican governor's veto of a renewables mandate....

Renewable Energy
N.Y. Opens Up for Solar in Biggest Grid Shift Since Edison
New York is gearing up for the biggest overhaul in how electricity flows across the state in more than a century by improving access for rooftop solar and other new technologies....

Renewable Energy
NRG's Massive California Solar Plant Finally Making Enough Power
The world's biggest solar-thermal power plant is finally producing enough electricity....

REGULATORY AGENDA

TODAY'S FEDERAL REGISTER

TODAY'S STATE REGISTERS

Daily Environment Report

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To: Otto, Martha[Otto.Martha@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 1:39:25 AM
Subject: Manager Dialogue Planning Guide.docx
Manager Dialogue Planning Guide.docx

Hi there – Can you edit and clean this up? It will go out with the note to the committee on Monday.

Thank you!

Francesca

WORKSHEET FOR PLANNING SCIENTIFIC INTEGRITY MANAGEMENT DIALOGUES

1. How many managers do I have?

   # of managers on the list from OHR……..…….._____
   # of contractor/other collaborator managers who work on site…….…….._____
   # of managers who never manage science communication, utilization, or scientific activities..…._____
   # of managers I think could benefit from the management dialogues[1]…….……..._____

2. What existing meetings/gatherings can I use to include this dialogue? How often do they occur? Is there at least 50 minutes that could be devoted to this training? Are you a small and could perhaps group together with another program or office?

   Please keep in mind:
   - Groups of 15 to 20 managers are ideal but groups up to 30 can be effective and groups larger than 50 are better than nothing.
   - Mixing managers from across a unit leads to a better dialogue – mix engineers up with policy focused managers.
   - We are hoping for frank open conversation so please consider groups that will be comfortable being open with the other folks in the room.
   - If you can set aside 90 minutes, most groups will use it. If not, reserve the room for 90 minutes and schedule up against lunch or the end of the day to permit those with questions to stay and continue the conversation.

3. Consult the trainers from the general training that took place last year. I am certain there were valuable lessons learned that can improve your organization of these dialogues.

4. Initiate early conversations with your leadership to get their support for this. I am happy to join conversations if that would be helpful. We are hoping to get HQ leadership support as well.

5. Are these dialogues mandatory? They will not appear on the list of mandatory trainings. It is not strictly speaking a training. It is a two-way dialogue. And if they insist it is a training - remember the bottom of the mandatory list always includes mention of other trainings as necessary for the successful completion of job duties. If you encounter resistance – call me. We can brainstorm together how to make this happen!

6. Let me know the following as soon as you can:

   - I plan to hold ____ *(number)* training sessions
   - The ScIO should plan to spend _____ days in my program, region or office.
   - I would like the ScIO to do the following as well while she is here (for example hold office hours, speak on author best practices, present on another scientific integrity topic…

[1] Keep in mind that SES employees change assignments with some regularity so for these managers and others please consider their possible career tracks and how this might be important in future assignments.

_____
_____
_____.

- The following times are best for holding this activity (Please provide at least two separate sets of dates. (This is especially important for non-HQ programs, offices, and regions and is probably not necessary for HQ located managers).

  _____
  _____
  _____.

7. I Let me know if you would prefer to conduct these dialogues yourself and are certain you can achieve appropriate attendance levels.

8. Last thoughts:
   - How will you assure attendance at these trainings? For example, can you have the AA or RA send out a notice, make them mandatory, serve snacks…whatever you think will work.
   - It is critical that we are able to evaluate these dialogues. Please supply an electronic copy of the sign in sheets which will include each attendee's full name and email address.
   - Please add additional information as necessary.

To: Parkinson, Lorna[parkinson.lorna@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 2:06:20 AM
Subject: Please get this out to the Committee with all the attachments - early Monday AM
Manager Dialogue Planning Guide.docx

Please get this out to the Committee with all the attachments - early Monday AM. Lorna – are we waiting for some edits [redacted] We don't need to make all the changes we discussed but I think we had a few tweaks we wanted before we sent it out. Email me tomorrow with any questions – especially if I forgot anything! I think the attachments are as follows: planning worksheet, [redacted] report and policy pdfs, errata and supplemental information pdfs. Is that right?

Thanks all!

FTG

Hello Everyone –

Thank you so much for a spirited and inspirational meeting. Having your support means a great deal to the entire Scientific Integrity team and hence to the whole Agency!

ACTION ITEMS

1. Please review the attached worksheet for planning scientific integrity management dialogues. I hope it is helpful. Please send me the requested information by **FEBRUARY 22nd**. If I am to be completely realistic – I think we are looking at an April, May, June timeframe. But if March works and you do not mind being the guinea pig – let me know. We plan to have a list of your managers/leaders to you next week so you will have some idea of numbers.

2. [redacted]

3. I have attached the pdfs of the reports and new policies I mentioned at the meeting as well as the errata and supplemental information for our policy.

COMING SOON

1. Scientific Integrity Policy Birthday Party – February 16 – 3:00 to 5:00 pm. (More to come!)

2. Clearance Best Practices and OCSPP and ORD practices – in February

3. First program, region and office meetings on your clearance procedures – whenever you are ready but hoping to have had at least a planning meeting with each of you this fiscal year.

4. Survey Report – in February for your review with a March release outside the Agency

5. Annual Report – in February for your review with an April release outside the Agency

6. Differing Scientific Opinions Policy – for your review in April for internal comment period in June and release in July.

Thanks again for your support and assistance. Again as always – if anything gives you pause – call me, stop by or set up a time for us to meet!

Best,

Francesca, Martha, Cheryl, Lorna, and Emily

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

WORKSHEET FOR PLANNING SCIENTIFIC INTEGRITY MANAGEMENT DIALOGUES

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   - Mixing managers from across a unit leads to a better dialogue – mix engineers up with policy focused managers.
   - We are hoping for frank open conversation so please consider groups that will be comfortable being open with the other folks in the room.
   - If you can set aside 90 minutes, most groups will use it. If not, reserve the room for 90 minutes and schedule up against lunch or the end of the day to permit those with questions to stay and continue the conversation.

3. Consult the trainers from the general training that took place last year. I am certain there were valuable lessons learned that can improve your organization of these dialogues.

4. Initiate early conversations with your leadership to get their support for this. I am happy to join conversations if that would be helpful. We are hoping to get HQ leadership support as well.

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   - I would like the ScIO to do the following as well while she is here (for example hold office hours, speak on author best practices, present on another scientific integrity topic…

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  _____
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   - How will you assure attendance at these trainings? For example, can you have the AA or RA send out a notice, make them mandatory, serve snacks…whatever you think will work.
   - It is critical that we are able to evaluate these dialogues. Please supply an electronic copy of the sign in sheets which will include each attendee's full name and email address.
   - Please add additional information as necessary.

From: Williamson, Anahita
Location: Call
Importance: Normal
Subject: Accepted: Williamson/Mauel/Grifo Scientific Integrity Pre-Call
Start Date/Time: Tue 4/4/2017 3:00:00 PM
End Date/Time: Tue 4/4/2017 3:45:00 PM

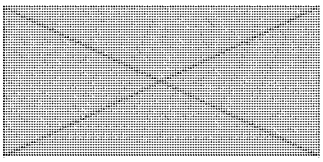
To: Mauel, Linda[Mauel.Linda@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Williamson, Anahita
Sent: Fri 2/3/2017 2:21:31 AM
Subject: Re: Accepted: Williamson/Mauel/Grifo Scientific Integrity Pre-Call

Hi, this works as of now.
Best, Anahita

Sent from my iPhone

> On Feb 2, 2017, at 6:40 PM, Mauel, Linda <Mauel.Linda@epa.gov> wrote:
>
> Hi, If the date/time works for Anahita, it will work for me. She has a tighter calendar. Thanks.
>
> <meeting.ics>

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Fri 2/3/2017 8:37:53 AM
Subject: 9th Circ. Revives Greens' Suit Over EPA Pesticide Approvals



ENVIRONMENTAL

Friday, February 3, 2017

TOP NEWS

9th Circ. Revives Greens' Suit Over EPA Pesticide Approvals

The Ninth Circuit on Thursday partially revived a lawsuit filed by green groups alleging that the U.S. Environmental Protection Agency violated the Endangered Species Act when it registered certain pesticide ingredients and products without first consulting with other agencies.

Exxon Probes Are None Of Texas Court's Business, AGs Say

As a Texas federal court considers whether ExxonMobil can press its suit seeking to squash climate probes by the attorneys general of New York and Massachusetts, the top cops insisted Wednesday that the court has no jurisdiction over them, while Exxon argued its civil rights are under attack.

Mich. Gov., State, City Dodge Flint Water Class Action

A Michigan federal judge tossed a proposed civil rights class action against Michigan Gov. Rick Snyder, the state, the city of Flint and other public officials Thursday over their alleged roles in a lead-tainted drinking water crisis that struck the town, finding the suit's claims are preempted by the federal Safe Drinking Water Act.

Dakota Access Says Suit Docs Could Aid Terrorist Attack

The Energy Transfer Partners unit behind the Dakota Access pipeline urged a D.C. federal judge Wednesday to block the release of documents in the Standing Rock Sioux Tribe's suit over the project, saying the material could be used by terrorists to attack the pipeline and that the controversy around the project heightens the risk the information will be exploited.

Sen. Committee Suspends Rules, Advances Pruitt EPA Nom

The U.S. Senate Environment and Public Works Committee on Thursday advanced Oklahoma Attorney General Scott Pruitt one step closer to taking the helm of the U.S. Environmental Protection Agency after suspending rules that required members of the minority party to be present, as Democrats boycotted the vote for the second day in a row.

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POLICY & REGULATION

Congress Passes Bill To Revoke Stream Protection Rule

The first bill to repeal one of former President Barack Obama's administrative rules cleared Congress on Thursday, as the Senate passed a bill to undo a controversial Obama administration rule aimed at minimizing coal mining's harm to surface water and groundwater.

Trump Admin Memo Delays OSHA Beryllium Rule For 11 Days

The effective date of a new rule created to protect workers from beryllium, a material that can cause lung disease, has been delayed by the Department of Labor for 11 days in order to comply with a memorandum issued by the Trump administration on Inauguration Day that halted and delayed new regulations, according to a Wednesday departmental notice.

Citing Lack Of Quorum, Sens. Demand FERC Pull Pipeline OK

Massachusetts Democratic Sens. Elizabeth Warren and Ed Markey asked the Federal Energy Regulatory Commission on Wednesday to pull its recent approval of the Atlantic Bridge pipeline project in New England, saying the commission's current lack of quorum deprives project opponents of the right to challenge the controversial pipeline expansion.

Trump Budget Pick Heads To Full Senate After Panel Approval

A pair of Senate committees on Thursday approved the South Carolina Republican who will likely be President Donald Trump's top budget officer, sending through a conservative with sharp criticisms of government overspending.

ENFORCEMENT

Delaware Co. Sentenced To Pay $3.5M For CWA Violations

The International Petroleum Corp. of Delaware was sentenced on Thursday to pay $3.5 million in fines and restitution to the city of Wilmington for various alleged environmental crimes, including conspiracy to violate the Clean Water Act, the U.S. Attorney's Office for the District of Delaware announced.

Former Fla. Health Supervisor Gets 5 Months For Bribes

A Florida federal judge has sentenced a former environmental supervisor for the state Department of Health to five months in prison followed by two years of supervised release for accepting a bribe from home builders in exchange for expediting several permits.

Wal-Mart To Pay $1M Over 'Biodegradable' Labels In Calif.

Wal-Mart Stores Inc. agreed to pay just under $1 million to settle a consumer protection action by a group of California district attorneys over allegedly mislabeled plastic products

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that claimed to be "biodegradable" or "compostable," Alameda County said Wednesday.

LITIGATION

NY Fed. Judge Throws Out Arsenic Cleanup Suit

A New York federal judge threw out a chemical manufacturer's suit against the U.S. Environmental Protection Agency over the agency's refusal to block New York regulators from pushing through an unwanted arsenic cleanup plan, saying the court lacked jurisdiction.

Enviros Blast Army Corps Over Wrong Evidence In Reef Row

A Miami environmental advocacy group told a Florida federal judge Thursday that the Army Corps of Engineers never explained how a 25-year-old photo of coral in the Cayman Islands ended up as evidence purporting to show reef recovery in Florida waters in a suit over damage to coral from dredging work in the Port of Miami.

Feds, NC Transportation Dept. Sued Over Bridge Approval

A North Carolina nonprofit opposing the construction of a jug-handle bridge in the Outer Banks launched a suit in federal court Thursday against the state's Department of Transportation and the Federal Highway Administration, saying the project's approval violated the National Environmental Policy Act.

PEOPLE

Carlton Fields Snags Experienced Florida Enviro Lawyer

Carlton Fields announced that it has snagged an environmentally focused litigator with more than 25 years of experience bridging both the public and private sector, as a shareholder who will focus on environmental compliance and enforcement in the firm's Miami office.

Loeb & Loeb Adds Energy Pro From Day Pitney

Loeb & Loeb LLP revealed Wednesday it has added an energy veteran to its capital markets and corporate department and its energy practice in New York, saying he is joining the firm as a partner from Day Pitney LLP.

EXPERT ANALYSIS

Opinion

Calif. Retention Of Holder Is A Risky Legal Proposition

California's hiring of former U.S. Attorney General Eric Holder and his team suggests the state's Legislature plans to fight any effort to curtail its greenhouse gas reduction efforts or to allow pullback on any other policies. But in its haste to take an aggressive stand against

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President Donald Trump, the heads of the state Senate and Assembly have exhibited questionable judgment, says Jeffrey Dintzer of Gibson Dunn & Crutcher LLP.

WWII Contract Breach Decision May Open Pandora's Box

Last month, the U.S. Court of Claims ruled that the U.S. government must pay Avian Gas $100 million for violating the "other taxes" clause from WWII-era contracts. The potential windfall of this decision opens the door for thousands of WWII contractors to sue, but many of the top Fortune 500 companies already sued and settled the matter long ago, says Terri Oguz of Golden Seal Enterprises Inc.

Can Federal Agencies Reverse Course Under Trump?

The next four years will see litigation that explores the extent to which the Trump administration can alter or reverse the regulatory policies of the Obama administration without having to enact new legislation. The U.S. Supreme Court has recently made clear that there are fewer limits to an agency changing course than had previously been thought, says Steven Gordon of Holland & Knight LLP.

LEGAL INDUSTRY

Analysis

Why A Norton Rose Fulbright-Chadbourne Merger May Work

Global legal giant Norton Rose Fulbright and New York-based Chadbourne & Parke LLP are discussing a possible merger, the law firms said Thursday, a tie-up that experts say could give both firms a boost in their ability to compete in a cutthroat legal market.

White House Chides Dems For Gorsuch Filibuster Threats

The Trump White House on Thursday slammed Senate Democrats for demanding 60 votes to place Tenth Circuit Judge Neil M. Gorsuch in the late Justice Antonin Scalia's Supreme Court seat, saying that the minority party is "grasping at straws" with its stated plan to filibuster the nominee.

Law360's Weekly Verdict: Legal Lions & Lambs

A sanctions order against Cooley LLP and client Invincea Labs for discovery failures in the course of an infringement case landed the law firm among this week's legal lambs, while Locke Lord LLP and its defense team at Miller Shakman & Beem LLP took the lion title after escaping RICO charges at the Seventh Circuit.

Sens. McCain, Flake Introduce Bill To Split 9th Circ.

Republican lawmakers on Thursday renewed their push to break up the Ninth Circuit Court of Appeals — the country's largest in terms of caseload and area covered — and create a new circuit with the jurisdictions of California, Hawaii and Oregon.

House Panel OKs Bill Mandating Sanctions On Frivolous Suits

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Sanctions for frivolous federal lawsuits could become mandatory again, if a bill passed by a House panel Thursday makes it through the rest of Congress.

Bar Prep Co. Says Schools, Rival Must Face Collusion Suit

LLM Bar Exam LLC on Wednesday told a New York federal court that rival Barbri Inc. and several law schools must face its $50 million suit alleging they conspired to stifle competition for bar exam prep courses targeted at foreign students, saying its claims are more than adequate.

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Locke Lord

Loeb & Loeb

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National Marine Fisheries Service

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U.S. Senate

Cheyenne River Sioux Tribe

Federal Communications Commission

Federal Highway Administration

Fish and Wildlife Service

Florida Department of Health

New York Attorney General's Office

New York State Department of Environmental Conservation

North Carolina Department of Transportation

Occupational Safety and Health Administration

Office of Surface Mining Reclamation and Enforcement

Port of Miami

Securities and Exchange Commission

Standing Rock Sioux Tribe

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From: Tracy, Lee-Ann
Location: Call-in #: Ex. 2
Importance: Normal
Subject: TO-080 TD-001 Fish Tissue Analysis Kickoff Call
Start Date/Time: Tue 2/7/2017 4:00:00 PM
End Date/Time: Tue 2/7/2017 5:00:00 PM

All,
It looks like Tuesday, February 7 from 11:00-12:00 works for everyone, except Deb. Although Deb is unavailable all next week, she is fine with us having the kickoff call without her, as long as Margaret is there.
I'll attend the first call, but I don't have to be on subsequent calls unless there is an issue or concern, or if you require CSRA staff.
Call Info
Date: Tuesday, February 7, 2017
Time 11:00-12:00 EST
Dial-in #: Ex. 2
Conference ID: Ex. 2
Thanks,
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com
Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm
Planned leave:
Friday February 10, 2017
Monday, February 13, 2017
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Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com
Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm
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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Fri 2/3/2017 12:15:30 PM
Subject: The Morning Headlines from InsideEPA.com -- February 3, 2017

The critical environmental policy-making news you need as you begin your day

February 3, 2017

Latest News

Gorsuch's Chevron, Originalist Views Suggest Mixed Environmental Record

Appellate court judge Neil Gorsuch, President Donald Trump's Supreme Court nominee, is highly skeptical of courts granting agencies deference to interpret statutes and is committed to adhering to the "original" meaning of the Constitution -- qualities that likely will not endear him to the environmental community, sources say.

Judges Issue Mixed Ruling In Environmentalists' ESA Pesticide Challenge

A federal appeals court in a mixed ruling is backing a lower court's dismissal of much of environmentalists' lawsuit seeking to force EPA to consult with federal wildlife officials on risks of dozens of pesticides to listed species, but is reversing the lower court's finding that certain claims were a "collateral attack" on a prior pesticide registration.

Refiner's Suit Eyes Alternate Path To Shift EPA's RFS 'Point Of Obligation'

Refiner Valero Energy is suing EPA in federal district court in Texas eyeing an alternate way to force the agency to shift the renewable fuel standard (RFS) compliance mandate, or "point of obligation," from fuel refiners and importers to blenders, saying EPA has failed to meet a Clean Air Act mandate to ensure the duty is "appropriate."

Industry Hails CRA Measure To Undo EPA's RMP Rule But Fate Unclear

Chemical and other manufacturers are hailing the recently introduced Congressional Review Act (CRA) resolution to undo EPA's rule revising its Risk Management Plan (RMP) facility safety program, but the legislation's fate is unclear as it currently has fewer than 20 co-sponsors and it is unknown whether GOP leaders will give the measure floor time.

EPA Judge Rejects Bid To Delay Air Act Case Based On Trump Transition

EPA's Chief Administrative Law Judge (ALJ) Susan Biro has rejected a request by Chinese motorcycle makers to delay until December a pending agency case claiming

the companies' products violated Clean Air Act requirements, saying speculation about the Trump EPA's approach to enforcement is no reason to delay the case.

Senate GOP Sends Pruitt Nomination To Floor After Suspending EPW Rules

Republicans on the Senate environment committee have approved the nomination of Scott Pruitt to be the next EPA administrator, though the move came after Democrats continued to boycott the vote and Republicans suspended the committee's rules to allow for a formal quorum without any minority members present.

NRDC Suit Over EPA Dental ELG Withdrawal Tests Scope Of Priebus Memo

The Natural Resources Defense Council (NRDC) is suing EPA over the Trump administration's withdrawal of the Obama EPA's 11th-hour final dental amalgam effluent rule from publication in the *Federal Register*, posing a test of the scope of White House Chief of Staff Reince Priebus' memo ordering agencies to pull back some final rules.

Daily Feed

Outside Views: Consultants outline Trump-era climate policy agenda

Environmentalists are urged to focus on defending international and state-level climate efforts, as opposed to a staunch defense of Obama-era climate regulations at EPA and other agencies.

Air: Lawmakers reintroduce bill to delay, reform NAAQS process

The Senate bill would delay national ambient air quality standard (NAAQS) reviews and limit the stringency of future standards.

Water: Michigan asks 6th Circuit to overturn Flint bottled water order

“Oral argument would provide the parties the opportunity to bring the court up-to-date on the latest developments before the Court makes a decision,” state attorneys write.

Congress: Collins weighs vote against Pruitt

Even if Collins eventually opposes the nominee, her vote is unlikely to threaten his confirmation.

Congress: Senator doubts air law CO_2 enforcement under Sessions

Sen. Sheldon Whitehouse (D-RI) says previous comments by the attorney general nominee raise questions over whether he will enforce the Clean Air Act to address carbon pollution.

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From: E&E News
Sent: Fri 2/3/2017 12:29:03 PM
Subject: February 3 -- Energywire is ready

Read today's Energywire on the web

AN E&E NEWS PUBLICATION

ENERGYWIRE — Fri., February 3, 2017

READ FULL EDITION

1.METHANE:

Westerners fear GOP's 'morally outrageous' BLM rule rollback

As Congress prepares to strike down an Obama administration rule limiting natural gas releases on public lands, Western communities banking on federal protections against methane venting and flaring are concerned the regulation they fought for years to implement will soon disappear into thin air.

TOP STORIES

2.BUSINESS:
For NRG, Houston's Super Bowl has an electric vibe

3.UTILITIES:
CEOs see better odds for tax reform under Trump

4.FINANCE:
Toshiba nuclear write-off spooks Southeast power companies

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5.RENEWABLES:
Md. boosts RPS to 25% by 2020 with veto override

6.SECURITY:
Cyber primer envisions critical role for utility regulators

OIL AND GAS

7.POLICY:
Trump's pledge to renegotiate NAFTA puts energy on center stage

8.FINANCE:
Supermajors relieved that 2016 'transition' is in rearview mirror

9.NATURAL GAS:
East Coast, South ponder fracking in their states

10.ADVOCACY:
Texas pro-development group expands its focus

11.OIL MARKETS:
U.S. crude exports to surpass production of 4 OPEC nations

12.PIPELINES:
Spate of approvals imperils crude shipped by rail

E&ETV'S THE CUTTING EDGE

13.EPA:
E&E News' Bogardus talks Senate drama on Pruitt nomination

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Fri 2/3/2017 1:08:51 PM
Subject: Morning Consult Energy: Senate Votes to Repeal Energy Company Disclosure Rule

By Jack Fitzpatrick

Washington Brief

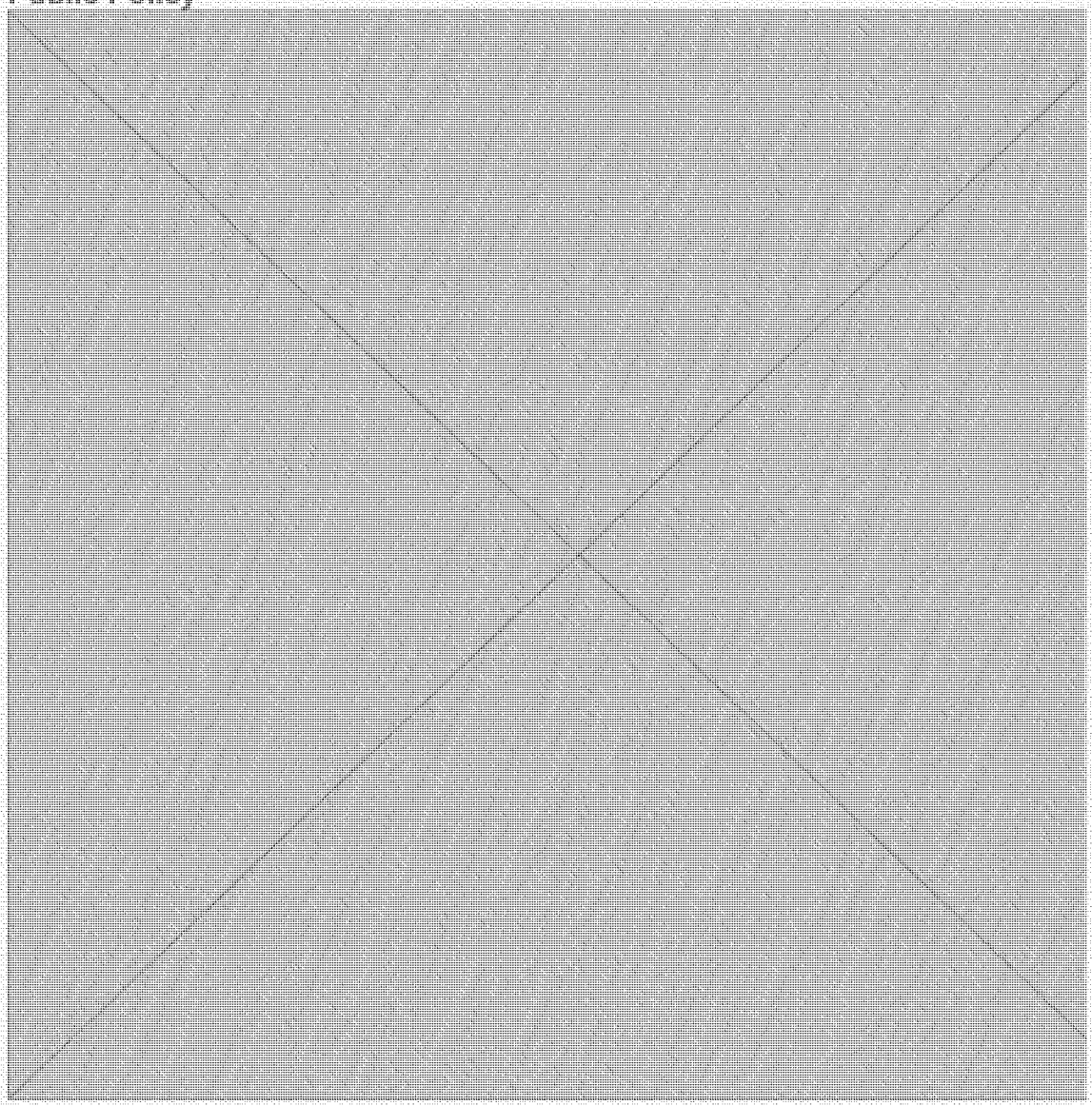
- The Senate voted 52-47 to block a Securities and Exchange Commission rule requiring energy companies to disclose payments to foreign governments. (The Hill)
- The Senate voted 54-45 to block the Obama administration's last-minute stream-protection rule on coal mining. (Washington Examiner)
- Republicans on the Senate Environment and Public Works Committee voted in favor of Scott Pruitt's confirmation to lead the Environmental Protection Agency, while Democrats boycotted the vote. (Morning Consult)

Business Brief

- President Donald Trump will not throw off the "unstoppable" growth of renewable energy, Royal Dutch Shell's chief executive said after the company reported disappointing earnings in the fourth quarter of 2016. (Financial Times)
- Denmark-based Dong Energy plans to phase out its coal plants by 2023 as it ramps up its use of renewables. (The Telegraph)
- Saudi Arabia's state-owned oil company raised its official price for March deliveries of crude oil to Asia by 30 cents, taking the price 15 cents higher than the regional benchmark. (Bloomberg News)

Chart Review

On Renewable Energy and Climate, Trump Voters Stand Apart
Lawrence C. Hamilton, University of New Hampshire Carsey School of Public Policy



Events Calendar (All Times Local)

Friday

Journalists' guide to energy and environment	3 p.m.

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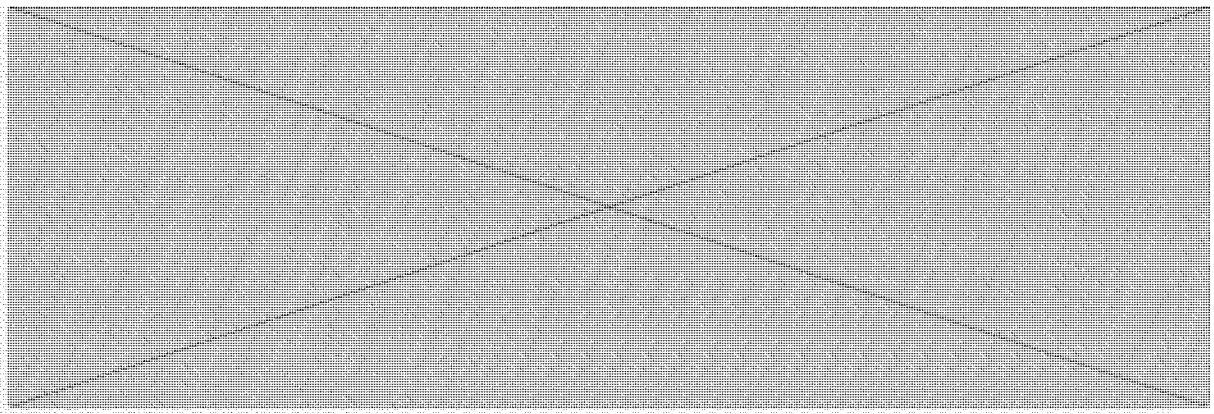

General

Republicans Push Through Pruitt Nomination While Democrats Boycott
Jack Fitzpatrick, Morning Consult

Republicans on the Senate Environment and Public Works Committee voted to advance Scott Pruitt's nomination to lead the Environmental Protection Agency on Thursday, sidestepping a Democratic boycott of the vote and ensuring the attorney general of Oklahoma would likely be confirmed. Democrats, led by Sen. Tom Carper (D-Del.), boycotted the scheduled committee votes on Wednesday and Thursday, saying Pruitt had not adequately answered their questions.

GOP lawmaker withdraws bill to sell federal land
Timothy Cama, The Hill

A Republican lawmaker is rescinding his bill to sell off millions of acres of federally owned land. Rep. Jason Chaffetz (R-Utah) announced late Wednesday night on Instagram that he would pull the legislation after backlash from conservation and sportsmen's groups.

The EPA Has Started to Remove Obama-era Information
Brian Kahn, Climate Central

The Environmental Protection Agency's website has begun to transform under the Trump administration. A group of researchers have found what are likely the first steps in a major overhaul of a site that's been closely watched since President Trump's inauguration on Jan. 20. Federal climate plans created under former President Obama, tribal assistance programs, and references to international cooperation have been stricken from the site.

New UK science body appoints chief

Pallab Ghosh, BBC News

Prof Sir Mark Walport has been appointed to head Britain's newly created science funding organisation. He will be the first chief executive of UK Research and Innovation (UKRI) - an umbrella body that will oversee the distribution of £6bn of research funding annually.

Dollar, Stocks Gain as Bonds D[illegible] Jobs Data
Cecile Gutscher and Natasha D[illegible]erg News

The dollar climbed and European stocks gained before a report economists forecast will show employment growth in the U.S. expanded at a faster pace in January. Bonds slid, while oil advanced.

Oil and Natural Gas

Senate votes to repeal transpar[illegible]r oil companies
Timothy Cama, The Hill

The Senate voted strictly along party lines Friday morning to repeal a regulation requiring disclosures for the payments that energy companies make to foreign governments. The measure passed 52-47 in a pre-dawn vote.

Saudi Arabia Raises March Cru[illegible]g for All Buyers
Laura Hurst and Anthony Dipao[illegible]erg News

Saudi Arabia, the world's largest crude exporter, raised pricing for March sales to buyers from the U.S. to Asia as output cuts by OPEC and other producers shore up oil prices. State-owned Saudi Arabian Oil Co., known as Saudi Aramco, boosted its official pricing for Arab Light crude to Asia by 30 cents to 15 cents a barrel more than the regional benchmark, it said Thursday in an e-mailed statement.

Saudi Oil Minister Says Aramco [illegible]udit 'Very Reassuring'
Vivian Nereim et al., Bloomberg

An audit of state oil producer Saudi Aramco's crude reserves is showing "very reassuring" results ahead of what could be the world's biggest share sale when the company sells a stake to investors next year, the kingdom's energy minister said. The independent audit will be completed in the near future, and its results will be part of the prospectus for the initial public offering by Saudi Arabian Oil Co., known as Saudi Aramco, Energy Minister Khalid Al-Falih told reporters Thursday in Riyadh.

Utilities and Infrastructure

Npower facing backlash over en[illegible]rises
Brian Milligan, BBC News

Energy regulator Ofgem has said Npower must "justify" to its customers why it is introducing one of the largest energy price rises for years. The government also said it was "concerned" by the increase, while a former boss of Npower called the rise "shocking".

Dakota Access company wants [illegible] information sealed
Timothy Cama, The Hill

The company developing the controversial Dakota Access oil pipeline wants some records regarding the project to be hidden from the public. Dakota Access LLC, a subsidiary of Energy Transfer Partners, outlined its objections to certain disclosures in a brief late Wednesday in the federal District Court for the District of Columbia.

Projects hang in the balance as [illegible] for exit
Hannah Northey, Greenwire

The energy world is laser-focused on the Federal Energy Regulatory Commission as former Chairman Norman Bay prepares to leave the agency tomorrow, erasing a quorum and commissioners' ability to approve natural gas pipelines or settle proposed mergers. Hanging in the balance are at least four major East Coast natural gas pipelines - the Atlantic Sunrise expansion, Northern Access, Rover and Nexus pipelines - as well as the $12.2 billion merger of Great Plains Energy Inc. and Westar Energy Inc.

Tonawanda looks to tighten win[illegible]nd cell tower regulations
Nancy Fischer, Buffalo News

Could your neighbor put in a wind turbine to generate power? Not likely is the answer, as the Town of Tonawanda Planning Board discussed how to revise and toughen up its alternative energy codes.

Renewables

Shell confident Trump will not d able energy growth
Andrew Ward, Financial Times

Donald Trump will not derail the "unstoppable" growth in renewable energy, according to the chief executive of Royal Dutch Shell, which plans to gradually lift spending on green technology as the world reduces its dependence on fossil fuels. Speaking after Shell's fourth-quarter earnings fell short of expectations, Ben van Beurden said "climate change is real [and] action is needed", in response to questions about the impact of the new US president on energy policy.

Maryland legislature overturns of renewable energy bill
Pamela Wood, Baltimore Sun

Democratic lawmakers completed their override of Gov. Larry Hogan's veto of a bill that increases renewable energy requirements with a party-line vote on Thursday. The Senate voted, 32-13, to override Hogan's veto, after the House of Delegates took a similarly lopsided vote on the same measure Tuesday.

Denmark's Monster Wind Turbin shed the 24-Hour Record For Energy Production
George Dvorsky, Gizmodo

A 720-foot-tall wind turbine featuring 35 ton blades has just set a new world record, producing a whopping 216,000 kWh of energy over a span of 24 hours. That's enough to power an average American household for twenty years. The giant turbine, located off the coast of Østerild, Denmark, is setting a new standard for wind power.

New Mass. solar incentives to c costs $200M
State House News Service

Solar energy traders would be about the only ones losing out under the Baker Administration's proposed new plan for incentivizing the solar industry, according to state officials who say the plan will benefit solar developers, solar investors and utility ratepayers. Secretary of Energy and Environmental Affairs Matt Beaton told reporters Tuesday that the new solar incentive program would cut in half the roughly $400 to $500 million annual cost of solar incentives in the state while adding reliable revenue for developers and investors in solar projects.

Coal

Senate votes to kill Obama coal
John Siciliano, Washington Exa

The Senate passed a resolution Thursday repealing regulations on the coal industry that were issued by the Obama administration in its eleventh hour. The resolution passed, 54-45, one day after the House approved its own resolution of disapproval.

Dong Energy to phase out coal argest wind farm moves ahead
Jillian Ambrose, The Telegraph

Denmark's Dong Energy is preparing to phase out European coal power plants by 2023 as it moves ahead with a multi-billion dollar renewables investment plan, including the development of the world's largest offshore wind farm. The energy company has cut its use of coal from 6.2 million tonnes a decade ago to 1.7m tonnes last year, but by 2023 it said all its power plants would run on sustainable biomass, or wood pellets, sourced from the Baltic states.

India Opens Coal-Mining Marke me in Four Decades
Rajesh Kumar Singh, Bloomber

India plans to allow non-state mining companies to mine and sell coal for the first time in more than four decades, federal coal secretary Susheel Kumar said. The nation's coal ministry will auction four mines to both state-run and private companies during the year starting April 1, Kumar told reporters in New Delhi.

Nuclear

Flame extinguished at Exelon
Clinton Herald

Quad-Cities operators identified and extinguished a small flame coming from a control panel indicator light Wednesday at Exelon in Cordova. The candle-sized flame was extinguished within minutes and it did not present a risk to plant operations or public safety, according to officials.

Hitachi to take a $620 million hit uclear project fails
Satoshi Seii, Asahi Shimbun

Electronics giant Hitachi Ltd. is set to lose hundreds of billions of dollars this fiscal year due to the withdrawal from a project to develop a new method of

uranium enrichment by a joint venture in the United States. The loss, forecast by Hitachi on Feb. 1, was disclosed shortly after Toshiba Corp. made a similar announcement last month of deficits brought on by its nuclear power business.

Climate

Faced with U.S. retreat on clima EU looks to China
Alissa de Carbonnel, Reuters

Faced with a U.S. retreat from international efforts to tackle climate change, European Union officials are looking to China, fearing a leadership vacuum will embolden those within the bloc seeking to slow the fight against global warming. While U.S. President Donald Trump has yet to act on campaign pledges to pull out of the 2015 Paris accord to cut greenhouse gas emissions, his swift action in other areas has sparked sharp words from usually measured EU bureaucrats.

Republicans Try a New Tack on ange
Justin Gillis, The New York Tim

Not long ago, many Republican officeholders had a simple answer when asked about the changing climate: What changing climate? But the public began to notice the heat waves and the torrential rains and the tidal flooding.

Opinions, Editorials and Perspectives

We're probably underestimatinc y electric vehicles will disrupt the oil market
David Roberts, Vox

Just about every analyst agrees that the electric vehicle market is poised for rapid growth. But how rapid? It's not an idle question.

Research Reports

On Renewable Energy and Clim Voters Stand Apart
Lawrence C. Hamilton, Universi ampshire Carsey School of Public Policy

Though climate change received little media attention during the 2016 presidential campaign, recent surveys indicate that climate change and related energy issues are taken seriously by a growing majority of the public

An ecosystem-based deep-ocea
R. Danovaro et al., Science

Increasing exploration and industrial exploitation of the vast and fragile deep-ocean environment for a wide range of resources (e.g., oil, gas, fisheries, new molecules, and soon, minerals) raises global concerns about potential ecological impacts (1-3). Multiple impacts on deep-sea ecosystems (>200 m below sea level; ???65% of the Earth's surface is covered by deep ocean) caused by human activities may act synergistically and span extensive areas.

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SUBSCRIBE

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Fri 2/3/2017 1:23:01 PM
Subject: February 3 -- Climatewire is ready

Read today's Climatewire on the web

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Fri., February 3, 2017

READ FULL EDITION

1.TRANSITION:

Trump team may emphasize climate science uncertainty at NOAA

The uncertainty surrounding climate research could be emphasized at the National Oceanic and Atmospheric Administration under the Trump administration.

TOP STORIES

2.EXXON:

Oil giant complains of conspiracy and harassment in AG probe

3.STATE DEPARTMENT:

Bush-era climate figure a finalist for No. 2 slot

BUSINESS

4.ELECTRIC VEHICLES:

Clean cars could tank oil prices by 2025 — report

5.CALIFORNIA:

State punts on deciding if cap and trade hurts the poor

IMPACTS AND CONSEQUENCES

6.AGRICULTURE:

'It's a mystery' if Trump Ag pick will address climate

7.PUBLIC HEALTH:

Hotter temperatures linked to mental health problems — study

8.RISK:

Expiring flood program needs help — group

SCIENCE AND TECHNOLOGY

9.EMISSIONS:

Save wetlands or they'll burp carbon, experts say

10.CARBON CAPTURE:

Students advance technology without subsidies

11.BUSINESS:

Companies try to reduce ocean and landfill waste

12.SCIENCE:

Former NASA boss says Trump 'concerns me'

E&ETV'S THE CUTTING EDGE

13.EPA:

E&E News' Bogardus talks Senate drama on Pruitt nomination

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Greene, Mary[greene.mary@epa.gov]; Anand Mudambi[Mudambi.Anand@epa.gov]; Phelps, Lara[Phelps.Lara@epa.gov]; Nelson, Daniel K.[Nelson.Daniel@epa.gov]
From: Sinks, Tom
Sent: Fri 2/3/2017 1:38:23 PM
Subject: FW: News Roundup

FYI – the 1st article directly covers OSA.

From: Kavlock, Robert
Sent: Thursday, February 02, 2017 9:08 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: News Roundup

In case you haven't seen.

Begin forwarded message:

From: "Plotkin, Viktoriya" <Plotkin.Viktoriya@epa.gov>
Date: February 2, 2017 at 7:12:17 PM EST
To: "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Gwinn, Maureen" <gwinn.maureen@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>
Subject: News Roundup

InsideEPA EPA Integrity Policy may allow Trump review of Agency science, Critics say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics. The Obama EPA's scientific integrity policy is so toothless it can't be violated, says Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), a group that represents government whistleblowers. He says the fact that Trump transition officials may review agency scientists' work "doesn't violate the policy," adding that the Obama administration also performed case-by-case reviews, despite its rhetoric on scientific freedom. "They never explained the implementing procedures. There are no penalties for scientific misconduct," he says. But, a then-UCS official and now EPA's scientific integrity official tasked with overseeing the policy's implementation, Francesa Grifo, told *Inside EPA* in 2012 that "The policy does not protect EPA scientific documents from being manipulated during White House or inter-agency review," Grifo says. "This leaves the agency's scientific work open to manipulation and

suppression by other parts of the federal government without public accountability," and complains that the policy "still fails to define what constitutes a conflict of interest," among other concerns.

PEER sent Trump a Jan. 31 letter urging the administration to take steps to strengthen scientific integrity policies at EPA and other agencies to avoid the kinds of controversies that enveloped Ericksen. "Simply put, administration attempts to manipulate science to fit its official talking points will inescapably fail, automatically be leaked and subject your White House to a daily drip-drip-drip of bad, off-message news coverage. The only way to quell the quagmire of unending controversy on issue after issue is to establish strong, clear and uniform guidelines ensuring a transparent paper trail and allowing scientific information to be freely shared."

EPA's scientific integrity website does not appear to include any changes to the policy since its 2012 publication. EPA's press office did not respond to a request for comment. A clear example of the weakness of the policy is that EPA's scientific integrity official indicates in her annual reports that her office has investigated allegations, but none of them have resulted in a finding in violation of the policy, Ruch tells *Inside EPA*. "There's no protocol about how to conduct an investigation," Ruch said. "They've found no misconduct. So either they never had a problem or the policy" is ineffective. EPA's scientific integrity official, Grifo, has released annual reports of her work since her hiring in 2013, though the report for fiscal year 2016 has yet to appear on EPA's website. Gretchen Goldman, research director at UCS' Center for Science and Democracy, is unsure whether the transition officials are EPA officials who would be subject to the policy, saying that as far as she knew, they were not covered by the policy. "The ideal language that we have always advocated for is that only scientists edit scientific language," Goldman tells *Inside EPA*. "That would cover everyone." She added that only the Energy Department has such language, in revisions that former Secretary Ernest Moniz issued days before leaving office. UCS recently published a report describing agencies' efforts to craft and implement their scientific integrity policies during the Obama administration. It also includes a series of recommendations for the Trump administration to strengthen those policies.

InsideEPA EPA, FDA fish advice to pregnant women disappoints stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about whether the advice is too lax or too strict in warning women against the risks of methylmercury. The new advice, released Jan. 18, encourages women who are or may become pregnant, and children, to eat more fish, setting a first-time floor for fish consumption of eight ounces per week, while maintaining the 12 ounces per week maximum. Many stakeholders argue that focusing on this risk value without considering the neurodevelopmental benefits of eating seafood is unscientific, while others argue that the RfD is more than 15 years old and

newer research suggests that it is insufficiently protective against the methylmercury risk. Edward Groth, an independent expert retired from Consumers' Union noted that the RfD is not only old, it is also out of date. Groth, who published a paper last summer in the journal *Environmental Research*, describes 13 studies he reviewed and discussed in that analysis, noting that these epidemiological studies, published after EPA finalized its RfD, indicate that the RfD is insufficiently protective.

"They're hanging everything on the RfD," says Michael Bender of the Mercury Policy Project. "They threw out any kind of information on which fish is more nutritional. Everyone was on board with that [information]." Groth and Bender's concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked on updating the fish advice for 10 years. "Now, it's a mercury-centric health advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

The stakeholders are not the only ones with concerns about EPA's RfD. One of the three individuals that an FDA contractor asked to peer review the RfD-based risk approach for the new advisory also questioned whether the RfD is sufficiently protective. "The exact window of vulnerability is not yet established. However, consuming fish with mercury in it can create spikes in blood mercury. This would then be conveyed to a child. Since the duration of exposure necessary for a child to be affected by mercury in the mother's blood is not known but could be short and since the RfD is likely too high anyway, it seems quite prudent and good public health action to try to keep women at or below the RfD on a weekly basis during and immediately before pregnancy." EPA has placed the RfD on its multi-year schedule for new Integrated Risk Information System (IRIS) assessments. Several stakeholders, however, questioned whether or how quickly the assessment will be updated.

InsideEPA Litigation: Flint residents seek $722 million in tort damages from EPA

Hundreds of Flint, MI, residents in a new lawsuit are seeking $722.4 million in tort damages from the federal government, claiming EPA was negligent and failed to act in a timely manner to address the city's lead in drinking water crisis and noting the agency's lack of action on their administrative claims for such damages. In *Jan Burgess, et al. v. United States*, 1,703 Flint residents say "EPA failed to follow several specific agency mandates and directives governing its conduct which resulted in injury to the CLAIMANTS," and the failure to fulfill these Safe Drinking Water Act (SDWA) duties constitute violations of the Federal Tort Claims Act (FTCA). While EPA issued an emergency order under SDWA section 1431 in January 2016, the agency should have acted much sooner, the complaint says, arguing regulators were aware there was a problem as early as October 2014 when residents began complaining about their water. The suit also alleges EPA failed to provide advice and "technical assistance" to local and state organizations that failed to meet SDWA requirements, saying the agency was aware of non-compliance in October 2014 but failed to provide any assistance until September 2015.

Sen. Tom Cotton (R-AK) introduced legislation in the 114th Congress that would have made it easier for Flint residents to obtain FTCA damages. The bill, S. 2884, would have removed the discretionary function exemption in FTCA to allow Flint victims to sue EPA under the tort claims law and require that all awards come out of EPA's budget. He introduced the bill days after the plaintiffs in the new litigation filed their first administrative complaint.

Bloomberg One Obama-Era Climate Rule Trump Might Not Consider a 'Disaster'

Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast to come their way. The regulation, proposed by the Federal Emergency Management Agency a week before Trump took office, would impose on states a "disaster deductible" -- a requirement that they shoulder some of the recovery costs up front, before receiving federal dollars. The deductible would be reduced for states that pass stricter building codes or take other steps to reduce their residents' exposure to disasters. "I don't think it's dead, because it's a reasonable idea," Carafano, vice president at the conservative Heritage Foundation, said in an interview Jan. 26, less than a week after his work with the transition team ended. Whether the administration pursues the disaster deductible could signal its broader approach to policies aimed at adapting to climate change. While Trump campaigned against programs to reduce greenhouse-gas emissions, such as the 2015 Paris agreement and the Clean Power Plan, his position isn't clear on initiatives designed to help Americans cope with the consequences of emissions: heat waves, sea-level rise, and more frequent and intense hurricanes, floods and wildfires.

That relative silence may reflect the fact that unlike the climate debate, which according to opinion polls increasingly falls along ideological lines, protecting Americans against extreme weather remains largely bipartisan. Some of the states most exposed to hurricanes and floods are led by Republicans, who have become increasingly aggressive about responding to those threats.

Bloomberg Former Top EPA Deputy to Head Wake Forest Graduate Program

The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. Stan Meiburg, a career Environmental Protection Agency employee and acting deputy administrator for more than two years, will join Wake Forest in Winston-Salem, N.C., July 1. There he will work with the Graduate School of Arts and Sciences and the Center for Energy, Environment, and Sustainability.

Bloomberg Bill gutting EPA Climate Authority has 100-Plus GOP Cosponsors

A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of cosponsors days after being introduced. The bill, H.R. 637, would rewrite the Clean Air Act to clarify that the law does not grant the Environmental Protection Agency power to regulate greenhouse gases as a pollutant. It also states that "no Federal agency has the authority to regulate greenhouse gases under current law." Additionally, the law would require the EPA to seek approval from Congress to enact a regulation that would have any negative effect on employment. And it would nullify two signature Obama-era climate policies: regulations on carbon dioxide emissions from power plants and on methane emissions from the oil and gas industry. Rep. Gary Palmer (R-Ala.) introduced the legislation last week and as of Feb. 2, it already has 110 cosponsors, including nearly every Republican from Texas. Palmer introduced similar legislation in 2015 but, despite garnering 152 cosponsors, the bill never came up for a hearing and companion legislation was never introduced in the Senate.

Greenwire Trump team scouting for energy, enviro slots

The Trump team is actively looking to fill several key White House energy and environmental slots, according to a source close to the administration. While President

Trump has selected his nominees for energy and environmental agencies, he has yet to fill some critical jobs within the White House, including a leader for the Council on Environmental Quality and an energy adviser on the National Economic Council. Kathleen Hartnett White, a former Texas regulator who was passed over as U.S. EPA chief, was rumored to be in the running to be Trump's CEQ chairwoman; her name was being advocated by coal industry executives and members of conservative think tanks (***Greenwire***, Jan. 12). But it's unclear whether she's still in the running or whether others have emerged as front-runners, said the source close to the administration. Currently, "they're actively trying to find someone for CEQ," the source said.

Viktoriya Plotkin

Office of Research & Development | US EPA

202.564.7318 (Desk) | 202.510.3602 (BB) | plotkin.viktoriya@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Otto, Martha
Sent: Fri 2/3/2017 2:02:27 PM
Subject: RE: Manager Dialogue Planning Guide.docx
Manager Dialogue Planning Guide MO.docx

Hi, All,

Attached are my suggested edits.

Thanks,

Marti

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 8:39 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Manager Dialogue Planning Guide.docx

Hi there – Can you edit and clean this up? It will go out with the note to the committee on Monday.

Thank you!

Francesca

WORKSHEET FOR PLANNING SCIENTIFIC INTEGRITY MANAGEMENT DIALOGUES

1. How many managers do I have?

   # of managers on the list from OHR……..…….._____
   # of contractor/other collaborator managers who work on site……..…….._____
   # of managers who never manage science communication, utilization, or scientific activities..…._____
   # of managers that I think could benefit from the management dialogues[1]…….…..…..._____

2. What existing meetings/gatherings can I use to include this dialogue? How often do they occur? Is there at least 50 minutes that could be devoted to this training? Is yours a small program or office and could you perhaps group with another program or office for this dialogue?

   Please keep in mind:
   - Groups of 15 to 20 managers are ideal but groups up to 30 can be effective and groups larger than 50 are better than nothing.
   - Mixing managers from across a unit leads to a better dialogue – mix engineers with policy-focused managers.
   - We are hoping for frank open conversation so please consider groups that will be comfortable being open with the other folks in the room.
   - If you can set aside 90 minutes, most groups will use it. If not, reserve the room for 60 minutes and schedule up against lunch or the end of the day to permit those with questions to stay and continue the conversation.

3. Consult your trainers from the general scientific integrity training that took place last year. I am certain that there were valuable lessons learned that can inform your organization of these dialogues.

4. Initiate early conversations with your managers to get their support for this. I am happy to join conversations if that would be helpful. We are hoping to get headquarters leadership support as well.

5. Are these dialogues mandatory? They will not appear on the list of mandatory trainings. It is not strictly speaking a training. It is a two-way dialogue. And if the managers insist that it is a training – remember, the bottom of the mandatory list always includes mention of other trainings as necessary for the successful completion of job duties. If you encounter resistance – call me. We can brainstorm together how to make this happen!

6. Let me know the following as soon as you can:

   - I plan to hold ____ *(number)* training sessions

[1] Keep in mind that SES employees change assignments with some regularity; so for these managers and others, please consider their possible career tracks and how this might be important in future assignments.

- The ScIO should plan to spend _____ days in my program, region or office.
- I would like for the ScIO to do the following, as well, while she is here (for example, hold office hours, speak on author best practices, present on another scientific integrity topic…

  _____
  _____
  _____.

- The following times are best for holding this activity (Please provide at least two separate sets of dates. (This is especially important for non-HQ programs, offices, and regions and is probably not necessary for HQ located managers).

  _____
  _____
  _____
  _____.

7. Let me know if you would prefer to conduct these dialogues yourself and are certain you can achieve appropriate attendance levels.

8. Last thoughts:
   - How will you assure attendance at these trainings? For example, can you have the AA or RA send a notice, make the dialogues mandatory, serve snacks…whatever you think will work.
   - It is critical that we are able to evaluate these dialogues. Please supply an electronic copy of the sign in sheets, which should include each attendee's full name and email address.
   - Please add additional information as necessary.

To: Otto, Martha[Otto.Martha@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 2:25:27 PM
Subject: Re: Manager Dialogue Planning Guide.docx

Thanks Marti - do you think it will be helpful to them or is it over the top?

Sent from my iPhone

On Feb 3, 2017, at 9:02 AM, Otto, Martha <Otto.Martha@epa.gov> wrote:

Hi, All,

Attached are my suggested edits.

Thanks,

Marti

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 8:39 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Manager Dialogue Planning Guide.docx

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Francesca

<Manager Dialogue Planning Guide MO.docx>

To: Otto, Martha[Otto.Martha@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Parkinson, Lorna
Sent: Fri 2/3/2017 2:35:42 PM
Subject: RE: Manager Dialogue Planning Guide.docx
Manager Dialogue Planning Guide MO, LP.docx

Hi All,

Made some edits to the survey so that it's easier for them to fill out. I'll make the edits to the survey and send it out to everyone for a final look.

-Lorna

From: Otto, Martha
Sent: Friday, February 03, 2017 9:08 AM
To: Parkinson, Lorna <parkinson.lorna@epa.gov>
Subject: FW: Manager Dialogue Planning Guide.docx

Hi, Lorna,

FYI.

Also, Francesca's email message looks good. Not sure if she wanted me to review it, but I did. And, it looks fine. ☺

- Marti

From: Otto, Martha
Sent: Friday, February 03, 2017 9:02 AM

To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: RE: Manager Dialogue Planning Guide.docx

Hi, All,

Attached are my suggested edits.

Thanks,

Marti

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 8:39 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Manager Dialogue Planning Guide.docx

Hi there – Can you edit and clean this up? It will go out with the note to the committee on Monday.

Thank you!

Francesca

WORKSHEET FOR PLANNING SCIENTIFIC INTEGRITY MANAGEMENT DIALOGUES

1. How many managers do I have?[1]

# of managers on the list from OHR	
# of contractor/other collaborator managers who work on site	
# of managers who never manage science communication, utilization, or scientific activities	
# of managers that I think could benefit from the management dialogues*	

**Keep in mind that SES employees change assignments with some regularity so for these managers and others please consider their possible career tracks and how this might be important in future assignments*

2. What existing meetings/gatherings can I use to include this dialogue? How often do they occur? Is there at least 50 minutes that could be devoted to this training? Is yours a small program or office and could you perhaps group with another program or office for this dialogue?

   Please keep in mind:
   - Groups of 15 to 20 managers are ideal, but groups up to 30 can be effective and groups larger than 50 are better than nothing.
   - Mixing managers from across a unit leads to a better dialogue – mix engineers with policy-focused managers.
   - We are hoping for frank open conversation so please consider groups that will be comfortable being open with the other folks in the room.
   - If you can set aside 90 minutes, most groups will use it. If not, reserve the room for 60 minutes and schedule up against lunch or the end of the day to permit those with questions to stay and continue the conversation.

3. Consult your trainers from the general scientific integrity training that took place last year. I am certain that there were valuable lessons learned that can inform your organization of these dialogues.

4. Initiate early conversations with your managers to get their support for this. I am happy to join conversations if that would be helpful. We are hoping to get headquarters leadership support as well.

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6. Let me know the following as soon as you can:

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   - I would like for the ScIO to do the following, as well, while she is here (for example, hold office hours, speak on author best practices, present on another scientific integrity topic)…

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[1]

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Option 1	

7. Let me know if you would prefer to conduct these dialogues yourself and are certain you can achieve appropriate attendance levels.

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   - It is critical that we are able to evaluate these dialogues. Please supply an electronic copy of the sign in sheets, which should include each attendee's full name and email address.
   - Please add additional information as necessary.

To: Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 2:36:05 PM
Subject: Fwd: News Roundup

If I could chat with reporters or answer questions I could correct errors. There were many in this piece.
Francesca

Sent from my iPhone

Begin forwarded message:

From: "Sinks, Tom" <Sinks.Tom@epa.gov>
Date: February 3, 2017 at 8:38:23 AM EST
To: "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Greene, Mary" <greene.mary@epa.gov>, Anand Mudambi <Mudambi.Anand@epa.gov>, "Phelps, Lara" <Phelps.Lara@epa.gov>, "Nelson, Daniel K." <Nelson.Daniel@epa.gov>
Subject: FW: News Roundup

FYI – the 1st article directly covers OSA.

From: Kavlock, Robert
Sent: Thursday, February 02, 2017 9:08 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: News Roundup

In case you haven't seen.

Begin forwarded message:

From: "Plotkin, Viktoriya" <Plotkin.Viktoriya@epa.gov>
Date: February 2, 2017 at 7:12:17 PM EST
To: "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Gwinn, Maureen" <gwinn.maureen@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>
Subject: News Roundup

InsideEPA EPA Integrity Policy may allow Trump review of Agency

science, Critics say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics. The Obama EPA's scientific integrity policy is so toothless it can't be violated, says Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), a group that represents government whistleblowers. He says the fact that Trump transition officials may review agency scientists' work "doesn't violate the policy," adding that the Obama administration also performed case-by-case reviews, despite its rhetoric on scientific freedom. "They never explained the implementing procedures. There are no penalties for scientific misconduct," he says. But, a then-UCS official and now EPA's scientific integrity official tasked with overseeing the policy's implementation, Francesa Grifo, told *Inside EPA* in 2012 that "The policy does not protect EPA scientific documents from being manipulated during White House or inter-agency review," Grifo says. "This leaves the agency's scientific work open to manipulation and suppression by other parts of the federal government without public accountability," and complains that the policy "still fails to define what constitutes a conflict of interest," among other concerns.

PEER sent Trump a Jan. 31 letter urging the administration to take steps to strengthen scientific integrity policies at EPA and other agencies to avoid the kinds of controversies that enveloped Ericksen. "Simply put, administration attempts to manipulate science to fit its official talking points will inescapably fail, automatically be leaked and subject your White House to a daily drip-drip-drip of bad, off-message news coverage. The only way to quell the quagmire of unending controversy on issue after issue is to establish strong, clear and uniform guidelines ensuring a transparent paper trail and allowing scientific information to be freely shared."

EPA's scientific integrity website does not appear to include any changes to the policy since its 2012 publication. EPA's press office did not respond to a request for comment. A clear example of the weakness of the policy is that EPA's scientific integrity official indicates in her annual reports that her office has investigated allegations, but none of them have resulted in a finding in violation of the policy, Ruch tells *Inside EPA*. "There's no protocol about how to conduct an investigation," Ruch said. "They've found no misconduct. So either they never had a problem or the policy" is ineffective. EPA's scientific integrity official, Grifo, has released annual reports of her work since her hiring in 2013, though the report for fiscal year 2016 has yet to appear on EPA's website. Gretchen Goldman, research director at UCS' Center for Science and Democracy, is unsure whether the transition officials are EPA officials who would be subject to the policy, saying that as far as she knew, they were not covered by the policy. "The ideal language that we have always advocated for is that only scientists edit scientific language," Goldman tells *Inside EPA*. "That would cover everyone." She added that only the Energy Department has such language, in revisions that former Secretary Ernest Moniz issued days before leaving office. UCS

recently published a report describing agencies' efforts to craft and implement their scientific integrity policies during the Obama administration. It also includes a series of recommendations for the Trump administration to strengthen those policies.

InsideEPA EPA, FDA fish advice to pregnant women disappoints stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about whether the advice is too lax or too strict in warning women against the risks of methylmercury. The new advice, released Jan. 18, encourages women who are or may become pregnant, and children, to eat more fish, setting a first-time floor for fish consumption of eight ounces per week, while maintaining the 12 ounces per week maximum. Many stakeholders argue that focusing on this risk value without considering the neurodevelopmental benefits of eating seafood is unscientific, while others argue that the RfD is more than 15 years old and newer research suggests that it is insufficiently protective against the methylmercury risk. Edward Groth, an independent expert retired from Consumers' Union noted that the RfD is not only old, it is also out of date. Groth, who published a paper last summer in the journal *Environmental Research*, describes 13 studies he reviewed and discussed in that analysis, noting that these epidemiological studies, published after EPA finalized its RfD, indicate that the RfD is insufficiently protective.

"They're hanging everything on the RfD," says Michael Bender of the Mercury Policy Project. "They threw out any kind of information on which fish is more nutritional. Everyone was on board with that [information]." Groth and Bender's concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked on updating the fish advice for 10 years. "Now, it's a mercury-centric health advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual

levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

The stakeholders are not the only ones with concerns about EPA's RfD. One of the three individuals that an FDA contractor asked to peer review the RfD-based risk approach for the new advisory also questioned whether the RfD is sufficiently protective. "The exact window of vulnerability is not yet established. However, consuming fish with mercury in it can create spikes in blood mercury. This would then be conveyed to a child. Since the duration of exposure necessary for a child to be affected by mercury in the mother's blood is not known but could be short and since the RfD is likely too high anyway, it seems quite prudent and good public health action to try to keep women at or below the RfD on a weekly basis during and immediately before pregnancy." EPA has placed the RfD on its multi-year schedule for new Integrated Risk Information System (IRIS) assessments. Several stakeholders, however, questioned whether or how quickly the assessment will be updated.

InsideEPA Litigation: Flint residents seek $722 million in tort damages from EPA

Hundreds of Flint, MI, residents in a new lawsuit are seeking $722.4 million in tort damages from the federal government, claiming EPA was negligent and failed to act in a timely manner to address the city's lead in drinking water crisis and noting the agency's lack of action on their administrative claims for such damages. In *Jan Burgess, et al. v. United States*, 1,703 Flint residents say "EPA failed to follow several specific agency mandates and directives governing its conduct which resulted in injury to the CLAIMANTS," and the failure to fulfill these Safe Drinking Water Act (SDWA) duties constitute violations of the Federal Tort Claims Act (FTCA). While EPA issued an emergency order under SDWA section 1431 in January 2016, the agency should have acted much sooner, the complaint says, arguing regulators were aware there was a problem as early as October 2014 when residents began complaining about their water. The suit also alleges EPA failed to provide advice and "technical assistance" to local and state organizations that failed to meet SDWA requirements, saying the agency was aware of non-compliance in October 2014 but failed to provide any assistance until September 2015.

Sen. Tom Cotton (R-AK) introduced legislation in the 114th Congress that would have made it easier for Flint residents to obtain FTCA damages. The bill, S. 2884, would have removed the discretionary function exemption in FTCA to allow Flint victims to sue EPA under the tort claims law and require that all awards come out of EPA's budget. He introduced the bill days after the plaintiffs in the new litigation filed their first administrative complaint.

Bloomberg One Obama-Era Climate Rule Trump Might Not Consider a 'Disaster'

Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast to come their way. The regulation, proposed by the Federal Emergency Management Agency a week before Trump took office, would impose on states a "disaster deductible" -- a requirement that they shoulder some of the recovery costs up front, before receiving federal dollars. The deductible would be reduced for states that pass stricter building codes or take other steps to reduce their residents' exposure to disasters. "I don't think it's dead, because it's a reasonable idea," Carafano, vice president at the conservative Heritage Foundation, said in an interview Jan. 26, less than a week after his work with the transition team ended. Whether the administration pursues the disaster deductible could signal its broader approach to policies aimed at adapting to climate change. While Trump campaigned against programs to reduce greenhouse-gas emissions, such as the 2015 Paris agreement and the Clean Power Plan, his position isn't clear on initiatives designed to help Americans cope with the consequences of emissions: heat waves, sea-level rise, and more frequent and intense hurricanes, floods and wildfires.

That relative silence may reflect the fact that unlike the climate debate, which according to opinion polls increasingly falls along ideological lines, protecting Americans against extreme weather remains largely bipartisan. Some of the states most exposed to hurricanes and floods are led by Republicans, who have become increasingly aggressive about responding to those threats.

Bloomberg Former Top EPA Deputy to Head Wake Forest Graduate Program

The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. Stan Meiburg, a career Environmental Protection Agency employee and acting deputy administrator for more than two years, will join Wake Forest in Winston-Salem, N.C., July 1. There he will work with the Graduate School of Arts and Sciences and the Center for Energy, Environment, and Sustainability.

Bloomberg Bill gutting EPA Climate Authority has 100-Plus GOP

Cosponsors

A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of cosponsors days after being introduced. The bill, H.R. 637, would rewrite the Clean Air Act to clarify that the law does not grant the Environmental Protection Agency power to regulate greenhouse gases as a pollutant. It also states that "no Federal agency has the authority to regulate greenhouse gases under current law." Additionally, the law would require the EPA to seek approval from Congress to enact a regulation that would have any negative effect on employment. And it would nullify two signature Obama-era climate policies: regulations on carbon dioxide emissions from power plants and on methane emissions from the oil and gas industry. Rep. Gary Palmer (R-Ala.) introduced the legislation last week and as of Feb. 2, it already has 110 cosponsors, including nearly every Republican from Texas. Palmer introduced similar legislation in 2015 but, despite garnering 152 cosponsors, the bill never came up for a hearing and companion legislation was never introduced in the Senate.

Greenwire Trump team scouting for energy, enviro slots

The Trump team is actively looking to fill several key White House energy and environmental slots, according to a source close to the administration. While President Trump has selected his nominees for energy and environmental agencies, he has yet to fill some critical jobs within the White House, including a leader for the Council on Environmental Quality and an energy adviser on the National Economic Council. Kathleen Hartnett White, a former Texas regulator who was passed over as U.S. EPA chief, was rumored to be in the running to be Trump's CEQ chairwoman; her name was being advocated by coal industry executives and members of conservative think tanks (***Greenwire***, Jan. 12). But it's unclear whether she's still in the running or whether others have emerged as front-runners, said the source close to the administration. Currently, "they're actively trying to find someone for CEQ," the source said.

Viktoriya Plotkin

Office of Research & Development | US EPA

202.564.7318 (Desk) | 202.510.3602 (BB) | plotkin.viktoriya@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Fri 2/3/2017 2:51:56 PM
Subject: RE: Manager Dialogue Planning Guide.docx
Manager Dialogue Planning Guide MO.docx

Hi, Francesca,

I think that it is quite helpful.

What do you think about my comment concerning number 5 in this document and the question about whether the dialogue is mandatory? Here's my comment:

Ex. 5

- Marti

From: Grifo, Francesca
Sent: Friday, February 03, 2017 9:25 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: Re: Manager Dialogue Planning Guide.docx

Thanks Marti - do you think it will be helpful to them or is it over the top?

Sent from my iPhone

On Feb 3, 2017, at 9:02 AM, Otto, Martha <Otto.Martha@epa.gov> wrote:

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Thanks,

Marti

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Sent: Thursday, February 02, 2017 8:39 PM
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<Manager Dialogue Planning Guide MO.docx>

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Kavlock, Robert[Kavlock.Robert@epa.gov]; Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]
From: Blackburn, Elizabeth
Sent: Fri 2/3/2017 2:58:10 PM
Subject: Re: News Roundup

Saw that last night. Adding Carolyn. Maybe give us some sentences of how you'd correct the errors.

Liz Blackburn
Chief of Staff
EPA Office of Research and Development
202-564-2192
Cell 202-436-2453

Sent from my iPhone

On Feb 3, 2017, at 9:36 AM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

> If I could chat with reporters or answer questions I could correct errors. There were many in this piece.
> Francesca
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> Sent from my iPhone
>
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>
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> > **Date:** February 3, 2017 at 8:38:23 AM EST
> > **To:** "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Greene, Mary" <greene.mary@epa.gov>, Anand Mudambi <Mudambi.Anand@epa.gov>, "Phelps, Lara" <Phelps.Lara@epa.gov>, "Nelson, Daniel K." <Nelson.Daniel@epa.gov>
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concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked on updating the fish advice for 10 years. "Now, it's a mercury-centric health advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

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damages from EPA

Hundreds of Flint, MI, residents in a new lawsuit are seeking $722.4 million in tort damages from the federal government, claiming EPA was negligent and failed to act in a timely manner to address the city's lead in drinking water crisis and noting the agency's lack of action on their administrative claims for such damages. In *Jan Burgess, et al. v. United States*, 1,703 Flint residents say "EPA failed to follow several specific agency mandates and directives governing its conduct which resulted in injury to the CLAIMANTS," and the failure to fulfill these Safe Drinking Water Act (SDWA) duties constitute violations of the Federal Tort Claims Act (FTCA). While EPA issued an emergency order under SDWA section 1431 in January 2016, the agency should have acted much sooner, the complaint says, arguing regulators were aware there was a problem as early as October 2014 when residents began complaining about their water. The suit also alleges EPA failed to provide advice and "technical assistance" to local and state organizations that failed to meet SDWA requirements, saying the agency was aware of non-compliance in October 2014 but failed to provide any assistance until September 2015.

Sen. Tom Cotton (R-AK) introduced legislation in the 114th Congress that would have made it easier for Flint residents to obtain FTCA damages. The bill, S. 2884, would have removed the discretionary function exemption in FTCA to allow Flint victims to sue EPA under the tort claims law and require that all awards come out of EPA's budget. He introduced the bill days after the plaintiffs in the new litigation filed their first administrative complaint.

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Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast to come their way. The regulation, proposed by the Federal Emergency Management Agency a week before Trump took office, would impose on states a "disaster deductible" -- a requirement that they shoulder some of the recovery costs up front, before receiving federal dollars. The deductible would be reduced for states that pass stricter building codes or take other steps to reduce their residents' exposure to disasters. "I don't think it's dead, because it's a reasonable idea," Carafano, vice president at the conservative Heritage Foundation, said in an interview Jan. 26, less than a week after his work with the transition team ended. Whether the administration pursues the disaster deductible could signal its broader approach to policies aimed at adapting to climate change. While Trump campaigned against programs to reduce greenhouse-gas emissions, such as the 2015 Paris agreement and the Clean Power Plan, his position isn't clear on initiatives designed to help Americans cope with the consequences of emissions: heat waves, sea-level rise, and more frequent and intense hurricanes, floods and wildfires.

That relative silence may reflect the fact that unlike the climate debate, which according to opinion polls increasingly falls along ideological lines, protecting Americans against extreme weather remains largely bipartisan. Some of the states most exposed to hurricanes and floods are led by Republicans, who have become increasingly aggressive about responding to those threats.

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The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. Stan Meiburg, a career Environmental Protection Agency employee and acting deputy administrator for more than two years, will join Wake Forest in Winston-Salem, N.C., July 1. There he will work with the Graduate School of Arts and Sciences and the Center for Energy, Environment, and Sustainability.

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A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of cosponsors days after being introduced. The bill, H.R. 637, would rewrite the Clean Air Act to clarify that the law does not grant the Environmental Protection Agency power to regulate greenhouse gases as a pollutant. It also states that "no Federal agency has the authority to regulate greenhouse gases under current law." Additionally, the law would require the EPA to seek approval from Congress to enact a regulation that would have any negative effect on employment. And it would nullify two signature Obama-era climate policies: regulations on carbon dioxide emissions from power plants and on methane emissions from the oil and gas industry. Rep. Gary Palmer (R-Ala.) introduced the legislation last week and as of Feb. 2, it already has 110 cosponsors, including nearly every Republican from Texas. Palmer introduced similar legislation in 2015 but, despite garnering 152 cosponsors, the bill never came up for a hearing and companion legislation was never introduced in the Senate.

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The Trump team is actively looking to fill several key White House energy and environmental slots, according to a source close to the administration. While President Trump has selected his nominees for energy and environmental agencies, he has yet to fill some critical jobs within the White House, including a leader for the Council on Environmental Quality and an energy adviser on the National Economic Council. Kathleen Hartnett White, a former Texas regulator who was passed over as U.S. EPA chief, was rumored to be in the running to be Trump's CEQ chairwoman; her name was being advocated by coal industry executives and members of conservative think tanks (***Greenwire***, Jan. 12). But it's unclear whether she's still in the running or whether others have emerged as front-runners, said the source close to the administration. Currently, "they're actively trying to find someone for CEQ," the source said.

Viktoriya Plotkin

Office of Research & Development | US EPA

202.564.7318 (Desk) | 202.510.3602 (BB) | plotkin.viktoriya@epa.gov

To: Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 3:01:55 PM
Subject: Re: News Roundup

On my compressed day and running errands. Should be home by 1 and can send along then. Who wrote the piece? Could not tell from the forwarded email.
Thanks
Francesca

Sent from my iPhone

On Feb 3, 2017, at 9:58 AM, Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov> wrote:

> Saw that last night. Adding Carolyn. Maybe give us some sentences of how you'd correct the errors.
>
> Liz Blackburn
> Chief of Staff
> EPA Office of Research and Development
> 202-564-2192
> Cell 202-436-2453
>
> Sent from my iPhone
>
> On Feb 3, 2017, at 9:36 AM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:
>
>> If I could chat with reporters or answer questions I could correct errors. There were many in this piece.
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>>
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>>
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>>> **Date:** February 3, 2017 at 8:38:23 AM EST
>>> **To:** "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Greene, Mary" <greene.mary@epa.gov>, Anand Mudambi <Mudambi.Anand@epa.gov>, "Phelps, Lara" <Phelps.Lara@epa.gov>, "Nelson, Daniel K." <Nelson.Daniel@epa.gov>
>>> **Subject: FW: News Roundup**

FYI – the 1st article directly covers OSA.

From: Kavlock, Robert
Sent: Thursday, February 02, 2017 9:08 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: News Roundup

In case you haven't seen.

Begin forwarded message:

From: "Plotkin, Viktoriya" <Plotkin.Viktoriya@epa.gov>
Date: February 2, 2017 at 7:12:17 PM EST
To: "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Gwinn, Maureen" <gwinn.maureen@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>
Subject: News Roundup

InsideEPA EPA Integrity Policy may allow Trump review of Agency science, Critics say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics. The Obama EPA's scientific integrity policy is so toothless it can't be violated, says Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), a group that represents government whistleblowers. He says the fact that Trump transition officials may review agency scientists' work "doesn't violate the policy," adding that the Obama administration also performed case-by-case reviews, despite its rhetoric on scientific freedom. "They never explained the implementing procedures. There are no penalties for scientific misconduct," he says. But, a then-UCS official and now EPA's scientific integrity official tasked with overseeing the policy's implementation, Francesa Grifo, told *Inside EPA* in 2012 that "The policy does not protect EPA scientific documents from being manipulated during White House or inter-agency review," Grifo says. "This leaves the agency's scientific work open to manipulation and suppression by other parts of the federal government without public accountability," and complains that the policy "still fails to define what constitutes a conflict of interest," among other concerns.

PEER sent Trump a Jan. 31 letter urging the administration to take steps to strengthen scientific integrity policies at EPA and other agencies to avoid the kinds of controversies that enveloped Ericksen. “Simply put, administration attempts to manipulate science to fit its official talking points will inescapably fail, automatically be leaked and subject your White House to a daily drip-drip-drip of bad, off-message news coverage. The only way to quell the quagmire of unending controversy on issue after issue is to establish strong, clear and uniform guidelines ensuring a transparent paper trail and allowing scientific information to be freely shared."

EPA's scientific integrity website does not appear to include any changes to the policy since its 2012 publication. EPA's press office did not respond to a request for comment. A clear example of the weakness of the policy is that EPA's scientific integrity official indicates in her annual reports that her office has investigated allegations, but none of them have resulted in a finding in violation of the policy, Ruch tells *Inside EPA*. “There's no protocol about how to conduct an investigation,” Ruch said. “They've found no misconduct. So either they never had a problem or the policy” is ineffective. EPA's scientific integrity official, Grifo, has released annual reports of her work since her hiring in 2013, though the report for fiscal year 2016 has yet to appear on EPA's website. Gretchen Goldman, research director at UCS' Center for Science and Democracy, is unsure whether the transition officials are EPA officials who would be subject to the policy, saying that as far as she knew, they were not covered by the policy. “The ideal language that we have always advocated for is that only scientists edit scientific language,” Goldman tells *Inside EPA*. “That would cover everyone.” She added that only the Energy Department has such language, in revisions that former Secretary Ernest Moniz issued days before leaving office. UCS recently published a report describing agencies' efforts to craft and implement their scientific integrity policies during the Obama administration. It also includes a series of recommendations for the Trump administration to strengthen those policies.

InsideEPA EPA, FDA fish advice to pregnant women disappoints stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about whether the advice is too lax or too strict in warning women against the risks of methylmercury. The new advice, released Jan. 18, encourages women who are or may become pregnant, and children, to eat more fish, setting a first-time floor for fish

consumption of eight ounces per week, while maintaining the 12 ounces per week maximum. Many stakeholders argue that focusing on this risk value without considering the neurodevelopmental benefits of eating seafood is unscientific, while others argue that the RfD is more than 15 years old and newer research suggests that it is insufficiently protective against the methylmercury risk. Edward Groth, an independent expert retired from Consumers' Union noted that the RfD is not only old, it is also out of date. Groth, who published a paper last summer in the journal *Environmental Research*, describes 13 studies he reviewed and discussed in that analysis, noting that these epidemiological studies, published after EPA finalized its RfD, indicate that the RfD is insufficiently protective.

"They're hanging everything on the RfD," says Michael Bender of the Mercury Policy Project. "They threw out any kind of information on which fish is more nutritional. Everyone was on board with that [information]." Groth and Bender's concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked on updating the fish advice for 10 years. "Now, it's a mercury-centric health advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

The stakeholders are not the only ones with concerns about EPA's RfD. One

of the three individuals that an FDA contractor asked to peer review the RfD-based risk approach for the new advisory also questioned whether the RfD is sufficiently protective. "The exact window of vulnerability is not yet established. However, consuming fish with mercury in it can create spikes in blood mercury. This would then be conveyed to a child. Since the duration of exposure necessary for a child to be affected by mercury in the mother's blood is not known but could be short and since the RfD is likely too high anyway, it seems quite prudent and good public health action to try to keep women at or below the RfD on a weekly basis during and immediately before pregnancy." EPA has placed the RfD on its multi-year schedule for new Integrated Risk Information System (IRIS) assessments. Several stakeholders, however, questioned whether or how quickly the assessment will be updated.

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Viktoriya Plotkin

Office of Research & Development | US EPA

202.564.7318 (Desk) | 202.510.3602 (BB) | plotkin.viktoriya@epa.gov

From: Amero, Sally (NIH/OD) [E]
Location: U.S. EPA HQ
Importance: Normal
Subject: Tentative: Interagency Working Group on Scientific Integrity / Research Integrity
Start Date/Time: Tue 2/28/2017 6:00:00 PM
End Date/Time: Tue 2/28/2017 8:00:00 PM

;

From: Pillsbury, Patricia (NIH/NIGMS) [E]
Location: U.S. EPA HQ
Importance: Normal
Subject: Declined: Interagency Working Group on Scientific Integrity / Research Integrity
Start Date/Time: Tue 2/28/2017 6:00:00 PM
End Date/Time: Tue 2/28/2017 8:00:00 PM

;

To: Parkinson, Lorna[parkinson.lorna@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Brantner, Emily K.
Sent: Fri 2/3/2017 3:40:21 PM
Subject: RE: Manager Dialogue Planning Guide.docx
Manager Dialogue Planning Guide MO LP EB.docx

Here are my edits, as well!

-Emily

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 9:36 AM
To: Otto, Martha <Otto.Martha@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: RE: Manager Dialogue Planning Guide.docx

Hi All,

Made some edits to the survey so that it's easier for them to fill out. I'll make the edits to the survey and send it out to everyone for a final look.

-Lorna

From: Otto, Martha
Sent: Friday, February 03, 2017 9:08 AM
To: Parkinson, Lorna <parkinson.lorna@epa.gov>
Subject: FW: Manager Dialogue Planning Guide.docx

Hi, Lorna,

FYI.

Also, Francesca's email message looks good. Not sure if she wanted me to review it, but I did. And, it looks fine. ☺

- Marti

From: Otto, Martha
Sent: Friday, February 03, 2017 9:02 AM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: RE: Manager Dialogue Planning Guide.docx

Hi, All,

Attached are my suggested edits.

Thanks,

Marti

From: Grifo, Francesca
Sent: Thursday, February 02, 2017 8:39 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Manager Dialogue Planning Guide.docx

Hi there – Can you edit and clean this up? It will go out with the note to the committee on

Monday.

Thank you!

Francesca

WORKSHEET FOR PLANNING SCIENTIFIC INTEGRITY MANAGEMENT DIALOGUES

1. How many managers do I have?[1]

# of managers on the list from OHR	
# of contractor/other collaborator managers who work on site	
# of managers who never manage science communication, utilization, or scientific activities	
# of managers that I think could benefit from the management dialogues*	

**Keep in mind that SES employees change assignments with some regularity so for these managers and others, please consider their possible career tracks and how this might be important in future assignments*

2. What existing meetings/gatherings can I use to include in this dialogue? How often do they occur? Are there at least 50 minutes that could be devoted to this training? Is yours a small program or office, and could you perhaps group with another program or office for this dialogue?

   Please keep in mind:
   - Groups of 15 to 20 managers are ideal. Groups of up to 30 can still be effective, and groups larger than 50 are better than nothing.
   - Mixing managers from across a unit leads to a better dialogue – mix engineers with policy-focused managers.
   - We are hoping for frank and open conversation so please consider groups that will be comfortable being open with the other folks in the room.
   - If you can set aside 90 minutes, most groups will use it. If not, reserve the room for 60 minutes and schedule the dialogue up against lunch or the end of the day to permit those with questions to stay and continue the conversation.

3. Consult your trainers from the general scientific integrity training that took place last year. I am certain that there were valuable lessons learned that can inform your organization for these dialogues.

4. Initiate early conversations with your senior managers to get their support for this. I am happy to join conversations if that would be helpful. We are hoping to get headquarters leadership support as well.

5. Are these dialogues mandatory? They will not appear on the list of mandatory trainings. It is not strictly speaking a training. It is a two-way dialogue. And if the managers insist that it is a training – remember, the bottom of the mandatory list always includes mention of other trainings as necessary for the successful completion of job duties. If you encounter resistance – call me. We can brainstorm together how to make this happen!

6. Let me know the following as soon as you can:

   - I plan to hold ____ *(number)* dialogue sessions
   - The ScIO should plan to spend _____ days in my program, office or region.
   - I would like for the ScIO to do the following, as well, while she is here (for example, hold office hours, speak on author best practices, present on another scientific integrity topic)…

     _____

     _____

     _____.

[1]

- The following times are best for holding this activity (Please provide at least two separate sets of dates. (This is especially important for non-HQ programs, offices, and regions and is probably less necessary for HQ located managers).

Option 1	
Option 2	
Option 3	

7. Let me know if you would prefer to conduct these dialogues yourself and are certain you can achieve appropriate attendance levels.

8. Last thoughts:
   - How will you assure attendance at these trainings? For example, you can have the AA or RA send a notice, make the dialogues mandatory, serve snacks…whatever you think will work.
   - It is critical that we are able to evaluate these dialogues. Please supply an electronic copy of the sign in sheets, which should include each attendee's full name and email address.
   - Please add additional information as necessary.

To: Tracy, Lee-Ann[Lee-Ann.Tracy@csra.com]
Cc: Otto, Martha[Otto.Martha@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Ex. 6 Dalton, Deborah[Dalton.Deborah@epa.gov]; Meredith Cowart[meredith@concurinc.net]
From: Ex. 6
Sent: Fri 2/3/2017 4:37:47 PM
Subject: Re: TO-080 TD-001 Fish Tissue Analysis Kickoff Call

Thanks very much.
We look forward to the call.

Regards,
Ex. 6

On Fri, Feb 3, 2017 at 4:02 AM, Tracy, Lee-Ann <Lee-Ann.Tracy@csra.com> wrote:

All,

It looks like Tuesday, February 7 from 11:00-12:00 works for everyone, except Deb. Although Deb is unavailable all next week, she is fine with us having the kickoff call without her, as long as Margaret is there.

I'll attend the first call, but I don't have to be on subsequent calls unless there is an issue or concern, or if you require CSRA staff.

Call Info
Date: Tuesday, February 7, 2017
Time 11:00-12:00 EST
Dial-in #: Ex. 2
Conference ID: Ex. 2

Thanks,
Lee-Ann Tracy | 571.290.4454 | Lee-Ann.Tracy@csra.com

Please note my standard office hours: Mon-Fri 7:00 am - 3:00 pm
Planned leave:
Friday February 10, 2017
Monday, February 13, 2017

CSRA 3434 Washington Blvd. Arlington, VA 22201 | SRA International Inc., A CSRA Company

This electronic message transmission contains information from CSRA which may be attorney-client privileged, proprietary or confidential. The information in this message is intended only for use by the individual(s) to whom it is addressed. If you believe you have received this message in error, please contact me immediately and be aware that any use, disclosure, copying or distribution of the contents of this message is strictly prohibited. NOTE: Regardless of content, this e-mail shall not operate to bind CSRA to any order or other contract unless pursuant to explicit written agreement or government initiative expressly permitting the use of e-mail for such purpose.

--

[redacted]

Ex. 6

To: Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Kavlock, Robert[Kavlock.Robert@epa.gov]
From: Hubbard, Carolyn
Sent: Fri 2/3/2017 5:08:54 PM
Subject: RE: News Roundup

Hi- yes, a couple of sentences would be helpful and I will suggest to the press office that you have the opportunity to clarify. Thanks!

Carolyn Hubbard

Communications Director

EPA Office of Research and Development

202-564-2189

202-379-6744

From: Blackburn, Elizabeth
Sent: Friday, February 03, 2017 9:58 AM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Kavlock, Robert <Kavlock.Robert@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>
Subject: Re: News Roundup

Saw that last night. Adding Carolyn. Maybe give us some sentences of how you'd correct the errors.

Liz Blackburn

Chief of Staff

EPA Office of Research and Development

202-564-2192

Cell 202-436-2453

Sent from my iPhone

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Sent from my iPhone

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To: "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Greene, Mary" <greene.mary@epa.gov>, Anand Mudambi <Mudambi.Anand@epa.gov>, "Phelps, Lara" <Phelps.Lara@epa.gov>, "Nelson, Daniel K." <Nelson.Daniel@epa.gov>
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Subject: News Roundup

InsideEPA EPA Integrity Policy may allow Trump review of Agency science, Critics say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics. The Obama EPA's scientific integrity policy is so toothless it can't be violated, says Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), a group that represents government whistleblowers. He says the fact that Trump transition officials may review agency scientists' work "doesn't violate the policy," adding that the Obama administration also performed case-by-case reviews, despite its rhetoric on scientific freedom. "They never explained the implementing procedures. There are no penalties for scientific misconduct," he says. But, a then-UCS official and now EPA's scientific integrity official tasked with overseeing the policy's implementation, Francesa Grifo, told *Inside EPA* in 2012 that "The policy does not protect EPA scientific documents from being manipulated during White House or inter-agency review," Grifo says. "This leaves the agency's scientific work open to manipulation and suppression by other parts of the federal government without public accountability," and complains that the policy "still fails to define what constitutes a conflict of interest," among other concerns.

PEER sent Trump a Jan. 31 letter urging the administration to take steps to strengthen scientific integrity policies at EPA and other agencies to avoid the kinds of controversies that enveloped Ericksen. "Simply put, administration attempts to manipulate science to fit its official talking points will inescapably fail, automatically be leaked and subject your White House to a daily drip-drip-drip of bad, off-message news coverage. The only way to quell the quagmire of unending controversy on issue after issue is to establish strong, clear and uniform guidelines ensuring a transparent paper trail and allowing scientific information to be freely shared."

EPA's scientific integrity website does not appear to include any changes to the policy since its 2012 publication. EPA's press office did not respond to a request for comment. A clear example of the weakness of the policy is that EPA's scientific integrity official indicates in her annual reports that her office has investigated allegations, but none of them have resulted in a finding in violation of the policy, Ruch tells *Inside EPA*. "There's no protocol about how to conduct an investigation," Ruch said. "They've found no misconduct. So either they never had a problem or the policy" is ineffective. EPA's scientific integrity official, Grifo, has released annual reports of her work since her hiring in 2013, though the report for fiscal year 2016 has yet to appear on EPA's website. Gretchen Goldman, research director at UCS' Center for Science and Democracy, is unsure whether the transition officials are EPA officials who would be subject to

the policy, saying that as far as she knew, they were not covered by the policy. "The ideal language that we have always advocated for is that only scientists edit scientific language," Goldman tells *Inside EPA*. "That would cover everyone." She added that only the Energy Department has such language, in revisions that former Secretary Ernest Moniz issued days before leaving office. UCS recently published a report describing agencies' efforts to craft and implement their scientific integrity policies during the Obama administration. It also includes a series of recommendations for the Trump administration to strengthen those policies.

InsideEPA EPA, FDA fish advice to pregnant women disappoints stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about whether the advice is too lax or too strict in warning women against the risks of methylmercury. The new advice, released Jan. 18, encourages women who are or may become pregnant, and children, to eat more fish, setting a first-time floor for fish consumption of eight ounces per week, while maintaining the 12 ounces per week maximum. Many stakeholders argue that focusing on this risk value without considering the neurodevelopmental benefits of eating seafood is unscientific, while others argue that the RfD is more than 15 years old and newer research suggests that it is insufficiently protective against the methylmercury risk. Edward Groth, an independent expert retired from Consumers' Union noted that the RfD is not only old, it is also out of date. Groth, who published a paper last summer in the journal *Environmental Research*, describes 13 studies he reviewed and discussed in that analysis, noting that these epidemiological studies, published after EPA finalized its RfD, indicate that the RfD is insufficiently protective.

"They're hanging everything on the RfD," says Michael Bender of the Mercury Policy Project. "They threw out any kind of information on which fish is more nutritional. Everyone was on board with that [information]." Groth and Bender's concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked

on updating the fish advice for 10 years. "Now, it's a mercury-centric health advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

The stakeholders are not the only ones with concerns about EPA's RfD. One of the three individuals that an FDA contractor asked to peer review the RfD-based risk approach for the new advisory also questioned whether the RfD is sufficiently protective. "The exact window of vulnerability is not yet established. However, consuming fish with mercury in it can create spikes in blood mercury. This would then be conveyed to a child. Since the duration of exposure necessary for a child to be affected by mercury in the mother's blood is not known but could be short and since the RfD is likely too high anyway, it seems quite prudent and good public health action to try to keep women at or below the RfD on a weekly basis during and immediately before pregnancy." EPA has placed the RfD on its multi-year schedule for new Integrated Risk Information System (IRIS) assessments. Several stakeholders, however, questioned whether or how quickly the assessment will be updated.

InsideEPA Litigation: Flint residents seek $722 million in tort damages from EPA

Hundreds of Flint, MI, residents in a new lawsuit are seeking $722.4 million in tort damages from the federal government, claiming EPA was negligent and failed to act in a timely manner to address the city's lead in drinking water crisis and noting the agency's lack of action on their administrative claims for such damages. In *Jan Burgess, et al. v. United States*, 1,703 Flint residents say “EPA failed to follow several specific agency mandates and directives governing its conduct which resulted in injury to the CLAIMANTS,” and the failure to fulfill these Safe Drinking Water Act (SDWA) duties constitute violations of the Federal Tort Claims Act (FTCA). While EPA issued an emergency order under SDWA section 1431 in January 2016, the agency should have acted much sooner, the complaint says, arguing regulators were aware there was a problem as early as October 2014 when residents began complaining about their water. The suit also

alleges EPA failed to provide advice and "technical assistance" to local and state organizations that failed to meet SDWA requirements, saying the agency was aware of non-compliance in October 2014 but failed to provide any assistance until September 2015.

Sen. Tom Cotton (R-AK) introduced legislation in the 114th Congress that would have made it easier for Flint residents to obtain FTCA damages. The bill, S. 2884, would have removed the discretionary function exemption in FTCA to allow Flint victims to sue EPA under the tort claims law and require that all awards come out of EPA's budget. He introduced the bill days after the plaintiffs in the new litigation filed their first administrative complaint.

Bloomberg One Obama-Era Climate Rule Trump Might Not Consider a 'Disaster'

Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast to come their way. The regulation, proposed by the Federal Emergency Management Agency a week before Trump took office, would impose on states a "disaster deductible" -- a requirement that they shoulder some of the recovery costs up front, before receiving federal dollars. The deductible would be reduced for states that pass stricter building codes or take other steps to reduce their residents' exposure to disasters. "I don't think it's dead, because it's a reasonable idea," Carafano, vice president at the conservative Heritage Foundation, said in an interview Jan. 26, less than a week after his work with the transition team ended. Whether the administration pursues the disaster deductible could signal its broader approach to policies aimed at adapting to climate change. While Trump campaigned against programs to reduce greenhouse-gas emissions, such as the 2015 Paris agreement and the Clean Power Plan, his position isn't clear on initiatives designed to help Americans cope with the consequences of emissions: heat waves, sea-level rise, and more frequent and intense hurricanes, floods and wildfires.

That relative silence may reflect the fact that unlike the climate debate, which according to opinion polls increasingly falls along ideological lines, protecting Americans against extreme weather remains largely bipartisan. Some of the states most exposed to hurricanes and floods are led by Republicans, who have become increasingly aggressive about responding to those threats.

Bloomberg Former Top EPA Deputy to Head Wake Forest Graduate Program

The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. Stan Meiburg, a career Environmental Protection Agency employee and acting deputy administrator for more than two years, will join Wake Forest in Winston-Salem, N.C., July 1. There he will work with the Graduate School of Arts and Sciences and the Center for Energy, Environment, and Sustainability.

Bloomberg Bill gutting EPA Climate Authority has 100-Plus GOP Cosponsors

A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of cosponsors days after being introduced. The bill, H.R. 637, would rewrite the Clean Air Act to clarify that the law does not grant the Environmental Protection Agency power to regulate greenhouse gases as a pollutant. It also states that "no Federal agency has the authority to regulate greenhouse gases under current law." Additionally, the law would require the EPA to seek approval from Congress to enact a regulation that would have any negative effect on employment. And it would nullify two signature Obama-era climate policies: regulations on carbon dioxide emissions from power plants and on methane emissions from the oil and gas industry. Rep. Gary Palmer (R-Ala.) introduced the legislation last week and as of Feb. 2, it already has 110 cosponsors, including nearly every Republican from Texas. Palmer introduced similar legislation in 2015 but, despite garnering 152 cosponsors, the bill never came up for a hearing and companion legislation was never introduced in the Senate.

Greenwire Trump team scouting for energy, enviro slots

The Trump team is actively looking to fill several key White House energy and environmental slots, according to a source close to the administration. While President Trump has selected his nominees for energy and environmental agencies, he has yet to fill some critical jobs within the White House, including a leader for the Council on Environmental Quality and an energy adviser on the National Economic Council. Kathleen Hartnett White, a former Texas regulator who was passed over as U.S. EPA chief, was rumored to be in the running to be Trump's CEQ chairwoman; her name was being advocated by coal industry executives and members of conservative think tanks (***Greenwire***, Jan. 12). But it's unclear whether she's still in the running or whether others have emerged as front-runners, said the source close to the administration. Currently, "they're actively trying to find someone for CEQ," the source said.

Viktoriya Plotkin

Office of Research & Development | US EPA

202.564.7318 (Desk) | 202.510.3602 (BB) | plotkin.viktoriya@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Otto, Martha[Otto.Martha@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]
From: Ex. 6, 7 (b) (c)
Sent: Fri 2/3/2017 6:02:25 PM
Subject: EPA OIG Hotline 2017-0122- Request for Investigation into EPA's Failure to Apply Science Integrity
2017-0122 referral.pdf

This was discussed in the 2/1/17 meeting. Ex. 6, 7 (b)

Ex. 6, 7 (b) (c)
US EPA, OIG, Office of Investigations HQ
1200 Pennsylvania Ave NW Mailcode 2431T
Washington, DC 20460
Ex. 6, 7 (b) (c)

Hotline - 202-566-2476 or 888-546-8740

Hotline Fax 202-566-2599 Web Address oig_hotline@epa.gov

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

February 3, 2017

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2017-0122

FROM: Ex. 6, 7 (b) (c)
Special Agent, Hotline Manager
Headquarters, Office of Inspector General

TO: Francesca Grifo
Scientific Integrity Official

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received an electronic message Ex. 6, 7 (b) (c) The message is requesting that the EPA OIG investigate mismanagement and failure to apply the EPA's Science Integrity. The Hotline reviewed the message and determined that it should be referred to your office.

We established EPA OIG Hotline Number 2017-0122. We are referring this matter to your office for whatever action you determine necessary. Please inform the Hotline at Ex. 6, 7 (b) (c) within the next 5 calendar days that this referral was received. In addition, it requested that any action from this Hotline be reported back to the OIG. Please do not hesitate calling me at (202) 566-Ex. 6, 7 (b) (c) if there are any questions.

Attachment:

Ex. 6, 7 (b) (c)

From: Ex. 6, 7 (b) (c)
Sent: Thursday, January 26, 2017 3:43 PM
To: OIG Hotline
Subject: Please Investigate Mismanagement and Failure to Apply the EPA's Policy on Scientific Integrity

Inspector General,

Recent public statements made by EPA Transition Communications Director Doug Ericksen suggest that the Transition Team is flagrantly violating the EPA's 2012 Policy on Scientific Integrity. I am writing to ask that you begin an immediate investigation into this matter to ensure that the public can continue to trust scientific information disseminated by the Agency.

Mr. Ericksen was quoted by NPR as saying that "he expects scientists will undergo an unspecified internal vetting process before sharing their work outside the agency. 'We'll take a look at what's happening so that the voice coming from the EPA is one that's going to reflect the new administration.' " (Full article here)

This is clearly in violation of the Policy on Scientific Integrity which explicitly "prohibits managers and other Agency leadership from intimidating or coercing scientists to alter scientific data, findings, or professional opinions or inappropriately influencing scientific advisory boards."

While investigating Mr. Ericksen, I urge you to explore whether other Presidential Transition members or Agency officials have also violated this policy. Please also investigate whether the implementation of this gag order has also violated federal whistleblower protection standards by failing to remind EPA employees of their rights under the Whistleblower Protection Enhancement Act.

Thanks for your time and consideration.

Sincerely,

Ex. 6, 7 (b) (c)

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Fri 2/3/2017 6:14:49 PM
Subject: February 3 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION

GREENWIRE — Fri., February 3, 2017

READ FULL EDITION

1.REGULATIONS:

House scraps methane standards after Senate kills SEC rule

The House today voted to scrap a Bureau of Land Management rule that seeks to curb greenhouse gas emissions from oil and gas flaring, venting and leakage on public and tribal lands.

TOP STORIES

2.ENERGY POLICY:

Fears rise about ARPA-E's future under Trump

3.FERC:

Agency issues order granting staff expanded authority

4.POLITICS:

Steyer's new plan: Gather the masses to foil Trump

TRANSITION

5.EPA:

Watchdogs report changes in website climate information

6.EPA:

Union chief raises fists as GOP firm requests emails

POLITICS

7.Q&A:

Bush reg boss wants Trump to beef up OIRA

8.PEOPLE:

David Vitter lands at lobbying shop

9.TECHNOLOGY:

Uber chief leaves Trump council as Musk stays on

CONGRESS

10.SENATE:

Ala. governor names finalists to replace Sessions

NATURAL RESOURCES

11.MARINE MAMMALS:

Industry sees opening to revamp species protection law

12.NATIONAL PARKS:

Deal clears the way for Yellowstone bison slaughter

13.ENDANGERED SPECIES:

To save fish, FWS asks judge to lift ban on Yellowstone dam

LAW

14.COAL:

Judge denies Murray's request for reimbursement in EPA case

15.FLINT CRISIS:

Judge tosses class-action suit

16.PESTICIDES:

Court jails mosquito killer, deems chemical drift 'trespass'

ENERGY

17.DAKOTA ACCESS:
Standing Rock Sioux chairman condemns protest camp
18.COAL:
Duke Energy offers residents $5K to waive ash pond claims
19.OIL AND GAS:
Japan ponders more U.S. imports before Trump meeting
20.OFFSHORE DRILLING:
Oil spill near Exxon Mobil rig under investigation
FEDERAL AGENCIES
21.DOE:
Trump's Berkeley threat could hurt funding for national lab
AIR AND WATER
22.CALIFORNIA:
Snowpack hits 173% of average, a good sign for drought
23.DRINKING WATER:
Air Force plans 5-year cleanup around Colo. base
STATES
24.PENNSYLVANIA:
After water warning, Pittsburgh council wants state review
25.ALASKA:
'Embarrassing' DOJ foul-up delays gas company settlement
26.CALIFORNIA:
Air board's smog plan depends on ports to cooperate
INTERNATIONAL
27.JAPAN:
Fukushima reactor radiation at highest level since meltdown
E&ETV'S THE CUTTING EDGE
28.EPA:
E&E News' Bogardus talks Senate drama on Pruitt nomination

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To send a press release, fax 202-737-5299 or email editorial@eenews.net.

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Joanne Carney
Sent: Fri 2/3/2017 6:32:27 PM
Subject: RE: Attending the Annual Meeting in Boston

Hi Francesca,

It doesn't look like we'll be able to get this organized. Space became a lot more challenging.

Joanne

From: Grifo, Francesca [mailto:Grifo.Francesca@epa.gov]
Sent: Tuesday, January 31, 2017 6:11 PM
To: Joanne Carney
Subject: RE: Attending the Annual Meeting in Boston

Hi there – Any further updates on this?

Thanks

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Joanne Carney [mailto:jcarney@aaas.org]
Sent: Thursday, January 26, 2017 9:41 AM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>

Subject: Attending the Annual Meeting in Boston

Francesca,

I left you a voicemail, but thought I would send an email as well. I know you usually attend the Annual Meeting and wanted to know whether you were planning on attending this year's meeting in Boston. Would be great to catch up.

Thanks!

Joanne

Joanne Padrón Carney

Director, Office of Government Relations

American Association for the Advancement of Science

1200 New York Avenue, NW

Washington, DC 20005

Ph: 202/326-6798

E-Mail: jcarney@aaas.org

www.aaas.org/gr

To: Minoli, Kevin[Minoli.Kevin@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]
From: Sinks, Tom
Sent: Fri 2/3/2017 6:48:25 PM
Subject: FW: scientific integrity policy ?

Kevin and Nancy - the policy specifically identifies who is covered. The information is not only on the SI landing site but also in the text of the policy (see below). Also, Francesca is very willing to help correct any of the misstatements that were made in the inside EPA article.

See below …

From our landing site …

Science is the backbone of EPA's decision-making. The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. EPA's Scientific Integrity Policy was issued in February 2012 and provides a framework to promote scientific and ethical standards and to create a proactive culture to support them. The Policy applies to all EPA employees including scientists, managers, political appointees as well as contractors, grantees, collaborators, and student volunteers. At https://www.epa.gov/osa/basic-information-about-scientific-integrity

This is the language from our policy itself …

III. Policy Applicability

As of the effective date, all Agency employees, including scientists, managers, and political appointees, are required to follow this policy when engaging in, supervising, managing, or influencing scientific activities; communicating information in an official capacity about Agency scientific activities; and utilizing scientific information in making Agency policy or management decisions. In addition, all contractors, grantees, collaborators and student volunteers of the Agency who engage in scientific activities are expected to uphold the standards established by this policy and may be required to do so as part of their respective agreements with the EPA.2 [posted at https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf

From: Robbins, Chris
Sent: Friday, February 03, 2017 1:24 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: scientific integrity policy ?

Hi Tom

Know the policy applies to non Feds but are categories identified?

Sent from my iPhone

Begin forwarded message:

> **From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>
> **Date:** February 3, 2017 at 1:18:21 PM EST
> **To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Robbins, Chris" <Robbins.Chris@epa.gov>
> **Subject: Re: scientific integrity policy ?**
>
> We will get back to you shortly (and I will make sure and ask my folks to work with Francesca.
>
> Kevin S. Minoli
> Acting General Counsel
> Office of General Counsel
> US Environmental Protection Agency
> Main Office Line: 202-564-8040
>
> On Feb 3, 2017, at 1:10 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:
>
>> <image001.gif>
>>
>> We have several press inquiries re: scientific integrity policy and whether it applies to all employees – specifically the folks here on transition team appointments – some who will stay and some who are temporary.
>>
>> Would appreciate any guidance.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

To: Sinks, Tom[Sinks.Tom@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]
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Sent: Fri 2/3/2017 6:49:54 PM
Subject: RE: scientific integrity policy ?

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Nancy Grantham

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Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

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<image001.gif>

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Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Sinks, Tom
Sent: Fri 2/3/2017 6:49:23 PM
Subject: FW: scientific integrity policy ?

Call me if you have a few seconds Ex. 6

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Sent: Friday, February 03, 2017 1:48 PM
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> **From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>
> **Date:** February 3, 2017 at 1:18:21 PM EST
> **To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Robbins, Chris" <Robbins.Chris@epa.gov>
> **Subject: Re: scientific integrity policy ?**
>
> We will get back to you shortly (and I will make sure and ask my folks to work with Francesca.
>
> Kevin S. Minoli
> Acting General Counsel
> Office of General Counsel
> US Environmental Protection Agency
> Main Office Line: 202-564-8040

On Feb 3, 2017, at 1:10 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

<image001.gif>

We have several press inquiries re: scientific integrity policy and whether it applies to all employees – specifically the folks here on transition team appointments – some who will stay and some who are temporary.

Would appreciate any guidance.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

To: EPA-MobileDevice-Notifications[EPA-MobileDevice-Notifications@epa.gov]
From: OEI Notification2
Sent: Fri 2/3/2017 7:21:40 PM
Subject: OEI Notification: Important Mobile Device Updates

EPA

Office of Environmental Information (OEI)

Notification

Informational

Mobile Device User,

We are pleased to announce that OEI implemented "GreenEPA", a mobile Wi-Fi capability for accessing the internet, at all Agency locations for EPA-issued Apple device customers on Monday, January 30, 2017. This deployment allows downloading of large mobile apps from the EPA App Catalog and iOS updates while at work. Please remember that you may only download EPA-approved apps to EPA mobile devices. You can find the list of approved apps in the App Catalog app on your device.[1]

For more information on GreenEPA, visit the Mobile Device intranet site and refer to the Happening Now section on the right. For information on Enterprise Wireless Network availability near you, visit the Enterprise Wireless intranet site.

---

[1]If you are aware of other apps that would be beneficial to your work, there is a process for requesting that an app be approved for use on EPA mobile devices: http://intranet.epa.gov/mobiledevices/mobile-device-app-approval.html .

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
Cc: Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Parkinson, Lorna
Sent: Fri 2/3/2017 7:40:30 PM
Subject: Ex. 5

Hi Everyone-

I made some edits to Ex. 5. There are still some things I'd like to go over, but I think it can be circulated to the committee.

-Lorna

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
Cc: Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Parkinson, Lorna
Sent: Fri 2/3/2017 7:41:09 PM
Subject: Ex. 5
Ex. 5

Oops! Here is the attachment!

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 2:40 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Martha Otto (Otto.Martha@epa.gov) <Otto.Martha@epa.gov>
Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

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202.564.0439

parkinson.lorna@epa.gov

Ex. 5

[redacted]

To: Parkinson, Lorna[parkinson.lorna@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
Cc: Francesca Grifo (francescatgrifo@gmail.com)[francescatgrifo@gmail.com]
From: Otto, Martha
Sent: Fri 2/3/2017 8:27:38 PM
Subject: RE: Ex. 5 Ex. 5

Hi, All,

I had a few comments/edits, also. Please see attached file.

Thanks for the opportunity to review.

Marti

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 2:41 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

Oops! Here is the attachment!

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 2:40 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Martha Otto (Otto.Martha@epa.gov) <Otto.Martha@epa.gov>
Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

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Ex. 5

-Lorna

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

Ex. 5

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Siciliano, CarolAnn
Sent: Fri 2/3/2017 8:50:48 PM
Subject: How are you doing?

I'm sorry I've been so elusive these past few weeks. And I'm doubly sorry to have missed last week's SI meeting. I'm afraid I'll continue to be unavailable for at least a month.

But if you need us, please call Andy Simons (who is also crazy busy right now – our administrative law practice is booming) or, better, my deputy Karin Koslow. Karin (pr. Car-in-the-garage) is a veteran EPA'er, and while she might need to catch up on the Scientific Integrity Policy, she can be a good senior advisor to you in my absence.

Hang in there, my dear!

Carol Ann Siciliano

Associate General Counsel

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5489

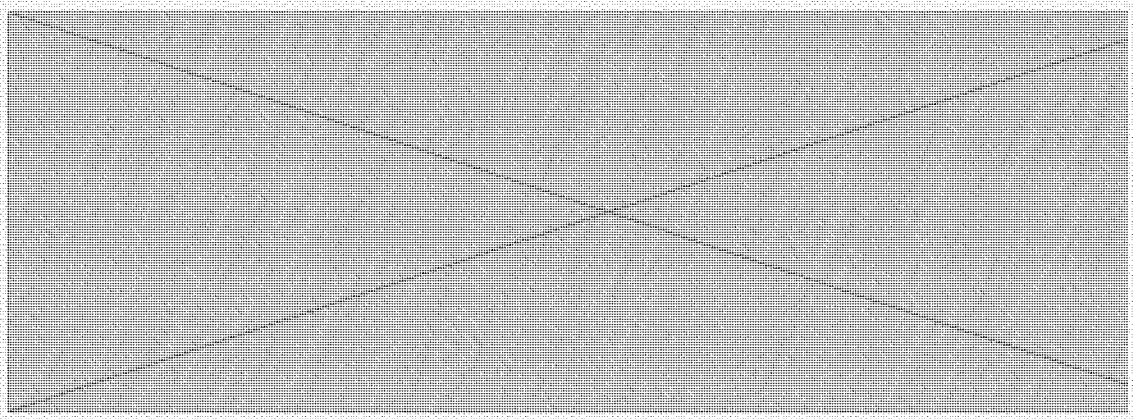
siciliano.carolann@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Fri 2/3/2017 8:55:44 PM
Subject: Energy News Ticker: Senate Blocks Energy Transparency Rule

Senate Blocks Energy Transparency Rule, GOP Eyes More Resolutions

2/3/17 3:43 PM

The Senate voted Friday to block a Securities and Exchange Commission requirement that energy companies disclose payments to foreign governments, as conservatives expand their efforts to rescind last-minute Obama administration regulations.



Highlights From This Week

Republicans Push Through Pruitt Nomination While Democrats Boycott

2/2/17 12:21 PM

Republicans on the Senate Environment and Public Works Committee voted to advance Scott Pruitt's nomination to lead the Environmental Protection Agency on Thursday, sidestepping a Democratic boycott of the vote and ensuring the

attorney general of Oklahoma would likely be confirmed.

Scientists, Lobbyists Fret Over EPA Climate Change Data Under Trump

1/30/17 12:16 PM

Scientists and energy industry lobbyists are concerned they won't be able to access key data from the Environmental Protection Agency after political appointees are done reviewing the agency's website.

Voters Prioritize Tax Reform Over Obamacare Repeal, Border Wall

2/1/17 6:00 AM

A plurality of voters say President Donald Trump and congressional Republicans should make tax reform their top priority, not repealing Obamacare or building a wall along the U.S. border with Mexico.

This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

Manage your email preferences

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To: Hauchman, Fred[hauchman.fred@epa.gov]; Deener, Kathleen[Deener.Kathleen@epa.gov]; Fegley, Robert[Fegley.Robert@epa.gov]; Flowers, Lynn[Flowers.Lynn@epa.gov]; Benner, Tim[Benner.Tim@epa.gov]; Durkee, Stanley[Durkee.Stan@epa.gov]; Lackey, Leila[Lackey.Leila@epa.gov]; McQueen, Jacqueline[McQueen.Jacqueline@epa.gov]; Cuje, Jace[Cuje.Jace@epa.gov]; Cantilli, Robert[Cantilli.Robert@epa.gov]; Estornell, Paula[Estornell.Paula@epa.gov]; O'Mara, Kate[OMara.Kate@epa.gov]; Roberts, Cindy[Roberts.Cindy@epa.gov]; Shao, Nicole[Shao.Nicole@epa.gov]; LaVay, Maggie[LaVay.Maggie@epa.gov]; Washburn, Edward[Washburn.Edward@epa.gov]; Corona, Elizabeth[Corona.Elizabeth@epa.gov]; Gwinn, Maureen[gwinn.maureen@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Costa, Dan[Costa.Dan@epa.gov]; Hassett-Sipple, Beth[Hassett-Sipple.Beth@epa.gov]; Miller, Andy[Miller.Andy@epa.gov]; Schultz, Laurel[Schultz.Laurel@epa.gov]; Bahadori, Tina[Bahadori.Tina@epa.gov]; Cowden, John[Cowden.John@epa.gov]; Vandenberg, John[Vandenberg.John@epa.gov]; Jarabek, Annie[Jarabek.Annie@epa.gov]; Frithsen, Jeff[Frithsen.Jeff@epa.gov]; vanDrunick, Suzanne[vanDrunick.Suzanne@epa.gov]; Geller, Andrew[Geller.Andrew@epa.gov]; Mazur, Sarah[Mazur.Sarah@epa.gov]; Stroup, Gene[Stroup.Gene@epa.gov]; Walton, Barb[Walton.Barb@epa.gov]; Nunez, Carlos[Nunez.Carlos@epa.gov]; D'Amico, Louis[DAmico.Louis@epa.gov]; Lavoie, Emma[Lavoie.Emma@epa.gov]; Williams, Joe[Williams.Joe@epa.gov]; Cybulski, Walter[Cybulski.Walter@epa.gov]; Fleming, Megan[Fleming.Megan@epa.gov]; Dannel, Mimi[Dannel.Mimi@epa.gov]; Wilson, Theodore[wilson.theodore@epa.gov]; Matthews, Lisa[Matthews.Lisa@epa.gov]; Scheuer, Amy[Scheuer.Amy@epa.gov]
From: Durkee, Stanley
Sent: Fri 2/3/2017 8:55:03 PM
Subject: FW: OSP Program Support Staff Weekly Report, 1/30 - 2/3/2017

[redacted]

February3PSS_Weekly.docx

Attached is the Program Support Staff's weekly report for the week of January 30 - February 3, 2017.

REMINDER: Do not distribute this document outside of ORD.

Stan Durkee

202/564-6784

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Fri 2/3/2017 9:05:47 PM
Subject: Feb. 3 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Delaware Wastewater Company Pays $3.5M for Clean Water Crimes

Posted February 03, 2017, 02:36 P.M. ET

By Leslie A. Pappas

An oil and waste water recycling company in Wilmington, Del., will pay the city $3.5 million for environmental crimes including conspiracy to violate the Clean Water Act, according to the EPA (United States v. Int'l Petroleum Corp. of Delaware, D. Del., No. 1:16-cr-00097-U, Information 12/16/16).

International Petroleum Corp. of Delaware, an oil processing and wastewater treatment plant located close to the Delaware River, was ordered Feb. 2 by U.S. District Court Judge Gregory M. Sleet to pay a $1.3 million fine and $2.2 million in restitution.

The facility had a federal permit to process used oil and wastewater contaminated with hydrocarbons, and discharge specified amounts and concentrations of treated wastewater into the city's sewer system. The company admitted that from 1992 through 2012, it consistently tampered with water monitoring samples, rendering them inaccurate.

The company admitted to conspiring to violate the Clean Water Act, and also to violating the Resource Recovery Conservation Act for transporting hazardous waste in 2012 without a permit.

In a separate but related case, one of the plant's managers, Ricky Clinton Mitchell, pleaded guilty in January 2016 to conspiring to violate the Clean Water Act by tampering with monitoring methods (United States v. Mitchell, D. Del., No. 1:15-cr-00066-GMS, plea hearing 1/6/16).

Mitchell told the court that it was standard practice for the company to tamper with monitoring samples to make the water being discharged look cleaner than it actually was, according to court documents.

Multiple attempts by Bloomberg BNA to reach the company by phone on Feb. 3 were unsuccessful.

EPA Requests $4.3 Million in Ohio Superfund Settlement

Posted February 03, 2017, 11:25 A.M. ET

By Sylvia Carignan

The EPA is proposing to settle $4.3 million in Ohio Superfund site cleanup costs with a company through bankruptcy court (In re SRC Liquidation LLC, Bankr. D. Del., No. 15-10541-BLS, 1/19/17).

The site is the 102-acre North Sanitary Landfill, also known as the Valleycrest Landfill, in Dayton, Ohio. According to the Environmental Protection Agency, landfill operations there contaminated soil and groundwater, leaving residents with contaminated drinking water wells.

Sampling of drums on site found elevated concentrations of volatile organic carbons, including trichloroethylene (TCE), as well as metals and polychlorinated biphenyls (PCBs).

The settlement agreement, announced in the Federal Register Feb. 3, would resolve claims against SRC Liquidation LLC for the cost of past and future cleanup there.

SRC Liquidation has filed with the U.S. Bankruptcy Court for the District of Delaware for relief under Chapter 11. The proposed settlement agreement is subject to the court's approval.

An attorney representing SRC Liquidation did not respond to Bloomberg BNA's request for comment.

The Department of Justice is accepting public comments on the proposed settlement until March 6.

The agency started investigating the site in 1986. The site was placed on the National Priorities List in 1994.

House Votes to Nullify Bureau of Land Management Methane Rule

Posted February 03, 2017, 11:28 A.M. ET

By Alan Kovski

The House voted Feb. 3 to rescind a federal rule on the venting, flaring and leaking of natural gas from oil and gas operations on federal and Indian lands.

The vote was 221-191. The Senate was prepared to follow soon with a vote of its own, both houses using the procedures of the Congressional Review Act.

The Bureau of Land Management issued the rule in November and defended it as an effort to reduce waste and boost royalties. Industry critics said it actually would reduce royalties by forcing the closure of many wells to avoid additional layers of expense.

Pollution vs. Cost Argument

The House spent almost an hour debating the subject, with Reps. Alan Lowenthal (D-Calif.) and Rob Bishop (R-Utah) deploying the well-established arguments for and against the rule (RIN:1004-AE14).

Lowenthal emphasized the human health risks of air pollution associated with volatile organic compounds. Methane is the chief component of natural gas, but several other compounds can escape along with methane and contribute to lung disease.

Bishop said the rule was expensive and redundant, especially given that natural gas emissions have been going down and are better regulated by states. He also said the rule exceeded BLM's authority.

If the BLM genuinely wants to reduce waste, it should authorize the pipeline rights-of-way that would allow more gas to be captured and shipped to markets rather than flared, Bishop said.

FERC Delegates Responsibilities to Staff in Absence of Quorum

Posted February 03, 2017, 12:07 P.M. ET

By Rebecca Kern

The Federal Energy Regulatory Commission issued an order delegating more authorities to staff—including the acceptance and suspension of rate filings—as the agency prepares to be without a quorum of three members after today.

Commissioner Norman Bay, formerly FERC chairman, is leaving the agency Feb. 3, meaning it will be down to two members—Chairman Cheryl LaFleur and Commissioner Colette Honorable. Without three members, FERC won't be able to approve new gas pipeline applications.

The new order, which takes effect Feb. 4, allows the director of the Office of Energy Market Regulation to accept and suspend rate filings and make them effective subject to refund and further commission action.

Additionally, the director of the Office of Energy Market Regulation can accept settlements that are uncontested by any party, as well as grant waivers for requests on uncontested filings for terms and conditions of tariffs, rate schedules and service agreements.

The order also allows FERC staff to grant time extensions as permitted by statute.

The bulk of Trump's chosen appointees await Senate confirmation. Even a speedy confirmation process could take 30 to 60 days, David Wochner, a partner at the Washington-based law firm K&L Gates, previously told Bloomberg. That may lead to costly delays for companies awaiting their pipeline certificates.

Zinke Can Balance Interior's Competing Interests: Montanans

Posted February 03, 2017, 7:00 A.M. ET

By Alan Kovski

The man in line to become the next Interior secretary grew up in a part of Montana that has evolved over the past several decades from a dependence on timber cutting and other resource development to one more oriented toward skiing, hiking and fishing.

Those diverse activities are part of the balancing act managed by the Interior Department, where Rep. Ryan Zinke (R-Mont.) will soon be working if the Senate confirms him as Interior secretary. Two Montanans who know him say they think he is up to the job.

"He's a great guy. It really was great working with him," said Clayton Elliott, executive director of Montana Conservation Voters, an advocacy group.

Elliott told Bloomberg BNA he got to know Zinke in 2011 when Zinke was in the Montana Legislature and Elliott was a lobbyist for conservationists. He worked closely with Zinke on a range of issues, he said.

He described Zinke as a pragmatic straight shooter who wanted to solve problems.

Resource Management Bills

The Senate Energy and Natural Resources Committee approved Zinke's nomination on a 16-6 vote Jan. 31. Action on his nomination by the full Senate has not yet been scheduled.

In Congress, some of Zinke's votes have troubled environmental activists, Elliott said. Zinke tended to get good ratings from environmental activists when he was in the state legislature and has gotten lower ratings since entering Congress.

Elliott remembers working with Zinke on efforts to protect the progress Montana had made on using renewable energy.

In 2015 and 2016 Zinke introduced bills to streamline environmental reviews for forest-management projects and provide litigation relief for the U.S. Forest Service and the Bureau of Land Management in their land management projects. Such changes tend to be opposed by environmental activists, who want to keep open the option of litigating against projects, especially those involving logging.

The congressman also introduced a bill on the subject of mineral leasing and royalties that reflected state and tribal concerns about the coal leasing moratorium initiated by the Obama administration. He did not oppose the moratorium, but his bill would have mandated an end date (Jan. 15, 2019) for the moratorium and would have allowed leases to be issued for applications already under review.

'Ryan's Not Easily Rattled'

Zinke is well-suited to the balancing act expected of an Interior secretary, in the view of Jason Thielman, chief of staff to Sen. Steve Daines (R-Mont.).

Thielman knows Zinke personally and grew up in the same area of Whitefish, Mont., next door to Glacier National Park. It probably was the mountainous environment that inspired Zinke to get a geology degree, Thielman said.

Zinke also is an outdoorsman. "It's hard not to be, with where he grew up," Thielman said.

Much has been made of the fact that he was a Navy SEAL for 23 years and served in Iraq during part of that time. He is experienced with stress. "Ryan's not easily rattled," Thielman said.

Zinke is likely to hear criticism from many sides if he becomes Interior secretary and must preside over the divvying up of federal lands for various uses—frustrating resource corporations with some

decisions, conservationists with other decisions.

“Enduring those slings and arrows is something he’s comfortable doing, doesn’t take personally,” Thielman said.

EU Carbon Allowances Post Weekly Gain as Colder Weather Seen

Posted February 03, 2017, 02:02 P.M. ET

By Mathew Carr

European Union carbon allowances gained for the second time in three weeks as colder weather is forecast for next week, boosting energy demand for heating.

Benchmark December allowances rose 5.7 percent this week as the average temperature across Europe is forecast to fall below freezing after a warmer than usual start to February.

Allowances advanced as Malta, the holder of the EU’s rotating presidency, retained a draft proposal to temporarily double to 24 percent the pace at which a planned market reserve absorbs allowances accumulated in the market. The program, which is to begin in 2019, would erode the glut in the market that’s prevented permit prices from rising to levels that discourage the burning of fossil fuels.

The market’s rules need changing to make it “mature” to the point where it encourages investment in emission-reduction projects, said Jan Kresnik, a portfolio manager at Belektron d.o.o. in Ljubljana, Slovenia, which helps handle trades between utilities, airlines and banks.

Malta sent nations a new draft text on the positions of member states on post-2020 reform of the market, according to people familiar with the matter who asked not to be identified, citing policy. The higher rate of uptake into the Market Stability Reserve is proposed for the 2019-2023 period, they said.

Representatives of member states in a working group plan to discuss the updated presidency text on Feb. 6.

Carbon fell 0.4 percent to 5.21 euros ($5.62) a ton on the ICE Futures Europe exchange in London on Feb. 3 at 4 p.m., trimming the weekly gain.

Aggregate volume dropped 29 percent week-on-week to 53.5 million tons, the lowest since Dec. 30, ICE data show. Trading on ICE declined a third year last year.

In options trading, the volume of options to buy outpaced options to sell, as total trading dropped a third week, according to ICE.

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EU Opts to Wait and See on Aviation Emissions

Posted February 03, 2017, 01:03 P.M. ET

By Stephen Gardner

Intercontinental flights departing from or landing in the European Union would continue to be exempted from the bloc's emissions-trading system (ETS), at least until the details of an international scheme to control greenhouse gases from aviation become clearer, according to a draft European Commission regulation published Feb. 3.

The regulation would amend the EU ETS Directive (2003/87/EC) so that intra-EU flights continue to be covered by the ETS, but intercontinental flights would not be reincorporated while the International Civil Aviation Organization (ICAO) works out the specifics of its Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).

ICAO agreed in October 2016 that any emissions from aviation above the 2019-2020 level will after 2020 be compensated for by credits from projects that reduce emissions in other sectors, making growth in flights between countries theoretically carbon-neutral.

Until 2027, participation in CORSIA is voluntary, but many of the main aviation countries, including the EU countries and the United States, will take part. However, some large countries, including India and Russia, will not participate in the voluntary stage.

A commission official speaking on condition of anonymity at a briefing in Brussels said that CORSIA had been "agreed in its broad outlines," and the commission would again review whether to include intercontinental flights in the ETS once the details of CORSIA become clearer.

European Parliament Opposition?

The commission's proposal to continue to exempt long-haul flights from the ETS is likely to be opposed by some European Parliament lawmakers.

Under a 2008 EU directive approved by the parliament (Directive 2008/101/EC) all flights arriving at or leaving EU airports were to be included in the ETS starting in 2012, meaning their emissions would be subject to caps and they would have to obtain additional carbon credits for any emissions above those caps.

However, many countries, including China, India and the U.S., pressured the EU to exempt intercontinental flights pending ICAO talks on an international emissions-limiting mechanism. Ultimately, the EU adopted measures, known as "stop-the-clock," under which intercontinental flights were not included in the ETS, though intra-EU flights are included.

A number of EU lawmakers have criticized CORSIA as an offsetting scheme that will not prevent growth of aviation emissions, and have said the EU should be prepared to end the stop-the-clock exemption.

Bas Eickhout, a Dutch Green member of the European Parliament, said in a statement Feb. 3 that CORSIA is "weaker than the ETS and many big countries such as China, India and Russia are already threatening to not participate."

"The EU should get on with its original goal of putting a fair price on aviation emissions, and delivering against its climate ambitions," Eickhout said.

Peter Liese, a German member of the European Parliament's largest political group, the center-right European People's Party, said "there are a lot of problems with this CORSIA," including whether or not offsets generate real emissions reductions. "Some colleagues say this is just a fake," Liese said.

Compromise Proposal

Liese added that an "intelligent compromise" would be to "continue to exempt intercontinental flights until 2021, but then reinstate them if the ICAO rules are not clear."

From 2021, "we should also include flights to countries which, like Russia, refuse to join the ICAO agreement," Liese said.

"If third countries just do nothing, why shouldn't we introduce our scheme, which has been proved legally right?" he added. The EU Court of Justice in 2011 ruled in a case brought by a number of U.S. airlines that intercontinental flights of non-EU operators could be brought into the ETS.

The commission official told Bloomberg BNA that countries not participating in the voluntary stage of CORSIA, such as India and Russia, "have not objected to the system as such," and would be covered by CORSIA when it becomes mandatory in 2027.

The ICAO decision to establish CORSIA was "a very credible commitment" that the commission wanted to support, and the commission therefore did not believe that the stop-the-clock exemption should be ended, the official said.

2018 Deadline

The official added that the European Parliament and the Council of the EU, which represents the governments of member countries, should agree on the stop-the-clock extension "by the end of the year or at least early 2018."

Unless the extension is formally approved by then, intercontinental flights would automatically be reincorporated in the ETS, and would in spring 2018 have to account for their emissions during 2017 and surrender sufficient carbon permits.

Liese said the commission proposal was "a good basis for deliberations in the parliament, but we will examine it very closely and, in particular, continue to exert pressure for ambitious climate protection measures in intercontinental flights."

Simon McNamara, director general of industry group the European Regions Airline Association, said airlines faced being covered by both the ETS and CORSIA for intra-EU flights.

"We would like to see a further commitment that ultimately the EU ETS will be replaced by CORSIA," McNamara said.

Tightening Emissions Cap

Intra-EU aviation in currently subject to a emissions cap through 2020 that is about 5 percent below the sector's 2004-2006 average annual emissions.

The commission's regulation would also clarify that this cap would reduce by 2.2 percent per year from 2021, in line with the annual reduction required of power stations and heavy industry under the ETS.

Bill Hemmings, director of aviation at advocacy group Transport & Environment, said "reducing

aviation's emissions cap fixes a bizarre situation where we had a cap-and-trade system with no declining cap."

Liese said the tightening of the cap for aviation from 2021 was welcome because the current system in which the cap does not decline is "unfair to other sectors, like the steel industry, where many people are worried about their jobs."

U.K. Power Capacity Auction Clears at Lower-Than-Expected Price

Posted February 03, 2017, 01:48 P.M. ET

By Andrew Reierson and Mathew Carr

Britain's auction for contracts paying operators to keep power plants open for a year from October cleared below estimates by analysts ranging from Sanford C. Bernstein Ltd. to RBC Capital Markets and Bloomberg New Energy Finance.

The U.K. secured about 53.6 gigawatts of power plant capacity at 5-10 pounds ($6-12) a kilowatt for the year, National Grid Plc, which organized the auction, said in a statement. Analysts at Bernstein and Macquarie Group Ltd. expected a price of 20 pounds a kilowatt, while RBC predicted about 16 pounds. BNEF was at 19 pounds.

The capacity auction was first due to support generators from 2018—until the government decided to bring it forward. A decline in supply margins prompted the network operator to issue at least two warnings this winter when demand looked likely to outstrip supply.

Some older coal and natural gas stations will probably close after the auction because of the low price, according to Andreas Gandolfo, an analyst at Bloomberg New Energy Finance in London. Still, the price may be high enough to spur the early opening of some new plants already under construction, he said.

The U.K. government created the auctions in 2014 as a way to guarantee that electricity infrastructure is available to cope with future peaks in power demand. Winning bidders get a payment for keeping power stations available even if they aren't generating.

The results are preliminary and need to be confirmed by the Secretary of State. More details are to be published Feb. 3.

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Brexit Markets Give the U.K. Solar Industry Moment in the Sun

Posted February 03, 2017, 7:18 A.M. ET

By Anna Hirtenstein

Brexit has brightened the outlook for U.K. solar funds, with higher power prices lifting earnings for the industry and burnishing its attraction for investors seeking to insulate themselves from political upheaval.

Trading volumes at three London-listed U.K. solar funds more than doubled in the six months after

June's referendum calling on Britain to exit the European Union compared with the first half of the year, according to data compiled by Bloomberg. The top-performing NextEnergy Solar Fund Ltd. returned 18 percent since the vote. All the funds beat the 11 percent gain of London's FTSE 100 Index.

"Brexit is of course not so good in general, but it's good for solar," said Michael Bonte-Friedheim, founding partner and chief executive officer of NextEnergy Solar Fund Ltd. "With the low interest rates, investors searching for returns come to us."

for its overcast skies, the U.K. became one of Europe's hottest solar markets after offering incentives for the industry in 2010. About 9.2 gigawatts of photovoltaics sprung up across the country as a result—about the capacity of seven nuclear reactors—according to data compiled by Bloomberg New Energy Finance. While the government has slashed support for the industry since, the funds have taken on a life of their own because of the wider climate for investing.

"There's a combination of positive factors for us," said Giovanni Terranova, founding partner at Bluefield Partners LLP. "Power prices are up. Interest rates are down. U.K. investors avoiding taking exposure overseas are looking for yield at home. There are also opportunities for foreign investors at a discount because of the currency."

The pound has dropped almost a fifth since a majority of voters chose to leave the European Union last June. The currency depreciation has fueled rising power prices and, in turn, lifted the amount revenue generated by funds holding solar assets. The funds typically sign power-sale agreements 12 to 48 months in advance, so higher prices will benefit investors in the medium-term after new contracts are signed.

"The solar funds may be benefiting from enthusiasm from U.K.-based investors seeking protection from pound inflation," said Jenny Chase, head of solar analysis at Bloomberg New Energy Finance in Zurich. "Feed-in tariffs are also adjusted for inflation."

The Bank of England's decision last year to cut rates in an effort to boost the U.K. economy in anticipation of Brexit-related issues has also benefited solar funds.

The listed funds, which funnel cash from solar electricity sales back to their shareholders, appeal to investors hunting for dividends. They typically pay 5.75 pence to 7.25 pence a share quarterly. The Bluefield Solar Income Fund Ltd. provided the top dividend yield, returning 6.7 percent during the past 12 months, according to data compiled by Bloomberg.

NextEnergy has attracted new investors in recent months, according to NextEnergy CEO Bonte-Friedheim. He's planning to expand the U.K. portfolio by adding 180 megawatts this year, raising assets under management to about 600 megawatts.

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Uranium Rebound Threatened by Fukushima Years After Meltdown

Posted February 03, 2017, 8:45 A.M. ET

By Tsuyoshi Inajima and Aaron Clark

Japan's Fukushima meltdown may challenge uranium again just as the nuclear fuel shows signs of

recovery after the 2011 disaster sent prices on a six-year slide.

Tokyo Electric Power Co. Holdings Inc. confirmed Feb. 2 that it declared force majeure on deliveries, while Tohoku Electric Power Co. said it's in talks to delay shipments from its own suppliers. That could halt the fuel's 42 percent gain since falling to a 12-year low in November, according to VSA Capital Ltd., an investment bank focusing on natural resources.

"This nips that rally right in the bud," said Paul Renken, a senior geologist with VSA Capital in London. "Right now we are dealing with significant excess capacity still in the global uranium output space."

The uranium market has struggled since the tsunami and meltdown crippled Tokyo Electric's Fukushima-Daiichi plant. Japan, once Asia's biggest producer of nuclear power, shut all its reactors for safety checks in the years following the disaster and public opposition has slowed bringing them back online.

Tokyo Electric, known as Tepco, notified Canada's Cameco Corp. that its nuclear power plants not operating for more than 18 months because of 2011 Fukushima disaster and ensuing regulations meet the force majeure criteria in the contract, valued at about C$1.3 billion ($994 million).

While other Japanese utilities are restructuring their deals, they aren't expected to follow Tepco's lead, Tim Gitzel, Cameco's president, said on a conference call, adding the company will resolve the dispute "through a legal process."

"I'm sure many will look at this case and see how it proceeds," Rob Chang, head of metals and mining at Cantor Fitzgerald LP in Toronto said in an e-mail. "If Cameco loses, I would not be surprised if others joined in."

If Cameco's contract to supply Tepco is terminated, as much as 800,000 pounds a year of uranium may be added to the market over the next 12 years unless the Canadian miner cuts production, Chang said.

Tohoku Electric Power is taking the minimum amount of uranium its contractually obligated to buy and is in talks to postpone delivery of the fuel, spokesman Tomoya Satake said Feb. 2, declining to identify suppliers.

Chubu Electric Power Co. is in talks to delay uranium shipments, spokesman Keita Iida said. Kansai Electric Power Co. is buying the minimum amount of uranium allowed under its supply deals, spokesman Yusuke Onishi said.

Meanwhile, Kyushu Electric Power Co., which is one of only two companies currently operating plants in Japan, has no plans to terminate contracts as it's restarted two reactors and is making progress on two more, according to spokesman Masatoshi Hasako.

Uranium spot prices this year have rallied, helped higher by supply cuts in Kazakhstan, the world's biggest producer. State-owned Kazatomprom said last month that it will trim output this year by more than 2,000 tons, or about 10 percent. The drop is equivalent to about 3 percent of global production in 2015, the company said at the time.

Japan's utilities are sitting on more than 130 million pounds of uranium, enough to power the nations reactors for at least six years, according to estimates in November 2016 by Ux Consulting

Co.

Japan has two reactors in operation, while a third was shut in December for planned maintenance that's expected to last three months. The country has 42 operable reactors.

"Given the anemic restart environment in Japan, the market is now likely to fear similar actions by other Japanese utilities," Orest Wowkodaw, an analyst at Bank of Nova Scotia, wrote in a note Feb. 1.

—With assistance from Ben Sharples, Steven Frank and Stephen Stapczynski.

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Daily Environment Report for EPA

To: Otto, Martha[Otto.Martha@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
Cc: Francesca Grifo (francescatgrifo@gmail.com)[francescatgrifo@gmail.com]
From: Parkinson, Lorna
Sent: Fri 2/3/2017 9:08:12 PM
Subject: RE: Ex. 5

Hi Marti,

Thanks for the edits! I accepted your minor changes, and I'll go over the rest with FTG.

-Lorna

From: Otto, Martha
Sent: Friday, February 03, 2017 3:28 PM
To: Parkinson, Lorna <parkinson.lorna@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Cc: Francesca Grifo (francescatgrifo@gmail.com) <francescatgrifo@gmail.com>
Subject: RE: Ex. 5

Hi, All,

I had a few comments/edits, also. Please see attached file.

Thanks for the opportunity to review.

Marti

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 2:41 PM

To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

Oops! Here is the attachment!

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 2:40 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Martha Otto (Otto.Martha@epa.gov) <Otto.Martha@epa.gov>
Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

Hi Everyone-

I made some edits to Ex. 5. There are still some things I'd like to go over, but I think it can be circulated to the committee.

-Lorna

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

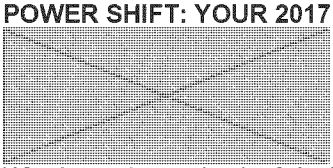
parkinson.lorna@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Fri 2/3/2017 9:09:03 PM
Subject: February 3 -- E&E News PM is ready

Read today's E&E News PM on the web

AN E&E NEWS PUBLICATION

POWER SHIFT: YOUR 2017 TRANSITION GUIDE



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E&E NEWS PM — Fri., February 3, 2017

READ FULL EDITION

1.SUPREME COURT:

Justices set March date to hear key property rights case

The Supreme Court today scheduled oral arguments in a closely watched property rights case that centers on a dispute over a parcel of land in Wisconsin.

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2.REGULATIONS:

White House releases guidance on Trump order

3.PEOPLE:

Moniz returns to MIT

4.POLITICS:

Boxer to throw PAC behind Senate Democrats

5.NUCLEAR:

Trump adviser expands consulting firm

6.POLITICS:

House GOP campaign committee gets Trump for March fundraiser

7.BIOFUELS:

Biodiesel group fights court ruling on imports

UPCOMING HEARINGS AND MARKUPS

8.CALENDAR:

Activity for January 30 - February 5, 2017

E&ETV'S THE CUTTING EDGE

9.EPA:

E&E News' Bogardus talks Senate drama on Pruitt nomination

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To: Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 9:14:26 PM
Subject: Re: How are you doing?

Thanks! No worries! One day at a time! We are going to need to organize happy hours to get through this!

Francesca

Sent from my iPhone

On Feb 3, 2017, at 3:50 PM, Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov> wrote:

I'm sorry I've been so elusive these past few weeks. And I'm doubly sorry to have missed last week's SI meeting. I'm afraid I'll continue to be unavailable for at least a month.

But if you need us, please call Andy Simons (who is also crazy busy right now – our administrative law practice is booming) or, better, my deputy Karin Koslow. Karin (pr. Car-in-the-garage) is a veteran EPA'er, and while she might need to catch up on the Scientific Integrity Policy, she can be a good senior advisor to you in my absence.

Hang in there, my dear!

Carol Ann Siciliano

Associate General Counsel

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5489

siciliano.carolann@epa.gov

To: Sinks, Tom[Sinks.Tom@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 9:17:14 PM
Subject: Re: scientific integrity policy ?

If the transition folks are appointed as SGEs or any federal equivalent it should apply. I am at home - Ex. 6 if you need additional info.
Francesca

Sent from my iPhone

On Feb 3, 2017, at 1:48 PM, Sinks, Tom <Sinks.Tom@epa.gov> wrote:

Kevin and Nancy - the policy specifically identifies who is covered. The information is not only on the SI landing site but also in the text of the policy (see below). Also, Francesca is very willing to help correct any of the misstatements that were made in the inside EPA article.

See below …

From our landing site …

Science is the backbone of EPA's decision-making. The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. EPA's Scientific Integrity Policy was issued in February 2012 and provides a framework to promote scientific and ethical standards and to create a proactive culture to support them. The Policy applies to all EPA employees including scientists, managers, political appointees as well as contractors, grantees, collaborators, and student volunteers. At https://www.epa.gov/osa/basic-information-about-scientific-integrity

This is the language from our policy itself …

III. Policy Applicability

As of the effective date, all Agency employees, including scientists, managers, and political appointees, are required to follow this policy when engaging in, supervising, managing, or influencing scientific activities; communicating information in an official capacity about Agency scientific activities; and utilizing scientific information in making Agency policy or management decisions. In addition, all contractors, grantees, collaborators and student volunteers of the Agency who engage in scientific activities are expected to uphold the standards established by this policy and may be required to do so as part of their respective agreements with the EPA.2 [posted at https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf

From: Robbins, Chris
Sent: Friday, February 03, 2017 1:24 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: scientific integrity policy ?

Hi Tom

Know the policy applies to non Feds but are categories identified?

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: February 3, 2017 at 1:18:21 PM EST
To: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Robbins, Chris" <Robbins.Chris@epa.gov>
Subject: Re: scientific integrity policy ?

We will get back to you shortly (and I will make sure and ask my folks to work with Francesca.

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Feb 3, 2017, at 1:10 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

<image001.gif>

We have several press inquiries re: scientific integrity policy and whether it applies to all employees – specifically the folks here on transition team appointments – some who will stay and some who are temporary.

Would appreciate any guidance.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

To: francescatgrifo@gmail.com[francescatgrifo@gmail.com]
From: Grifo, Francesca
Sent: Fri 2/3/2017 9:18:11 PM
Subject: Fwd: News Roundup

Sent from my iPhone

Begin forwarded message:

From: "Sinks, Tom" <Sinks.Tom@epa.gov>
Date: February 3, 2017 at 8:38:23 AM EST
To: "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Greene, Mary" <greene.mary@epa.gov>, Anand Mudambi <Mudambi.Anand@epa.gov>, "Phelps, Lara" <Phelps.Lara@epa.gov>, "Nelson, Daniel K." <Nelson.Daniel@epa.gov>
Subject: FW: News Roundup

FYI – the 1st article directly covers OSA.

From: Kavlock, Robert
Sent: Thursday, February 02, 2017 9:08 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: News Roundup

In case you haven't seen.

Begin forwarded message:

From: "Plotkin, Viktoriya" <Plotkin.Viktoriya@epa.gov>
Date: February 2, 2017 at 7:12:17 PM EST
To: "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Gwinn, Maureen" <gwinn.maureen@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>
Subject: News Roundup

InsideEPA EPA Integrity Policy may allow Trump review of Agency science, Critics say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump

transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics. The Obama EPA's scientific integrity policy is so toothless it can't be violated, says Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), a group that represents government whistleblowers. He says the fact that Trump transition officials may review agency scientists' work "doesn't violate the policy," adding that the Obama administration also performed case-by-case reviews, despite its rhetoric on scientific freedom. "They never explained the implementing procedures. There are no penalties for scientific misconduct," he says. But, a then-UCS official and now EPA's scientific integrity official tasked with overseeing the policy's implementation, Francesa Grifo, told *Inside EPA* in 2012 that "The policy does not protect EPA scientific documents from being manipulated during White House or inter-agency review," Grifo says. "This leaves the agency's scientific work open to manipulation and suppression by other parts of the federal government without public accountability," and complains that the policy "still fails to define what constitutes a conflict of interest," among other concerns.

PEER sent Trump a Jan. 31 letter urging the administration to take steps to strengthen scientific integrity policies at EPA and other agencies to avoid the kinds of controversies that enveloped Ericksen. "Simply put, administration attempts to manipulate science to fit its official talking points will inescapably fail, automatically be leaked and subject your White House to a daily drip-drip-drip of bad, off-message news coverage. The only way to quell the quagmire of unending controversy on issue after issue is to establish strong, clear and uniform guidelines ensuring a transparent paper trail and allowing scientific information to be freely shared."

EPA's scientific integrity website does not appear to include any changes to the policy since its 2012 publication. EPA's press office did not respond to a request for comment. A clear example of the weakness of the policy is that EPA's scientific integrity official indicates in her annual reports that her office has investigated allegations, but none of them have resulted in a finding in violation of the policy, Ruch tells *Inside EPA*. "There's no protocol about how to conduct an investigation," Ruch said. "They've found no misconduct. So either they never had a problem or the policy" is ineffective. EPA's scientific integrity official, Grifo, has released annual reports of her work since her hiring in 2013, though the report for fiscal year 2016 has yet to appear on EPA's website. Gretchen Goldman, research director at UCS' Center for Science and Democracy, is unsure whether the transition officials are EPA officials who would be subject to the policy, saying that as far as she knew, they were not covered by the policy. "The ideal language that we have always advocated for is that only scientists edit scientific language," Goldman tells *Inside EPA*. "That would cover everyone." She added that only the Energy Department has such language, in revisions that former Secretary Ernest Moniz issued days before leaving office. UCS recently published a report describing agencies' efforts to craft and implement their scientific integrity policies during the Obama administration. It also includes a series of recommendations for the Trump administration to strengthen those policies.

InsideEPA EPA, FDA fish advice to pregnant women disappoints stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about whether the advice is too lax or too strict in warning women against the risks of methylmercury. The new advice, released Jan. 18, encourages women who are or may become pregnant, and children, to eat more fish, setting a first-time floor for fish consumption of eight ounces per week, while maintaining the 12 ounces per week maximum. Many stakeholders argue that focusing on this risk value without considering the neurodevelopmental benefits of eating seafood is unscientific, while others argue that the RfD is more than 15 years old and newer research suggests that it is insufficiently protective against the methylmercury risk. Edward Groth, an independent expert retired from Consumers' Union noted that the RfD is not only old, it is also out of date. Groth, who published a paper last summer in the journal *Environmental Research*, describes 13 studies he reviewed and discussed in that analysis, noting that these epidemiological studies, published after EPA finalized its RfD, indicate that the RfD is insufficiently protective.

"They're hanging everything on the RfD," says Michael Bender of the Mercury Policy Project. "They threw out any kind of information on which fish is more nutritional. Everyone was on board with that [information]." Groth and Bender's concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked on updating the fish advice for 10 years. "Now, it's a mercury-centric health advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's

RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

The stakeholders are not the only ones with concerns about EPA's RfD. One of the three individuals that an FDA contractor asked to peer review the RfD-based risk approach for the new advisory also questioned whether the RfD is sufficiently protective. "The exact window of vulnerability is not yet established. However, consuming fish with mercury in it can create spikes in blood mercury. This would then be conveyed to a child. Since the duration of exposure necessary for a child to be affected by mercury in the mother's blood is not known but could be short and since the RfD is likely too high anyway, it seems quite prudent and good public health action to try to keep women at or below the RfD on a weekly basis during and immediately before pregnancy." EPA has placed the RfD on its multi-year schedule for new Integrated Risk Information System (IRIS) assessments. Several stakeholders, however, questioned whether or how quickly the assessment will be updated.

InsideEPA Litigation: Flint residents seek $722 million in tort damages from EPA

Hundreds of Flint, MI, residents in a new lawsuit are seeking $722.4 million in tort damages from the federal government, claiming EPA was negligent and failed to act in a timely manner to address the city's lead in drinking water crisis and noting the agency's lack of action on their administrative claims for such damages. In *Jan Burgess, et al. v. United States*, 1,703 Flint residents say "EPA failed to follow several specific agency mandates and directives governing its conduct which resulted in injury to the CLAIMANTS," and the failure to fulfill these Safe Drinking Water Act (SDWA) duties constitute violations of the Federal Tort Claims Act (FTCA). While EPA issued an emergency order under SDWA section 1431 in January 2016, the agency should have acted much sooner, the complaint says, arguing regulators were aware there was a problem as early as October 2014 when residents began complaining about their water. The suit also alleges EPA failed to provide advice and "technical assistance" to local and state organizations that failed to meet SDWA requirements, saying the agency was aware of non-compliance in October 2014 but failed to provide any assistance until September 2015.

Sen. Tom Cotton (R-AK) introduced legislation in the 114th Congress that would have made it easier for Flint residents to obtain FTCA damages. The bill, S. 2884, would have removed the discretionary function exemption in FTCA to allow Flint victims to sue EPA under the tort claims law and require that all awards come out of EPA's budget. He introduced the bill days after the plaintiffs in the new litigation filed their first administrative complaint.

Bloomberg One Obama-Era Climate Rule Trump Might Not

Consider a 'Disaster'

Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast to come their way. The regulation, proposed by the Federal Emergency Management Agency a week before Trump took office, would impose on states a "disaster deductible" -- a requirement that they shoulder some of the recovery costs up front, before receiving federal dollars. The deductible would be reduced for states that pass stricter building codes or take other steps to reduce their residents' exposure to disasters. "I don't think it's dead, because it's a reasonable idea," Carafano, vice president at the conservative Heritage Foundation, said in an interview Jan. 26, less than a week after his work with the transition team ended. Whether the administration pursues the disaster deductible could signal its broader approach to policies aimed at adapting to climate change. While Trump campaigned against programs to reduce greenhouse-gas emissions, such as the 2015 Paris agreement and the Clean Power Plan, his position isn't clear on initiatives designed to help Americans cope with the consequences of emissions: heat waves, sea-level rise, and more frequent and intense hurricanes, floods and wildfires.

That relative silence may reflect the fact that unlike the climate debate, which according to opinion polls increasingly falls along ideological lines, protecting Americans against extreme weather remains largely bipartisan. Some of the states most exposed to hurricanes and floods are led by Republicans, who have become increasingly aggressive about responding to those threats.

Bloomberg Former Top EPA Deputy to Head Wake Forest Graduate Program

The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. Stan Meiburg, a career Environmental Protection Agency employee and acting deputy administrator for more than two years, will join Wake Forest in Winston-Salem, N.C., July 1. There he will work with the Graduate School of Arts and Sciences and the Center for Energy, Environment, and Sustainability.

Bloomberg Bill gutting EPA Climate Authority has 100-Plus GOP Cosponsors

A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of cosponsors days after being introduced. The

bill, H.R. 637, would rewrite the Clean Air Act to clarify that the law does not grant the Environmental Protection Agency power to regulate greenhouse gases as a pollutant. It also states that "no Federal agency has the authority to regulate greenhouse gases under current law." Additionally, the law would require the EPA to seek approval from Congress to enact a regulation that would have any negative effect on employment. And it would nullify two signature Obama-era climate policies: regulations on carbon dioxide emissions from power plants and on methane emissions from the oil and gas industry. Rep. Gary Palmer (R-Ala.) introduced the legislation last week and as of Feb. 2, it already has 110 cosponsors, including nearly every Republican from Texas. Palmer introduced similar legislation in 2015 but, despite garnering 152 cosponsors, the bill never came up for a hearing and companion legislation was never introduced in the Senate.

Greenwire Trump team scouting for energy, enviro slots

The Trump team is actively looking to fill several key White House energy and environmental slots, according to a source close to the administration. While President Trump has selected his nominees for energy and environmental agencies, he has yet to fill some critical jobs within the White House, including a leader for the Council on Environmental Quality and an energy adviser on the National Economic Council. Kathleen Hartnett White, a former Texas regulator who was passed over as U.S. EPA chief, was rumored to be in the running to be Trump's CEQ chairwoman; her name was being advocated by coal industry executives and members of conservative think tanks (***Greenwire***, Jan. 12). But it's unclear whether she's still in the running or whether others have emerged as front-runners, said the source close to the administration. Currently, "they're actively trying to find someone for CEQ," the source said.

Viktoriya Plotkin

Office of Research & Development | US EPA

202.564.7318 (Desk) | 202.510.3602 (BB) | plotkin.viktoriya@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: eopf-noreply@opm.gov
Sent: Fri 2/3/2017 9:36:56 PM
Subject: eOPF Notification: New Documents Have Been Added to Your Folder

Subject: New Documents Added

This email is to notify you that documents were added to your folder in the electronic Official Personnel File (eOPF) system.

POID : Ex. 6
Organization Code : EP00NFN0B00000
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Agency: [EPA]
eOPF Account #: Ex. 6 Name: [GRIFO, FRANCESCA] POID: Ex. 6

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If you have further questions about the addition of these documents, please contact your HR representative.

Agency: https://eopf.nbc.gov/epa/

Ex. 6

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Minoli, Kevin
Sent: Fri 2/3/2017 9:39:03 PM
Subject: RE: scientific integrity policy ?

Hi Francesca- They are all EPA employees, so all clearly covered. Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Grifo, Francesca
Sent: Friday, February 03, 2017 4:17 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>
Subject: Re: scientific integrity policy ?

If the transition folks are appointed as SGEs or any federal equivalent it should apply. I am at home - Ex. 6 if you need additional info.

Francesca

Sent from my iPhone

On Feb 3, 2017, at 1:48 PM, Sinks, Tom <Sinks.Tom@epa.gov> wrote:

> Kevin and Nancy - the policy specifically identifies who is covered. The information is not only on the SI landing site but also in the text of the policy (see below). Also, Francesca is very willing to help correct any of the misstatements that were made in the inside EPA article.

See below …

From our landing site …

Science is the backbone of EPA's decision-making. The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. EPA's Scientific Integrity Policy was issued in February 2012 and provides a framework to promote scientific and ethical standards and to create a proactive culture to support them. The Policy applies to all EPA employees including scientists, managers, political appointees as well as contractors, grantees, collaborators, and student volunteers. At https://www.epa.gov/osa/basic-information-about-scientific-integrity

This is the language from our policy itself …

III. Policy Applicability

As of the effective date, all Agency employees, including scientists, managers, and political appointees, are required to follow this policy when engaging in, supervising, managing, or influencing scientific activities; communicating information in an official capacity about Agency scientific activities; and utilizing scientific information in making Agency policy or management decisions. In addition, all contractors, grantees, collaborators and student volunteers of the Agency who engage in scientific activities are expected to uphold the standards established by this policy and may be required to do so as part of their respective agreements with the EPA.2 [posted at https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf

From: Robbins, Chris
Sent: Friday, February 03, 2017 1:24 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: scientific integrity policy ?

Hi Tom

Know the policy applies to non Feds but are categories identified?

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: February 3, 2017 at 1:18:21 PM EST
To: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Robbins, Chris" <Robbins.Chris@epa.gov>
Subject: Re: scientific integrity policy ?

We will get back to you shortly (and I will make sure and ask my folks to work with Francesca.

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Feb 3, 2017, at 1:10 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

<image001.gif>

We have several press inquiries re: scientific integrity policy and whether it applies to all employees – specifically the folks here on transition team appointments – some who will stay and some who are temporary.

Would appreciate any guidance.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

To: Parkinson, Lorna[parkinson.lorna@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
Cc: Francesca Grifo (francescatgrifo@gmail.com)[francescatgrifo@gmail.com]
From: Otto, Martha
Sent: Fri 2/3/2017 9:42:36 PM
Subject: RE: [redacted] Ex. 5

Great!

Francesca, please let us know whether you'll be in on Monday…so that we can cancel/reschedule our Monday meetings, if necessary.

Thanks! Have a wonderful weekend, All!

Marti

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 4:08 PM
To: Otto, Martha <Otto.Martha@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Cc: Francesca Grifo (francescatgrifo@gmail.com) <francescatgrifo@gmail.com>
Subject: RE: [redacted] Ex. 5

Hi Marti,

Thanks for the edits! I accepted your minor changes, and I'll go over the rest with FTG.

-Lorna

From: Otto, Martha
Sent: Friday, February 03, 2017 3:28 PM
To: Parkinson, Lorna <parkinson.lorna@epa.gov>; Grifo, Francesca

<Grifo.Francesca@epa.gov>; Brantner, Emily K. <brantner.emilyk@epa.gov>
Cc: Francesca Grifo (francescatgrifo@gmail.com) <francescatgrifo@gmail.com>
Subject: RE: Ex. 5

Hi, All,

I had a few comments/edits, also. Please see attached file.

Thanks for the opportunity to review.

Marti

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 2:41 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

Oops! Here is the attachment!

From: Parkinson, Lorna
Sent: Friday, February 03, 2017 2:40 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Martha Otto (Otto.Martha@epa.gov) <Otto.Martha@epa.gov>
Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

Hi Everyone-

I made some edits to [redacted]. There are still some things I'd like to go over, but I think it can be circulated to the committee.

-Lorna

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
To: Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]; Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]
From: Francesca Grifo
Sent: Fri 2/3/2017 9:45:00 PM
Subject: Response to Inside EPA
InsideEPA Response.docx

Sorry not to get this to you earlier. Small crisis here but all is well now. Let me know what else you need.

InsideEPA EPA Integrity Policy may allow Trump review of Agency science, Critics say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics. The Obama EPA's scientific integrity policy is so toothless it can't be violated, says Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), a group that represents government whistleblowers. He says the fact that Trump transition officials may review agency scientists' work "doesn't violate the policy," adding that the Obama administration also performed case-by-case reviews, despite its rhetoric on scientific freedom. "They never explained the implementing procedures. There are no penalties for scientific misconduct," he says. But, a then-UCS official and now EPA's scientific integrity official tasked with overseeing the policy's implementation, Francesa Grifo, told *Inside EPA* in 2012 that "The policy does not protect EPA scientific documents from being manipulated during White House or inter-agency review," Grifo says. "This leaves the agency's scientific work open to manipulation and suppression by other parts of the federal government without public accountability," and complains that the policy "still fails to define what constitutes a conflict of interest," among other concerns.

PEER sent Trump a **Jan. 31 letter** urging the administration to take steps to strengthen scientific integrity policies at EPA and other agencies to avoid the kinds of controversies that enveloped Ericksen. "Simply put, administration attempts to manipulate science to fit its official talking points will inescapably fail, automatically be leaked and subject your White House to a daily drip-drip-drip of bad, off-message news coverage. The only way

to quell the quagmire of unending controversy on issue after issue is to establish strong, clear and uniform guidelines ensuring a transparent paper trail and allowing scientific information to be freely shared."

EPA's scientific integrity website does not appear to include any changes to the policy since its 2012 publication. EPA's press office did not respond to a request for comment. A clear example of the weakness of the policy is that EPA's scientific integrity official indicates in her annual reports that her office has investigated allegations, but none of them have resulted in a finding in violation of the policy, Ruch tells *Inside EPA*. "There's no protocol about how to conduct an investigation," Ruch said. "They've found no misconduct. So either they never had a problem or the policy" is ineffective. EPA's scientific integrity official, Grifo, has released **annual reports** of her work since her hiring in 2013, though the report for fiscal year 2016 has yet to appear on EPA's website. Gretchen Goldman, research director at UCS' Center for Science and Democracy, is unsure whether the transition officials are EPA officials who would be subject to the policy, saying that as far as she knew, they were not covered by the policy. "The ideal language that we have always advocated for is that only scientists edit scientific language," Goldman tells *Inside EPA*. "That would cover everyone." She added that only the Energy Department has such language, in revisions that former Secretary Ernest Moniz issued days before leaving office. UCS recently published a **report describing agencies' efforts** to craft and implement their scientific integrity policies during the Obama administration. It also includes a series of recommendations for the Trump administration to strengthen those policies.

Cc: Parkinson, Lorna[parkinson.lorna@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
To: Otto, Martha[Otto.Martha@epa.gov]
From: Francesca Grifo
Sent: Fri 2/3/2017 9:45:33 PM
Subject: Re: Ex. 5

Thanks for reminding me!! I will be in on Monday!
Francesca

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Subject: Ex. 5

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Cc: Brantner, Emily K. <brantner.emilyk@epa.gov>
Subject: Ex. 5

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-Lorna

Lorna Parkinson
Scientific Integrity Research Support Associate
Office of the Science Advisor
ORAU Contractor for U.S. EPA
202.564.0439
parkinson.lorna@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Siciliano, CarolAnn
Sent: Fri 2/3/2017 9:45:17 PM
Subject: RE: How are you doing?

Count me in!

Carol Ann Siciliano

Associate General Counsel

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5489

siciliano.carolann@epa.gov

From: Grifo, Francesca
Sent: Friday, February 03, 2017 4:14 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: Re: How are you doing?

Thanks! No worries! One day at a time! We are going to need to organize happy hours to get through this!

Francesca

Sent from my iPhone

On Feb 3, 2017, at 3:50 PM, Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov> wrote:

> I'm sorry I've been so elusive these past few weeks. And I'm doubly sorry to have missed last week's SI meeting. I'm afraid I'll continue to be unavailable for at least a month.

But if you need us, please call Andy Simons (who is also crazy busy right now – our administrative law practice is booming) or, better, my deputy Karin Koslow. Karin (pr. Car-in-the-garage) is a veteran EPA'er, and while she might need to catch up on the Scientific Integrity Policy, she can be a good senior advisor to you in my absence.

Hang in there, my dear!

Carol Ann Siciliano

Associate General Counsel

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5489

siciliano.carolann@epa.gov

To: Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]
From: Grifo, Francesca
Sent: Fri 2/3/2017 9:46:55 PM
Subject: Re: News Roundup

She should know better. Must admit she did get a fair amount wrong last time around as well.

Sent from my iPhone

On Feb 3, 2017, at 4:33 PM, Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov> wrote:

Maria Hegstad.

Liz Blackburn

Chief of Staff

EPA Office of Research and Development

202-564-2192

Mobile: 202-436-2453

From: Grifo, Francesca
Sent: Friday, February 03, 2017 10:02 AM
To: Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>
Subject: Re: News Roundup

On my compressed day and running errands. Should be home by 1 and can send along then. Who wrote the piece? Could not tell from the forwarded email.

Thanks

Francesca

Sent from my iPhone

On Feb 3, 2017, at 9:58 AM, Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov> wrote:

Saw that last night. Adding Carolyn. Maybe give us some sentences of how you'd correct the errors.

Liz Blackburn

Chief of Staff

EPA Office of Research and Development

202-564-2192

Cell 202-436-2453

Sent from my iPhone

On Feb 3, 2017, at 9:36 AM, Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

> If I could chat with reporters or answer questions I could correct errors. There were many in this piece.
>
> Francesca
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Sinks, Tom" <Sinks.Tom@epa.gov>
> > **Date:** February 3, 2017 at 8:38:23 AM EST
> > **To:** "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Greene, Mary" <greene.mary@epa.gov>, Anand Mudambi <Mudambi.Anand@epa.gov>, "Phelps, Lara" <Phelps.Lara@epa.gov>, "Nelson, Daniel K." <Nelson.Daniel@epa.gov>
> > **Subject: FW: News Roundup**
> >
> > FYI – the 1st article directly covers OSA.
> >
> > **From:** Kavlock, Robert
> > **Sent:** Thursday, February 02, 2017 9:08 PM
> > **To:** Sinks, Tom <Sinks.Tom@epa.gov>
> > **Subject:** Fwd: News Roundup

In case you haven't seen.

Begin forwarded message:

From: "Plotkin, Viktoriya" <Plotkin.Viktoriya@epa.gov>
Date: February 2, 2017 at 7:12:17 PM EST
To: "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Gwinn, Maureen" <gwinn.maureen@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>
Subject: News Roundup

InsideEPA EPA Integrity Policy may allow Trump review of Agency science, Critics say

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InsideEPA EPA, FDA fish advice to pregnant women disappoints stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about whether the advice is too lax or too strict in warning women against the risks of methylmercury. The new advice, released Jan. 18, encourages women who are or may become pregnant, and children, to eat more fish, setting a first-time floor for fish consumption of eight ounces per week, while maintaining the 12 ounces per week maximum. Many stakeholders argue that focusing on this risk value without considering the neurodevelopmental benefits of eating seafood is unscientific, while

others argue that the RfD is more than 15 years old and newer research suggests that it is insufficiently protective against the methylmercury risk. Edward Groth, an independent expert retired from Consumers' Union noted that the RfD is not only old, it is also out of date. Groth, who published a paper last summer in the journal *Environmental Research*, describes 13 studies he reviewed and discussed in that analysis, noting that these epidemiological studies, published after EPA finalized its RfD, indicate that the RfD is insufficiently protective.

"They're hanging everything on the RfD," says Michael Bender of the Mercury Policy Project. "They threw out any kind of information on which fish is more nutritional. Everyone was on board with that [information]." Groth and Bender's concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked on updating the fish advice for 10 years. "Now, it's a mercury-centric health advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

The stakeholders are not the only ones with concerns about EPA's

RfD. One of the three individuals that an FDA contractor asked to peer review the RfD-based risk approach for the new advisory also questioned whether the RfD is sufficiently protective. "The exact window of vulnerability is not yet established. However, consuming fish with mercury in it can create spikes in blood mercury. This would then be conveyed to a child. Since the duration of exposure necessary for a child to be affected by mercury in the mother's blood is not known but could be short and since the RfD is likely too high anyway, it seems quite prudent and good public health action to try to keep women at or below the RfD on a weekly basis during and immediately before pregnancy." EPA has placed the RfD on its multi-year schedule for new Integrated Risk Information System (IRIS) assessments. Several stakeholders, however, questioned whether or how quickly the assessment will be updated.

InsideEPA Litigation: Flint residents seek $722 million in tort damages from EPA

Hundreds of Flint, MI, residents in a new lawsuit are seeking $722.4 million in tort damages from the federal government, claiming EPA was negligent and failed to act in a timely manner to address the city's lead in drinking water crisis and noting the agency's lack of action on their administrative claims for such damages. In *Jan Burgess, et al. v. United States*, 1,703 Flint residents say "EPA failed to follow several specific agency mandates and directives governing its conduct which resulted in injury to the CLAIMANTS," and the failure to fulfill these Safe Drinking Water Act (SDWA) duties constitute violations of the Federal Tort Claims Act (FTCA). While EPA issued an emergency order under SDWA section 1431 in January 2016, the agency should have acted much sooner, the complaint says, arguing regulators were aware there was a problem as early as October 2014 when residents began complaining about their water. The suit also alleges EPA failed to provide advice and "technical assistance" to local and state organizations that failed to meet SDWA requirements, saying the agency was aware of non-compliance in October 2014 but failed to provide any assistance until September 2015.

Sen. Tom Cotton (R-AK) introduced legislation in the 114th Congress that would have made it easier for Flint residents to obtain FTCA damages. The bill, S. 2884, would have removed the discretionary function exemption in FTCA to allow Flint victims to sue EPA under the tort claims law and require that all awards come out of EPA's budget. He introduced the bill days after the plaintiffs in the new litigation filed their first administrative complaint.

Bloomberg One Obama-Era Climate Rule Trump Might Not Consider a 'Disaster'

Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast to come their way. The regulation, proposed by the Federal Emergency Management Agency a week before Trump took office, would impose on states a "disaster deductible" -- a requirement that they shoulder some of the recovery costs up front, before receiving federal dollars. The deductible would be reduced for states that pass stricter building codes or take other steps to reduce their residents' exposure to disasters. "I don't think it's dead, because it's a reasonable idea," Carafano, vice president at the conservative Heritage Foundation, said in an interview Jan. 26, less than a week after his work with the transition team ended. Whether the administration pursues the disaster deductible could signal its broader approach to policies aimed at adapting to climate change. While Trump campaigned against programs to reduce greenhouse-gas emissions, such as the 2015 Paris agreement and the Clean Power Plan, his position isn't clear on initiatives designed to help Americans cope with the consequences of emissions: heat waves, sea-level rise, and more frequent and intense hurricanes, floods and wildfires.

That relative silence may reflect the fact that unlike the climate debate, which according to opinion polls increasingly falls along ideological lines, protecting Americans against extreme weather remains largely bipartisan. Some of the states most exposed to hurricanes and floods are led by Republicans, who have become increasingly aggressive about responding to those threats.

Bloomberg Former Top EPA Deputy to Head Wake Forest Graduate Program

The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. Stan Meiburg, a career Environmental Protection Agency employee and acting deputy administrator for more than two years, will join Wake Forest in Winston-Salem, N.C., July 1. There he will work with the Graduate School of Arts and Sciences and the Center for Energy, Environment, and Sustainability.

Bloomberg Bill gutting EPA Climate Authority has 100-Plus GOP Cosponsors

A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of cosponsors days after being introduced. The bill, H.R. 637, would rewrite the Clean Air Act to clarify that the law does not grant the Environmental Protection Agency power to regulate greenhouse gases as a pollutant. It also states that "no Federal agency has the authority to regulate greenhouse gases under current law." Additionally, the law would require the EPA to seek approval from Congress to enact a regulation that would have any negative effect on employment. And it would nullify two signature Obama-era climate policies: regulations on carbon dioxide emissions from power plants and on methane emissions from the oil and gas industry. Rep. Gary Palmer (R-Ala.) introduced the legislation last week and as of Feb. 2, it already has 110 cosponsors, including nearly every Republican from Texas. Palmer introduced similar legislation in 2015 but, despite garnering 152 cosponsors, the bill never came up for a hearing and companion legislation was never introduced in the Senate.

Greenwire Trump team scouting for energy, enviro slots

The Trump team is actively looking to fill several key White House energy and environmental slots, according to a source close to the administration. While President Trump has selected his nominees for energy and environmental agencies, he has yet to fill some critical jobs within the White House, including a leader for the Council on Environmental Quality and an energy adviser on the National Economic Council. Kathleen Hartnett White, a former Texas regulator who was passed over as U.S. EPA chief, was rumored to be in the running to be Trump's CEQ chairwoman; her name was being advocated by coal industry executives and members of conservative think tanks (***Greenwire***, Jan. 12). But it's unclear whether she's still in the running or whether others have emerged as front-runners, said the source close to the administration. Currently, "they're actively trying to find someone for CEQ," the source said.

Viktoriya Plotkin

Office of Research & Development | US EPA

202.564.7318 (Desk) | 202.510.3602 (BB) | plotkin.viktoriya@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Grantham, Nancy
Sent: Fri 2/3/2017 9:51:08 PM
Subject: Re: scientific integrity policy ?

Thx

Sent from my iPhone

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This is the language from our policy itself …

III. Policy Applicability

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From: Robbins, Chris
Sent: Friday, February 03, 2017 1:24 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Subject: Fwd: scientific integrity policy ?

Hi Tom

Know the policy applies to non Feds but are categories identified?

Sent from my iPhone

Begin forwarded message:

> **From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>
> **Date:** February 3, 2017 at 1:18:21 PM EST
> **To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Robbins, Chris" <Robbins.Chris@epa.gov>
> **Subject: Re: scientific integrity policy ?**
>
> We will get back to you shortly (and I will make sure and ask my folks to work with Francesca.

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Feb 3, 2017, at 1:10 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

<image001.gif>

We have several press inquiries re: scientific integrity policy and whether it applies to all employees – specifically the folks here on transition team appointments – some who will stay and some who are temporary.

Would appreciate any guidance.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

To: ORD-ALL Feds[ORDALL_Feds@epa.gov]
From: ORD-Job-Opportunity
Sent: Fri 2/3/2017 10:16:57 PM
Subject: TALENT HUB - Acting Branch Chief, ORD/NRMRL/GWERD/ESPB, GS- 0401, 1301, 0819-14/15

Good Afternoon,

If you would like to apply for this detail opportunity through Talent Hub for the "Acting Branch Chief" position, please click on the Talent Hub Portal Link below. Should you have questions regarding Talent Hub, please contact Joy Murphy (murphy.joy@epa.gov). If you have additional questions regarding the duties and/or responsibilities regarding this position, please contact Richard Lowrance (lowrance.richard@epa.gov) and/or Ann Keeley (keeley.ann@epa.gov).

Talent Hub Portal Link:
https://usepa.sharepoint.com/sites/OA_Applications/TalentHub/details/SitePages/Home.aspx

Description:

1) This position is open to permanent, competitive EPA employees;

2) Duty Station location is in Ada, OK; and

3) (GS-14/15) qualified applicants

The Office of Ecosystem and Subsurface Protection Branch - NRMRL/GWERD is soliciting applications to fill the Acting Branch Chief position. The selected individual will be responsible for performing the following duties:

Plan, organize, and manage the activities of the Branch. Consult with and advise the Division Director and Laboratory/Center Director on technical and administrative issues affecting the Branch. Propose and plan research and development projects and outputs to meet objectives. Interpret the impact of changes in regulation or Agency priorities on the projects within the Branch and work with team leaders and other professionals to revise and redirect projects and resources to meet the changing objectives.

Exercise supervisory personnel management responsibilities. Serve as first-line supervisor for a staff of researchers, technicians, and administrative staff. Oversee the day-to-day operations of the Branch; plan Branch operations; schedule, track, and evaluate the performance of staff; provide advice and counsel to staff on both technical and administrative matters; recommend and approve personnel actions for the Branch staff, including awards or bonuses; hear and resolve serious complaints or grievances;

identify training needs of staff and provide for those needs to be met in an equitable and e or approve selections for non-supervisory positions; oversee and manage the programs of research teams within the Branch, including providing technical advice and decisions on work problems; approve employee expenditures for in-house equipment, training, and travel; and implement ways to promote communication, teamwork, and EEO goals both within the Branch and with other organizations.

Participate as a researcher in representation, planning and implementation of team-based research. Perform duties such as: conduct independent research in a broad scientific field relevant to branch objectives; formulate concepts; develop and extend existing hypotheses; prepare research plans; carry out investigations; analyze and interpret results; present results to the broader scientific community; disseminate findings through peer-reviewed scientific journals and other scientific and technology transfer outlets.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]
From: Grantham, Nancy
Sent: Fri 2/3/2017 10:41:15 PM
Subject: RE: scientific integrity policy ?

Thanks

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Grifo, Francesca
Sent: Friday, February 03, 2017 4:17 PM
To: Sinks, Tom <Sinks.Tom@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>
Subject: Re: scientific integrity policy ?

If the transition folks are appointed as SGEs or any federal equivalent it should apply. I am at home - [redacted] Ex. 6 if you need additional info.

Francesca

Sent from my iPhone

On Feb 3, 2017, at 1:48 PM, Sinks, Tom <Sinks.Tom@epa.gov> wrote:

> Kevin and Nancy - the policy specifically identifies who is covered. The information is not only on the SI landing site but also in the text of the policy (see below). Also, Francesca is very willing to help correct any of the misstatements that were made in the inside EPA article.

See below …

From our landing site …

Science is the backbone of EPA's decision-making. The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. EPA's Scientific Integrity Policy was issued in February 2012 and provides a framework to promote scientific and ethical standards and to create a proactive culture to support them. The Policy applies to all EPA employees including scientists, managers, political appointees as well as contractors, grantees, collaborators, and student volunteers. At https://www.epa.gov/osa/basic-information-about-scientific-integrity

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Sat 2/4/2017 2:24:19 AM
Subject: Feb. 6 -- BNA, Inc. Daily Environment Report

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Monday, February 6, 2017 · Number 23

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LEADING THE NEWS

Regulatory Policy
Guidance Helps Explain One-In, Two-Out Regulatory Order
The Office of Information and Regulatory Affairs quickly issued interim guidance for agencies grappling with President Donald Trump's new executive order requiring two regulations to be eliminated for every one issued....

NEWS

Climate Regulation
EU Carbon Allowances Post Weekly Gain as Colder Weather Seen
European Union carbon allowances gained for the second time in three weeks as colder weather is forecast for next week, boosting energy demand for heating. ...

Drinking Water
N.Y. Gets Good News From Drinking Water Tests
Businesses cheered early tests results from New York that suggest perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) contamination in drinking water may not be pervasive statewide, but environmental groups said further...

Emissions Trading
EU Opts to Wait and See on Aviation Emissions
Intercontinental flights departing from or landing in the European Union would continue to be exempted from the bloc's emissions-trading system (ETS), at least until the details of an international scheme to control greenhouse gases...

Emissions Trading
U.K. Power Capacity Auction Clears at Lower-Than-Expected Price
Britain's auction for contracts paying operators to keep power plants open for a year from October cleared below estimates by analysts ranging from Sanford C. Bernstein Ltd. to RBC Capital Markets and Bloomberg New Energy Finance....

Energy
Costly Delays Upset Reactor Renaissance, Keep Nuclear at Bay
Costly delays, growing complexity and new safety requirements in the wake of the triple meltdown at Fukushima are conspiring to thwart a new age of nuclear reactor construction....

Energy
FERC Delegates Responsibilities to Staff in Absence of Quorum
The Federal Energy Regulatory Commission issued an order delegating more authorities to staff—including the acceptance and suspension of rate filings—as the agency prepares to be without a quorum of three members starting...

Energy
Uranium Rebound Threatened by Fukushima Years After Meltdown
Japan's Fukushima meltdown may challenge uranium again just as the nuclear fuel shows signs of recovery after the 2011 disaster sent prices on a six-year slide....

Energy
Williams's $3 Billion Atlantic Sunrise Gas Project Gets U.S. Nod
Williams Cos. won U.S. approval to build its $3 billion Atlantic Sunrise natural gas pipeline expansion in the Northeast, ending a review that ran almost two years and forced delays in the project....

Enforcement
Delaware Wastewater Company Pays $3.5M for Clean Water Crimes
An oil and waste water recycling company in Wilmington, Del., will pay the city $3.5 million for environmental crimes including conspiracy to violate the Clean Water Act, according to the EPA (United States v. Int'l Petroleum Corp....

Hydraulic Fracturing
$3M Fracking Verdict Against Aruba Petroleum Reversed
A $3 million jury verdict for a family that claimed Aruba Petroleum Inc. intentionally interfered with their property in its fracking operations was reversed by a Texas appellate court (Aruba Petroleum, Inc. v. Parr , 2017 BL 30588, Tex. App.,...

Invasive Species
Grass Carp's Invasion Spurs Further Canada-U.S. Efforts
Canada and the U.S. are exploring new ways to block grass carp in the Great Lakes after a recent update warned that the invasive species poses a potentially extreme risk after reaching three of the lakes....

Mining
Social, Environmental Harms Not Eyed in Brazil Mine Planning
An Amazon gold mine being developed by Canada's Belo Sun Mining Corp. has hit a bump after federal and state officials asked courts to suspend its license over concerns about its social and environmental impacts. ...

Natural Resources
Zinke Can Balance Interior's Competing Interests: Montanans

The man in line to become the next Interior secretary grew up in a part of Montana that has evolved over the past several decades from a dependence on timber cutting and other resource development to one more oriented toward skiing, hiking and...

Oil & Gas
House Votes to Nullify Bureau of Land Management Methane Rule
The House voted Feb. 3 to rescind a federal rule on the venting, flaring and leaking of natural gas from oil and gas operations on federal and Indian lands....

Oil Spills
Transport Week Ahead: NTSB Weighs Cause of Oil Train Wreck
The National Transportation Safety Board will meet Feb. 7 to determine the probable cause of a fiery train derailment in December 2013 that spilled 476,000 gallons of burning crude oil near Casselton, N.D....

Renewable Energy
Brexit Markets Give the U.K. Solar Industry Moment in the Sun
Brexit has brightened the outlook for U.K. solar funds, with higher power prices lifting earnings for the industry and burnishing its attraction for investors seeking to insulate themselves from political upheaval....

Renewable Energy
Post-SunEdison Collapse, Vivint Solar Is Going Home Again
Vivint Solar Inc. is getting back to its roots. This time last year, the Blackstone Group LP-backed rooftop solar installer was trying to close its proposed acquisition by SunEdison Inc., then the world's largest clean-energy company....

Superfund
EPA Requests $4.3 Million in Ohio Superfund Settlement
The EPA is proposing to settle $4.3 million in Ohio Superfund site cleanup costs with a company through bankruptcy court (In re SRC Liquidation LLC , Bankr. D. Del., No. 15-10541-BLS, 1/19/17)....

Sustainability
Ontario Bonds Raise $616 Million for Green Projects
Ontario's third sale of "green" bonds raised C$800 million ($616 million) to support clean transportation and environmentally friendly infrastructure projects, the government announced Feb. 3....

REGULATORY AGENDA

TODAY'S FEDERAL REGISTER

TODAY'S STATE REGISTERS

Daily Environment Report

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Tue 3/21/2017 7:51:58 AM
Subject: 9th Circ. Rejects Challenges To Navajo Plant Smog Plan [WARNING: DKIM validation failed]

ENVIRONMENTAL

The Road To 60 Votes: Confirming Neil Gorsuch

Follow Law360's up-to-the-minute coverage.

Tuesday, March 21, 2017

TOP NEWS

9th Circ. Rejects Challenges To Navajo Plant Smog Plan

The Ninth Circuit on Monday rejected challenges to the U.S. Environmental Protection Agency's plan to cut emissions at an Arizona coal-fired power plant, saying that the plan to meet regional haze requirements was a reasonable use of the agency's authority.

Wine Co. Can't Trim 'Redundant' Claims In Worker Death Suit

A California federal judge on Monday denied a winemaker's bid to strike "redundant" portions of the federal government's environmental justice suit alleging Clean Air Act violations and other claims in connection with a worker's 2012 death from anhydrous ammonia exposure, saying the laws and regulations complement each other.

DC Circ. Denies Tribe's Bid To Stem Dakota Pipeline Oil

The D.C. Circuit on Saturday rejected a bid by the Cheyenne River Sioux Tribe to prevent Dakota Access from putting oil into its pipeline at a disputed North Dakota site, which could allow the company to start the flow of oil as soon as Monday.

Iowa Water Nitrate Pollution Suit Is Tossed By Fed. Court

An Iowa federal judge has dismissed a suit brought by the Des Moines Board of Water Works Trustees alleging several upstream water drainage districts polluted the river with nitrates, ruling Friday that the districts had legal immunity and that a constitutional challenge failed.

Partisan Sparks Fly At Gorsuch Hearing's First Day

Judge Neil Gorsuch, President Donald Trump's pick for the U.S. Supreme Court, pushed

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back against accusations of bias at the opening of his confirmation hearing Monday, as criticisms over the Senate delay on filling the late Justice Antonin Scalia's seat dominated much of the first day.

POLICY & REGULATION

Trump Admin. Delays Efficiency, Electric Vehicle Rules

The U.S. Department of Energy on Monday delayed five efficiency regulations including one for federal building standards, and the Department of Transportation delayed a safety rule for electric vehicles, each saying more time was needed to review them.

EPA Commits $100M For Flint Water Infrastructure Upgrades

The U.S. Environmental Protection Agency on Friday awarded a $100 million grant to the Michigan Department of Environmental Quality, aimed at upgrading Flint's drinking water infrastructure in the wake of its lead-tainted water crisis, which became a national scandal in 2015.

Indonesia Set To Target EU Biodiesel Tariffs At WTO

The Indonesian government on Sunday said that it will soon launch a World Trade Organization case against the European Union's anti-dumping duties on biodiesel exports, alleging that the tariffs were calculated in a way that violates global trade rules.

LITIGATION

Deepwater Judge Allows Delayed Claims To Proceed To Court

The judge overseeing the Deepwater Horizon multidistrict litigation ruled Friday that plaintiffs whose pursuit of economic damages from the oil spill and resulting federal moratorium on Gulf of Mexico drilling were put on hold could opt out of a global settlement and bring their claims in court.

NOAA Says Temperature Study Docs Protected In FOIA Suit

The National Oceanic and Atmospheric Administration on Friday asked a D.C. federal judge to toss Judicial Watch's lawsuit alleging NOAA violated a federal information disclosure law by failing to turn over emails related to the measurement of global temperature data.

9th Circ. Says Fishermen's APA Suit Lacks Jurisdiction

The Ninth Circuit said Friday that it did not have jurisdiction over a suit brought by a group of fishermen alleging that a decision by the National Park Service to enforce bans on commercial fishing in the Golden Gate National Recreation Area was unlawful, ruling that the case should be remanded and dismissed because it was improperly brought.

High Court Won't Hear Challenge To Well-Plug Order

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The Supreme Court will not review a decision by the D.C. Circuit that upheld the U.S. Department of the Interior's order forcing Noble Energy Inc. to plug and abandon an oil well off the coast of California, according to an order handed down Monday.

Justices Won't Hear Park Worker's Whistleblower Suit

The U.S. Supreme Court refused Monday to consider a Ninth Circuit decision that tossed a whistleblower-reprisal claim from a former U.S. Fish and Wildlife Service employee, who alleged the service discriminated against her, told her to "learn to be more feminine" and then retaliated against her when she complained.

Citgo Tells 5th Circ. $81M Spill Fine Is Too Flawed To Stand

Citgo continued Friday to urge the Fifth Circuit to undo an $81 million fine stemming from a 2006 oil spill, saying that the federal government cannot explain away a lower court's flaws in determining how much economic benefit the company received from its violation that led to the spill.

DOE Has No Excuse For Shirking LNG Study, Enviros Say

The U.S. Department of Energy did not properly analyze the impact of increased liquefied natural gas exports in approving exports from Cheniere Energy Inc.'s projects in Texas and Louisiana despite having the information and means to do so, the Sierra Club told the D.C. Circuit on Friday.

NJ High Court Will Hear Farmland Preservation Row

The New Jersey Supreme Court has agreed to review an Appellate Division's decision that further findings were necessary to determine if a commercial farmer ran afoul of state soil conservation rules by tampering with preserved land to build greenhouses, according to an order released Monday.

Feds Say They Don't 'Own' Navajo Land In Cleanup Suit

The U.S. government on Friday said it's not required to bankroll the environmental cleanup of more than a dozen old uranium sites on Navajo Nation land, telling an Arizona federal court that El Paso Natural Gas Company LLC's bid to avoid its own liability for the mess is barred by sovereign immunity.

Fiat Investors Seek Class Cert. In Emissions Cheating Suit

Investors claiming Fiat Chrysler inflated its stock price by using illegal software to cheat on emissions tests and otherwise dodging safety and emissions regulations asked a New York federal judge on Friday to certify a proposed class represented by Pomerantz LLP and The Rosen Law Firm PA.

Fuel Co. Can't Get $5.5M Credit For Raw Materials, Feds Say

A Florida grease recycling plant suing the federal government to recover more than $5.5 million in taxes is improperly trying to claim tax credits for raw materials that were not part of

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the final fuel mixtures it sold, according to an IRS court filing Friday.

PEOPLE

Troutman Sanders Adds Dentons Energy Markets Team

Two partners and an attorney from Dentons LLP have joined Troutman Sanders LLP's energy and projects practice in the New York and Washington, D.C., offices, the firm said Monday.

EXPERT ANALYSIS

Regulatory Pathways Emerge For Gene-Edited Products

The U.S. Food and Drug Administration, Department of Agriculture and Environmental Protection Agency have finally indicated how they plan to regulate emerging genetic technologies. Their respective proposals differ in scope and approach, but each one has the potential to significantly influence how gene editing is integrated into product development, say Emily Marden and Deepti Kulkarni of Sidley Austin LLP.

Why We Need The Fairness In Class Action Litigation Act

The polarized reaction to H.R. 985 indicates that class action and multidistrict cases are in trouble. It was a good idea to revise Rule 23 of the Federal Rules of Civil Procedure and to create the Judicial Panel on Multidistrict Litigation in the 1960s, but now these mechanisms are exceeding their limits and should be reined in, says Alexander Dahl of Brownstein Hyatt Farber Schreck LLP.

Killing Class Actions Means Everybody Loses

Congress is trying to kill class actions again. H.R. 985 would impose a host of impossible requirements on the certification of class members, and close the courtroom doors to countless victims of serious fraud, negligence and other abuses. But it would also cause well-behaving companies to lose market share, profits and sales to cheaters who aren't policed, says Daniel Karon of Karon LLC.

Not From Around Here? Trying A Case As An Out-Of-Towner

The importance of authenticity is magnified when trying a case outside your home jurisdiction. While using references to local landmarks or history can help make arguments relatable, adopting local expressions or style in an attempt to ingratiate oneself with the judge and jury almost always backfires, say William Oxley and Meghan Rohling Kelly of Dechert LLP.

LEGAL INDUSTRY

Analysis

Why More Law Firms Are Moving To The Cloud

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The proportion of lawyers who report using the cloud has spiked in recent years, a trend experts say is driven by a recent uptick in confidence that the cloud can provide adequate privacy and security controls to law firms while making lawyers' lives easier.

Clients Leaving Firms With The Bill For Research

Clients will refuse to pay costs for performing legal research more than any other task, while law firms only see a return of a quarter of all possible costs associated with that work, according to a new study.

Skadden Has No Fed. Beef In Mich. Tax Deal, Justices Told

The Michigan Department of Treasury has asked the U.S. Supreme Court to reject a petition by Skadden Arps Slate Meagher & Flom LLP and others to take up a case over the state's withdrawal from a multistate tax compact, saying the dispute does not pose a question requiring federal input.

Dewey Execs Say State's Secrecy Warrants Dismissal

Former Dewey & LeBoeuf LLP executives Stephen DiCarmine and Joel Sanders asked a New York judge on Monday to dismiss all charges in the middle of their fraud retrial, saying prosecutors' failure to disclose details about witnesses' statements had crippled their defense.

Alsup Suggests Uber, Waymo Let Young Attys Give Tutorials

U.S. District Judge William Alsup told counsel on both sides of Waymo and Uber's intellectual property dispute Monday that they should allow young lawyers to present an upcoming technological tutorial, the latest request in a sweep of orders looking to create opportunities for such attorneys.

Plaintiffs Bar Perspective: Motley Rice's Linda Singer

A successful plaintiffs attorney focuses on her case and how to move that case forward effectively in the midst of often ongoing attempts to distract from the real issues and facts at hand, says Linda Singer, a member at Motley Rice LLC.

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Fredericks Peebles

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Oracle Corp.

Salt River Project

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Food and Drug Administration

Hopi Tribe

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 3/21/2017 12:08:58 PM
Subject: Morning Consult Energy, Presented by the American Fuel & Petrochemical Manufacturers: Exxon Not Sure If Tillerson's Alias Emails Were Deleted

By Jack Fitzpatrick

Washington Brief

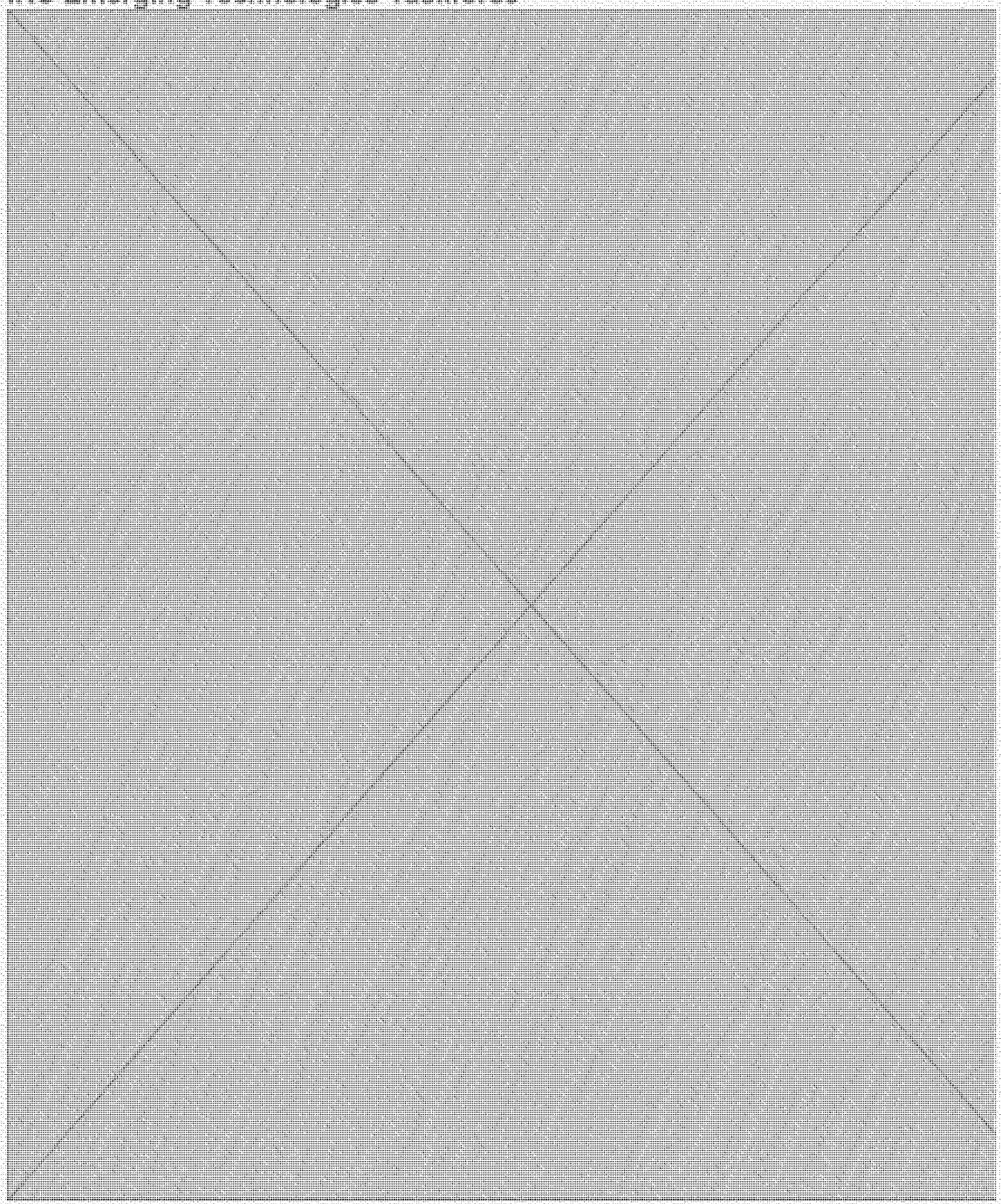
- Exxon Mobil Corp. cannot say whether it deleted emails from now-Secretary of State Rex Tillerson's email alias from when he was the company's CEO. (BuzzFeed News)
- A resolution blocking an Obama administration rule limiting venting and flaring of natural gas on federal lands is hitting a roadblock in the Senate after passing the House, as some Republicans are leaning toward voting against the measure. (The Hill)
- The Energy Department will extend a freeze on energy-efficiency rules promulgated by the Obama administration, taking until the fall to review them. (Washington Examiner)

Business Brief

- Westinghouse, the nuclear subsidiary of Toshiba, is reviewing offers for a financing package for the company to go through bankruptcy in the U.S. (Reuters)
- A federal court rejected two legal challenges to regulators' plan to reduce emissions from the Navajo Generating Station in Arizona, following an announcement that the plant's owners plan to shut it down. (The Associated Press)
- Exxon Mobil Corp.'s discoveries of oil fields off the coast of Guyana have stoked tensions between the company and nearby Venezuela, which are in a legal battle over projects expropriated by Venezuela's government. (Financial Times)

Chart Review

Emerging Technologies: How ISOs and RTOs can create a more nimble, robust bulk electricity system
IRC Emerging Technologies Taskforce



Events Calendar (All Times Local)

Tuesday

Senate Energy and Natural Resources Commitee hearing on infrastructure	10 a.m.
House T&I subcommittee hearing on railroads	10 a.m.
House Natural Resources subcommittee hearing on raw materials for infrastructure projects	10 a.m.
House Science subcommittee hearing on National Science Foundation	10 a.m.
Brookings discussion on solar power in China, U.S.	10 a.m.
CSIS discussion on Australian, Indonesian energy	1:30 p.m.
House Oversight subcommittee hearing on BSEE	2 p.m.

Wednesday

American Coalition for Ethanol D.C. fly-in	8:30 a.m.
Senate Environment and Public Works Committee hearing on Nuclear Energy Innovation and Modernization Act	10 a.m.
House Energy & Commerce subcommittee markup of Ozone Standards Implementation Act	10 a.m.
House Natural Resources subcommittees hearing on Puerto Rico Electric Power Authority	10 a.m.
Environmental Law Institute climate policy outlook	12:30 p.m.
Senate Foreign Relations subcommittee hearing on conflict minerals	2:30 p.m.

Thursday

International Conference on Climate Change	7:30 a.m.
American Coalition for Ethanol D.C. fly-in	8:30 a.m.
Bipartisan Energy Center on the North American energy trade	2 p.m.
Chevron CEO John S. Watson speaks to Economic Club of D.C.	6 p.m.
Georgetown University Library discussion on energy policy	6 p.m.

Friday

International Conference on Climate Change	7:30 a.m.

This email was sent by: Morning Consult

A Message from American Fuel & Petrochemical Manufacturers:

More than half of the components in the smart phones, tablets and laptops that connect us start with petrochemicals. Beyond making the fuels that power the world, American Fuel & Petrochemical Manufacturers provide the building-blocks for high-tech innovations that make our modern lifestyles possible. Learn about how American Fuel & Petrochemical Manufacturers are making our lives easier, healthier, safer and more productive at afpm.org. At AFPM, we make progress.

General

Exxon Cannot Say Whether It Deleted Emails From Rex Tillerson's Email Alias
Mike Hayes, BuzzFeed News

ExxonMobil cannot say whether it deleted emails from a second email that Secretary of State Rex Tillerson utilized while CEO of the company, according to documents obtained by BuzzFeed News in the New York state attorney general's climate change investigation into the company. Last week, NY Attorney General Eric Schneiderman's office revealed in a letter to the NY State Supreme Court judge in the case that while running ExxonMobil, Tillerson used a second email under the alias "Wayne Tracker."

Massach[redacted]cial: Exxon s[redacted]erve email ac[redacted]
The Ass[redacted]ss

Democratic Massachusetts Attorney General Maura Healey is asking Exxon Mobil to preserve all alias email accounts of company executives. Massachusetts and New York are investigating whether Exxon misled investors and the public about the risks climate change posed for the oil and gas company.

Perry ex[redacted]e on energy e[redacted]les into fall
John Si[redacted]
Washing[redacted]ner

The Energy Department on Monday said it would extend a freeze on former President Barack Obama's energy efficiency rules, giving Energy Secretary Rick Perry until the fall to review and potentially change them. Trump's regulatory freeze went into effect the same day he was inaugurated, but because Perry wasn't sworn in until March 3, the administration is giving him nearly triple the amount of time to review the regulations and decide whether or not to move ahead with them.

The Tru[illegible]s bizarre r[illegible] the weather [illegible]omes Chelsea [illegible]e Washing[illegible]

Among dozens of federal programs proposed for elimination in the Trump administration's newly revealed budget proposal is the federal Weatherization Assistance Program, or WAP, a grant program housed under the Department of Energy that helps states improve the energy efficiency of the homes of low-income families. It's one of several climate and energy-related initiatives that, if erased, could actually hurt consumers in ways that seem inconsistent with the economy-boosting action the administration claims to

seek.

Chesape
Boomin **dustry**
Is Alarm **p's**
EPA Bu
Alexand **an,**
The Huf **t**

Ryan Croxton resurrected his family's oyster business in 2001 from the same muddy swath of Virginia river bottom his great-grandfather leased 102 years earlier. The slippery, jagged-shelled bivalves became so popular in the decades after the Civil War that a gold rush ensued in the Chesapeake Bay and its teeming estuaries, at times spurring violent rivalries that became known as "the oyster wars."

Euro Cli **nce**
Concern **ld**
Retreats
Adam H **muel**
Potter, E **News**

The euro rose to the strongest in more than a month after a French presidential debate eased concern about a populist win in the election. The dollar extended its decline as Fed officials weighed the pace of borrowing-cost hikes, and emerging-market stocks kept climbing.

Oil and Natural Gas

Guyana ts stir friction Venezue ExxonM
Ed Croo res Schipan Times

Guyana has emerged as one of the world's most promising areas for offshore oil exploration, following significant discoveries made by ExxonMobil of the US that have started a wave of excitement in the global industry. However, the new-found oil wealth of Guyana has heightened tensions with its neighbour Venezuela, which is in the throes of an economic crisis caused in part by falling oil production and weak prices.

Plenty o Buried o Oil Sands
Spencer Wall Street J

Earlier this month, Marathon Oil agreed to spend more than $1 billion on acreage in the Permian Basin, the very hottest place on the planet to drill for oil. On the same day, it announced the sale of other properties 2,000 miles due north in Canada's oil sands, a significantly less popular place to invest right

now.

Shell Go[redacted]ep-Water D[redacted]
Lynn Co[redacted]e Wall Street J[redacted]

Royal Dutch Shell PLC is trying to reinvent its business with a concept that sounds oxymoronic: budget deep-water drilling.

Gazpron[redacted]foreign groups [redacted]gy to boost pr[redacted]
Henry F[redacted]l Times

Gazprom Neft, Russia's third-largest oil producer, is on the hunt for foreign partners to tap their technological expertise, as pressure to increase output and undertake increasingly complex projects pushes domestic know-how to the limit. The company is actively seeking "international partners . . . to get access to new expertise and competent people", its deputy chairman Vadim Yakovlev said, as pressure from US shale producers forces conventional oil producers to maximise production.

Oil trade[redacted]tol boost th[redacted]hip of petrol st[redacted]
Neil Hur[redacted]d Sheppar[redacted]l Times

The world's biggest independent oil trader is doubling down on a strategy that some leading crude producers have all but abandoned - owning petrol stations. Vitol, the privately owned company that has grown under chief executive Ian Taylor into a 6m barrel a day oil trader, this month finalised its second largest acquisition by agreeing to pay ???1.4bn for Petrol Ofisi, a Turkish company that owns more than 1,700 filling stations.

Utilities and Infrastructure

Energy s
America to lose
David F ews

A growing number of experts believe that energy storage will be worth tens of billions of dollars in revenue within a decade, regardless of what the Trump administration does to harm or help. Batteries will start showing up everywhere, sending shock waves through the auto industry, the electric grid, the petroleum industry and the broader power sector, adding tens of thousands of manufacturing jobs to the

economy.

Compan se utility lin s, but Omaha- nts don't ha em
Hailey K aha
World-H

Once a year the letter shows up in Papillion mailboxes. The city wants to remind you: If a water or sewer line on your property breaks, you're on the hook. But, hey, here's a warranty company that can save you money in the event that mishap should befall you.

Renewables

EU clea Electric acquisit Wind Power
The Ass ss

The European Union has cleared General Electric's planned $1.65 billion acquisition of LM Wind Power, a Denmark-based manufacturer of rotor blades for wind turbines. The EU's executive Commission said Monday that the takeover was approved unconditionally because the combined company "would continue to face effective competition in Europe."

Bills to [redacted]r incentiv[redacted] ready to launc[redacted]
Tux Turl[redacted]d
Press H[redacted]

The near-term future of rooftop solar energy in Maine is likely to be decided this spring, as lawmakers consider changes to a widely criticized rule approved in January by the Public Utilities Commission. Two major bills are pending that would supersede the PUC's approach to compensating homeowners for the solar power they generate, an incentive called net energy billing or net metering.

Steel in [redacted]
Offshor[redacted]nally Coming [redacted]
Stephen [redacted]entech Media

It's been 15 years since Cape Wind - the project meant to be America's first offshore wind farm - was first proposed. For years, the 130-turbine, 450-megawatt project was held up as the start of an entirely new industry in the U.S.

Coal [redacted]

Court Tu[redacted]

Challenge [redacted] Plan for Coal [redacted]
The Ass[redacted]ss

A federal court has denied two legal challenges to federal clean-air regulators' plan for reducing haze by limiting emissions from the Navajo Generating station, a coal-fired plant in northern Arizona. Rulings Monday by the 9th U.S. Circuit Court of Appeals turn down challenges filed by the Hopi Tribe and by environmental and conservation groups.

Two coa[redacted]er plants in [redacted]Ohio to close by [redacted]
Emily Fl[redacted]rs

Dayton Power & Light, a subsidiary of The AES Corporation, will close two coal-fired power plants in southern Ohio by June 2018, the company announced on Monday. The company said in a statement emailed to Reuters that the plants, J.M. Stuart and Killen, would not be "economically viable beyond mid-2018."

McConn[redacted] not going to [redacted]cuts to the App[redacted]gional Commis[redacted]
WYMT

In an interview with WYMT Saturday, Senate Majority Leader Mitch McConnell (R-

Kentucky) said he opposes cuts to the Appalachian Regional Commission (ARC). President Donald Trump proposed slashing federal funding to the ARC in his budget plan.

Trump's [illegible] port doesn't [illegible] al-sector b[illegible]
Ryan Vl[illegible]
MarketW[illegible]

The coal industry, which looked to be one of the biggest winners in the immediate aftermath of last year's U.S. election, has struggled to advance since November, lagging behind the overall market despite President Donald Trump's frequent pledges in support of the sector. The VanEck Vectors Coal ETF KOL, +1.46% is up 1.6% since the election, well under with the 11% rise of the S&P 500 SPX, -0.21% over the same period.

Engie to [illegible] ng down Ha[illegible] ower station t[illegible]
Angela [illegible] Smith, Australi[illegible]
Review

French energy major Engie will start the week-long process to close down its giant Hazelwood coal fired power station late this week, with the looming loss of capacity having already

driven a further soaring in electricity hedging contracts in Victoria. The first of eight 220-megawatt units is likely to be withdrawn from the market on about March 24, setting in train a progressive closure of all remaining turbines over the next days before the final two units are shut on about March 29, according to a spokesman.

The coa[illegible] sick - and it's [illegible]
Shane S[illegible]ios

Like much of Trump's rhetoric surrounding the manufacturing industry, talk of a resurgence of coal jobs ignores economic realities. The energy market has moved past coal, and those jobs simply aren't coming back.

Nuclear

Toshiba [illegible]ouse seeks U[illegible]tcy financin[illegible]
Jessica [illegible]euters

Westinghouse Electric Co LLC, the nuclear power plant developer owned by Japanese electronics company Toshiba Corp, is taking offers for a financing package to help it go through U.S. bankruptcy, people familiar with the

matter said on Monday. Toshiba is reviewing proposals from financial institutions and investment firms about a so-called debtor-in-possession loan, which would carry the company through a potential bankruptcy, said two people familiar with the situation.

Fate of [illegible]ey nuclear [illegible]s on subsidie[illegible]
The Ass[illegible]ss

One way or another, come next year, FirstEnergy Corp. is getting rid of the Beaver Valley nuclear power station. Either the Ohio-based company will shut down the 1,800-megawatt plant, two decades ahead of schedule, or it will sell it to another operator.

For nucl[illegible]ors, a 'boring' [illegible]fect day
Daniel M[illegible]burgh Post-Ga[illegible]

Stacey Horvitz admitted she was a little excited on a recent morning, as the Beaver Valley nuclear power plant quietly loomed nearby. She checked with her colleague, Jim Krafty, then reached for an emergency-red knob on the control panel, a sprawling bank of buttons, switches, computer monitors and lights that blinked dully.

Climate

GOP rep d' about E limate commer
Devin H ill

A Republican congressman has told Environmental Protection Agency (EPA) Administrator Scott Pruitt to "reevaluate" his statement that carbon dioxide is not a "primary contributor" to climate change. In a letter to Pruitt released on Monday, Rep. Carlos Curbelo (R-Fla.) said he is "concerned" about Pruitt's comments from earlier this month, which "contradict the conclusions not only of our best scientists but of your own agency."

Opinions, Editorials and Perspectives

Wind En bs and Eco ne
Kelley W k
Kvam, M sult

The wind industry is an economic engine. In 2016, wind power installations represented more than $14

billion in new investment.

Shale Sa Have Solid Fo
Liam De mberg Gadfly

For eons, man has used sand to measure time, build castles, and establish alpha-male dominance in social settings on beaches. More recently, sand has also been used to frack oil and gas wells.

A Message from American Fuel & Petrochemical Manufacturers:

By 2020, an estimated 18 billion devices will be wirelessly linked together by the "Internet of Things," a world made possible by petrochemicals and powered by fuels provided by American Fuel & Petrochemical Manufacturers. Learn about how American Fuel & Petrochemical Manufacturers are making our lives easier, healthier, safer and more productive at afpm. M, we make pr

Research Reports

Emergin gies:

How ISO[redacted]s can create a[redacted]le, robust b[redacted]ity system
IRC Eme[redacted]
Technol[redacted]force

Across North America, policies are transforming the electricity system, both in terms of supply mix and fundamental roles at every level of the production chain. The member organizations of North America's ISO/RTO Council (IRC) are at the forefront of these changes, and increasingly, a crucial success factor behind their implementation.

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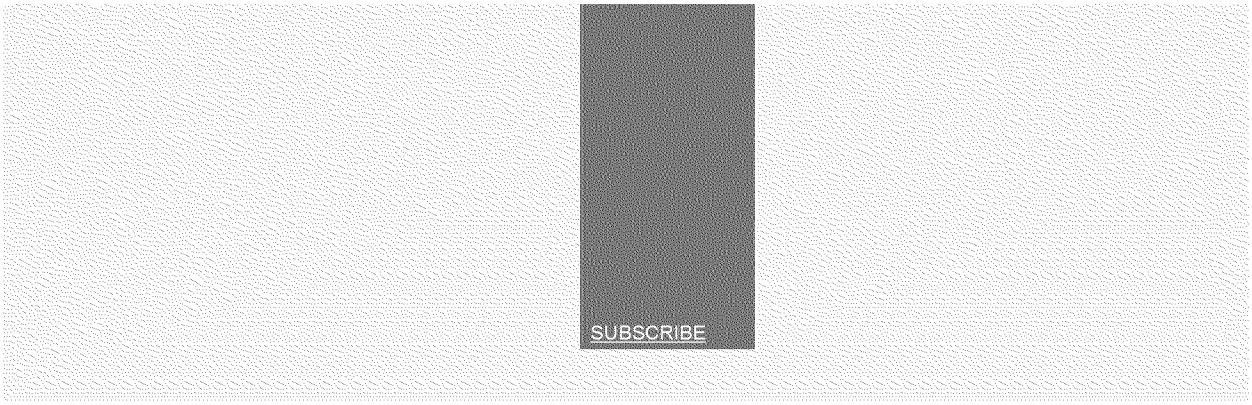
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From: InsideEPA.com
Sent: Tue 3/21/2017 12:20:43 PM
Subject: The Morning Headlines from InsideEPA.com -- March 21, 2017

The critical environmental policy-making news you need as you begin your day

March 21, 2017

Latest News

Facing Severe Budget Cuts, Officials Urge EPA Staff To 'Ride This Out'

Seeking to shore up agency morale in the face of draconian budget cuts proposed by the Trump administration, former Obama EPA Administrator Gina McCarthy, as well as other current and former agency officials, are urging career staff at the agency to continue their current work while downplaying concerns that the budget plan will be the final word on the issue.

Iowa Utility Loses Novel Suit Seeking CWA Permits For Drainage Districts

A federal district court judge in Iowa has dismissed a novel suit brought by a local drinking water treatment plant that sought Clean Water Act (CWA) discharge permits for local agricultural drainage districts to address excess nitrate pollution.

Democrats Raise Agency Deference, ESPS Stay In Early Gorsuch Attacks

Democratic senators in their opening statements for the first of Supreme Court nominee Neil Gorsuch's week-long hearings are raising early attacks to oppose the nominee including his opposition to agencies' deference, and the potential he would be a solid GOP vote for party-line 5-4 rulings like the court's stay of EPA's power plant climate rule.

CASAC Panel Supports EPA's Softening Of Sulfur Oxides Risk Assessment

Members of an EPA Clean Air Scientific Advisory Committee (CASAC) panel are supporting the agency's decision to soften some of its risk assessment's conclusions on the adverse health effects of sulfur oxides (SOx) emissions after earlier faulting EPA for overstating risks, suggesting the agency might not seek to tighten its SOx air limits.

Industry Urges OMB To Prioritize EO's Cost Savings Over '2-1' Rule Repeal

Major industry groups -- including oil and gas, paper, construction and others -- are urging the White House Office of Management and Budget (OMB) to prioritize provisions in President Donald Trump's deregulatory orders that require agencies to

offset new regulatory costs over its requirements that agencies "identify" two rules for repeal for every new regulation they propose.

Trump's 'Two For One' Order Sparks Early Clash Over EPA Rulemakings

Industry groups and environmentalists are clashing over how -- or whether -- EPA should implement President Donald Trump's executive order (EO) requiring agencies to “identify” two rules for repeal for every new rule they propose, with an industry group insisting that the order prohibits an Obama EPA air toxics proposal from advancing while environmentalists stridently oppose such a stance over a similar rule.

ACC Urges EPA To Weigh New Formaldehyde Data For Risk Assessment

The American Chemistry Council (ACC) is urging EPA to consider what it calls new "game changing" research on formaldehyde's potential to cause leukemia before the agency finalizes a long-running assessment of the common chemical's public health risks, raising concerns that the agency has stopped considering the new data before the analysis is completed.

Daily Feed

California governor visits D.C. amid speculation on policy fights

Gov. Jerry Brown (D) has not released a detailed schedule, but plans unspecified meetings with “government leaders.” Environmental protection, vehicle standards, research grants, emergency funding could all be on the agenda.

GOP lawmakers poised to tout support for climate policy

The resolution suggests a small GOP constituency in the House willing to address climate change even most Republicans cheer the Trump administration's climate deregulatory agenda.

California lawmakers eye carbon tax amid cap-and-trade woes

But Gov. Jerry Brown and CARB maintain that cap-and-trade should be the centerpiece of the state's climate strategy until at least 2030.

Senate Democrats seek 'transparency' commitments from Pruitt

The senators seek “transparency and accountability” commitments from the EPA administrator because he was not “fully forthcoming and truthful with the Committee in advance of your confirmation."

Ewire: A daily news roundup

Great Lakes Republicans fight cuts to EPA's Great Lakes Restoration Initiative. Plus,

Trump advisers' ozone stance and Peabody's cleanup deal.

Read all the latest EPA news, analysis and documents →

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Bonner, Brenda[Bonner.Brenda@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Maycock, Marilyn
Sent: Tue 3/21/2017 1:48:37 PM
Subject: RE: Maycock/Grifo Scientific Integrity Pre-Call

Good morning Francesca,

Thank you for the invitation to be on the pre-Scientific Integrity call tomorrow. Ken Lapierre, the Acting Deputy Regional Director for Region 4 would like to be on the call for the discussion, however, he cannot be on the call tomorrow at 9:00am. Ms Brenda Bonner will be able to schedule Ken's availability this week. Could you please reschedule the call to include Ken's availability this week. Thanks again.

Marilyn Maycock

USEPA - Region 4

Office of the Regional Administrator

(404)562-8350

-----Original Appointment-----
From: Brantner, Emily K. **On Behalf Of** Grifo, Francesca
Sent: Monday, March 20, 2017 12:21 PM
To: Maycock, Marilyn
Subject: Maycock/Grifo Scientific Integrity Pre-Call
When: Wednesday, March 22, 2017 9:00 AM-9:45 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Call 404-562-8350

Dear Marilyn,

Francesca would like to set up a one-on-one call in advance of the April 13th Scientific Integrity Committee Meeting. Please suggest an alternate time or day if this time does not work for you.

Thank you!

Emily Brantner

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; China: Li Jinghai[jhli@cashq.ac.cn]; China: Dr. Yuan Junpeng[junpengyuan@126.com]; China: Li Wei (Min. Sci/Tech. Suprvsn.Serv.CntrSci-TechnFund)[liw@jgzx.org]; China: Sun Ping[p.sun718@sohu.com]; Craig-Henderson Kellina M[khenders@nsf.gov]; Kimsey Carter[ckimsey@nsf.gov]; Lida Anestidou[lanestidou@nas.edu]; Art Caplan[arthur.caplan@nyumc.org]; Biology Eric Yang[yyang@emporia.edu]
Cc: Biology Brent Thomas EF[rthomas2@emporia.edu]; Richard Sleezer[rsleezer@emporia.edu]; Graduate Dean Spotswood[jspotswo@emporia.edu]
From: John Richard Schrock
Sent: Tue 3/21/2017 2:07:56 PM
Subject: Chron HE: Reproducibility as Risky Business

In the Age of Trump, Scientists See Reproducibility as Risky Business

By Paul Basken March 21, 2017 Premium

Brent Humphreys
John Arnold and his wife established a foundation that supports research on the accuracy and reliability of science. Improving "the methods of science" is more important than worrying about federal funding, he says.
Earlier this month, just a short walk from the White House, Richard M. Shiffrin led dozens of his academic colleagues through a three-day examination of the trustworthiness of science.
He's not totally sure it was a good idea.
Mr. Shiffrin's colloquium at the National Academy of Sciences headquarters was planned long before Donald J. Trump took up residence in the nearby executive mansion, capping a campaign that repeatedly challenged science and facts as basic tools of understanding.
The scientific community's current focus on self-improvement, meanwhile, has been underway for more than a decade. A landmark moment came in 2005 when a study by John P.A. Ioannidis, a professor of health research and policy at Stanford University, promised to answer "Why Most Published Research Findings Are False."
The paper was among the early shots fired in a continuing war over whether scientific experiments can be — or should be — reproducible. Mr. Shiffrin, a professor of psychological and brain sciences at Indiana University at Bloomington, said he recognizes the now-very-clear risk of spotlighting reproducibility while a U.S. president and a like-minded Congress appear eager to question the fundamental tenets of science.
"There are a lot dangers here," Mr. Shiffrin acknowledged at the conclusion of the conference. In the current political climate, he said, "the fact that we're trying to fix things and make things better may not be the message that gets through at the other end of the pipeline."

Related Content

- Can Science's Reproducibility Crisis Be Reproduced?

- An Attempt to Replicate Top Cancer Studies Casts Doubt on Reproducibility Itself Premium
- The Results of the Reproducibility Project Are In. They're Not Good. Premium

So far, there's little direct indication that the Trump administration or congressional leaders known for attacking scientific research on climate change and human health are looking to exploit reproducibility campaigns as a political opportunity.

But there are some real risks for researchers striving to improve their professional standards, especially as they prepare for a nationwide series of protest marches next month to make the argument that the administration's generally skeptical approach to science is unwarranted.

One area of concern is the National Academy itself. As part of a wide-ranging science-policy bill approved by Congress in January and signed by President Obama, the federally chartered, independent science-advisory body is being asked to conduct a broad study of the reproducibility and replicability of research and data.

While the National Academy can generally be trusted to give an even-handed assessment, Mr. Shiffrin said, its report could give lawmakers political ammunition to drastically cut funding for science along the lines favored by the Trump administration.

Another concern involves a series of recent academic studies making the case that much of scientific research is not, by some definitions, truly replicable. The latest major study, announced in January, attempted to repeat five of the most-cited cancer-biology papers published between 2010 to 2012. It meaningfully reproduced none of them.

Public Skepticism

That replication effort was led by the Center for Open Science, which was formed by a team of University of Virginia researchers and financed by the Laura and John Arnold Foundation. The foundation is spending tens of millions of dollars a year on such work as an attempt to convince researchers of the need to pay better attention to matters of accuracy and reliability.

The foundation's co-chairman, the billionaire former hedge-fund manager John D. Arnold, said he's not worried that his work might lead to reduced federal spending on science. The first priority, Mr. Arnold said, is to improve "the methods of science." Once that happens, he said, it will be easier to judge whether federal money is being spent efficiently.

Right now, Mr. Arnold said, the incentives for universities, researchers, and journals to pursue and promote "novel results" rather than provable truths lead to news articles that offer conflicting expert advice on matters such as weight loss and causes of cancer. Those contradictions, he said, are a leading driver of public skepticism toward science.

Mr. Arnold cited polling by the Kaiser Family Foundation that found about a quarter of Americans have trouble paying for all their medications. Given such realities, he said, it's not automatic that in a finite federal budget, more people would be helped by spending more money on medical research. "Maybe it should go to providing more access to prescriptions for medications that we've already created rather than putting that to research to come up with new ones that we may or may not be able to afford as a society," he said.

Over three days, Mr. Shiffrin's colloquium made clear the need to fix problems of trust

and reproducibility in science. Kathleen Hall Jamieson, a professor of communication at the University of Pennsylvania, told the group that scientists often magnify their problems by using words that may have a clear meaning to them but have an ambiguous or even different meaning to the general public. She cited the confusion caused last year when the U.S. Centers for Disease Control and Prevention said measles had been "eliminated." Among scientists, "eliminated" simply means that a country is no longer producing new cases, while the complete absence of the disease is described by the term "eradicated." To the public, those distinctions are opaque.
C.K. Gunsalus, an emerita professor of business at the University of Illinois at Urbana-Champaign and director of the National Center for Professional and Research Ethics, said universities knowingly support a "star system" that spares faculty from penalties for actions that students would be suspended for. "We're not very serious about fixing it," she said, "because it serves us well."

'Unintended Consequences'

Although he is wary that the work of reproducibility watchdogs could be exploited politically, Mr. Shiffrin said there's no way to halt or even pause their activities. "There's too many scientists who have been pursuing this for too long," he said. "There is too much impetus behind this whole thing."
Mr. Ioannidis, whose name has become synonymous with reproducibility, has himself has become a subject of concern. Multiple news reports in recent weeks described the Trump administration as considering him to head the National Institutes of Health. Mr. Ioannidis isn't seeking the job, and said in an interview that he has "no tolerance for any overt or covert anti-science agendas."
But Mr. Shiffrin said he senses that some reproducibility advocates "are making a little living out of doing it, and, you know, they're getting certain fame and glory, let's say, by pursuing this." It's worrisome, he said, when "people are arguing that most of science is reporting results that aren't true, and things like that, which isn't the case."
Asked if he meant Mr. Ioannidis and his well-known 2005 paper, Mr. Shiffrin said he would not cite individuals. "I don't think that their intent is to harm science — their intent is probably to help," he said. "But there's unintended consequences of many of these things."
For his part, Mr. Ioannidis said he has "tremendous respect" for Mr. Shiffrin and has "given a lot of thought to the potential harm that he describes."
But Mr. Ioannidis added: "I find this 'keep it quiet' thinking potentially detrimental to science and its cause."

From: Parkinson, Lorna
Importance: Normal
Subject:
Start Date/Time: Tue 3/21/2017 3:00:00 PM
End Date/Time: Tue 3/21/2017 3:30:00 PM

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Elise Gurney
Sent: Tue 3/21/2017 2:52:43 PM
Subject: Invitation to Share your Expert Opinion

Good Morning—

We are conducting a study on what makes for effective advocacy— what organizations do well, and where they can improve. Given your practical experience and perspective in shaping public policy, we would love to have the benefit of your insights.

It should only take about 15 minutes of your time. **Please Click Here**

We know how busy you are and very much appreciate your willingness to contribute to this research project. We want to assure you that participation is strictly confidential and responses are only presented in aggregate.

Thank you again for all you do.

Elise Gurney
National Journal Research
Connect with me on LinkedIn

If you have trouble with the survey link above, please click below.
https://njresearch.co1.qualtrics.com/jfe/form/SV_6JSNT5iboBAzkBT?Q_DL=blLQb9uWfs8G0kZ_6JSN

PRIVACY AND CONFIDENTIALITY: This study is conducted by National Journal Research. National Journal maintains a strict firewall between its research and newsroom; journalists do not enjoy access to these data. If you participate, your identity and responses will remain confidential.

Follow the link to opt out of future emails: Click here to unsubscribe

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: David Beck
Sent: Tue 3/21/2017 3:12:39 PM
Subject: OPM Announces FEGLI Open Season Closed

OPM announced that the recent open season for the federal employee group life insurance program closed on September 30, 2016. So what does that mean to you? Did you take advantage of the open season and increase your federal employee group life insurance? Are you wondering if it was the right decision? Or are you currently participating in the program and wondering if there is something that may be better for you? Now is the perfect time to evaluate the option of obtaining private life insurance versus maintaining the federal group life insurance. Chances are if you are a somewhat healthy person then you could possibly save yourself large amounts of money on your coverage. But don't take my word for it, here's an excerpt from the 2011 GAO report to OPM on the FEGLI program, I will be quoting directly from page 14 of that report, **"Second, because FEGLI is a group life program, all individuals pay the same premiums regardless of their health status, unlike individual coverage where premiums generally depend on the health of the person being insured. As a result if relatively healthier federal employees compare FEGLI to private individual coverage, FEGLI coverage could appear to be more costly."** Individual life insurance rates have continued to decrease due to our life expectancy's continuing to increase.

Let's say you make $75,000 per year and you have Option B at five multiples of your salary, so between the basic insurance and Option B you are covered for $450,000 and in this example you will be age 45. Between now and age 65 with the federal group life insurance you will spend a total of $53,079, so your average cost over the next 20 years is $2,654 per year. Now lets see what happens if you obtained private insurance.

That same $450,000 for the next 20 years for a male aged 45 who does not smoke could possibly be as low as $714 per year guaranteed not to change for the next 20 years. That represents a cost savings in excess of $1,940 per year for the next 20 years. That means you would save over $38,000 for the exact same level of coverage. If you are a female your rates could be as low as $348 per year and that would save you over $42,000 over the next 20 years. That's fine, but I'm a smoker, can I still save money? The short answer is YES! A smoker will possibly be able to save about $720 per year if you are a female or about $300 per year if you are a male. What if I am not super-healthy, have high blood pressure, am Type II diabetic, overweight, etc., chances are with the wide array of companies that I deal with (I am an independent agent so I represent almost the entire universe of insurance companies) I will be able to find you a policy that will save you a considerable amount of money. The above is just an example of what might happen, if you have more insurance than that your cost savings could be higher, but the percentage difference will be the same (in the above, the new term policy will save the insured about 75% over the FEGLI option). Now you have the ability to take whatever your cost savings are and funnel them into your TSP, increasing your income in retirement while receiving the same take home pay as you are today.

If this interests you just reply back to me and I will get you a personalized comparison based upon your salary, insurance amounts and personal health characteristics. Just let me know the best way to get back to you and I will let you know if this type of program will make sense for you. I have been in the insurance industry for 30 years now and I have no desire to pound the proverbial square peg into the circle hole, so if the program will not work for you I will be the first to tell you that. While that may occur on rare occasion it is far more often that I tell clients how much money

they will be saving if they implement the program, as opposed to me saying that they are better off in the FEGLI program. Also if you have obtained other life insurance instead of the FEGLI program it is quite possible that you may be able to save money on that as well. With these types of cost savings you really have nothing to lose, but the length of time that it takes for you to send me an mail with your particulars. If you would like more information on the recently closed FEGLI open season please click on the following link, www.ebwllc.com/open-season-for-the-federal-employee-group-life-insurance-program/, and you will be taken to the newsletter article that I just wrote on this topic. I thank you for your time and interest. Have a great day.

David Beck
Partner/Insurance Specialist

Egan, Berger and Weiner, LLC
1919 Gallows Road, Suite 980
Vienna, VA 22182

Telephone: (703)506-0579
Facsimile: (703)506-0576

www.ebwllc.com

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The information in this email and any files transmitted with it may be confidential and/or privileged. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any use, review, dissemination, forwarding, printing, or copying of this email, or attachments, if any, is strictly prohibited. If you have received this email in error, please notify the sender by return email, or contact Idelis Favole, Office Manager at Egan, Berger, & Weiner, LLC at (703)506-0030 and delete this email from your system. Thank you.

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David Beck | 1919 Gallows Road, Suite 980, Vienna, VA 22182
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Update Profile | About our service provider
Sent by dbeck@ebwllc.com in collaboration with

Try it free today

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Integrity.gov
Sent: Tue 3/21/2017 3:22:33 PM
Subject: Integrity.gov: Filing Reminder Assignment

This notice is a reminder that your 2017 Annual report is due on 05/15/2017. You may access the report by logging into Integrity at https://integrity.gov. If you have any questions concerning the filling out of the form, you can send a note to ethics@epa.gov and we'll get back to you within 48 hours.

Please let us know if you need an extension by sending an email to Justina Fugh or sending a request to ethics@epa.gov.

Also, check out our intranet site in INTEGRITY for more information:
http://intranet.epa.gov/ogc/Integrity/Landingpage.html

For additional guidance about filling out the OGE-278 annual and OGE-278-T periodic financial disclosure form, see: https://www2.oge.gov/Web/278eGuide.nsf

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Francesca Grifo[francescatgrifo@gmail.com]
Cc: Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Parkinson, Lorna
Sent: Tue 3/21/2017 3:29:04 PM
Subject: Schedule meeting with Ex. 6 tomorrow?

Hi Francesca,

Ex. 6 leaves for Australia on Thursday. I think I can work him in for tomorrow, if that's ok.

Thanks

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 3/21/2017 3:44:07 PM
Subject: Greenwire News Alert: Supreme Court rules against Obama admin in acting federal officials case

Read this news alert on the web

NEWS ALERT

GREENWIRE — Tue., March 21, 2017 at 11:39 AM

FEDERAL AGENCIES:

Supreme Court rules against Obama admin in acting officials case

The Supreme Court today dealt a blow to the Obama administration, ruling against the government in a high-stakes case challenging when a nominee for a vacant post may serve temporarily in the job.

Get all of the stories in today's Greenwire, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at http://www.greenwire.com.
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To send a press release, fax 202-737-5299 or email editorial@eenews.net.

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From: Gentry, Nathan
Location: 41225 RRB
Importance: Normal
Subject: Monthly General Rodan/Grifo
Start Date/Time: Wed 3/22/2017 3:30:00 PM
End Date/Time: Wed 3/22/2017 4:00:00 PM

To: Law, Sheryl[law.sheryl@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
From: Brantner, Emily K.
Sent: Tue 3/21/2017 4:06:04 PM
Subject: Grants and Contracts Language Information
RE: Draft Scientific Integrity T&Cs
FW: Draft Scientific Integrity T&Cs.msg

Hi Sheryl,

Please find the attached emails. I believe these are the two emails that Francesca was talking about giving you at our staff meeting yesterday. Let me know if you need anything else!

Cheers,

Emily

To: Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Parkinson, Lorna
Sent: Mon 3/20/2017 7:47:26 PM
Subject: FW: Draft Scientific Integrity T&Cs

Ex. 5

From: Nolt-Helms, Cynthia
Sent: Tuesday, December 13, 2016 1:37 PM
To: Milazzo, Julie <Milazzo.Julie@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Durand, Jessica <Durand.Jessica@epa.gov>; Raver, Alexandra <Raver.Alexandra@epa.gov>
Subject: RE: Draft Scientific Integrity T&Cs
Importance: High

Julie,

Thanks for taking time to draft T&CS for grants reflecting the Scientific Integrity policy.

I took a crack at it working off of what you provided and formatting it to be consistent with the current General T&Cs. I tried to reference existing documents available on EPA's websites so in many cases I added material you had indicated to reference and vice-versa, and that was why I did that. (The Track Changes was so crowded, I ended up just reflecting new text in a brighter red font and indicating the origin of text or rationale for deleting text with embedded Comments.) I've also attached the draft T&Cs prepared by Jeanne Briskin with notes indicating where things came from or were put in the revised draft.

Francesca has reviewed this and we'd like to know what OGC thinks of the draft at this point.

To reiterate, my understanding is this T&C would be incorporated into the existing *EPA General Terms & Conditions* and be applicable to all EPA Assistance Agreements (grants and cooperative agreements).

I am curious to hear what you, Jessica, Julie and Alex, think of this draft.

Thanks,

Cynthia

202-564-7672

From: Milazzo, Julie
Sent: Monday, November 14, 2016 6:06 PM
To: Nolt-Helms, Cynthia <Nolt-Helms.Cynthia@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Durand, Jessica <Durand.Jessica@epa.gov>; Raver, Alexandra <Raver.Alexandra@epa.gov>
Subject: Draft Scientific Integrity T&Cs

Hi Cynthia,

I took a crack at simplifying/reorganizing the T&C, and suggesting specific components that would do well housed on the internet, rather than in the body of this T&C. You might love it, you might hate it, but regardless, it gives you something to react to. I'm providing the T&Cs two ways.

The first way is basically a finished product, in that it looks very neat and simple, and is easy to digest. I would recommend looking at that first, to see how you react to it. It has a couple pieces in red, which are intended to let you know that you need to fill in the blank or make a decision, or create an internet page (if one does not already exist), but it's largely done enough that you can edit and finesse it, and it's not confusing.

The second version is essentially the one you shared with us, but I have documented my thought process (including comments and color-coding). This one can be used for reference if you need to see what information needs to be transferred to an intranet page, or if you are concerned that a piece went missing. I did not delete anything of substance, but I did move some things around.

The color coding will let you know what was moved, and an accompanying comment will tell you where it was moved to. Seriously though, just start by looking at the first attachment (the one with "Simplified" in the label). The second one will make your eyes cross.

If anyone else wants to take a look and provide feedback, please feel free. Jessica or Alex, if you have suggestions or concerns, please feel free to share them. Also, I attended the Scientific Integrity session today, and thought it was well done. Thanks! Jules

Julie Milazzo
Work: 415-972-3687
Cell: 206-972-1212
Grants Policy and Training Specialist
National Policy, Training and Compliance Division

Office of Grants and Debarment

Environmental Protection Agency

Mailing Address:
Grants & Contracts Branch

75 Hawthorne Street, EMD-6

San Francisco, CA 94105

Ex. 5

[redacted]

[redacted]

[redacted]

[redacted]

Ex. 5

To: Milazzo, Julie[Milazzo.Julie@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Nolt-Helms, Cynthia[Nolt-Helms.Cynthia@epa.gov]
Cc: Raver, Alexandra[Raver.Alexandra@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
From: Durand, Jessica
Sent: Tue 1/3/2017 8:19:26 PM
Subject: RE: Draft Scientific Integrity T&Cs

Ex. 5

Hi Francesca and Happy New Year!

Jules and I went over the terms and conditions before the holidays. Please see attached draft. We discussed defining science in the condition, fixing the broken links, clarifying X.2.1 and the last half of X.2.4. The document goes into detail our suggested changes and comments. Please take a look and then we can discuss how to move forward while Jules is away.

Jessica Durand

Policy Specialist

US Environmental Protection Agency

202-564-5317

Durand.jessica@epa.gov

From: Milazzo, Julie
Sent: Thursday, December 15, 2016 6:16 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Nolt-Helms, Cynthia <Nolt-Helms.Cynthia@epa.gov>
Cc: Raver, Alexandra <Raver.Alexandra@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Draft Scientific Integrity T&Cs

Great, thanks! Have a great time, and we'll chat about this internally, to see if we can come up with further solutions. Thank you! Jules

Julie Milazzo
Work: 415-972-3687

Cell: 206-972-1212
Grants Policy and Training Specialist
National Policy, Training and Compliance Division

Office of Grants and Debarment

Environmental Protection Agency

Mailing Address:
Grants & Contracts Branch

75 Hawthorne Street, EMD-6

San Francisco, CA 94105

From: Grifo, Francesca
Sent: Thursday, December 15, 2016 2:36 PM
To: Durand, Jessica; Milazzo, Julie; Nolt-Helms, Cynthia
Cc: Raver, Alexandra; Otto, Martha
Subject: RE: Draft Scientific Integrity T&Cs

Thanks so much for this! I am leaving tomorrow until Jan 3 and I just cannot get to this. It will be a major priority that first week in January. I wish all both happy holidays and look forward to working together in the new year!

Best,

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Durand, Jessica
Sent: Thursday, December 15, 2016 9:34 AM
To: Milazzo, Julie <Milazzo.Julie@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>; Nolt-Helms, Cynthia <Nolt-Helms.Cynthia@epa.gov>
Cc: Raver, Alexandra <Raver.Alexandra@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Draft Scientific Integrity T&Cs

Hi All,

Attached is the document with my comments. Overall, I suggest "tightening" up the terms and conditions to make it very clear what the recipient is required to do. There is a lot of background information in the t&cs.

Also, there are a fair amount of hyperlinks. How often do these web addresses change? I'm hesitant to link to a lot of pages in the t&cs to avoid recipients running into broken links.

Let me know if you have any questions on my comments.

Jessica Durand

Policy Specialist

US Environmental Protection Agency

202-564-5317

Durand.jessica@epa.gov

From: Milazzo, Julie
Sent: Wednesday, December 14, 2016 7:26 PM
To: Grifo, Francesca <Grifo.Francesca@epa.gov>; Nolt-Helms, Cynthia <Nolt-

Helms.Cynthia@epa.gov>
Cc: Durand, Jessica <Durand.Jessica@epa.gov>; Raver, Alexandra <Raver.Alexandra@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Draft Scientific Integrity T&Cs

Hi Francesca and Cynthia,

I focused mainly on the text of the T&Cs (the annotated document seems mainly internal, but I can weigh in on specific questions you may have), and tried to help pare it down even further, while maintaining optimal coverage of the material. I provided some options in the comments. Full disclosure, I did not look at the source documents you provided (I've been getting really sucked into details lately, and am trying to maintain more of a big picture involvement in this; trust me, it's a good thing) so you go in the direction of my proposed language, you will need to verify that the necessary information is in the source documents, and add the specific section(s) as applicable, but hopefully this helps. Jessica may have other ideas, or additional ones. Here's a draft of the T&C document with my comments. It's so much more streamlined than the first go round! It's less overwhelming and much easier to navigate! Thanks and take care. Jules

Julie Milazzo
Work: 415-972-3687
Cell: 206-972-1212
Grants Policy and Training Specialist
National Policy, Training and Compliance Division

Office of Grants and Debarment

Environmental Protection Agency

Mailing Address:
Grants & Contracts Branch

75 Hawthorne Street, EMD-6

San Francisco, CA 94105

From: Grifo, Francesca
Sent: Wednesday, December 14, 2016 3:13 PM
To: Milazzo, Julie; Nolt-Helms, Cynthia

Cc: Durand, Jessica; Raver, Alexandra; Otto, Martha
Subject: RE: Draft Scientific Integrity T&Cs

Terrific! Thanks!

Cynthia will be heading to Capitol Hill in January so please be sure to keep me in the loop and I will be the contact for ongoing work with you.

Again – you have been so helpful!

Best,

Francesca

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

http://www.epa.gov/osa/basic-information-about-scientific-integrity

From: Milazzo, Julie
Sent: Wednesday, December 14, 2016 5:36 PM
To: Nolt-Helms, Cynthia <Nolt-Helms.Cynthia@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Durand, Jessica <Durand.Jessica@epa.gov>; Raver, Alexandra <Raver.Alexandra@epa.gov>
Subject: RE: Draft Scientific Integrity T&Cs

Thanks Cynthia,

We'll take a look and get back to you. Your understanding is correct, that we will add the T&C to the General T&Cs that are applicable to all awards. Also just to confirm, the goal is to add these to the General T&Cs within the next month (and a few days). Please let me know if your time frame has changed. Thanks! Jules

Julie Milazzo
Work: 415-972-3687
Cell: 206-972-1212
Grants Policy and Training Specialist
National Policy, Training and Compliance Division

Office of Grants and Debarment

Environmental Protection Agency

Mailing Address:
Grants & Contracts Branch

75 Hawthorne Street, EMD-6

San Francisco, CA 94105

From: Nolt-Helms, Cynthia
Sent: Tuesday, December 13, 2016 10:37 AM
To: Milazzo, Julie; Grifo, Francesca
Cc: Durand, Jessica; Raver, Alexandra
Subject: RE: Draft Scientific Integrity T&Cs
Importance: High

Julie,

Thanks for taking time to draft T&CS for grants reflecting the Scientific Integrity policy.

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Francesca has reviewed this and we'd like to know what OGC thinks of the draft at this point.

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I am curious to hear what you, Jessica, Julie and Alex, think of this draft.

Thanks,

Cynthia

202-564-7672

From: Milazzo, Julie
Sent: Monday, November 14, 2016 6:06 PM
To: Nolt-Helms, Cynthia <Nolt-Helms.Cynthia@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Cc: Durand, Jessica <Durand.Jessica@epa.gov>; Raver, Alexandra <Raver.Alexandra@epa.gov>
Subject: Draft Scientific Integrity T&Cs

Hi Cynthia,

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If anyone else wants to take a look and provide feedback, please feel free. Jessica or Alex, if you have suggestions or concerns, please feel free to share them. Also, I attended the Scientific Integrity session today, and thought it was well done. Thanks! Jules

Julie Milazzo
Work: 415-972-3687
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National Policy, Training and Compliance Division

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Mailing Address:
Grants & Contracts Branch

75 Hawthorne Street, EMD-6

San Francisco, CA 94105

Ex. 5

To: Parkinson, Lorna[parkinson.lorna@epa.gov]
Cc: Francesca Grifo[francescatgrifo@gmail.com]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Grifo, Francesca
Sent: Tue 3/21/2017 4:08:48 PM
Subject: Re: Schedule meeting with Ex. 6 tomorrow?

Not imperative. He just talks the entire time about irrelevant things.

Sent from my iPhone

On Mar 21, 2017, at 11:29 AM, Parkinson, Lorna <parkinson.lorna@epa.gov> wrote:

Hi Francesca,

Ex. 6 leaves for Australia on Thursday. I think I can work him in for tomorrow, if that's ok.

Thanks

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

To: MHalpern@ucsusa.org[MHalpern@ucsusa.org]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
From: Brantner, Emily K.
Sent: Tue 3/21/2017 4:13:59 PM
Subject: EPA Scientific Integrity Stakeholder Meeting

Hi Michael,

The EPA Scientific Integrity Program is hosting their annual Stakeholder meeting on May 5th, from 3-5PM, and Francesca asked if I would reach out to you for an updated list of NGO Stakeholders to invite to the meeting. We greatly appreciate your help with this!

Thank you!

Emily

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

From: Microsoft Outlook
Location: Call 404-562-8350
Importance: Normal
Subject: Meeting Forward Notification: Maycock/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 5:00:00 PM
End Date/Time: Thur 3/23/2017 5:45:00 PM

Your meeting was forwarded

Maycock, Marilyn has forwarded your meeting request to additional recipients.

Meeting
Maycock/Grifo Scientific Integrity Pre-Call

Meeting Time
Thursday, March 23, 2017 1:00 PM-1:45 PM.

Recipients
Bonner, Brenda
Lapierre, Kenneth

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Bonner, Brenda
Location: Call 404-562-8350
Importance: Normal
Subject: Accepted: FW: Maycock/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 5:00:00 PM
End Date/Time: Thur 3/23/2017 5:45:00 PM

From: Maycock, Marilyn
Location: Call 404-562-8350
Importance: Normal
Subject: Accepted: Maycock/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 5:00:00 PM
End Date/Time: Thur 3/23/2017 5:45:00 PM

To: ORD-OSA[ord-osa@epa.gov]
From: Sinks, Tom
Sent: Tue 3/21/2017 4:41:26 PM
Subject: FW: ORD Senior Management Internal Weekly Report - Week of March 20, 2017

From: Blackburn, Elizabeth
Sent: Monday, March 20, 2017 6:54 PM
To: ORD-Exec-Council-Directors <Execcouncildirectors@epa.gov>; ORD-Mgmt-Council <ORDMgmtCouncil@epa.gov>
Cc: ORD-IOAA-Front Office Support <ORDIOAASUPPORT@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>
Subject: ORD Senior Management Internal Weekly Report - Week of March 20, 2017

ITEMS REQUIRING SIGNATURE OR APPROVAL

- (Bruce) Advanced Notification: Frank, "High Throughput Developmental Neurotoxicity Testing," CSS sending to OCSPP; Due 3/20, Will close out on 3/21
- (Bruce/Bob) Response to CBO Questions on the HONEST Act. Bruce or Bob are reviewing program office edits and the draft will then be sent to OGC for final review.

AWARDS

•□□□□□□□□ Honor Awards - Due 04/28/17

FY 17 TRAININGS - Due 09/30/17

- FY 2017 Annual Information Security Awareness
- FY 2017 Annual Records Management
- Working Effectively with Tribal Governments
- Domestic Violence
- Freedom of Information Act

LOCATION OF PRINCIPALS THIS WEEK

	Mon 3/20	Tues 3/21	Wed 3/22	Thurs 3/23	Fri 3/24
Bob	SL AM DC PM	Louisville	DC	Rockville	Rockville
Chris	RTP	RTP	DC	DC	CDO
Bruce	DC	DC	DC	AL in PM	AL
MER	DC	DC	DC	DC	DC

LOCATION OF L/C/O DIRECTORS AND NPDS THIS WEEK

	Mon 3/20	Tues 3/21	Wed 3/22	Thurs 3/23	Fri 3/24
Bill Benson	AL	AL	AL	AL	AL
	Kay Holt acting 919-541-0633	Kay Holt acting 919-541-0633	Kay Holt acting 919-541-0633	Kay Holt acting 919-541-0633	Kay Holt acting 919-541-0633
Cindy Sonich-Mullin	Cincinnati	Cincinnati	Cincinnati	Cincinnati	Cincinna
Dan Costa	RTP	Travel	Travel	Travel	Travel
		Alan Vette acting (919-541-1378)	Alan Vette acting (919-541-1378)	Alan Vette acting (919-541-1378)	Alan Vette acting (919-541-1378)
Fred Hauchman	DC	DC	DC	DC	DC
Greg Sayles	Louisville	Louisville	Louisville	Cincinnati	CDO Brian Kleinma acting (513-

					569-7342
Jeff Frithsen	AL	AL	DC	DC	Telewor
Jennifer Orme-Zavaleta	RTP	Budapest	Budapest	Budapest	Budapes
Jerry Blancato	RTP	RTP	RTP	RTP	RTP
Jim Johnson	DC	DC	DC	DC	DC
John Steenbock	Cincinnati	Cincinnati	Cincinnati	Cincinnati	Cincinna
John Vandenberg	DC	DC	RTP	RTP	RTP
Mike Slimak	RTP	RTP	RTP	RTP	RTP
Rusty Thomas	RTP	RTP	RTP	RTP	RTP
Steve Silzer	SL	SL	SL	SL	SL
	Deborah Heckman acting (202-564-7274)	Deborah Heckman acting (202-564-7274)	Deborah Heckman acting (202-564-7274)	Deborah Heckman acting (202-564-7274)	Deborah Heckma acting (202-564-7274)
Suzanne VanDrunick	DC	DC	NSF Workshop Arlington, VA	NSF Workshop Arlington, VA	NSF Worksho Arlington VA
Tina Bahadori	Potomac Yard	Potomac Yard	Potomac Yard	Potomac Yard	AL
Tom Sinks	DC	DC	DC	DC	Telewor

LOCATION OF OTHER EC MEMBERS THIS WEEK

	Mon 3/20	Tues 3/21	Wed 3/22	Thurs 3/23	Fri 3/24
Liz Blackburn	DC	DC	DC	DC	AWL/DC
Carolyn Hubbard	DC	DC	DC	DC	DC
Maureen Gwinn	AWL/SL	DC	DC	AWL	CDO

Liz Blackburn

Chief of Staff

EPA Office of Research and Development

202-564-2192

Mobile: 202-436-2453

From: Maycock, Marilyn
Location: Call 404-562-8350
Importance: Normal
Subject: Accepted: Maycock/Grifo Scientific Integrity Pre-Call New number 404 562-9949
Start Date/Time: Thur 3/23/2017 5:00:00 PM
End Date/Time: Thur 3/23/2017 5:45:00 PM

Hello Francesca and Emily,
Please use the following call in number for Thursday, March 23, 2017, at 1:00pm Thank you

404-562-9949 Code Ex. 2

To: EPA-MobileDevice-Notifications[EPA-MobileDevice-Notifications@epa.gov]
From: OEI Notification2
Sent: Tue 3/21/2017 4:56:54 PM
Subject: OEI Informational Notification: EPA-provided iPhone and iPad Users only — iOS 10.3 Upgrade

For EPA-provided iPhone and iPad Users only — iOS 10.3 Upgrade

Important Reminder

Apple will be releasing iOS version 10.3 soon. Before updating your device, please ensure that if you have any records (e.g. text message, pictures, etc.) on your device they are managed as directed by the Agency Records Management Policy.

Please remember to keep your iPhone and iPad updated to the latest iOS version to insure that it is protected from known bugs and/or security issues. Because these updates are generally large, you must update the device using a secure Wi-Fi network and you may utilize the Agency "GreenEPA" Wi-Fi to perform your update while at work. In addition, it's recommended that you plug the device into a power source before downloading to keep the battery from draining during the update process.

Please note once a year Apple comes out with a major release (i.e. iOS 10) which normally happens around late summer or early fall. For these major releases please wait until you receive notification from OEI before upgrading your device.

Contact

If you experience an issue downloading the iOS 10.3, EZ Tech customers should contact EZ Tech at EZTech@epa.gov or call 1-866-411-4372 (option 3). Regional customers should contact their Local Help Desk.

Employees in Headquarters may visit the EZ Tech Walk-up Service Desk to get assistance on upgrading their iOS device. The EZTech Walk-up Service Desk is located in EPA East B135 and is open from 8-3pm, Monday-Thursday and closed on Friday.

For Additional Information

For more information on your mobile device, please visit the Mobile Device Website and Frequent Questions. Review the Quick Reference Guide: How to Upgrade Your Apple Device Operating System for detailed instructions on how to update your operating system.

From: Bonner, Brenda
Location: Call 404-562-8350
Importance: Normal
Subject: Accepted: Maycock/Grifo Scientific Integrity Pre-Call
Start Date/Time: Thur 3/23/2017 5:00:00 PM
End Date/Time: Thur 3/23/2017 5:45:00 PM

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 3/21/2017 5:37:48 PM
Subject: March 21 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION

GREENWIRE — Tue., March 21, 2017

READ FULL EDITION

1.FEDERAL AGENCIES:

Supreme Court rebukes Obama over acting officials

The Supreme Court ruled today that — in most cases — the president cannot appoint a person who has been nominated for a Senate-confirmed post to serve on a temporary basis in the same role.

TOP STORIES

2.LAW:
Trump taps SCOTUS contender for appeals court

3.ENDANGERED SPECIES:
Bumblebee listing buzzes by Trump reg freeze

4.DOE:
Perry aide opens lobby firm, signs energy clients

POLITICS

5.SUPREME COURT:
Agencies get 'great deference' on fact-finding — Gorsuch

6.ADVOCACY:
Podesta: Trump poses 'existential threat' to planet

7.REGULATIONS:
Analysts scratch heads over OIRA's light workload

8.EPA:
Groups to Hill: Don't ax Energy Star

9.PEOPLE:
Former House staffer joins policy group

TRANSITION

10.FEDERAL AGENCIES:
Trump admin delays energy efficiency, climate rules

11.DEFENSE:
DOD won't rush to get energy, enviro officials in place

12.INTERIOR:
Department hits back at critics on mining transparency

13.FEDERAL WORKFORCE:
Trump will push for 1.9% pay raise

CONGRESS

14.SUPREME COURT:
Justices reject bid by Sen. Menendez to avoid criminal trial

15.CLEAN WATER RULE:
Senators want Pruitt to address conflict of interest

16.INTERIOR:
Senate Dems dismayed by 'indiscriminate' budget cuts

17.AGRICULTURE:
Lawmakers slam Trump budget, warn groups to take it seriously

NATURAL RESOURCES

18.PUBLIC LANDS:
N.M. sold almost 30% of state trust acres — report

19.ETHANOL:
Refineries, energy crops destroying habitat — report

20.OCEANS:
Sharks worth more alive than dead in Fla. — report

21.NATIONAL PARKS:
Lake Mead plans to offer Wi-Fi

22.INVASIVE SPECIES:
Cheerios' bee-aiding seed giveaway may have backfired

23.FORESTS:
Namesake tree dies, closing campsite

24.FISHERIES:
1st batch of salmon released after Oroville Dam failure

25.AGRICULTURE:
Deep freeze killed $1B worth of blueberry, peach crops

LAW

26.PROPERTY RIGHTS:
Attorneys optimistic after arguing before 'hot court'

27.BRISTOL BAY:
EPA, mine developer request more time to resolve dispute

CLIMATE CHANGE

28.WEATHER:
U.N. climate agency warns of 'uncharted territory'

29.SCIENCE:
Interior research centers failed to share climate data — IG

30.PUBLIC HEALTH:
Warming could bring 100K more cases of diabetes per year

AIR AND WATER

31.MINING:
Vandalism may have caused spill near coal site

32.OIL AND GAS:
Regulators respond to Husky pipeline spill in Alberta

STATES

33.CALIFORNIA:
$3B park bond takes step toward 2018 ballot

34.TEXAS:
George P. Bush champions 'Ike Dike'

35.IOWA:
Residents outraged at 2 bills to kill Des Moines Water Works

36.HAWAII:
Bill for pesticide disclosure revived

37.IDAHO:
Bill would make state's oil industry more transparent

INTERNATIONAL

38.INDIA:
Ganges, tributary given human rights

39.GHANA:
19 killed in freak accident at waterfall

Get all of the stories in today's Greenwire, plus an in-depth archive with thousands of articles on your issues, detailed Special Reports and much more at http://www.greenwire.com.
Forgot your passcodes? Call us at 202-628-6500 now and we'll set you up instantly.
To send a press release, fax 202-737-5299 or email editorial@eenews.net.

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To: Otto, Martha[Otto.Martha@epa.gov]
Cc: Bender, Michael[Bender.Michael@epa.gov]; Snowden, Christine[Snowden.Christine@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Greene, Mary
Sent: Tue 3/21/2017 6:04:36 PM
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi Marti,

Robin reminded me that access to Qualtrics had been provided through the Innovation task order that had been issued several years ago. I have asked Michael to check to see if we even have an account with Qualtrics. Having said that, I need to have a description of the work that will get done under the current request. Specifically, how will the surveys be used, who would they be sent to, how many surveys are needed to complete the work you are proposing and when will the surveys be sent out, and in addition to the SI Committee, will the experts in EPA who do surveys and statistical analysis be consulted?

Thanks

Mary

From: Otto, Martha
Sent: Tuesday, March 21, 2017 8:31 AM
To: Greene, Mary <greene.mary@epa.gov>
Subject: FW: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

I just heard from the Qualtrics folks. In order to keep our account going, they need payment by April 3.

Please let me know if there is anything that I can do to help with the paperwork.

Thank you!

Marti

From: Otto, Martha
Sent: Tuesday, March 14, 2017 10:59 AM
To: Greene, Mary <greene.mary@epa.gov>
Cc: Snowden, Christine <Snowden.Christine@epa.gov>
Subject: FW: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

To answer your questions about the Qualtrics order:

[redacted]

Ex. 4

3. Last year, Lu-Ann might have done a PR for this. The following paragraphs are from an email to Lu-Ann last year:

We need to create PR for Qualtrics, the survey service we use. Attached is the quote that we received from our account manager at Qualtrics, Jeff Federman. The acquisition is actually made through EC America and there is contact information included in the quote.

Here is the language for the PR:

Qualtrics is an online survey service we used for the Agency-wide scientific integrity survey. We chose this service because it provides highest certifications and standards regarding security- Qualtrics treats all data with the highest confidentiality, uses industry best security practices, and adheres to the requirements of the Federal Information Security Management Act. Qualtrics eliminates several time-consuming steps in information collecting processes by using an online portal and streamlining responses into organized files that can be easily accessed and used for

analysis. We will use this service to perform our annual FMFIA checklist, which is distributed to all offices and regions, and to conduct a survey that explores the culture of scientific integrity in EPA leadership and management.

Please let me know if there is anything else that you need for this.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Abagail Boepple [mailto:Abagail_Boepple@immixgroup.com]
Sent: Tuesday, March 14, 2017 9:50 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Morning Martha,

Thank you for reaching out and I hope you are staying warm! Per Jeff's response this is a 12 month quote for 4/6/2017-4/5/2018 and I have indicated this on the quote for you. In addition per your request I have extended the expiration date. Please let me know if there is anything else you need, thanks!

From: Jeff Federman [mailto:jefff@qualtrics.com]
Sent: Tuesday, March 14, 2017 9:18 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Abagail Boepple <Abagail_Boepple@immixgroup.com>
Subject: Re: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi Martha,

I am sure that Abagail will respond to your request; however, I did want to let you know that your current period of performance ends on April 5th and the renewal period of performance should be 4/6/17 - 4/5/18. If the renewal will take place well beyond the 5th it is possible that you could lose access to your current account, and I would like to avoid that if at all possible.

Please let me know if you have additional questions.

Thanks.

Jeff

Jeff Federman

Enterprise Accounts

Direct 202.844.4903 | Mobile 703.675.7708| Support 800.340.9194

On Tue, Mar 14, 2017 at 8:44 AM, Otto, Martha <Otto.Martha@epa.gov> wrote:

Hi, Abagail,

I have a few questions about the quote that you sent.

1. Is this based on a 12-month period? In other words, is the purchase good for the next 12 months after the date that we complete the purchase?

2. Could you please send a quote with an expiration date that is a bit later? The snow here may delay our getting our paperwork completed.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Abagail Boepple [mailto:Abagail_Boepple@immixgroup.com]
Sent: Monday, March 13, 2017 9:49 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Morning Martha,

I hope you had a wonderful weekend! I just wanted to follow up on the attached quote to ensure you received it. Please respond with your confirmation and let me know if you need anything else. Thanks and have a great day!

Kind Regards,

Abagail Boepple

Account Manager | Renewals

immixGroup, Inc.

703.663.1146 direct | 301.661.6315 mobile

703.752.0611 fax

www.immixgroup.com

Follow us on:

From: Abagail Boepple
Sent: Monday, February 13, 2017 4:41 PM
To: otto.martha@epa.gov
Subject: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Afternoon,

I hope you are having a great day! Please see the attached Qualtrics maintenance renewal quote. When you're ready to purchase the quote please have the EC America quote number and the period of performance listed on the issued purchase order.

Unless I hear from you sooner, I will contact you within 5-7 business days to follow up and see if you have any questions on the quote. Please do not hesitate to contact me if you have any questions.

****Please note the deadline for the PO is 4/10/2017 in order to process for the POP start

date of **4/13/2017**.

Kind Regards,

Abagail Boepple

Account Manager | Renewals

immixGroup, Inc.

703.663.1146 direct | 301.661.6315 mobile

703.752.0611 fax

www.immixgroup.com

Follow us on:

To: ORD-ALL Feds and NonFeds and RSLs[ORDALL_Feds_and_NonFeds_and_RSLs@epa.gov]
Cc: Taylor, Dawn[Taylor.Dawn@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Carter, Bobbi[Carter.Bobbi@epa.gov]; Barnett, Felicia[Barnett.Felicia@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]
From: EPAResearchCompass
Sent: Tue 3/21/2017 6:33:55 PM
Subject: Weekly Compass: March 21, 2017

EPA

WEEKLY compass

Weekly Update: 3/21/2017

Welcome to the Weekly Compass, your gateway to information about recent and upcoming ORD activities. If you have ideas for the Weekly Compass, please send them to the editors. To see each full article on ORD@work, please click on the text that is hyperlinked.

Quick Updates

- Did you have a fitness goal or resolution for 2017? The 2017 Step It Up Challenge can help you reach that goal by motivating and supporting you as you track your daily steps and "step up" your activity level to accrue as many steps as possible

- Registration is open for ORD's 2017 National Postdoctoral Forum until 4/4!
- Reminder: all FY 2017 mid-year reviews must be completed by May 5, 2017.
- Reminder: FY 17 required training available via e-Learning.
- Check out the new NAS Report: Communicating Science Effectively: A Research Agenda
- You can read This Week @ EPA newsletter here.
- Upcoming webinars:

    - EPA Tools and Resources Webinar: How Safer Choice Applies Science to Promote Safer Chemistry in the Marketplace: Wednesday, March 22, 3 - 4 pm ET
    - National Aquatic Resource Surveys Webinar: Thursday, March 23, 1 - 3 pm
    - Small Systems: Source Water Protection: Tuesday, March 28, 2-3 pm ET

Upcoming Research on the Impacts of Water Conservation on Water Quality in Premise Plumbing: Wednesday, March 29, 2-3 pm ET

Faces of ORD: OSIM'S David Updike

In the Lab:

EPA Researchers and Google Earth Engine Discuss Big Spatial Data

Today and tomorrow, NERL, OAQPS, and OWOW will meet with representatives from Google Earth Engine to share information related to the collection and presentation of environmental data. The discussions will particularly focus on the functionalities of Google Earth Engine and its Application Program Interface, large-scale analysis of big data using cloud computing, collection and display of disparate data sets, and other big data questions. The meeting will feature a series of presentations from Google Earth Engine about spatial data collection and display applications from EPA about projects of interest, especially those that involve collecting large spatial datasets.

Village Blue Data Begins Live Streaming

Water sensor data from the EPA-USGS Village Blue Project in Baltimore will begin live streaming on the USGS National Water Information System website on March 21. The Village Blue Project was initiated by EPA and USGS to provide real-time monitoring data to the community and increase public awareness about local water quality in the Baltimore Harbor and Chesapeake Bay. In the future, other communities will be able to develop their own Village Blue stations.

Public release of CPDat on CompTox Dashboard

The Chemicals and Products Database (CPDat) is now available on the latest public release of the CompTox Chemistry Dashboard. CPDat aggregates consumer product use categorizations and chemical functional use data for over 49,000 chemicals and 16,000 consumer products. The CompTox Chemistry Dashboard is a resource for chemistry and computational toxicology research that contains data on more than 720,000 chemicals relevant to environmental health science. NERL scientists worked with NCCT to implement CPDat into the Dashboard.

CASAC Meeting for Draft Integrated Science Assessment of SOx-Health Criteria

The Clean Air Scientific Advisory Committee is holding a public meeting in Washington, D.C. on March 20-21 to gather input on the second external review draft of EPA's Integrated Science Assessment for Sulfur Oxides-Health Criteria.

NRMRL Paper Accepted to *Landscape and Urban Planning Journal*

Bill Shuster, Ahjond Garmestani, Haynes Goddard, Matt Hopton, Dustin Herrmann (ORISE postdoc), and Adam Berland (former NRC postdoc) authored the paper, "The importance of trees for urban stormwater management." This paper discusses the use of trees, whose canopies intercept rainfall, to facilitate evapotranspiration and control runoff levels resulting from rainfall. The article is available online and will be published in the June 2017 issue of the journal.

EPA Science Technology Policy Council

On March 22, the EPA Science Technology Policy Council will hold its quarterly meeting. Topics include implementing the EPA public access to research planning, Laboratory Enterprise Forum activities, and several Risk Assessment Forum activities.

State Engagement on Fish Consumption Advice

Last week, ORD presented updated fish consumption advice for young children and women of childbearing age to State Environmental Health Directors. They discussed fish advisory developments, EPA-FDA collaborations, and drivers and processes behind advice updates. Other participants included CDC, ECOS, the National Environmental Health Association, and the Association of Public Health Laboratories.

North Carolina Takes Action to Reduce Community Risk from Wildfire

Smoke Based on ORD Research

The NC Department of Environment Quality (DEQ) is educating citizens in Hoke County, NC using ORD's Wildfire Community Vulnerability Index, developed by NHEERL's Ana Rappold. Wayne Cascio (NHEERL) will work with the NCDEQ and communities on ways to mitigate the health impact of wildfires.

In the Office:

Information on Official Government Passport and Visa Requirements

Department of State's policy is that US Government employees on official international travel must travel with their Official Passport (also known as a no-fee passport). Official passport applications are hand-carried to the Passport Office in Washington, D.C. and picked up by the Office of International and Tribal Affairs once they have been issued. Though some embassies may permit USG employees traveling on official business to enter the country using a personal passport, EPA travelers should consult with OITA's International Travel Office as far in advance of their scheduled departure dates as possible in order to determine the specific requirements for each international destination. Access more information on the ORD's Travel webpage; please go to the **"International Travel"** section and select the **"General Information About Passports"** link. See EPA Order 2656: No-Fee Passport Application Acceptance Program Policy for more information. Contact Peter Evanko, ORD's international travel coordinator, if you have any questions about international travel.

ScienceHub

ScienceHub is ORD's tool for storing and cataloging datasets associated with published journal articles. As of this year, ORD has published 222 articles that have datasets associated with them, and 60 of those datasets have been released for public accessibility. ScienceHub provides researchers with a way to track information, research plans, and data related to their research efforts. This will improve ORD's ability to manage scientific information. Through information collected on the research process, ScienceHub allows adherence to OMB's Open Data Policy by readying research data for public access.

Accolades:

Call for Nominations - 2017 Scientific and Technological Achievement Awards

The 2017 Scientific and Technological Achievement Awards cycle opened yesterday for nominations **and closes Friday, April 21**. Employees must submit STAA nominations via the electronic database. Details about nomination procedures and guidelines, as well as frequently asked questions, are available in the "Related Awards Content" section. A training manual of the nomination process is also available to help users set up their accounts and enter their nominations. Once an account has been established, users can enter and enter a nomination as many times as desired. Access the STAA Nomination Database.

Dr. Boyes to Receive Career Achievement Award at Annual SOT meeting

The Ocular Toxicology Specialty Section recognized NHEERL's Dr. William Boyes last week for his life-time contributions to scientific understanding of eye exposure to environmental chemicals. During his 35-year career, he developed novel testing approaches for the visual system, published guidelines for assessing visual function, and contributed to understanding the toxicology of numerous chemical agents. More than 100 publications and an equal number of national and international invited lectures serve to document his research findings on neurotoxic compounds, pesticides, hazardous air pollutants, toxic hydrocarbon vapors, biofuels, and engineered nanomaterials.

EPA Support Cited in Patriotic Employer Award

NHEERL's Dr. John Rogers was recognized by the Office of the Secretary of Defense for "Contributing to National Security and Protecting Liberty and Freedom by Supporting Employee Participation in America's National Guard and Reserve Force." Rogers was presented a plaque and a certificate that commended support for Lieutenant Colonel Brian Grey (NHEERL), during Brian's deployment in Kuwait with the North Carolina National Guard unit that he led. Brian has returned to his EPA work station as a Program Analyst.

EPA article on Reproducible Science Achieves "Best Seller" Status

NERL, NHEERL, and OSA collaborated on a 2015 article, "Raising the Bar for Reproducible Science at the U.S. Environmental Protection Agency Office of Research and Development." The article describing EPA methods to ensure reproducible science was distinguished for being among the top 10% of "Most Downloaded Articles" published in *Toxicological Sciences* over the past two years.

Scientists Awarded Bronze Medals by OECA for Support of Agency Enforcement Activities

Two NRMRL scientists were awarded separate Bronze Medals from OECA in recognition of their support to two teams. Tom Speth was awarded a 2016 Bronze Medal as part of the Flint Safe Drinking Water Act Order Enforcement Team. The team was recognized for their exceptional contribution to the Flint enforcement matter that materially served the public interest and health. The team also includes individuals from OECA's Office of Civil Enforcement, Region 5, and Region 10. Fran Kremer was awarded a 2016 Bronze Medal as part of the Next Generation Compliance Extended Team. The team was recognized for leading an Agency-wide effort to introduce innovative practices into all aspects of our programs to drive greater compliance and ensure that their intended environmental benefits are achieved.

NERL Scientists Awarded Bronze Medals by OAQPS

NERL's Deborah Luecken, Bill Hutzell, Jesse Bash, and George Pouliot (Computational Exposure Division) were recently awarded Bronze Medals from OAQPS for their contributions to the National Air Toxics Assessment (NATA) Team and National Emissions Inventory (NEI) effort. Luecken and Hutzell received a Bronze Medal "in recognition of outstanding achievements to the 2011 National Air Toxics Assessment Team for providing accurate and easier access to air toxics information". Bash and Pouliot received their Bronze Medal "in recognition of exceptional accomplishments in developing a comprehensive, high quality, and timely 2014 National Emissions Inventory." The NATA and the NEI are widely used to support the States and Regional Offices for protecting air quality under the Clean Air Act.

NRMRL Scientist Awarded Two Bronze Medals by OAR for Providing Technical Guidance and Support for Agency Rules

Jeff Ryan was awarded two 2016 Bronze Medals from the Office of Air and Radiation. One award is for commendable service in recognition of exemplary technical skill and leadership in developing global guidance for air emissions sources for mercury under the Minamata Convention on Mercury. The other is for commendable service for significant technical contributions for ensuring a nimble and scientifically appropriate approach to more rapid and ready deployment of new technologies to monitor source emissions.

ORD Receiving FLC Technology Focus Award

NRMRL's Darren Lytle, Dan Williams, Roy Haught, and OARS' Kathleen Graham, and Sarah Bauer will receive the Focus Award for their ammonia treatment system ("NoMonia: A Process

to Remove Ammonia from Drinking Water") at this year's FederaL Laboratory Consortium's Annual Meeting in San Antonio, Texas on April 26. Darren Lytle developed the technology and commercialization effort, along with his Cooperative Research and Development Agreement partner, AdEdge Water Technologies, Inc. LLC. Dan Williams, scientist/inventor, mobilized the technology—thus, permitting deployment to water treatment systems. OARS' Federal Technology Transfer Act team members, Sarah Bauer and Kathleen Graham, and OGC's patent attorney Laura Scalise are also included on the award.

In the News:

SOT Blog on Open Data

NHEERL's Ron Hines and NCEA's John Vandeberg participated in the Supporting Open Data in Toxicology session at the SOT Annual Meeting. Read the blog, "Data is the Currency of Science, But When Will It Be Open?" to learn more about the session and EPA's effort to make government research and publicly available data sets easy to access and explore.

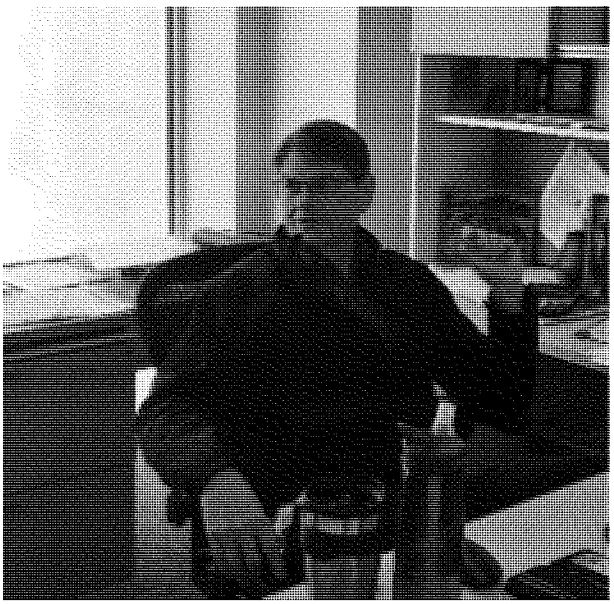
In the Community:

EPA-RTP STEM Outreach Program Events

- Today, NERL's Kelly Witter will be the "Expert in Residence" at the Duke University Career Center. Also today, several EPA employees will attend an evening program at the Duke Energy Initiative, Power trends: Quick Takes on the Triangle's Energy Sector. Dan Loughlin (NRMRL) will represent EPA on the panel.
- On Thursday, the EPA-RTP STEM Outreach Program will participate in two evening science events: STEM Night at Hodge Road Elementary School and Science Family Night at E.K. Powe Elementary School.
- On Friday, two EPA employees will participate in Career Day at Merrick-Moore Elementary School. Also on Friday, Melissa McCullough will present *The 21st Century and the Three Legs of Sustainability* at Athens Drive Magnet High School and the EPA-RTP STEM Outreach will teach 5th graders about Air Quality using its interactive lung capacity activity at Hillandale Elementary School. Additionally, EPA employees will serve as judges at the NC Student Academy of Science Competition at the NC School of Science and Math.
- On Saturday, several EPA employees will volunteer as judges at the NC State Science Fair at Meredith College.

Faces of ORD: OSIM'S David Updike

Every other issue of the EPA Weekly Compass features one of ORD's outstanding employees. If you would like to nominate someone to be featured, please contact Kelsey Maloney or Megan Maguire.



Name: David Updike

Job/Position: Deputy Director

L/C/O or Program: Office of Science Information Management (OSIM) in RTP

1. When did you start at EPA? I started with EPA in 1991 developing regulatory data systems for hazardous waste treatment, storage, disposal and transport in the Office of Solid Waste. In 1998, I moved to RTP to work for EPA's National Computer Center (NCC), I was the NCC Associate Director from 2005 to 2010 and Director from 2010 to 2014. I have been in ORD's Office of Science Information Management since July 2014.

2. What's the most interesting thing about your job? I get to meet very interesting people and learn a bit about a wide range of very interesting research. This is a new perspective for me, as most of my EPA career I interfaced primarily with EPA's regulatory programs and administrative offices. It's a lot fun.

3. What's the most interesting thing in your workspace? My mother's paintings and the view of the woods and lake. I find them restful, contemplative, and fun.

4. What's your favorite thing to do (besides come to work)? Helping my children navigate college and move into the world, cooking, eating, fishing, boating, motorcycling (my newest hobby).

5. What's your favorite lunch spot? Ken and Jerry's Table at the Lakeside Café. We are fortunate to have a really nice cafeteria on the RTP campus. Whether you bring your own or buy something there it's a great place to eat.

6. If you could have one superpower, what would it be? The power of agreement. I like to solve problems and improve services. Most changes of consequence require the agreement of three or more parties with diverse perspectives and/or priorities. So, having the power or skill to see the common ground and achieve agreement is essential for action and success. And, sometimes I wish I could just smile and nod my head to have them all agree with me, because I asked them to.

7. What are you most excited for this spring? Warmer, longer days, kids home from college, motorcycle rides, fishing...

To: EZ Tech All[EZ_Tech_All@epa.gov]
From: EZTech Notification
Sent: Tue 3/21/2017 6:40:00 PM
Subject: EZ Tech Notification: Security Patches and Application Updates

EZ Tech User Notif

Please visit the **EZ Tech Intranet site** for r

To contact the EZ Tech Service Desk, phone 1-866-411-4EPA (4372) option

Please do not respond to this message. Thank you.

Summary

On **Friday, March 24, 2017** at **11:00 p.m. EDT,** we will begin distributing required security patches and application updates to all desktops and laptops used by EZ Tech customers. These important updates help keep our computers and networks safe by reducing the risk of attacks.

What You Need to Do

Before you leave the office on Friday please ensure that your computer is shut down.

□□□□□□□□□ Please note that the patches and updates will be applied and your computer will be rebooted even if it has been left in a logged in state.

□□□□□□□□□ If you take your computer home, once you logon and connect to the EPA network, a window will appear and lead you through the patching and updating process.

Contact

If you have any questions, please call 1 (866) 411-4EPA (4372) and Press Option 3 for the EZ Tech Service Desk — or EZTech@epa.gov.

To: Greene, Mary[greene.mary@epa.gov]
Cc: Bender, Michael[Bender.Michael@epa.gov]; Snowden, Christine[Snowden.Christine@epa.gov]; Sinks, Tom[Sinks.Tom@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Otto, Martha
Sent: Tue 3/21/2017 6:47:00 PM
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

We have a current account with Qualtrics that will expire if we don't renew it by April 3, 2017. The original account was through Innovate, but we stood up a new account about this time last year. The current account is not in Innovate's name; it is an EPA account.

This is the description of why we are using Qualtrics and how we plan to use it this year:

Qualtrics is an online survey service we used for the Agency-wide scientific integrity survey. We chose this service because it provides highest certifications and standards regarding security- Qualtrics treats all data with the highest confidentiality, uses industry's best security practices, and adheres to the requirements of the Federal Information Security Management Act. Qualtrics eliminates several time-consuming steps in information collecting processes by using an online portal and streamlining responses into organized files that can be easily accessed and used for analysis. We will use this service to perform our annual FMFIA checklist, which is distributed to all offices and regions, and to conduct a survey that explores the culture of scientific integrity in EPA leadership and management.

The FMFIA "survey" is not a survey, per se, but a means to collect information about how each program/office/region has implemented the Scientific Integrity Policy during the past fiscal year. It is sent to each program/office/region through the FMFIA program. We are using virtually the same set of questions that we used last year. The information we collect is used in our annual report on scientific integrity.

The survey that explores the culture of scientific integrity in EPA leadership and management has been reviewed by the Scientific Integrity Committee, by OSA management, and by the Science Advisor. It was based on a survey that the U.S. Army conducts every year. Our management survey will be sent to all EPA managers and senior leaders (ST, SL, Title 42). We have obtained a full list of these employees from OARM. The survey will be sent after the fiscal year 2017 scientific integrity training (the "management dialogues") has been completed.

We estimate that we will need to purchase 2,500 responses to cover both the FMFIA "survey" and the management survey.

Please let me know if you need additional information.

Thank you for your help with this.

Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Greene, Mary
Sent: Tuesday, March 21, 2017 2:05 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Bender, Michael <Bender.Michael@epa.gov>; Snowden, Christine <Snowden.Christine@epa.gov>; Sinks, Tom <Sinks.Tom@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi Marti,

Robin reminded me that access to Qualtrics had been provided through the Innovation task order that had been issued several years ago. I have asked Michael to check to see if we even have an account with Qualtrics. Having said that, I need to have a description of the work that will get done under the current request. Specifically, how will the surveys be used, who would they be sent to, how many surveys are needed to complete the work you are proposing and when will the surveys be sent out, and in addition to the SI Committee, will the experts in EPA who do surveys and statistical analysis be consulted?

Thanks

Mary

From: Otto, Martha
Sent: Tuesday, March 21, 2017 8:31 AM
To: Greene, Mary <greene.mary@epa.gov>
Subject: FW: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

I just heard from the Qualtrics folks. In order to keep our account going, they need payment by April 3.

Please let me know if there is anything that I can do to help with the paperwork.

Thank you!

Marti

From: Otto, Martha
Sent: Tuesday, March 14, 2017 10:59 AM
To: Greene, Mary <greene.mary@epa.gov>

Cc: Snowden, Christine <Snowden.Christine@epa.gov>
Subject: FW: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

To answer your questions about the Qualtrics order:

[redacted]

Ex. 4

3. Last year, Lu-Ann might have done a PR for this. The following paragraphs are from an email to Lu-Ann last year:

We need to create PR for Qualtrics, the survey service we use. Attached is the quote that we received from our account manager at Qualtrics, Jeff Federman. The acquisition is actually made through EC America and there is contact information included in the quote.

Here is the language for the PR:

Qualtrics is an online survey service we used for the Agency-wide scientific integrity survey. We chose this service because it provides highest certifications and standards regarding security- Qualtrics treats all data with the highest confidentiality, uses industry best security practices, and adheres to the requirements of the Federal Information Security Management Act. Qualtrics eliminates several time-consuming steps in information collecting processes by using an online portal and streamlining responses into organized files that can be easily accessed and used for analysis. We will use this service to perform our annual FMFIA checklist, which is distributed to all offices and regions, and to conduct a survey that explores the culture of scientific integrity in EPA leadership and management.

Please let me know if there is anything else that you need for this.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Abagail Boepple [mailto:Abagail_Boepple@immixgroup.com]
Sent: Tuesday, March 14, 2017 9:50 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Morning Martha,

Thank you for reaching out and I hope you are staying warm! Per Jeff's response this is a 12 month quote for 4/6/2017-4/5/2018 and I have indicated this on the quote for you. In addition per your request I have extended the expiration date. Please let me know if there is anything else you need, thanks!

From: Jeff Federman [mailto:jefff@qualtrics.com]
Sent: Tuesday, March 14, 2017 9:18 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Abagail Boepple <Abagail_Boepple@immixgroup.com>
Subject: Re: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi Martha,

I am sure that Abagail will respond to your request; however, I did want to let you know that your current period of performance ends on April 5th and the renewal period of performance

should be 4/6/17 - 4/5/18. If the renewal will take place well beyond the 5th it is possible that you could lose access to your current account, and I would like to avoid that if at all possible.

Please let me know if you have additional questions.

Thanks.

Jeff

Jeff Federman

Enterprise Accounts

Direct 202.844.4903 | Mobile 703.675.7708| Support 800.340.9194

On Tue, Mar 14, 2017 at 8:44 AM, Otto, Martha <Otto.Martha@epa.gov> wrote:

Hi, Abagail,

I have a few questions about the quote that you sent.

1. Is this based on a 12-month period? In other words, is the purchase good for the next 12 months after the date that we complete the purchase?

2. Could you please send a quote with an expiration date that is a bit later? The snow here may delay our getting our paperwork completed.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Abagail Boepple [mailto:Abagail_Boepple@immixgroup.com]
Sent: Monday, March 13, 2017 9:49 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Morning Martha,

I hope you had a wonderful weekend! I just wanted to follow up on the attached quote to ensure you received it. Please respond with your confirmation and let me know if you need anything else. Thanks and have a great day!

Kind Regards,

Abagail Boepple

Account Manager | Renewals

immixGroup, Inc.

703.663.1146 direct | 301.661.6315 mobile

703.752.0611 fax

www.immixgroup.com

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An Arrow Company

Follow us on:

From: Abagail Boepple
Sent: Monday, February 13, 2017 4:41 PM
To: otto.martha@epa.gov
Subject: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Afternoon,

I hope you are having a great day! Please see the attached Qualtrics maintenance renewal quote. When you're ready to purchase the quote please have the EC America quote number and the period of performance listed on the issued purchase order.

Unless I hear from you sooner, I will contact you within 5-7 business days to follow up and see if you have any questions on the quote. Please do not hesitate to contact me if you have any questions.

****Please note the deadline for the PO is 4/10/2017 in order to process for the POP start date of **4/13/2017**.

Kind Regards,

Abagail Boepple

Account Manager | Renewals

immixGroup, Inc.

703.663.1146 direct | 301.661.6315 mobile

703.752.0611 fax

www.immixgroup.com

Follow us on:

To: mhalpern@ucsusa.org[mhalpern@ucsusa.org]; Grifo, Francesca[Grifo.Francesca@epa.gov]; carrie.wolinetz@nih.gov[carrie.wolinetz@nih.gov]
From: Kei Koizumi
Sent: Tue 3/21/2017 7:46:00 PM
Subject: AAAS Forum session on Scientific Integrity; planning conference call Thursday afternoon?
AAAS Forum Koizumi Scientific Integrity.pptx

Mike, Francesca, and Carrie,

Thank you for agreeing to participate in and speak at Monday's AAAS Forum on S&T Policy session on Implementing Scientific Integrity Policies in Federal Agencies. It will be 4-5:30 PM as one of three concurrent sessions, at the Ronald Reagan building in downtown DC. I think you have all received registration information from my AAAS colleague Bethany Spencer; if you haven't, please let me know.

I'd like for us to talk, if we can, about the session. Would you be available Thursday (3/23) afternoon after 2:30 for a brief conference call to discuss? Please let me know if you are available Thursday afternoon and I can set up a call and send a call invite. If getting all four of us on a call is not possible, I may call individually.

Attached is my draft slide deck for my remarks, in PowerPoint.

Thank you! Looking forward to it. KEI

PS. You've already seen my summary of the session:

In March 2009, President Obama articulated a set of principles to guide scientific integrity in Federal agencies. Since then, 24 Federal departments and agencies have developed and implemented policies to uphold these principles, and both the House and Senate have recently introduced legislation to codify these principles in law. This session will describe the progress made in protecting scientific integrity and discuss the challenges and opportunities ahead for: preventing the suppression or alteration of scientific findings; making scientific evidence used in policymaking transparent; and allowing Federal scientists to communicate freely about their science.

Kei Koizumi

Visiting Scholar for science policy

American Association for the Advancement of Science

202 326 6238 (office)

202 491 3406 (mobile)

kkoizumi@aaas.org

1200 New York Ave, NW
Washington, DC 20005

Implementing Scientific Integrity Policies in Federal Agencies

A session at the AAAS Forum on Science and Technology Policy

March 2017

Kei Koizumi
Visiting Scholar
AAAS

AAAS
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Follows March 2009 Presidential Memorandum on scientific integrity; provides guidance to agencies on implementing scientific integrity.

December 17, 2010

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: John P. Holdren
Assistant to the President for Science and Technology and
Director of the Office of Science and Technology Policy

SUBJECT: Scientific Integrity

On March 9, 2009, the President issued a Memorandum articulating six principles central to the preservation and promotion of scientific integrity and assigning to the Director of the Office of Science and Technology Policy the responsibility for ensuring the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes.

Consistent with the President's memorandum, I am issuing this memorandum to provide further guidance to executive departments and agencies (agencies) to implement the Administration's policies on scientific integrity.

I. Foundations of Scientific Integrity in Government

Scientific and technological information is often a significant contributor to the development of sound policies. Thus it is important that policymakers involve science and technology experts where appropriate and that the scientific and technological information and processes relied upon in policymaking be of the highest integrity. Successful application of science in public policy depends on the integrity of the scientific process both to ensure the validity of the information itself and to engender public trust in Government. For this reason, agencies should develop policies that:

https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf

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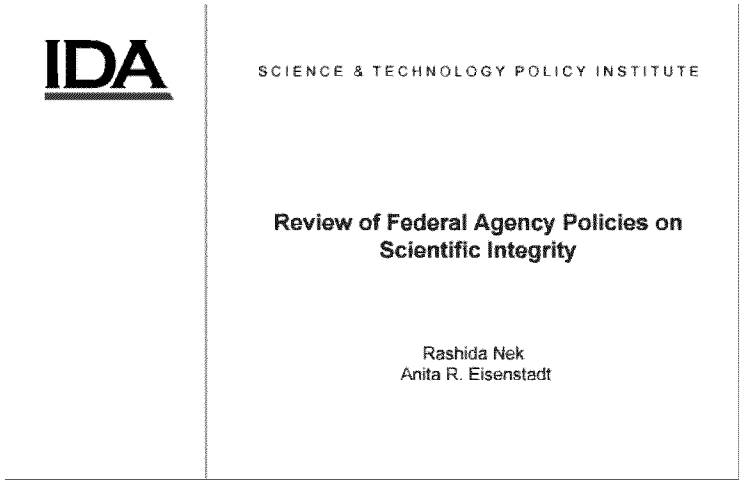
"The Presidential Memorandum and the OSTP Memorandum both set forth principles of scientific integrity, but neither includes a specific definition of the term and neither requires agencies to define it."


IDA

SCIENCE & TECHNOLOGY POLICY INSTITUTE

Review of Federal Agency Policies on Scientific Integrity

Rashida Nek
Anita R. Eisenstadt

https://www.ida.org/idamedia/Corporate/Files/Publications/STPIPubs/2016/D-8305.ashx

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Preamble

The value and benefits of research are vitally dependent on the integrity of research. While there can be and are national and disciplinary differences in the way research is organized and conducted, there are also principles and professional responsibilities that are fundamental to the integrity of research wherever it is undertaken.

Principles

Honesty in all aspects of research
Accountability in the conduct of research
Professional courtesy and fairness in working with others
Good stewardship of research on behalf of others

http://singaporestatement.org/

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Scientific Integrity (1)

- Agencies should develop policies that: ensure a culture of scientific integrity; strengthen the actual and perceived credibility of Government research; facilitate the free flow of scientific and technological information; and establish principles for conveying scientific and technological information to the public.
- Agencies should develop public communications policies that promote and maximize, to the extent practicable, openness and transparency with the media and the American people…

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Scientific Integrity (2)

- Agencies should develop policies... for convening Federal Advisory Committees (FACs) tasked with giving scientific advice.
- Agencies should establish policies that promote and facilitate, as permitted by law, the professional development of Government scientists and engineers.

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ED_001292B_00001348-00006

the WHITE HOUSE
PRESIDENT BARACK OBAMA

BRIEFING ROOM | ISSUES | THE ADMINISTRATION | 1600 PENN

HOME · BLOG

Scientific Integrity Policies: An Update

DECEMBER 19, 2016 AT 1:41 PM ET BY KEI KOIZUMI AND JERRY SHEEHAN

Summary: On the anniversary of OSTP's guidance, updated website highlights the considerable progress agencies have made in advancing scientific integrity.

Ensuring the integrity of science has been a priority for the Obama Administration. In his inaugural address in January of 2009, President Obama promised to "restore science to its rightful place." In March 2009, the President issued a Presidential Memorandum that recognized the need for the public to be able to trust the science and scientific process informing public policy decisions.

The Presidential memorandum articulated a set of principles to guide scientific integrity in Federal agencies: political officials should not suppress or alter scientific or technological findings and conclusions; scientific and technological information used by the Federal Government should ordinarily be made available to the public; the

https://obamawhitehouse.archives.gov/blog/2016/12/19/scientific-integrity-policies-update

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Since the issuance of the Memorandum, twenty-four Federal departments and agencies have developed and implemented scientific integrity policies consistent with the OSTP guidelines.

- Department of Agriculture (pdf)
- Department of Commerce (pdf)
- National Institute of Standards and Technology (pdf)
- National Oceanic and Atmospheric Administration
- Department of Defense (pdf)
- Department of Education (pdf)
- Department of Energy (pdf)
- Department of Health and Human Services (pdf)
- Centers for Disease Control and Prevention (pdf)
- Food and Drug Administration
- National Institutes of Health (pdf)
- Department of Homeland Security (pdf)
- Department of the Interior (pdf)
- Department of Justice (pdf)
- Department of Labor (pdf)
- Department of State (pdf)
- Department of Transportation
- Department of Veteran Affairs (pdf)
- United States Agency for International Development
- Environmental Protection Agency (pdf)
- Marine Mammal Commission (pdf)
- National Aeronautics and Space Administration (pdf)
- National Science Foundation (pdf)
- Office of the Director of National Intelligence (pdf)

24 Federal agencies now have scientific integrity policies in place that are consistent with the OSTP guidelines.

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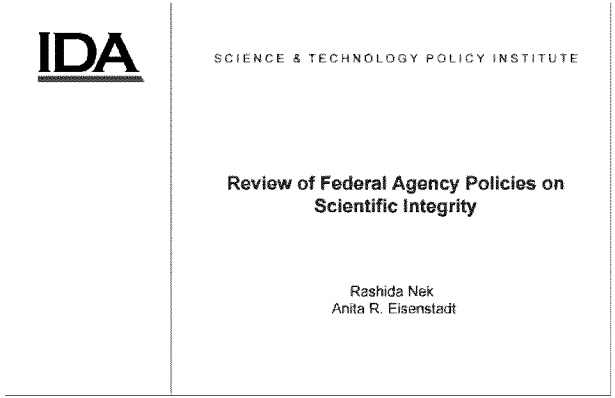
"Most of the scientific integrity policies STPI reviewed address all four components of the OSTP Memorandum. A few do not explicitly address them all, and some include elements beyond those delineated in the OSTP Memorandum. For example, many policies provide a context on why scientific integrity is important to the agency's mission. Several policies reference related policies on scientific codes of conduct, conflict of interest, or data quality."


IDA

SCIENCE & TECHNOLOGY POLICY INSTITUTE

Review of Federal Agency Policies on Scientific Integrity

Rashida Nek
Anita R. Eisenstadt

https://www.ida.org/idamedia/Corporate/Files/Publications/STPIPubs/2016/D-8305.ashx

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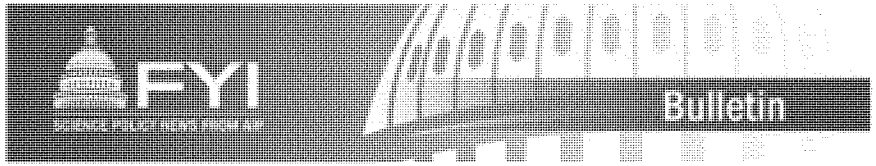
ED_001292B_00001348-00009

What Next?



Number 30: March 10, 2017

Both Parties Pushing Legislation in the Name of Scientific Integrity and Transparency

Both Democratic and Republican lawmakers are invoking the cause of scientific integrity and transparency to advance certain legislative proposals. The Democratic bills would codify standards of conduct and protections for federal scientists, while the Republican bills would reform the use of science in the federal rulemaking process.

Within the past two months, lawmakers from both parties have introduced bills they claim will improve how the federal government conducts and uses science. Although each possesses little or no support from the other party and they vary considerably in their aims and scope, each side has cast their efforts as enhancing the integrity of government science.

Democratic bills would help codify Obama-era integrity policies

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Thank you

Kei Koizumi
AAAS
Visiting Scholar
kkoizumi@aaas.org

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To: Hawkins, CherylA[Hawkins.CherylA@epa.gov]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Francesca Grifo (francescatgrifo@gmail.com)[francescatgrifo@gmail.com]
From: Otto, Martha
Sent: Tue 3/21/2017 8:11:08 PM
Subject: Trump Requests Dramatic Budget Cuts for the Rest of This Year, Too

Hi, Francesca, Cheryl,

Check out this article. Whew!

Trump Requests Dramatic Budget Cuts for the Rest of This Year, Too

http://www.govexec.com/management/2017/03/trump-requests-dramatic-cuts-fy17-too/136224/?oref=govexec_today_pm_nl

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Tue 3/21/2017 8:12:55 PM
Subject: March 21 -- E&E News PM is ready

Read today's E&E News PM on the web

AN E&E NEWS PUBLICATION

E&E NEWS PM — Tue., March 21, 2017

READ FULL EDITION

1.EPA:

Bar complaint filed against Pruitt over emails

U.S. EPA Administrator Scott Pruitt is facing an ethics complaint back home over his confirmation hearing testimony regarding his use of personal email as Oklahoma attorney general.

THIS AFTERNOON'S STORIES

2.REGULATIONS:

Senate takes up resolution to kill Alaska refuge rule

3.LAW:

Trump court pick sent nun to jail for nuclear break-in

4.PESTICIDES:

Groups sue EPA to stop weedkiller's use on resistant crops

UPCOMING HEARINGS AND MARKUPS

5.CALENDAR:

Activity for March 20 - March 26, 2017

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From: Cox, Taylor
Location: DCRoomRRB41107-1; DCRoomRRB41107-2
Importance: Normal
Subject: OSA Leadership Meeting
Start Date/Time: Wed 3/22/2017 2:30:00 PM
End Date/Time: Wed 3/22/2017 3:00:00 PM
Ex. 5

Call In: 1-866-299-3188

Code: Ex. 2

Agenda:

1. OSA All Hands Follow Up (15 minutes)
2. Introduce George Woodall (5 minutes)
3. One Pager (5 minutes)
4. Comments and Questions (5 minutes)

Ex. 5

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Tue 3/21/2017 8:26:04 PM
Subject: March 21 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Interior Protects Bumblebee Species as Endangered

Posted March 21, 2017, 02:25 P.M. ET

By Alan Kovski

Protections for an endangered bumblebee species can go into effect now that the Interior Department has rejected a delay requested by a coalition of construction, energy and agricultural interests.

The listing of the rusty patched bumblebee under the Endangered Species Act went into effect March 21. It is the first time a bee has been listed as endangered or threatened in the continental United States.

Housing developers, pesticide makers, farmers, oil and gas companies and electric utilities sought a delay to next January in the effective date of the protections.

They worried they might violate the Endangered Species Act by unintentionally destroying one of the bee's underground nests, killing its food sources with herbicides or killing the bee directly with insecticides. It is known or thought to exist in 13 states from Maine to North Carolina to Minnesota.

The U.S. Fish and Wildlife Service responded not with a delay but a guidance document as the listing became effective.

Guidance Prepared for Agencies

"We prepared guidance to help federal agencies and project proponents make a quick and accurate determination as to whether any project location may overlap with an area where the rusty patched bumblebee is likely to be present and, if so, how to conserve the species and meet ESA regulatory requirements," the service said in a posted notice on one of its websites.

"The rusty patched bumblebee is likely to be present in scattered locations that cover only about 0.1 percent of the species' historical range. It is within these limited areas we recommend that federal

agencies and others consider the need to consult with the service on the potential effects of their actions or the potential need for an incidental take permit," the service said. "For the remaining 99.9 percent of the historical range, we advise agencies and others that this bumblebee is not likely to be present and that consultations or incidental take coverage is not necessary."

"Incidental take" refers to unintentional take in the course of doing any kind of work. Permits can be required for take if there is a substantial possibility of harming the bee.

The Fish and Wildlife Service has not yet written a recovery plan for the species, nor has critical habitat been designated.

Worried About Conflicts

Six associations joined in a petition to delay the listing to next January: the National Association of Home Builders, the American Petroleum Institute, the Independent Petroleum Association of America, the National Rural Electric Cooperative Association, CropLife America and the National Cotton Council of America.

"We are concerned that the listing will conflict with other federal mandates that require electric cooperatives to provide safe and reliable power to rural America," said Janelle Lemen, senior principal for environmental issues at the association of rural electric co-ops.

"We look forward to collaborating with the USFWS to find a solution that protects the rusty patched bumble bee, while also allowing co-ops to maintain rights of way and perform other activities essential to providing reliable electric service," Lemen told Bloomberg BNA.

Electric utilities and owners of oil and gas pipelines have to maintain rights of way, as do local governments maintaining roadsides. The vegetation control for those rights of way could involve killing bees or their food sources.

Construction could be affected in the 13 states. The federal protections could hit any activity that overturns dirt, because the species builds nests in the ground and queens survive winter in the ground, Parker Moore, a principal in law firm Beveridge & Diamond P.C., in January.

Group Points at Chemicals

"Now that the Fish and Wildlife Service has listed the rusty patched bumble bee as endangered, it stands a chance of surviving the many threats it faces—from the use of neonicotinoid pesticides to diseases," said Sarina Jepsen, director of endangered species at the Xerces Society for Invertebrate Conservation, in a statement presaging more fights over insecticides.

Pesticides, particularly the class of neonicotinoids, have been linked to bee die-offs and an overall decline in bee health over the last decade. Scientists have debated the extent to which neonicotinoids are responsible for the problem.

The Xerces Society filed the petition that led to the listing.

"While this listing clearly supports the rusty patched bumble bee, the entire suite of pollinators that share its habitat, and which are so critical to natural ecosystems and agriculture, will also benefit," said Rich Hatfield, senior conservation biologist at the Xerces Society.

More bumblebee species are listing candidates. Three are being studied, and the Xerxes Society has said one-quarter of the 47 bumblebee species in the U.S. and Canada may be endangered.

The primary suspected threats to the rusty patched bumblebee are pathogens of various kinds, including fungi and possibly viruses and bacteria.

The Fish and Wildlife Service published its listing decision (RIN:1018-BB66) Jan. 11 and had said it would take effect Feb. 10. The Trump administration delayed the effective date to March 21.

Texas, Natural Gas Industry Contest Storage Safety Rule

Posted March 21, 2017, 04:06 P.M. ET

By Sylvia Carignan

A new federal natural gas regulation is taking away states' abilities to regulate their storage caverns, Texas' attorney general argues in an appeals court review of the rule.

The state of Texas has asked the U.S. Court of Appeals for the Fifth Circuit to review a Pipeline and Hazardous Materials Safety Administration rule (State of Texas v. U.S. Dep't of Transp., 5th Cir., 17-60189, 3/17/17).

Natural gas industry groups also are challenging the same PHMSA rule in the U.S. Court of Appeals for the D.C. Circuit (Interstate Natural Gas Assoc. v. U.S. Dep't of Transp., D.C. Cir., 17-1096, 3/20/17), (Amer. Gas Assoc. v. U.S. Dep't of Transp., D.C. Cir., 17-01095, 3/20/17).

The rule, which addresses safety issues for underground natural gas storage facilities, went into effect Jan. 18. The rule is part of the agency's response to the massive 2015 leak of natural gas at Southern California Gas Co.'s storage facility at Aliso Canyon in California.

The petitioners are challenging the rule under various statutes, including the Administrative Procedure Act.

In a news release, Texas' attorney general argued the rule "unilaterally and impermissibly" adopted the American Petroleum Institute's underground storage design and safety guidance as regulations, stripping Texas of its authority over underground natural gas facilities.

PHMSA responded to the petitions March 21 and said the rule established minimum federal standards for about 200 interstate facilities and serves as a baseline for state regulations. States are free to enact more stringent regulations, the agency said.

States Make Case for Experience

Texas stores natural gas in salt caverns and depleted reservoirs, which the state's railroad commission has regulated for decades.

"PHMSA failed to reach out to the [Texas railroad commission] to learn from its long-term experience regulating underground storage. As a result, PHMSA is embarking on a path of regulating an industry with which it has little familiarity," the commission told the agency in its public comments.

The Louisiana Mid-Continent Oil and Gas Association argued in its public comments on the rule that PHMSA should permit states to regulate their underground storage facilities by allowing them to request delegation of authority.

The association pointed to the Environmental Protection Agency as an example of delegating authority to states. The agency "place(s) decision-making authority to a level of government closer to the people whose lives are touched by these decisions," the Louisiana association said.

Abiding by state and federal regulations will require operators to pay two sets of fees, the Louisiana association said, which would be an "unnecessary burden."

Cathy Landry, spokesperson for the Interstate Natural Gas Association of America, said the association thinks it is "imperative" for PHMSA, not individual states, to set baseline standards.

Industry Disputes Deadlines

In the rule, PHMSA argues that "rapid incorporation" of the American Petroleum Institute's guidance will require operators to assess and document changes to the operational safety of their underground storage facilities.

For this rule, the American Gas Association filed joint public comments with the Interstate Natural Gas Association of America, the American Public Gas Association and the American Petroleum Institute. Their concerns were generally about making non-mandatory guidance into mandatory regulation, and not having enough time to implement the new regulations once the rule went into effect.

"The Associations do not believe this was the intent of the (rule), as this time frame is not just unreasonable, but simply not practicable," the associations said in their public comments.

In January, the associations asked PHMSA to reconsider its rule, but did not receive a response from the agency.

Proposed Budget Cuts May Hurt Colorado Climate, Energy Labs

Posted March 21, 2017, 7:01 A.M. ET

By Tripp Baltz

Scientists at federal facilities in Colorado say the proposed cuts in the Trump administration's recent budget request will have devastating impacts on research in energy, environment and climate change science.

The reductions to the budgets of the Commerce and Energy departments outlined in a March 16 budget blueprint could result in layoffs and programs getting mothballed at research laboratories in Colorado, including the National Renewable Energy Laboratory in Golden and the National Center for Atmospheric Research in Boulder.

The administration hasn't released budget details about the labs yet, but researchers are worried because of the cuts outlined for the two federal agencies that oversee energy and climate research.

The budget proposal appears to be "very short-sighted," Kevin Trenberth, a senior climate scientist

at the National Center for Atmospheric Research (NCAR), told Bloomberg BNA.

NOAA, the federal agency at the forefront of climate research—which also has a major facility in Colorado—endured deep cuts during the Obama administration, he said. "Funding for climate programs has been hammered across the board, but these new cuts are so drastic they could affect us at NCAR as well," he said. NCAR, which is sponsored by the National Science Foundation, could be impacted by a downturn in climate change funding, he said.

NOAA is part of the Commerce Department. The Trump administration in its budget blueprint, or "skinny budget," proposed $7.8 billion for Commerce, a 17 percent reduction from $9.4 billion in the budget enacted for 2016. The Energy Department budget request is for $28.0 billion, a 5.4 percent cut from the enacted level of $29.6 billion for FY 2016. The administration is expected to provide greater details about the budget plans in May.

Weighing Costs, Not Benefits

In climate science, even small changes made now can have huge benefits down the road, Trenberth said. "Trump's budget is focused only on the costs, and not on the benefits. The administration believes eliminating the EPA's Clean Power Plan will save $100 million a year. But the losses due to extreme climate events are in the tens of billions of dollars every year."

"There's a huge mismatch between these cuts and the benefits of all these programs," he said. "There's no question the benefits are worth more than the cost."

NOAA's Boulder facility—the Earth System Research Laboratory—is the agency's largest lab. Researchers there study components and dynamics of the physical Earth and how they work together to produce weather and climate.

It works closely with several private companies and academic institutions on climate change research.

One such partner is the Cooperative Institute for Research in Environmental Sciences (CIRES) at the University of Colorado-Boulder, which receives support from the Energy Department to conduct studies designed to gain a better understanding of climate change and its effects on the environment.

Projects Mothballed?

"The skinny budget targets some of these really critical areas at NOAA, including our climate, weather and satellite programs," Waleed Abdalati, the director of CIRES, told Bloomberg BNA. "Irrespective of one's political views, there are benefits from understanding how our climate is changing."

Workers at the federal facilities and at private labs are worried, he said. "I tell them not to react to things that haven't happened yet. Share the value of what we do. We have a tremendous value proposition at the end of the day. I hope the leadership in Congress recognizes that value and works to protect it in the context of all the priorities that are out there."

Dan Powers, executive director of CO-LABS, a non-profit consortium that educates the public, companies and the government about the value of the labs, said that the cuts could result in scientific projects being mothballed, "holding up progress in science and technology and having effects on many commercialized fields that depend on research."

"These are short-term budget reductions that would come at the long-term expense of our country's intellectual and innovative capacity," Powers said. "Outcomes could be surprisingly negative, especially for the long-term perspective."

Powers said the loss of well-paying jobs at the labs also would have a ripple effect on the local economy.

Private Contractual Agreements

Research conducted at NREL provides "vetting technology" for hundreds of companies, from rural startups to global corporations, many of them with contractual arrangements with the Energy Department, Powers said. NREL is advancing innovations in biofuels, solar and wind power, cybersecurity and other areas.

"It's a hotbed of cutting-edge technology, and taxpayers are helping to provide the foundational research that benefits everyone in terms of technology," he said. "To threaten to jeopardize the projects NREL is working on with a broad-brushed budget proposal will have much harsher outcomes for our country than people realize."

European Countries to Evaluate 22 Suspected Hazardous Substances

Posted March 21, 2017, 01:37 P.M. ET

By Stephen Gardner

Authorities in Europe this year will start to evaluate 22 suspected hazardous substances, a process that could lead to recommendations for stricter controls, the European Chemicals Agency announced March 21.

The substances to be evaluated during 2017 include industrial chemicals used in the manufacture of some plastics, adhesives, lubricants, machinery and electrical and electronic equipment.

The chemicals agency said the evaluations—which will be shared among 11 European Union countries and non-EU state Norway—would assess the substances for "suspected serious hazard properties." This includes reviews of whether they might be persistent and bioaccumulative, that they might cause cancer or harm to unborn children, or that they might be disruptive to the endocrine, or hormone, system.

Evaluations can result in the chemicals agency sending binding information requests to companies that manufacture or import the substances. Requests can include requirements for companies to carry out toxicity tests to clarify the hazards of a substance.

Tighter Controls

Ultimately, if substances are judged to be hazardous, they could be made subject to EU-wide controls. The most hazardous chemicals could be listed as "substances of very high concern" under the EU's REACH law (Regulation No. 1907/2006 on the registration, evaluation and authorization of chemicals), a designation that could lead to their prohibition in the bloc.

The 22 substances were listed in an updated version of the so-called Community Rolling Action

Plan (CoRAP) of chemicals slated for evaluation of suspected hazards under REACH. The current edition of the CoRAP lists a total of 115 substances, with 93 set to be evaluated in 2018 and 2019.

Of the 22 substances for evaluation in 2017, Germany's Federal Institute for Occupational Safety and Health will evaluate seven, and will evaluate one additional substance jointly with the Dutch Ministry of Infrastructure and the Environment. Other participating countries will each evaluate between one and three substances.

The European Chemicals Agency said companies that have registered the substances under REACH, which is a condition of access to the EU market, should ensure their registration dossiers are up to date and should contact the authority responsible for evaluating their substances.

Oil Giants Upending Shale Turf Where Wildcat Drillers Once Ruled

Posted March 21, 2017, 10:48 A.M. ET

By Javier Blas

Big Oil is muscling in on shale country.

Exxon Mobil Corp., Royal Dutch Shell Plc and Chevron Corp., are jumping into American shale with gusto, planning to spend a combined $10 billion this year, up from next to nothing only a few years ago.

The giants are gaining a foothold in West Texas with such projects as Bongo 76-43, a well which is being drilled 10,000 feet beneath the table-flat, sage-scented desert, and which then extends horizontally for a mile, blasting through rock to capture light crude from the sprawling Permian Basin.

While the first chapter of the U.S. shale revolution belonged to wildcatters such as Harold Hamm and the late Aubrey McClendon, who parlayed borrowed money into billions, Bongo 76-43 is financed by Shell.

If the big boys are successful, they'll scramble the U.S. energy business, boost American oil production, keep prices low, and steal influence from big producers, such as Saudi Arabia. And even with their enviable balance sheets, the majors have been as relentless in transforming shale drilling into a more economical operation as the pioneering wildcatters before them.

"We've turned shale drilling from art into science," Cindy Taff, Shell's vice president of unconventional wells, said on a recent visit to Bongo 76-43, about 100 miles (160 kilometers) west of Midland, Texas, capital of the Permian.

Bongo 76-43, named after an African antelope, is an example of a leaner, faster industry nicknamed "Shale 2.0" after the 2014 oil-price crash. Traditionally, oil companies drilled one well per pad—the flat area they clear to put in the rig. At Bongo 76-43, Shell is drilling five wells in a single pad for the first time, each about 20 feet apart. That saves money otherwise spent moving rigs from site to site. Shell said it's now able to drill 16 wells with a single rig every year, up from six in 2013.

With multiple wells on the same pad, a single fracking crew can work several weeks consecutively without having to travel from one pad to other. At Bongo 76-43, Shell is using three times more sand and fluids to break up the shale, a process called fracking, than it did four years ago. The company

said it spends about $5.5 million per well today in the Permian, down nearly 60 percent from 2013.

"We're literally down to measuring efficiency in minutes, rather than hours or days," said Bryan Boyles, Bongo 76-43's manager.

Independent companies are watching the big three's arrival with ambivalence. Exxon, Shell, and Chevron will be able to spend more than independents can for service contracts and prime drilling acreage. But if the majors pursue acquisition deals, as they've done before, the wildcatters stand to reap the benefits.

Exxon invested big in shale in 2010 when it bought XTO Energy Inc. in a deal valued at $41 billion. For years, however, the major companies spent little on shale, instead focusing on their traditional turf: multibillion-dollar engineering marvels in the middle of nowhere that took years to build. The wells that Big Oil drilled were mostly in deep water, where a single hole could cost $100 million, rather than shale wells that can be set up for as little as $5 million each.

All that changed after oil prices crashed in 2014. Big companies were forced to cut costs and focus on projects that delivered cash quickly and could easily be sped up or slowed down. Shale was the solution.

"The arrival of Big Oil is very significant for shale," said Deborah Byers, U.S. energy leader at consultant Ernst & Young in Houston. "It marries a great geological resource with a very strong balance sheet."

The big three have all hatched ambitious catch-up strategies. Shell plans to spend about $2.5 billion a year, or about one-tenth of its total spending—a bet that's bigger than those of some pure-play shale companies such as Hamm's Continental Resources Inc.

"The majors arrived late," said Greg Guidry, who runs Shell's shale business. "We want to be as nimble as the independents but levering the capabilities of a major."

Chevron said it estimates its shale output will increase as much as 30 percent per year for the next decade, with production expanding to 500,000 barrels a day by 2020, from about 100,000 now.

"We can see production above 700,000 barrels a day within a decade," Chevron Chief Executive Officer John Watson told investors this month.

Exxon said it plans to spend one-third of its drilling budget this year on shale, with a goal to lift output to nearly 800,000 barrels a day by 2025, up from less than 200,000 barrels now. The company doubled its Permian footprint with a $6.6 billion acquisition of properties from the billionaire Bass family. Darren Woods, Exxon's new CEO, said shale isn't "on a discovery mode, it's in an extraction mode."

The price of oil is starting to reflect rising U.S. output. West Texas Intermediate, the national benchmark, this month dropped below $50 a barrel for the first time this year, down 10 percent from its 2017 peak.

Big Oil's dive into shale could weaken the hand of Saudi Arabia and other big exporters by raising U.S. output. Economically, the countries would have to contend with lower oil prices. Geopolitically, their share of the global energy market would fall, and the U.S. would depend less on foreign supplies.

U.S. domestic production is likely to top 10 million barrels a day by December 2018, a level surpassed only twice, in October and November 1970, according to the U.S. Energy Information Administration.

Some investors remain unconvinced. Shale, they argue, is a very different business for the big companies. Huge projects, their mainstays, require a big upfront investment before becoming cash cows for decades with relatively little spending. Shale, on the other hand, requires ongoing spending because output quickly falls after an initial burst.

Guidry, head of Shell's shale, said the company could make money in the Permian with oil at $40 a barrel, with new wells profitable at about $20 a barrel.

A lesson of the oil-price crash was how important it was to keep cash on hand. The independents typically overspent, taking on debt to keep drilling, so when prices fell, they slowed their operations. The big three will experience no such pinch, said Bryan Sheffield, the billionaire third-generation oilman who heads Parsley Energy Inc.

"Big Oil is cash-flow positive, so they can take a longer-term view," Sheffield said. "You're going to see them investing more in shale."

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Podcast: The Looming Trade War Trump May Prevent?

Posted March 21, 2017, 04:01 P.M. ET

By David Schultz

Donald Trump has an aggressive stance on trade. He wants to rip up many trade deals with other countries, which some worry may spark an international spiral into protectionism.

However, Bloomberg BNA's Tiffany Stecker has a story about a looming trade war that Trump may actually avert. The EPA must decide by the end of this month whether to ban the insecticide chlorpyrifos, which is widely used around the globe.

If the Environmental Protection Agency bans the Dow Chemical Co. bug killer, other countries may retaliate in ways that harm U.S. farm exports. But if the Trump administration decides not to ban it, it will be going against piles of scientific studies that indicate chlorpyrifos isn't safe.

To listen to the latest episode of our podcast, Parts Per Billion, click here.

Syngenta's GM Corn Faces Parliamentary Maze in Europe

Posted March 21, 2017, 02:54 P.M. ET

By Stephen Gardner

Lawmakers on the European Parliament's environment committee March 21 objected to a proposed European Union authorization for food and feed containing a genetically modified corn from Syngenta AG.

The committee voted 33-22 with 3 abstentions in favor of a resolution opposing the authorization. The resolution is nonbinding, but continues a pattern in which EU lawmakers seek to pressurize EU authorities to refuse genetically modified authorizations.

Lawmakers said the corn—known as maize in Europe—Bt11 x 59122 x MIR604 x 1507 x GA21 and its subcombinations, should not be approved due to missing data about the subcombinations, and because a regulatory committee of representatives from EU countries did not deliver a decisive opinion on the authorization.

Bart Staes, a Belgian Green European Parliament member, said most of the subcombinations "have not yet been produced, so to give them the green light would be completely irresponsible."

Difficult Decisions

Staes added that it was the "sixth time in around one year that parliament has voted against new GM authorizations," though the European Parliament does not have the power to block the authorizations.

EU regulatory committees of member-country representatives are responsible for approving GM authorizations, but a high rate of abstention among country representatives commonly means stalemate with neither approval nor rejection. In such "no opinion" cases, authorization decisions are referred to the European Commission, the EU's executive arm, for adoption.

The commission proposed in February to overhaul the EU system of decision-making by committee. The commission said the current system allows EU countries to avoid taking responsibility for decisions—such as GM approvals—that can be unpopular with the public.

The resolution will be finalized when the full European Parliament votes on it during an April 3-6 plenary session.

Consumers Would Be $3.9 Billion 'Losers' From Nuclear Subsidies

Posted March 21, 2017, 04:13 P.M. ET

By Jonathan N. Crawford

Expanding state aid to money-losing nuclear reactors across the Eastern U.S. could put consumers on the hook for as much as $3.9 billion a year in higher power bills.

Nuclear plant owners are seeking subsidies in Ohio, Connecticut, Pennsylvania and New Jersey after Exelon Corp. won state aid for reactors in Illinois and New York last year. Should all 28,000 megawatts of nuclear power across northeast and mid-Atlantic states win subsidies at the same level as New York, ratepayers would face an annual $3.9 billion hike, according to a March 21 report by Bloomberg Intelligence.

Propping up nuclear reactors preserves jobs and power plants that emit no heat-trapping carbon dioxide, according to proponents including New York Gov. Andrew Cuomo and lawmakers in Illinois. Operators are lobbying for the aid as historically low power prices and a natural gas glut chip away at revenue.

“The losers would be customers and rival plants,” Kit Konolige, a senior analyst for Bloomberg Intelligence in New York, said by phone. “I think there’s a good chance it will pass in Ohio, Pennsylvania and Connecticut.“

New York regulators last August approved subsidies totaling about $500 million a year for the R.E. Ginna and Nine Mile Point nuclear plants owned by Exelon, and the James A. FitzPatrick plant it is purchasing from Entergy Corp. Those payouts equal about $17 a megawatt-hour, according to Bloomberg Intelligence.

Subsequently, Illinois approved annual payouts of about $235 million for 10 years to keep Exelon’s Quad Cities and Clinton reactors open. The prospect of expanding subsidies has caught the eye of federal energy regulators, who plan to explore the impact of payouts on competitive markets.

“Studies by economists show that modest support for existing nuclear energy facilities delivers enormous net benefits for consumers,” John Keeley, a spokesman for the Washington-based Nuclear Energy Institute, said by email. “New York conducted precisely this sort of analysis.”

Exelon wasn’t immediately available to comment.

After wins in New York and Illinois, Exelon is pushing for aid for its three Pennsylvania reactors and one New Jersey plant, according to Bloomberg Intelligence. FirstEnergy Corp. needs Ohio subsidies to keep its Davis-Besse and Perry reactors open.

“It’s fair to assume that every nuclear plant is going to explore a subsidy,” Konolige said. “They’re going to say if they got in it New York, maybe I can get it in New Jersey.“

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U.K.'s Low-Carbon Economy Could Grow Tenfold by 2050: Watchdog

Posted March 21, 2017, 01:55 P.M. ET

By Ali Qassim

The value of Britain’s low-carbon economy could grow more than tenfold by mid-century if the government lifts some existing barriers to investment in several renewable sectors, the U.K.’s climate change watchdog said.

Under a best-case scenario, the U.K.’s low-carbon economy could reach 1.4 trillion pounds ($1.7 trillion) by 2050, up from as much as 120 billion pounds ($149 billion) currently. That would represent 13 percent of the country’s total economy, up from the current 2 percent, according to predictions made by the Committee on Climate Change. The committee advises the government on preparing for climate change and emissions-reduction targets.

But for U.K. businesses to maximize their potential as suppliers of low-carbon materials and goods, the government must do more to promote the renewable electricity sector, electric vehicles, energy-efficient products and food-waste processing, the committee said.

The advisory panel’s analysis comes a week after the annual fiscal budget March 8 proposed more competitive tax regimes for oil and gas without mentioning future plans for supporting low-carbon technologies. The committee also published March 16 a separate report highlighting that household

energy bills in 2016 were below 2008 levels, as higher prices resulting from low-carbon policies and network costs were more than offset by energy-use reductions.

Plan Needed for Low-Carbon Electricity

The growth potential of solar energy has been stymied by policy decisions such as the Climate Change Levy—an energy tax delivered to non-domestic users—on solar, while the offshore wind sector faces planning restrictions and lower financial incentives, the report said.

"Solar has been hit by a number of policy obstacles in the last 18 months, from significant cuts in renewable support for rooftop installations to the complete removal of support for large-scale solar," Paul Barwell, CEO of the Solar Trade Association, told Bloomberg BNA.

He said, "It makes no sense to be constraining support and introducing barriers for what is now the cheapest form of low-carbon generation, even when the cost of variability is taken into consideration."

James Court, head of policy and external affairs at the Renewable Energy Association, which speaks for the low-carbon sector, agreed. He told Bloomberg BNA in an email that "despite constant rhetoric about low-carbon infrastructure and reducing bills, we are in the strange situation where solar [photovoltaic] and onshore wind, the cheapest renewables and arguably the cheapest form of new power in general, are being blocked to market."

The report also highlighted that while the oil and gas industry is well-positioned to be active in carbon capture and storage, the government has failed to provide a clear business case for this cleaner technology or provide sufficient incentives.

Build on Historical Strength

The U.K. should try to build on its historical strength in manufacturing and designing internal-combustion engines to further develop its electric vehicle battery manufacturing sector, the report said. But the government needs to address the difficulty of attracting investment due to large infrastructure requirements and long-return periods, as well as map out a policy for freight transport.

As the U.K. prepares to leave the European Union, the report said, the country's future as a center to create energy-efficient components for domestic appliances such as refrigerators, washing machines and TVs, is under threat because so much research and development funding comes from European Union sources.

The report urged the government to do more to promote food waste processing as a way of capturing food and green waste currently sent to landfills while reducing emissions such as methane, and providing an alternative to artificial fertilizers. The committee's two recommendations included making food waste collection in England mandatory and providing more consistent support on biofuels.

The report was written by the energy and climate change consultancy Ricardo Energy & Environment.

Green Bonds Will Come in Different Shades After S&P Ranking

Posted March 21, 2017, 7:39 A.M. ET

By Anna Hirtenstein

S&P Global Inc. is working on a new way of ranking bonds based on their impact on the environment, hoping that greener securities will command a premium to traditional ones once there are metrics to justify it.

The company best known for its credit ratings will introduce a green scoring system next month, creating a new benchmark for investors to seeking to evaluate where they will put their capital.

"Investors want to go beyond that binary classification of green and not green—to how green," said Michael Wilkins, managing director of S&P's infrastructure ratings, in a phone interview. "Going beyond the labeled green bond market is so important, if you want to achieve scale you need to go beyond to achieve it."

The move reflects growing demand both for green investments and analysis that helps investors assure what they're backing does benefit the environment and by how much exactly. While no global standard exists for what qualifies as a green bond, the market for the securities has risen from nothing to $95 billion in the last decade, according to Bloomberg New Energy Finance. Moody's Corp. is projecting that it will double in size again this year.

Currently, a handful of voluntary organizations certify that bonds qualify as green. There's no standard or requirement that issuers work with any of the organizations. S&P's decision is part of a broader effort to expand the sorts of investments classed as green beyond bonds. Wilkins believes that if greenness can be quantified, a substantial price differential will emerge and drive up demand.

The rating agency's tool will either provide an E-score, which would look at the asset's environmental impact, or an R-score that shows resilience against climate change. Assets will be ranked E1 to E5 or R1 to R5, scoring from 1 to 100 in bands. The top score for the environmental metric will be E1 with a score between 80 and 100.

Those readings would make up 60 percent of the overall score, with the remainder reflecting the issuer's transparency and governance. S&P first considered incorporating the green metric into its conventional ratings but ultimately decided against it because it still sees a distinction between environmental impact and credit quality.

A wind project in China may have a significant impact on reducing carbon emissions, but it could still be considered risky if it has unreliable sponsors or counterparties, Wilkins said.

He expects increased demand from investors for environmentally-friendly securities eventually will translate into a premium for those that have some sort of green ranking.

"We expect that the green spread—the price that investors are willing to pay for green or the discount that issuers could get from being green—will be affected by some form of independent valuation of greenness," he said.

The long-term bonds that S&P assesses are broadly grouped into "investment grade" or "junk" and the agency imposes 22 ratings levels—from AAA to D—signifying the risks incurred by investors buying the debt. Interest in directing capital toward environmental causes is on the rise. The Paris Agreement on climate change brought together almost 200 countries in 2015 for a deal to reduce global warming emissions and back green investing.

Even with a high growth rate, green debt still makes up less than 1 percent of the global bond market. About $1 trillion needs to be mobilized per year to through to 2050 to build out clean energy and curb global warming, according to the International Energy Agency.

“That $1 trillion wont just come from the green bond market. We believe you need to incorporate other types of financing which have an environmental quotient in it,” Wilkins said.

He expects the tool will first be used by the green bond market to create a range of prices depending on what kind of projects will be financed. At the moment, a green bond is priced about the same as a conventional bond when issued on the primary market. There have been some instances of prices rising slightly when traded between investors on the secondary market because of high demand for climate-friendly assets.

Next may be the infrastructure debt market. Bonds issued by companies that are constructing buildings that can withstand storms and installing flood protection could be assessed and priced accordingly.

“These financings are happening all the time and they’re not being labeled as green,” Wilkins said. “A lot of infrastructure now is either geared towards sustainable development or decarbonization.”

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Denmark Says Seven Companies Illegally Imported Myanmar Teak

Posted March 21, 2017, 01:41 P.M. ET

By Marcus Hoy

Denmark’s Environmental Protection Agency said seven domestic companies that have imported teak from Myanmar over the last four years violated the EU Timber Regulation (EUTR), which requires importers to carry out due diligence to prevent illegally logged timber from entering the European Union.

None of the audited companies could demonstrate that they had minimized the risk of importing illegal timber as the EUTR regulation requires, the agency said. And current conditions meant that so-called chain of custody certification, which verifies that timber originates from responsibly managed forests, could not apply to Myanmar teak, it said March 15.

The government did not release the names of the seven companies.

Mads Brinck Lillelund, Deputy Forest Officer at the Ministry of Environment and Food, told Bloomberg BNA March 20 no sanctions had been issued against the audited companies.

The audits were prompted by information provided by the London-based Environmental Investigation Agency, a nongovernmental organization, Denmark said.

Oil Men Huddle in Tokyo to Seek Refuge from China Fuel Flood

Posted March 21, 2017, 7:53 A.M. ET

By Tsuyoshi Inajima

Huddled deep within Tokyo's government district, nearly two dozen of Japan's top oil experts pore over a problem plaguing its energy industry: how can they stop China from pushing its crude refiners into a corner?

The task force, summoned by the trade ministry, needs a strategy to save oil refiners battered by years of declining demand at home. The processors, including JX Holdings Inc. and Idemitsu Kosan Co., now face rising competition for sales in Asia, the world's biggest oil market. The ministry fears that China's move to adopt stricter fuel standards will spur regional rivals into producing higher quality products, forcing Japan out of the market.

"We've been saying for more than 20 years that Japanese refiners should become stronger," said Hidemasa Nishiyama, director of the trade ministry's petroleum refining and reserve division. "The external environment has changed: the capacity of China and other countries is becoming excessive, and their exports could surge."

China is the biggest among a slew of other threats for Japan. The gradual slowdown of economies such as South Korea's have led to rising exports to an increasingly saturated market. Meanwhile, other developed countries including the U.S. are also fighting for its share in Asia after China's diesel and gasoline shipments overseas capped a record year in 2016.

Sense of Urgency

Members of the task force include Seisuke Iwai, a senior official at industry group Petroleum Association of Japan, Norimasa Shinya, an energy analyst at Mizuho Securities Co., Fuminori Hasegawa, senior vice president at Mitsubishi Corp. and Katsuhiro Sato, a partner at McKinsey & Co. in Japan.

Their mission has taken on a sense of urgency following China's move at the start of this year to curb the amount of sulfur used in vehicle fuels in an effort to reduce air pollution. The new rule has encouraged suppliers like China Petroleum and Chemical Corp., the world's biggest oil refiner known as Sinopec, to pledge about $29 billion in facility upgrades to enable it to pump cleaner fuel.

At the same time in Japan, the popularity of electric hybrid vehicles has reduced the country's gasoline demand, contributing to an oversupply in refined products. Domestic oil-product sales at JX Holdings and other refiners have shrunk for the past five years, forcing them to cut capacity while seeking to sell excess fuel abroad.

JX Holdings shares slipped 0.7 percent at the close in Tokyo on Tuesday. TonenGeneral Sekiyu KK lost 1.9 percent, Showa Shell Sekiyu KK dropped 1.7 percent while Idemitsu Kosan added 0.4 percent. The benchmark Topix index declined 0.2 percent.

This isn't the first time the ministry has intervened. The trade ministry, known as METI, enforced a rule eight years ago that pushes refiners to increase their ratios of heavy oil cracking capacity to crude oil distillation units by March 2014. Later that year, the ministry asked refiners to further improve its efficiency while setting a new deadline for March 2017. For the refiners to upgrade their oil cracking units, they would likely need to invest tens of billions of yen, according to Nishyama.

But the rules have been met with little success. Rather than upgrading to enable plants to produce more high-quality and expensive crude products such as diesel while reducing low-value residual ones such as fuel oil, the refiners instead opted to slash processing capacity. While that drop helps

alleviate oversupply issues in Japan, it hasn't helped the companies become more competitive overseas.

The expert group is scheduled to make new recommendations to the country's industry at its next meeting this month. METI hasn't decided whether to implement a third round of similar efficiency rules, Nishiyama said.

"Cutting nameplate capacity like we are doing now means our costs won't change but profits will rapidly fall," said Tsutomu Sugimori, the president of JX Nippon Oil & Energy Corp., Japan's biggest refiner by capacity. "It will only weaken the health of refining companies."

—With assistance from Heesu Lee.

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China Carbon Trading Pilot Program Expected to Launch in Fall

Posted March 21, 2017, 01:07 P.M. ET

By Michael Standaert

China, the world's major greenhouse gas emitter, is expected to start a pilot carbon emissions-trading program nationally between August and October, industry and academic observers said.

Initial trading will likely be conducted by companies in only four sectors—power generation, building materials, non-ferrous metals and for domestic aviation carriers. Petrochemicals, chemicals, iron and steel and paper and pulp likely will be added by 2020 when China expects the fully establish the national-emissions trading system.

Xie Zhenhua, a former top National Development and Reform Commission official who is now the country's Special Representative on Climate Change, said at a Paulson Institute Conference on Sustainability on March 17 in Beijing that China is still on track to launch the initial pilot of the national trading program in 2017.

Xie said China is still working on finalizing emissions trading legislation, the quota-allocation system and mechanisms to make it function smoothly from 2020 onward.

At the end of February, Jiang Zhaoli, deputy director of the NDRC's climate change department, said provincial data reporting for the sectors involved in the national trading system had been "basically completed," according to state-run media reports.

"I think it is going to definitely be established this year; the NDRC has kind of committed to establishing it around July or August," Liu Tianyue, a carbon project manager at CITIC Carbon Assets Management Ltd. in Beijing, told Bloomberg BNA March 21.

Details Uncertain

"The problem is, the details on how it will be executed are uncertain," Liu said, adding that his clients remained unsure as to what industries would be included once trading officially starts.

A consultant on emissions trading in China who had been closely involved in EU-China cooperation

on building the national platform, but who did not want his name used, told Bloomberg BNA that it appears as if China will go with benchmarking as its allocation method instead of grandfathering, which has led to delays in the start.

Grandfathering methods for allocation involve awarding emissions allowances based on historical emissions, while benchmarking takes into account both historical and current performance indicators.

"My concern is that people can't expect benchmarks to be perfect," the consultant said, meaning wrinkles likely will need to be ironed out as the trading program progresses. "The system will be generating data and will have to improve over time."

First Sectors Offer Best Data

Part of the reason for only launching four sectors initially, the consultant said, is that those sectors have the best-quality emissions data.

"[The NDRC] is not talking about when the others would come online, but more saying that when the data quality is good, then they will join," the consultant said.

One issue that came in the city and provincial pilots was that economic changes to companies and efficiency improvements meant historical emissions data, even just from a year or two before, was vastly different than current annual emissions data.

China initially hoped to start the national emissions-trading program in 2016, then later moved the start date back to 2017.

"In my opinion, the reasons for the delays is that maybe the government has no idea how to implement the system in detail," Liu said, citing issues related to the piloting of seven provincial and city emissions trading platforms over the past five years that displayed problems with low trading volumes and variable carbon prices that often ended up being lower than anticipated.

No announcement has been made about whether the national trading program will be established in Beijing or elsewhere, though analysts say if the government decides to decentralize the market, the province of Hubei—which was one of the more successful pilot programs—could be the location.

Liu said that while Hubei was more successful than the others, a concern was that the Hubei development and reform commission, which was the overseer of the market, actively joined in the market itself.

No formal legislation currently is in place on establishing a national trading program or addressing noncompliance. Regulations related to the allocation system have also not been formally announced.

"The legal process has been very difficult and I'm not sure whether there will be a very strong law for the national [trading program] now," Chen Bo, assistant director of the Research Center for Climate and Energy Finance at the Central University of Finance and Economics, told Bloomberg BNA March 21. "If there isn't a law released this year, the national program might fail."

South Korea Taps First Environment Trade Promotion Agency

Posted March 21, 2017, 03:05 P.M. ET

By Elaine Ramirez

South Korea appointed an environmental agency as a professional trading firm for the first time to promote environment-related trade for small and medium-sized companies.

The Ministry of Trade, Industry and Energy named the state-run Korea Environmental Industry & Technology Institute (KEITI) a certified trading company, the Ministry of Environment said March 21.

The move allows environment-related companies to access government support for export, the government said.

Government Marketing

KEITI aims to help small and medium-sized enterprises export $100 million worth of products this year, it said.

"We will sell excellent products from domestic environmental companies all over the world, and complete our comprehensive service by linking them to various prior export-support pursuits," KEITI president Nam Kwang-hee said in a statement.

Also, the Ministry of Environment said it would carry out marketing, consulting on tariffs and investments, and other services for the global-bound environmental companies.

And it would provide KEITI with export insurance, credit guarantees and preferential benefits in trading fund usage as additional support measures, the government said.

U.S. Fuel-Makers Woo Trump to Fix Tax Gift for Argentina Imports

Posted March 21, 2017, 8:17 A.M. ET

By Mario Parker and Jonathan Gilbert

Producers of a fuel additive made mostly from Midwest soybeans are trying to convince President Donald Trump that their business is being crippled because millions of U.S. trucks, buses and tractors have way too much of Argentina's crops in their tanks.

Almost every vehicle in America is required to use gasoline or diesel that includes renewable fuel, usually made from corn or soy. While the U.S. grows more of those crops than any other country, the diesel market has been inundated with imports of soy-based additives from Argentina, which more than tripled shipments in three years to $1.2 billion in 2016 and now accounts for 28 percent of all biodiesel used in the U.S., government data show.

As a result, domestic producers have idled a third of capacity. To get plants running again, lawmakers like Sen. Chuck Grassley (R-Iowa) and producers including Renewable Energy Group Inc. are urging Trump to limit import incentives under his "America First" policies. Topping the list is a proposed revision of a $1-a-gallon tax credit. They want only U.S. biodiesel producers to receive it, rather than blenders who can get supply from anywhere.

"If Trump did it, he could immediately have a big win and the U.S. biodiesel industry could have a

big win," said Joe Gershen, president of Encore BioRenewables, an industry consultant in Santa Monica, Calif. "It's not like you have to build any new production. You just have to turn it on."

The government mandates that refiners use a record 2 billion gallons of biodiesel this year, and 2.1 billion in 2018. While the domestic industry has more than enough capacity—about 2.296 billion gallons—it only produced 1.566 billion last year because the rest of the supply came from imports, according to the Energy Information Administration. In 2016, about 443.9 million gallons came from Argentina, compared with 131 million in 2013.

Mandates for domestically produced renewable fuels are part of a law passed in 2007 designed to reduce vehicle emissions and ease U.S. dependence on foreign oil. But unlike corn-based ethanol, which is cheaper than the gasoline it's mixed with, biodiesel made mostly from soybean oil is more expensive than petroleum-based diesel, so the government created a $1-a-gallon tax credit to encourage demand.

As of March 17, Midwest biodiesel fetched $2.895 a gallon, compared with conventional diesel at $1.4435, data compiled by Bloomberg show.

Import Incentive

The tax benefit, along with renewable-fuel credits currently valued at about 97 cents a gallon, have encouraged a surge of imports, Gary Haer, vice president of sales and marketing for Renewable Energy Group Inc., the largest U.S. biodiesel producer, said Jan. 31 at the Iowa Renewable Fuels Summit.

Even as U.S. demand for biodiesel is expected to rise 7.4 percent this year, imports are growing faster, at 8.5 percent, according to a Bloomberg Intelligence analysis of government data. Argentina has amassed the biggest share, accounting for 63 percent of all foreign supply.

While the annual tax credit expired on Dec. 31, that isn't unusual. Every time the measure has lapsed in the past, lawmakers reinstated it retroactively. This time, however, the industry is lobbying Congress to limit beneficiaries to only domestic producers.

"U.S. tax dollars and energy policy should be—and typically are—aimed at incentivizing domestic production, not foreign production," Donnell Rehagen, chief executive officer of the National Biodiesel Board, an industry trade group, said in an emailed statement.

Trump Support

"There's no reason for imported biodiesel to reap the benefit of a U.S. tax incentive when so many foreign governments heavily subsidize their own biodiesel industries," Grassley said in an email. "I expect the Trump Administration will support these reforms."

That could spell trouble for Argentina, the world's third-largest grower of soybeans and the biggest shipper of related products, like vegetable oil and meal. The country sold $1.24 billion of biodiesel to the U.S. last year, according to the Rosario Grain Exchange.

Expanding exports of agricultural products is a key policy of President Mauricio Macri, who took office in December 2015 after a decade of protectionist trade policies. Macri has scrapped or lowered export taxes on grain shipments. And the country's levy on biodiesel exports, at 6.4 percent, is less than the tax on shipments of soybeans or soy oil, which encourages sales of the fuel abroad, analysts and companies say.

'Very Risky'

"Losing the United States as an export market would be very risky," said Gustavo Idigoras, an Argentina biodiesel trade consultant. "We don't see it as a real threat yet, but we do not rule out protectionist measures that seek to block imports."

The biodiesel tax credit probably will be reinstated later this year, and Trump will support limiting the benefit to only U.S. producers, said Craig Irwin, an analyst at Roth Capital Partners LLC in Newport Beach, California.

"Without question there's increased sensitivity after this election of making sure American taxpayer dollars are going toward American manufacturing," said Gene Gebolys, founder and CEO of World Energy, one of the biggest U.S. biodiesel producers. The "subsidizing of foreign biodiesel is probably not going to continue," he said.

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Japan Power Sector Risks Emissions Targets with Plans for Coal

Posted March 21, 2017, 8:33 A.M. ET

By Chisaki Watanabe and Emi Urabe

Japan's power sector may exceed its carbon dioxide emissions targets from coal-power stations for fiscal 2030 if capacity currently in the pipeline is built, the Ministry of the Environment said in a report.

In the 12 months ended in March 2016, carbon dioxide emissions from the country's coal-fired power plants already exceeded the 2030 targets, according to the report, which was released Tuesday.

Plans by Japan's power sector currently call for the building or expansion of 19.5 gigawatts of coal-power stations, the ministry said. If all are built, emissions will exceed the targets by 7,000 tons, according to the report.

"It will become difficult to achieve the reduction targets in fiscal 2030" unless a clear pathway to reduce emissions is set and each party takes the necessary steps, the ministry said.

The report was compiled after surveying 42 member companies of an association of power producers accounting for 99 percent of electricity sold in Japan.

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India Offers Six-Month Window to Environmental Permit Violators

Posted March 21, 2017, 8:23 A.M. ET

By Madhur Singh

Potentially thousands of construction projects underway in India without the necessary

environmental paperwork have been given six-month grace periods to obtain environmental permits, India announced.

The offer is available for projects—all of them technically illegal—that started on-site work without permits or later expanded production without getting revised approval, the Ministry of Environment, Forest and Climate Change announced.

The government wants to bring "such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked," the ministry said.

India's National Green Tribunal disallowed a similar amnesty effort by the government made through administrative order two years ago.

But the tribunal in that ruling made a distinction between administrative and legislative orders, which get more deference. Notifications like this one are considered "subordinate legislation" in India, it explained.

Businesses that fail to obtain the necessary environmental permits by Sept. 14—six months after the March 14 notification— could face 500,000 rupees ($7,600) fines, additional fines of up to 5,000 rupees a day for continued violations, and potential jail time for those responsible.

Appraised by Federal Ministry

All applications for environmental permits made under this six-month offer will be reviewed by the federal Ministry of Environment, Forest and Climate Change, and not the regional offices that would normally handle applications.

"The idea is to take away the economic benefit (if any) derived by the company due to violation and pay for the remediation of damage caused due to violation," the ministry said in its statement.

But some environmental groups said the notification—(S.O 804 (E))—favors businesses by helping them avoid facing lawsuits.

"It is unfair because if someone builds a house illegally, you tear it down. But if a business is built illegally, you let them pay a fine and get on with it," Nandikesh Sivalingam, a campaigner with the Indian chapter of Greenpeace, told Bloomberg BNA.

"One has to consider why a business would have started operations without a permit in the first place," Sivalingam said. "No amount of money can substitute for the environmental damage caused and for what has been lost."

'Meaningless Exercise'

Over the last decade, the process of issuing environmental permits has come under heightened public scrutiny in India, with local residents and civil society actors challenging the violations in courts.

There have even been instances of big-ticket investments being canceled, but the problem of unpermitted construction is rampant in parts of the country.

Sanjay Upadhyay, a managing partner at New Delhi-based Enviro Legal Defense Firm, called the six-month grace period "a meaningless exercise."

"When there is just one ministry among so many that is tasked with protecting the environment, and that ministry joins all others in making it easier to do business, I think we're losing the plot," Upadhyay told Bloomberg BNA by telephone March 17.

Austrian EV Charging Network Seen Growing to 2,000 by Year End

Posted March 21, 2017, 8:44 A.M. ET

By Jonathan Tirone and Claudia Carpenter

An Austrian group with a nationwide network of charging stations for electric vehicles will increase the number of plugs available for battery-powered cars by more than 50 percent this year.

Austria's Federal Association of Electromobility, or BEOe, will lift the number of plugs it maintains for electric cars to 2,000 from 1,300 currently, according to a statement March 20. The BEOe is composed of regional Austrian utilities including EVN AG, Wien Energie GmbH and Kelag Netz GmbH.

"Our goal is to build 5,000 Austria-wide by 2020," said Austrian Transport Minister Joerg Leichtfried, whose ministry has aided the network. "E-mobility has to be suitable for everyday use, reliable and affordable and a comprehensive charging network is the bottleneck."

The number of registered electric cars in Austria cracked 10,000 earlier this month, according to the VCOe Transport Club of Austria. The Ministry of the Environment expects that figure to rise to at least 16,000 by next year. The government is offering subsidies of 10,000 euros ($10,790) to businesses installing fast charging stations and 4,000 euros to consumers purchasing electric vehicles.

A second nationwide charging network operated by Smatrics GmbH is not a part of the BEOe initiative. Smatrics, owned by Siemens AG and Verbund AG, operates 380 high-speed plugs powered exclusively from the Alpine country's hydropower reserves, according to its website.

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North Face Founder's Legacy to Live on Through Parks in Chile

Posted March 21, 2017, 02:09 P.M. ET

By Tom Azzopardi

The Chilean government has created five new national parks in Patagonia, covering an area the size of Denmark, under an agreement with the foundation of the late American environmentalist and North Face founder Douglas Tompkins.

The government committed to protect almost 950,000 hectares of state land and reclassify over 2.6 million hectares of existing reserve to park status under a protocol agreement signed March 15 between President Michelle Bachelet and Kristine Tompkins, Douglas' widow and president of Tompkins Conservation.

The millionaire who created outdoor gear chain North Face and Esprit, a clothing manufacturer, died in December 2015 after a kayaking accident at General Carrera Lake in Aysen. He was 72.

The land will be combined with the donation of Tompkins' 400,000-hectare private Pumalin reserve to the state to create three new national parks: Pumalin, Melimoyu and Patagonia, expand the existing Hornopiren, Corcovado and Isla Magdalena Parks and reclassify three forestry reserves (Alacalges, Cerro Castillo and Lago Cochrane) and one national reserve (Jeinimeni) to National Park status.

The proposed parks will protect a range of ecosystems, including Patagonian steppe and evergreen forest. Important habitats for endangered species such as the South Andean deer or huemul—which is featured on the Chilean coat of arms and of which only 2,000 still live in the wild—and the long-living alerce tree also will be protected.

"These new protected areas will serve as an ecological and environmental haven for future generations for the pleasure and use by all Chileans and foreigners who visit Chilean Patagonia," said Environment Minister Pablo Badenier during the signing ceremony.

Idea to Donate

The Tompkins first approached the government with the idea of donating the land in 2015. The initiative gained traction with the creation in November that year of an intragovernmental committee to define the transfer of private lands to the state and the legal conditions of the new protected areas.

However, negotiations suffered a serious setback when Tompkins died. But his death also gave new impetus to the initiative.

"We did it, Doug, we finally did it," the president said in a signing ceremony at Pumalin Park. The donation of Pumalin to the Chilean state should ensure that Tompkins' legacy survives in perpetuity.

Tompkins, a pioneering climber in his youth, became a millionaire through the creation of the North Face and Esprit in the late 1960s. But in the 1980s, together with his wife Kristine, a former CEO of rival clothing firm Patagonia, he turned his back on business, selling his stakes and investing the profits in buying up huge tracts of both Argentina and Chile, for conservation.

The Council of Ministers—Chile's highest environmental policy making body—meets April 3 to vote on the proposal after which the government must complete a series of technical and legal steps before finalizing the corresponding decrees to create the parks.

Hernan Mladinic, executive director of Tompkins Conservation who led negotiations with the government, said that he hoped that could occur before the current government steps down in March 2018.

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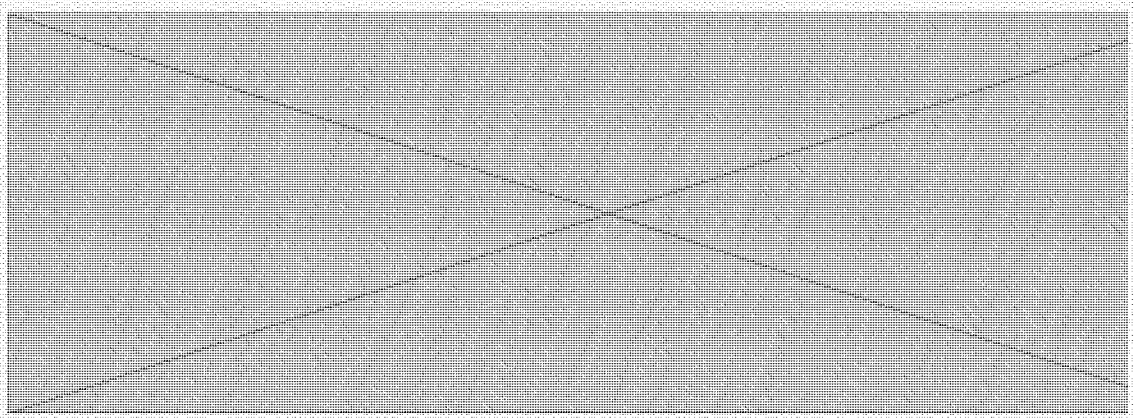
Daily Environment Report for EPA

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Tue 3/21/2017 8:29:47 PM
Subject: Energy News Ticker: Both Parties Push Back on Energy, Interior Budget Cuts

Trump Gets Bipartisan Pushback on Energy, Interior Budget Cuts

3/21/17 3:28 PM

Lawmakers in both parties are complaining about the energy and environmental agenda laid out in the Trump administration's budget blueprint last week.



More From Morning Consult

Gorsuch Says Roe v. Wade Is Precedent

3/21/17 2:29 PM

Judge Neil Gorsuch, President Donald Trump's nominee to the Supreme Court, on Tuesday stopped short of declaring the Roe v. Wade decision "super-precedent," but told the Senate Judiciary Committee he viewed it as a longstanding decision that has been reaffirmed by the court.

Trump Urges House Republicans to Pass Health Care Bill, With a Warning

3/21/17 11:59 AM

President Donald Trump put his full backing behind the GOP health care bill at a House Republican Conference meeting Tuesday, warning members they could lose re-election if they vote against the measure.

Pence Aide Says 'Principles' for GSE Reform Likely in Coming Months

3/21/17 2:41 PM

Overhauling Fannie Mae and Freddie Mac is a financial regulation priority for the Trump administration, Vice President Mike Pence's chief economist said Tuesday, adding that "a set of principles" will likely emerge in the coming months.

This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

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To: Kei Koizumi[kkoizumi@aaas.org]; mhalpern@ucsusa.org[mhalpern@ucsusa.org]; Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Hardesty, Rebecca (NIH/OD) [C][rebecca.hardesty@nih.gov]
From: Wolinetz, Carrie (NIH/OD) [E]
Sent: Tue 3/21/2017 8:31:02 PM
Subject: RE: AAAS Forum session on Scientific Integrity; planning conference call Thursday afternoon?

Hi Kei,

I have 30 mins between 3:30-4, but I'm afraid that's my only window on Thursday. Copying my assistant, Rebecca, who can help coordinate my schedule. Cheers, Carrie

Carrie D. Wolinetz, Ph.D.

Associate Director for Science Policy

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Please follow on Twitter: @CWolinetzNIH

From: Kei Koizumi [mailto:kkoizumi@aaas.org]
Sent: Tuesday, March 21, 2017 3:46 PM
To: mhalpern@ucsusa.org; Grifo, Francesca (Grifo.Francesca@epa.gov)

<Grifo.Francesca@epa.gov>; Wolinetz, Carrie (NIH/OD) [E] <carrie.wolinetz@nih.gov>
Subject: AAAS Forum session on Scientific Integrity; planning conference call Thursday afternoon?

Mike, Francesca, and Carrie,

Thank you for agreeing to participate in and speak at Monday's AAAS Forum on S&T Policy session on Implementing Scientific Integrity Policies in Federal Agencies. It will be 4-5:30 PM as one of three concurrent sessions, at the Ronald Reagan building in downtown DC. I think you have all received registration information from my AAAS colleague Bethany Spencer; if you haven't, please let me know.

I'd like for us to talk, if we can, about the session. Would you be available Thursday (3/23) afternoon after 2:30 for a brief conference call to discuss? Please let me know if you are available Thursday afternoon and I can set up a call and send a call invite. If getting all four of us on a call is not possible, I may call individually.

Attached is my draft slide deck for my remarks, in PowerPoint.

Thank you! Looking forward to it. KEI

PS. You've already seen my summary of the session:

In March 2009, President Obama articulated a set of principles to guide scientific integrity in Federal agencies. Since then, 24 Federal departments and agencies have developed and implemented policies to uphold these principles, and both the House and Senate have recently introduced legislation to codify these principles in law. This session will describe the progress made in protecting scientific integrity and discuss the challenges and opportunities ahead for: preventing the suppression or alteration of scientific findings; making scientific evidence used in policymaking transparent; and allowing Federal scientists to communicate freely about their science.

Kei Koizumi

Visiting Scholar for science policy

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Cc: Hardesty, Rebecca (NIH/OD) [C][rebecca.hardesty@nih.gov]
From: Michael Halpern
Sent: Tue 3/21/2017 8:34:20 PM
Subject: Re: AAAS Forum session on Scientific Integrity; planning conference call Thursday afternoon?

I could make that happen

From: "Wolinetz, Carrie (NIH/OD) [E]" <carrie.wolinetz@nih.gov>
Date: Tuesday, March 21, 2017 at 4:31 PM
To: Kei Koizumi <kkoizumi@aaas.org>, Michael Halpern <MHalpern@ucsusa.org>, Francesca Grifo <Grifo.Francesca@epa.gov>
Cc: "Hardesty, Rebecca (NIH/OD) [C]" <rebecca.hardesty@nih.gov>
Subject: RE: AAAS Forum session on Scientific Integrity; planning conference call Thursday afternoon?

Hi Kei,

I have 30 mins between 3:30-4, but I'm afraid that's my only window on Thursday. Copying my assistant, Rebecca, who can help coordinate my schedule. Cheers, Carrie

Carrie D. Wolinetz, Ph.D.

Associate Director for Science Policy

National Institutes of Health (NIH)

(301) 496-9838

http://osp.od.nih.gov/

Please follow on Twitter: @CWolinetzNIH

National Institutes of Health
Turning Discovery Into Health

From: Kei Koizumi [mailto:kkoizumi@aaas.org]
Sent: Tuesday, March 21, 2017 3:46 PM
To: mhalpern@ucsusa.org; Grifo, Francesca (Grifo.Francesca@epa.gov) <Grifo.Francesca@epa.gov>; Wolinetz, Carrie (NIH/OD) [E] <carrie.wolinetz@nih.gov>
Subject: AAAS Forum session on Scientific Integrity; planning conference call Thursday afternoon?

Mike, Francesca, and Carrie,

Thank you for agreeing to participate in and speak at Monday's AAAS Forum on S&T Policy session on Implementing Scientific Integrity Policies in Federal Agencies. It will be 4-5:30 PM as one of three concurrent sessions, at the Ronald Reagan building in downtown DC. I think you have all received registration information from my AAAS colleague Bethany Spencer; if you haven't, please let me know.

I'd like for us to talk, if we can, about the session. Would you be available Thursday (3/23) afternoon after 2:30 for a brief conference call to discuss? Please let me know if you are available Thursday afternoon and I can set up a call and send a call invite. If getting all four of us on a call is not possible, I may call individually.

Attached is my draft slide deck for my remarks, in PowerPoint.

Thank you! Looking forward to it. KEI

PS. You've already seen my summary of the session:

In March 2009, President Obama articulated a set of principles to guide scientific integrity in Federal agencies. Since then, 24 Federal departments and agencies have developed and implemented policies to uphold these principles, and both the House and Senate have recently introduced legislation to codify these principles in law. This session will describe the progress made in protecting scientific integrity and discuss the challenges and opportunities ahead for: preventing the suppression or alteration of scientific findings; making scientific evidence used in policymaking transparent; and allowing Federal scientists to communicate freely about their science.

Kei Koizumi

Visiting Scholar for science policy

American Association for the Advancement of Science

202 326 6238 (office)

202 491 3406 (mobile)

kkoizumi@aaas.org

1200 New York Ave, NW
Washington, DC 20005

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Nguyen, Quoc
Sent: Tue 3/21/2017 8:39:13 PM
Subject: question about EPA's response to the following congressional request

Hi Francesca,

I hope all is well. Could you send me the correspondence for this request, please? Thank you.

Quoc

March 17, 2014 Request from Senator Vitter to EPA Science Integrity Official Dr. Francesca Grifo.

- *Sought:* Congress sought "guidance on the appropriate steps that need to be taken to ensure guidelines and policy on data misconduct and scientific transparency are not violated by EPA."

Quoc P. Nguyen

Office of General Counsel

U.S. Environmental Protection Agency

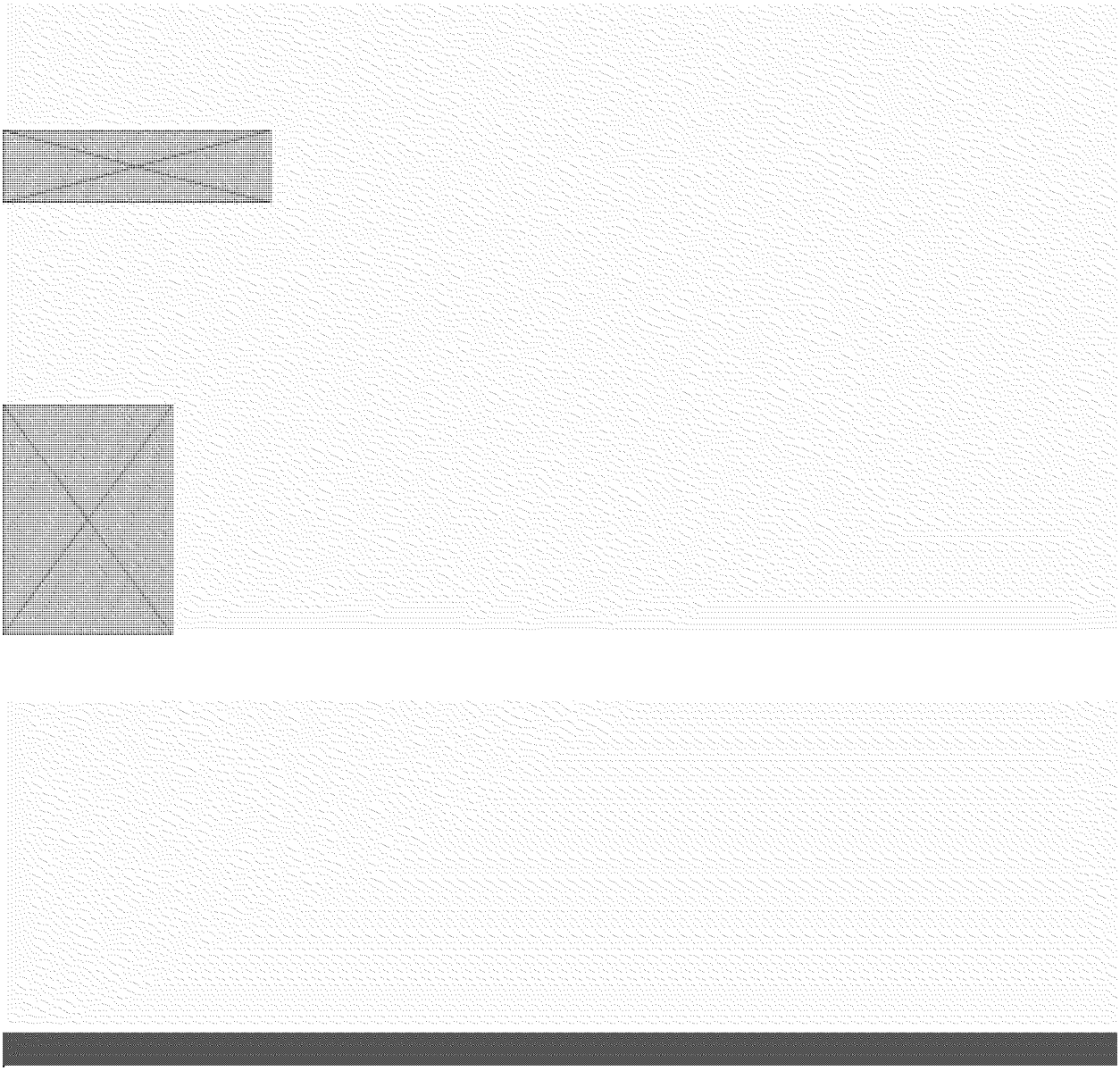
1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-6343

PRIVILEGED COMMUNICATION for internal deliberation only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Jerry Parr
Sent: Tue 3/21/2017 9:17:08 PM
Subject: TNI Training Announcement: Small Laboratory TNI Standard Implementation Series



To: Cox, Taylor[cox.taylor@epa.gov]
From: Grifo, Francesca
Sent: Tue 3/21/2017 11:39:58 PM
Subject: Fwd: question about EPA's response to the following congressional request

Hi Taylor - can you retrieve this from controlled correspondence ?

Thanks!
Francesca

Sent from my iPhone

Begin forwarded message:

From: "Nguyen, Quoc" <Nguyen.Quoc@epa.gov>
Date: March 21, 2017 at 4:39:13 PM EDT
To: "Grifo, Francesca" <Grifo.Francesca@epa.gov>
Subject: question about EPA's response to the following congressional request

Hi Francesca,

I hope all is well. Could you send me the correspondence for this request, please? Thank you.

Quoc

March 17, 2014 Request from Senator Vitter to EPA Science Integrity Official Dr. Francesca Grifo.

- *Sought:* Congress sought "guidance on the appropriate steps that need to be taken to ensure guidelines and policy on data misconduct and scientific transparency are not violated by EPA."

Quoc P. Nguyen

Office of General Counsel

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1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-6343

PRIVILEGED COMMUNICATION for internal deliberation only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Matthew Sigafoose
Sent: Tue 3/21/2017 11:51:25 PM
Subject: OPM Leadership 360 Notice for the EPA R&D OPM Leadership Assessment Program
[WARNING: DKIM validation failed]

My apologies for these getting out late. Thank you to those that notified me that they didn't receive the original notification. -Matt

Dear Grifo Francesca:

You have been asked to participate in the U.S. Office of Personnel Management's (OPM) Leadership 360 assessment for the EPA R&D OPM Leadership Assessment Program. The assessment will help you continue to improve your leadership skills by providing you feedback from multiple perspectives.

The deadline for completion is 04-14-2017. You will choose individuals to rate you. The individuals should include your direct supervisor, 5 or more peers, 5 or more direct reports (if applicable). There is also an "other" category for people who don't fit neatly into those categories. To maintain rater anonymity, responses from your peers will be averaged together, and responses from your direct reports will be averaged together. You must receive ratings from at least 3 peers, 3 direct reports, and 3 others (if you include that group) to view the results for these groups. Self and supervisor ratings will be reported individually, unless you include more than one supervisor. In that case, supervisor ratings will be averaged together. The results of this assessment will be confidential and you will receive the only copy of your feedback report.

The survey is conducted using an automated on-line system. Before you log on to set up your assessment, you may want to have your raters' names and e-mail addresses ready. Once you reach the survey website, you will be given instructions on how to complete the survey and how to administer it to your raters.

To log on to the survey website, please use the logon information listed below.

URL: https://usasurvey.opm.gov/session

USERNAME: Ex. 6
PASSWORD: Ex. 6

You may return to the survey website at any time by opening this e-mail and clicking the link above.

Do not delete this e-mail until the assessment process is complete.

If you experience difficulties, please contact me at matthew.sigafoose@opm.gov or (202) 359-2340. If you have questions about your course, please contact Anna Osaka at Osaka.Anna@epa.gov or (202) 564-8074.

Thank you,

Matthew Sigafoose

To: Sinks, Tom[Sinks.Tom@epa.gov]
From: Grifo, Francesca
Sent: Tue 3/21/2017 11:56:57 PM
Subject: Fwd: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Really? You approved and know this work. I should not have to go through another layer because Ex. 6. You two need to figure this out so it is less burdensome.

Thank you
Francesca

Sent from my iPhone

Begin forwarded message:

From: "Greene, Mary" <greene.mary@epa.gov>
Date: March 21, 2017 at 2:04:36 PM EDT
To: "Otto, Martha" <Otto.Martha@epa.gov>
Cc: "Bender, Michael" <Bender.Michael@epa.gov>, "Snowden, Christine" <Snowden.Christine@epa.gov>, "Sinks, Tom" <Sinks.Tom@epa.gov>, "Grifo, Francesca" <Grifo.Francesca@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi Marti,

Robin reminded me that access to Qualtrics had been provided through the Innovation task order that had been issued several years ago. I have asked Michael to check to see if we even have an account with Qualtrics. Having said that, I need to have a description of the work that will get done under the current request. Specifically, how will the surveys be used, who would they be sent to, how many surveys are needed to complete the work you are proposing and when will the surveys be sent out, and in addition to the SI Committee, will the experts in EPA who do surveys and statistical analysis be consulted?

Thanks

Mary

From: Otto, Martha
Sent: Tuesday, March 21, 2017 8:31 AM
To: Greene, Mary <greene.mary@epa.gov>

Subject: FW: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

I just heard from the Qualtrics folks. In order to keep our account going, they need payment by April 3.

Please let me know if there is anything that I can do to help with the paperwork.

Thank you!

Marti

From: Otto, Martha
Sent: Tuesday, March 14, 2017 10:59 AM
To: Greene, Mary <greene.mary@epa.gov>
Cc: Snowden, Christine <Snowden.Christine@epa.gov>
Subject: FW: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

To answer your questions about the Qualtrics order:

[redacted]

Ex. 4

3. Last year, Lu-Ann might have done a PR for this. The following paragraphs are from an email to Lu-Ann last year:

We need to create PR for Qualtrics, the survey service we use. Attached is the quote that we received from our account manager at Qualtrics, Jeff Federman. The acquisition is actually made through EC America and there is contact information included in the quote.

Here is the language for the PR:

Qualtrics is an online survey service we used for the Agency-wide scientific integrity survey. We chose this service because it provides highest certifications and standards regarding security- Qualtrics treats all data with the highest confidentiality, uses industry best security practices, and adheres to the requirements of the Federal Information Security Management Act. Qualtrics eliminates several time-consuming steps in information collecting processes by using an online portal and streamlining responses into organized files that can be easily accessed and used for analysis. We will use this service to perform our annual FMFIA checklist, which is distributed to all offices and regions, and to conduct a survey that explores the culture of scientific integrity in EPA leadership and management.

Please let me know if there is anything else that you need for this.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Abagail Boepple [mailto:Abagail_Boepple@immixgroup.com]
Sent: Tuesday, March 14, 2017 9:50 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Morning Martha,

Thank you for reaching out and I hope you are staying warm! Per Jeff's response this is a 12 month quote for 4/6/2017-4/5/2018 and I have indicated this on the quote for you. In addition per your request I have extended the expiration date. Please let me know if there is anything else you need, thanks!

From: Jeff Federman [mailto:jefff@qualtrics.com]
Sent: Tuesday, March 14, 2017 9:18 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Abagail Boepple <Abagail_Boepple@immixgroup.com>
Subject: Re: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi Martha,

I am sure that Abagail will respond to your request; however, I did want to let you know that your current period of performance ends on April 5th and the renewal period of performance should be 4/6/17 - 4/5/18. If the renewal will take place well beyond the 5th it is possible that you could lose access to your current account, and I would like to avoid that if at all possible.

Please let me know if you have additional questions.

Thanks.

Jeff

Jeff Federman

Enterprise Accounts

Direct 202.844.4903 | Mobile 703.675.7708| Support 800.340.9194

On Tue, Mar 14, 2017 at 8:44 AM, Otto, Martha <Otto.Martha@epa.gov> wrote:

Hi, Abagail,

I have a few questions about the quote that you sent.

1. Is this based on a 12-month period? In other words, is the purchase good for the next 12 months after the date that we complete the purchase?

2. Could you please send a quote with an expiration date that is a bit later? The snow here may delay our getting our paperwork completed.

Thank you!

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Abagail Boepple [mailto:Abagail_Boepple@immixgroup.com]
Sent: Monday, March 13, 2017 9:49 AM
To: Otto, Martha <Otto.Martha@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Morning Martha,

I hope you had a wonderful weekend! I just wanted to follow up on the attached quote to ensure you received it. Please respond with your confirmation and let me know if you need anything else. Thanks and have a great day!

Kind Regards,

Abagail Boepple

Account Manager | Renewals

immixGroup, Inc.

703.663.1146 direct | 301.661.6315 mobile

703.752.0611 fax

www.immixgroup.com

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Follow us on:

From: Abagail Boepple
Sent: Monday, February 13, 2017 4:41 PM

To: otto.martha@epa.gov
Subject: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Good Afternoon,

I hope you are having a great day! Please see the attached Qualtrics maintenance renewal quote. When you're ready to purchase the quote please have the EC America quote number and the period of performance listed on the issued purchase order.

Unless I hear from you sooner, I will contact you within 5-7 business days to follow up and see if you have any questions on the quote. Please do not hesitate to contact me if you have any questions.

****Please note the deadline for the PO is 4/10/2017 in order to process for the POP start date of **4/13/2017**.

Kind Regards,

Abagail Boepple

Account Manager | Renewals

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703.663.1146 direct | 301.661.6315 mobile

703.752.0611 fax

www.immixgroup.com

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Follow us on:

To: Sinks, Tom[Sinks.Tom@epa.gov]
From: Grifo, Francesca
Sent: Tue 3/21/2017 11:58:35 PM
Subject: Fwd: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

This was a waste of Marti's time. There needs to be a better system.

Thank you.

Sent from my iPhone

Begin forwarded message:

From: "Otto, Martha" <Otto.Martha@epa.gov>
Date: March 21, 2017 at 2:47:00 PM EDT
To: "Greene, Mary" <greene.mary@epa.gov>
Cc: "Bender, Michael" <Bender.Michael@epa.gov>, "Snowden, Christine" <Snowden.Christine@epa.gov>, "Sinks, Tom" <Sinks.Tom@epa.gov>, "Grifo, Francesca" <Grifo.Francesca@epa.gov>
Subject: RE: Qualtrics Quote for EPA: QUO-750428-P1K7Q3

Hi, Mary,

We have a current account with Qualtrics that will expire if we don't renew it by April 3, 2017. The original account was through Innovate, but we stood up a new account about this time last year. The current account is not in Innovate's name; it is an EPA account.

This is the description of why we are using Qualtrics and how we plan to use it this year:

Qualtrics is an online survey service we used for the Agency-wide scientific integrity survey. We chose this service because it provides highest certifications and standards regarding security- Qualtrics treats all data with the highest confidentiality, uses industry's best security practices, and adheres to the requirements of the Federal Information Security Management Act. Qualtrics eliminates several time-consuming steps in information collecting processes by using an online portal and streamlining responses into organized files that can be easily accessed and used for analysis. We will use this service to perform our annual FMFIA checklist, which is distributed to all offices and regions, and to conduct a survey that explores the culture of scientific integrity in EPA leadership and management.

The FMFIA "survey" is not a survey, per se, but a means to collect information about how each program/office/region has implemented the Scientific Integrity Policy during the past fiscal year. It is sent to each program/office/region through the FMFIA program. We are using virtually the same set of questions that we used last year. The information we collect is used in our annual report on scientific integrity.

The survey that explores the culture of scientific integrity in EPA leadership and management has been reviewed by the Scientific Integrity Committee, by OSA management, and by the Science Advisor. It was based on a survey that the U.S. Army conducts every year. Our management survey will be sent to all EPA managers and senior leaders (ST, SL, Title 42). We have obtained a full list of these employees from OARM. The survey will be sent after the fiscal year 2017 scientific integrity training (the "management dialogues") has been completed.

We estimate that we will need to purchase 2,500 responses to cover both the FMFIA "survey" and the management survey.

Please let me know if you need additional information.

Thank you for your help with this.

Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Greene, Mary
Sent: Tuesday, March 21, 2017 2:05 PM
To: Otto, Martha <Otto.Martha@epa.gov>
Cc: Bender, Michael <Bender.Michael@epa.gov>; Snowden, Christine <Snowden.Christine@epa.gov>; Sinks, Tom <Sinks.Tom@epa.gov>; Grifo, Francesca <Grifo.Francesca@epa.gov>
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Jeff Federman

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mail code 8105R
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otto.martha@epa.gov

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Abagail Boepple

Account Manager | Renewals

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Follow us on:

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Kind Regards,

Abagail Boepple

Account Manager | Renewals

immixGroup, Inc.

703.663.1146 direct | 301.661.6315 mobile

703.752.0611 fax

www.immixgroup.com

immixGroup

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Follow us on:

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Wed 3/22/2017 1:55:09 AM
Subject: March 22 -- Daily Environment Report

Daily Environment Report

March 22, 2017 - Number 54

The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Leading the News

Courts
Democratic Senators Grill Gorsuch on Agency Deference
Several Democratic senators challenged Neil Gorsuch about his views on agency deference during his Supreme Court confirmation hearing, with one senator suggesting that he was nominated by President Trump specifically to further the administration's deregulatory agenda.

Endangered Species
Interior Protects Bumblebee Species as Endangered
Protections for an endangered bumblebee species can go into effect now that the Interior Department has rejected a delay requested by a coalition of construction, energy and agricultural interests.

News

Air Pollution
Haze Plan for Arizona Power Plant Reasonable, Court Says
A coal-fired power plant on an Arizona reservation will not be required to install additional emissions controls after an appellate court rejected challenges to its federal air pollution plan, which could provide certainty should the plant continue to operate past its planned 2019 closure.

Air Pollution
Industries Push for Settlement Talks on Obama-Era Air Policy
New leadership at the EPA cou ld offer an opportunity to settle litigation over an Obama-era regulation governing regional application of the Clean Air Act, according to a coalition of

industry associations.

Biofuels
U.S. Fuel-Makers Woo Trump to Fix Tax Gift for Argentina Imports
Producers of a fuel additive made mostly from Midwest soybeans are trying to convince President Donald Trump that their business is being crippled because millions of U.S. trucks, buses and tractors have way too much of Argentina's crops in their tanks.

Biotechnology
Syngenta's GM Corn Faces Parliamentary Maze in Europe
Lawmakers on the European Parliament's environment committee March 21 objected to a proposed European Union authorization for food and feed containing a genetically modified corn from Syngenta AG.

China
China Carbon Trading Pilot Program Expected to Launch in Fall
China, the world's major greenhouse gas emitter, is expected to start a pilot carbon emissions-trading program nationally between August and October, industry and academic observers said.

Climate Change
China Gets Help on Climate Related Projects From European Investment Bank
The European Investment Bank, the lender owned by the European Union's 28 members, will seek to increase financing by 68 percent this year for climate-related projects in China.

Climate Change
Proposed Budget Cuts May Hurt Colorado Climate, Energy Labs
Scientists at federal facilities in Colorado say the proposed cuts in the Trump administration's recent budget request will have devastating impacts on research in energy, environment and climate change science.

Climate Policy
Green Bonds Will Come in Different Shades After S&P Ranking
S&P Global Inc. is working on a new way of ranking bonds based on their impact on the environment, hoping that greener securities will command a premium to traditional ones once there are metrics to justify it.

Climate Policy
U.K.'s Low-Carbon Economy Could Grow Tenfold by 2050: Watchdog
The value of Britain's low-carbon economy could grow more than tenfold by mid-century if the government lifts some existing barriers to investment in several renewable sectors, the U.K.'s climate change watchdog said.

Courts
Supreme Court Sides With Senate Over Vacancy Power
The U.S. Supreme Court made it harder for presidents to temporarily fill vacancies without the advice and consent of the Senate (NLRB v. SW General, Inc., 2017 BL 87442, U.S., No. 15-1251, affirmed 3/21/17).

E PA
N.Y. Attorney General Renews Objections to EPA Budget Plan
Budget cuts proposed for the EPA would slow, halt or set back progress made by the states to address major pollution threats, New York Attorney General Eric T. Schneiderman (D) said

March 21.

Energy
Austrian EV Charging Network Seen Growing to 2,000 by Year End< /a>
An Austrian group with a nationwide network of charging stations for electric vehicles will increase the number of plugs available for battery-powered cars by more than 50 percent this year.

Energy
Consumers Would Be $3.9 Billion 'Losers' From Nuclear Subsidies
Expanding state aid to money-losing nuclear reactors across the Eastern U.S. could put consumers on the hook for as much as $3.9 billion a year in higher power bills.

Energy
Feds Must Pick Up Radioactive Fuel in South Carolina
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Oil Men Hu ddle in Tokyo to Seek Refuge From China Fuel Flood
Huddled deep within Tokyo's government district, nearly two dozen of Japan's top oil experts pore over a problem plaguing its energy industry: how can they stop China from pushing its crude refiners into a corner?

Energy
Public, Private Funds Needed For Aging Electric Grid, Regulator Says
Infrastructure. It's one of hottest agenda items in the White House and Congress, and energy infrastructure like pipe lines and transmission lines needs to be part of the discussion, the acting chairman of the Federal Energy Regulatory Commission said.

Environmental Reviews
India Offers Six-Month Window to Environmental Permit Violators
Potentially thousands of construction projects underway in India without the necessary environmental paperwork have been given six-month grace periods to obtain environmental permits, India announced.

International Climate
Japan Power Sector Risks Emissions Targets With Plans for Coal
Japan's power sector may exceed its carbon dioxide emissions targets from coal-power stations for fiscal 2030 if capacity currently in the pipeline is built, the Ministry of the Environment said in a report.

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North Face Founder's Legacy to Live on Through Parks in Chile
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EPA, Mine Owner Ask for More Time to Settle Pebble Case
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00171, motion filed 3/20/17).

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Texas, Natural Gas Industry Contest Storage Safety Rule
A new federal natural gas regulation is taking away states' abilities to regulate their storage caverns, Texas' attorney general argues in an appeals court review of the rule.

Oil & Gas
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Big Oil is muscling in on shale country.

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Environmental groups are gearing up to fight a second round against the approval of a controversial pesticide in court.

REACH
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Toxic Substances
3D Printing at Center of Respirator Mask Suit
3M Co. failed to shoot down expert witness testimony in a suit alleging failure of a respirator mask resulted in a technician's lung disease, a federal district court said (Coene v. 3M Co., 2017 BL 85750, W.D.N.Y., 10-CV-6546, 3/20/17).

Trade
South Korea Taps First Environment Trade Promotion Agency
South Korea appointed an environmental agency as a professional trading firm for the first time to promote environment-related trade for small and medium-sized companies.

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Trade Rep Nominee Backs Strong Labor, Environmental Provisions
President Donald Trump's pick to lead the nation's trade agency said he would work to ensure that the North American Free Trade Agreeme nt (NAFTA) is updated to include

enforceable labor and environmental standards.

Water Pollution

Moving Forward With Water Rule Rewrite at 'Fast Pace': EPA

Rewrite of the rule clarifying the geographic scope of the Clean Water Act is occurring at a "fast pace," the top water official at the Environmental Protection Agency said March 21.

BNA Insights

Chemicals

Practitioner Insights: EPA Changes to the Risk Management Program

By Michael Reer: On March 16 the Environmental Protection Agency delayed for three months, or until June 19, the effective date of several significant amendments to the agency's Risk Management Program. The wide-ranging revisions and additions to the existing Risk Management Program regulations, which were scheduled to take effect March 17 and implemented over several years, include alterations to the agency's accident prevention program and emergency response preparation requirements.

Regulatory Agenda

TODAY'S FEDERAL REGISTER

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory AlertTM http://news.bna.com/frmn/.

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LEADING THE NEWS

Courts
Democratic Senators Grill Gorsuch on Agency Deference
Several Democratic senators challenged Neil Gorsuch about his views on agency deference during his Supreme Court confirmation hearing, with one senator suggesting that he was nominated by President Trump specifically to further the administration's...

Endangered Species
Interior Protects Bumblebee Species as Endangered
Protections for an endangered bumblebee species can go into effect now that the Interior Department has rejected a delay requested by a coalition of construction, energy and agricultural interests....

NEWS

Air Pollution
Haze Plan for Arizona Power Plant Reasonable, Court Says
A coal-fired power plant on an Arizona reservation will not be required to install additional emissions controls after an appellate court rejected challenges to its federal air pollution plan, which could provide certainty should the plant...

Air Pollution
Industries Push for Settlement Talks on Obama-Era Air Policy
New leadership at the EPA could offer an opportunity to settle litigation over an Obama-era regulation governing regional application of the Clean Air Act, according to a coalition of industry associations....

Biofuels
U.S. Fuel-Makers Woo Trump to Fix Tax Gift for Argentina Imports
Producers of a fuel additive made mostly from Midwest soybeans are trying to convince President Donald Trump that their business is being crippled because millions of U.S. trucks, buses and tractors have way too much of Argentina's...

Biotechnology
Syngenta's GM Corn Faces Parliamentary Maze in Europe
Lawmakers on the European Parliament's environment committee March 21 objected to a proposed European Union authorization for food and feed containing a genetically modified corn from Syngenta AG....

China
China Carbon Trading Pilot Program Expected to Launch in Fall
China, the world's major greenhouse gas emitter, is expected to start a pilot carbon emissions-trading program nationally between August and October, industry and academic observers said. ...

Climate Change
China Gets Help on Climate Related Projects From European Investment Bank
The European Investment Bank, the lender owned by the European Union's 28 members, will seek to increase financing by 68 percent this year for climate-related projects in China....

Climate Change
Proposed Budget Cuts May Hurt Colorado Climate, Energy Labs
Scientists at federal facilities in Colorado say the proposed cuts in the Trump administration's recent budget request will have devastating impacts on research in energy, environment and climate change science....

Climate Policy
Green Bonds Will Come in Different Shades After S&P Ranking
S&P Global Inc. is working on a new way of ranking bonds based on their impact on the environment, hoping that greener securities will command a premium to traditional ones once there are metrics to justify it....

Climate Policy
U.K.'s Low-Carbon Economy Could Grow Tenfold by 2050: Watchdog
The value of Britain's low-carbon economy could grow more than tenfold by mid-century if the government lifts some existing barriers to investment in several renewable sectors, the U.K.'s climate change watchdog said....

Courts
Supreme Court Sides With Senate Over Vacancy Power
The U.S. Supreme Court made it harder for presidents to temporarily fill vacancies without the advice and consent of the Senate (NLRB v. SW General, Inc. , 2017 BL 87442, U.S., No. 15-1251, 3/21/17)....

Energy
Austrian EV Charging Network Seen Growing to 2,000 by Year End
An Austrian group with a nationwide network of charging stations for electric vehicles will increase the number of plugs available for battery-powered cars by more than 50 percent this year....

Energy
Consumers Would Be $3.9 Billion 'Losers' From Nuclear Subsidies

Expanding state aid to money-losing nuclear reactors across the Eastern U.S. could put consumers on the hook for as much as $3.9 billion a year in higher power bills....

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Budget cuts proposed for the EPA would slow, halt or set back progress made by the states to address major pollution threats, New York Attorney General Eric T. Schneiderman (D) said March 21....

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TODAY'S STATE REGISTERS

Daily Environment Report

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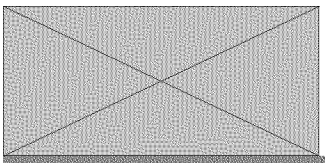
From: Environmental Law360
Sent: Wed 3/22/2017 7:39:57 AM
Subject: 1st Circ. Bolsters State Powers In Gas Pipeline Reviews [WARNING: DKIM validation failed]



ENVIRONMENTAL

The Road To 60 Votes: Confirming Neil Gorsuch

Follow Law360's up-to-the-minute coverage.

Wednesday, March 22, 2017

TOP NEWS

Analysis

1st Circ. Bolsters State Powers In Gas Pipeline Reviews

The First Circuit's recent ruling that a Kinder Morgan unit needed final approval from Massachusetts environmental regulators to start building a natural gas pipeline project helps preserve states' role in the permitting process and could embolden states and pipeline opponents to drag out reviews of projects already approved by the federal government, experts say.

EPA's Pruitt Targeted In Okla. Ethics Complaint Over Emails

Environmentalists and a law professor on Tuesday filed an ethics complaint with the Oklahoma Bar Association against U.S. Environmental Protection Agency Administrator Scott Pruitt, alleging he misled Congress about his use of a personal email address to conduct business during his tenure as Oklahoma's attorney general.

Schneiderman Warns EPA Cuts Will Thwart NY Cleanup

New York Attorney General Eric Schneiderman on Tuesday warned of the "disastrous impacts" the Trump administration's plan to slash the U.S. Environmental Protection Agency's budget by $2.6 billion could have on the state, repeating a previous promise to take matters into his own hands to protect New Yorkers from environmental devastation if Washington defies its legal obligation to do so.

Dakota Access Says Pipeline Hit With 'Coordinated Attacks'

Dakota Access LLC filed a heavily redacted report with a D.C. federal court Monday about the progress of its nearly completed pipeline on federal land in North Dakota, saying most of

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the document had to be filed under seal because of "recent coordinated physical attacks along the pipeline" threatening "life, physical safety, and the environment."

Enviros, Farmers Sue EPA Over Weed Killer Registration

Environmental groups on Tuesday sued the U.S. Environmental Protection Agency over its approval of Dow AgroSciences LLC's weed killer Enlist Duo, saying the EPA failed to follow laws governing pollution and animal and plant protection.

Gorsuch Rebukes Trump, Defends Record To Senate Panel

U.S. Supreme Court nominee Judge Neil Gorsuch pushed back Tuesday at attacks on his record and rebuked President Donald Trump's comments on the judiciary as he sought to persuade a Senate panel to advance his nomination to the nation's highest court.

POLICY & REGULATION

House Dems Say Pruitt, Perry 'Flouted' Law With Rule Delays

House Democrats on Monday said the new heads of the U.S. Environmental Protection Agency and the Department of Energy have "flouted" the law by delaying several Obama-era rules without proper public notice.

Canada Regulators Launch Climate Change Disclosure Review

Canadian securities regulators said Tuesday they will launch a project scrutinizing how well public companies are disclosing risks and financial impacts relating to climate change, joining a growing global movement that officials say reflects demand from investors for better information about environmental risks.

NJ Sens. Express Enviro Concerns Over PennEast Pipeline

Both of New Jersey's U.S. senators have sent a letter to the Federal Energy Regulatory Commission expressing concerns that the proposed 110-mile PennEast Pipeline project, set to run through parts of the Garden State and Pennsylvania, poses potential environmental impacts that need to be investigated further.

WTO Dispute Roundup: EU Gains Allies In China Market Spat

In Law360's latest look at the World Trade Organization's Dispute Settlement Body, powerful members come to the European Union's defense in its market economy battle with China, while other disputes over renewable energy and transit measures move to a more contentious phase.

LITIGATION

NY AG Slams Exxon Again Over Order For Climate Emails

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New York Attorney General Eric Schneiderman called out Exxon Mobil Corp. on Monday for refusing "more dramatically than ever" to comply with a court order for climate change documents, telling a state judge the unarchived emails that ex-CEO Rex Tillerson sent from an alias account raises new concerns about the preservation and production of the subpoenaed documents.

Wash. Tribe Wins Temporary Block On Others' Halibut Fishing

A Washington federal judge on Monday granted an emergency request by the Quileute Tribe to temporarily block the first day of unrestricted halibut fishing by tribes in the region because of bad weather on the coast that would give inland tribes an unfair advantage, despite pushback from three tribes who said weather forecasts don't normally demand a delay across the board.

Texas Moves To Join Suit Challenging BLM Flaring Rule

The state of Texas asked for permission Tuesday to join a Wyoming federal court case in which three western states and two industry groups are challenging a new Bureau of Land Management rule aimed at limiting the release of methane from drilling operations on federal and Native American lands.

Ariz. Highway Approval Done The Right Way, 9th Circ. Told

The Federal Highway Administration and the Arizona Department of Transportation have each urged the Ninth Circuit to affirm a lower court's ruling that they didn't cut any corners on environmental reviews when they greenlighted a Phoenix-area highway project.

Utility Tells 9th Circ. New Ruling Boosts Antitrust Defense

An Arizona power utility on Monday told the Ninth Circuit that a recent ruling by the Third Circuit supported its argument that it should be immune from legal action over state-mandated price-setting and that a lower court was wrong to allow SolarCity to pursue an antitrust lawsuit against it.

Ernst & Young Must Face Marrone Bio Investor Claims: Judge

A California federal judge has shut down a bid by Ernst & Young LLP to toss class claims by Marrone Bio Innovations Inc. investors over the auditor's alleged role in the bio-based pesticide maker's financial misrepresentations, saying investors showed that Ernst & Young certified Marrone's financial statements.

Enviros Ask Court To Stop Fla. Big Cypress Oil Project

Environmental groups suing the National Park Service over plans to allow a Texas-based oil company to explore for oil and gas in the Big Cypress National Preserve in South Florida asked for summary judgment Monday, arguing that it's clear the government violated various federal laws and regulations by approving the plan.

BNY, Morgan Stanley End $81M Suit Over Mall Built On Dump

Morgan Stanley & Co. has paid Bank of New York Mellon Corp. an undisclosed sum to settle

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claims that it wrongly refused to buy back an $81 million commercial loan after retailers fled an Ohio shopping center built on a landfill because of methane problems, documents filed in New York federal court show.

Daimler Must Face Emissions Fraud Suit In US, Investors Say

A proposed class of investors claiming Daimler AG lied about using software to cheat on emissions tests for certain diesel vehicles told a California federal court on Monday not to dismiss its case, arguing that U.S. courts have jurisdiction over the German company because it specifically targeted the U.S. market.

$29M Fee Bid In Emissions Fraud Suit 'Excessive,' VW Says

Volkswagen slammed a $28.56 million fee request by the lawyers for Volkswagen dealers who are set to receive a $1.6 billion deal for settling claims that the automaker cheated diesel emissions tests, telling a California federal court that the ask is "plainly excessive."

PEOPLE

Sheppard Mullin Snags Enviro Partner From Beveridge

Sheppard Mullin Richter & Hampton LLP has hired as a partner in its San Francisco office an attorney from Beveridge & Diamond PC who has a quarter-century of experience doing environmental counseling and litigation, announcing he will join the firm's real estate, land use and environmental practice group.

EXPERT ANALYSIS

The Quadrennial Energy Review And Generation Development

The latest installment of the U.S. Department of Energy's Quadrennial Energy Review recommends several ways to enhance power generation development, including focusing on renewable energy for underserved communities, advancing innovation in generation technologies, and incentivizing new hydropower and nuclear development. These recommendations present both opportunities and risks for generation developers and investors, say attorneys from Husch Blackwell LLP.

Law Schools And Law Firms: Seeking Common Ground

What we don't know is whether the teaching and practice of law are undergoing massive structural changes or we're still digging out from the worst economic collapse since the Depression. But what we do know is that the missions of the most forward-looking law schools and law firms are converging in ways that were unimaginable 10 years ago, says Randy Gordon, a partner at Gardere Wynne Sewell LLP and executive professor of law at Texas A&M University.

LEGAL INDUSTRY

How To Make Working From Home Work For BigLaw

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As corporate America increasingly embraces remote and flexible working, many may wonder whether it will work for BigLaw. Here, some tips for effectively orchestrating the practice of law while away from the office.

Trump Starts Putting Imprint On Judiciary With 6th Circ. Nom

President Donald Trump on Tuesday picked Kentucky federal Judge Amul J. Thapar for a spot on the Sixth Circuit, marking the first judicial nomination since the selection of Judge Neil Gorsuch to the U.S. Supreme Court.

Trump Names New Chief Judge For Federal Claims Bench

President Donald Trump has announced his pick for chief judge of the U.S. Court of Federal Claims is Susan G. Braden, a former Baker & McKenzie LLP attorney with intellectual property expertise who has served on the court since 2003.

Bharara Will Take Post At NYU Law School

Former Manhattan U.S. Attorney Preet Bharara will join the New York University School of Law next month as a distinguished scholar-in-residence, the school said Tuesday, marking the first major commitment by the white collar prosecutor after he was sacked earlier this month.

Ex-Dewey Atty Tells Jury Of $6.9M Fee Error On Firm's Books

A former Dewey & LeBoeuf LLP lawyer and current Barnes & Thornburg LLP partner on Tuesday told a Manhattan jury of his discovery of a $6.9 million discrepancy on the law firm's books, while a defense attorney jabbed at his credibility over Twitter-related sanctions in a separate action.

JOBS

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Daimler AG

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Dow Chemic Co.

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Exxon Mobil Corpora

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Google Inc.

Hobby Lobby Stores

Kinder Morgan

Mercedes-Benz

Morgan Stanley

New York University

OfficeMax Incorporated

Oklahoma Bar Association

PricewaterhouseCoopers

Procter & Gamble Co.

Salesforce.com Inc.

Salt River Project

Skype Technologies SA

SolarCity Corp.

Space Exploration Technologies Corp.

TMX Group Ltd.

The American Law Institute

The Bank of New York Mellon Corporation

TransAm Trucking Inc.

Twitter Inc.

Volkswagen

Wal-Mart Stores Inc.

GOVERNMENT AGENCIES

U.S. Department of Justice

U.S. Environmental Protection Agency

Federal Energy Regulatory Commission

Fish and Wildlife Service

U.S. Department of the Interior

U.S. Supreme Court

Army Corps of Engineers

Federal Bureau of Investigation

New York Attorney General's Office

Securities and Exchange Commission

U.S. Army

U.S. Department of Energy

Arizona Department of Transportation

Bureau of Land Management

California Environmental Protection Agency

Cheyenne River Sioux Tribe

Federal Highway Administration

Federal Trade Commission

Financial Reporting Council

Florida Department of Environmental Protection

Gila River Indian Community

National Marine Fisheries Service

National Park Service

Nooksack Indian Tribe

Nuclear Regulatory Commission

Ohio Environmental Protection Agency

Oklahoma Attorney General's Office

Rural Utilities Service

Standing Rock Sioux Tribe

Swinomish Indian Tribal Community

U.S. Air Force

U.S. Department of Agriculture

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To: ORD-DC Feds[ORDDCFeds@epa.gov]
From: Knudsen, Keeley
Sent: Wed 3/22/2017 11:05:21 AM
Subject: FW: High- End Scientific Computing Application Process- Webinar

FYI.. For those of you interested in High Performance Computing (HPC) and Environmental Modeling and Visualization Laboratory (EMVL) services, please see the information below. Thank you!

Keeley Knudsen

Customer Support Representative/ Local Information Security Officer (LISO)

ORD/OSIM/CSD

Office - (202)-566-2461

Cell – (202)495-8897

For more detailed information about OSIM Services, see our:

IT Resources, How to Submit Tickets, and/or OSIM IT Tips.

Please conserve paper and think before you print. The trees thank you.

From: Paulsen, Heidi
Sent: Tuesday, March 21, 2017 4:00 PM
To: Litzinger, Carl <LITZINGER.CARL@epa.gov>; Richardson, Jon <Richardson.Jon@epa.gov>; Rowan, Tim <Rowan.Tim@epa.gov>; Smith, Rick <Smith.Rick@epa.gov>; Lopez, Sarah <Lopez.Sarah@epa.gov>; Kress, Jay <Kress.Jay@epa.gov>; Knudsen, Keeley <Knudsen.Keeley@epa.gov>; Lipe, Sherry <Lipe.Sherry@epa.gov>; Seegars, Elroy <Seegars.Elroy@epa.gov>; Judson, Richard <Judson.Richard@epa.gov>; Williams, Antony <Williams.Antony@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Knudsen, Thomas <Knudsen.Thomas@epa.gov>; Heist, David <Heist.David@epa.gov>; Perry, Steven <Perry.Steven@epa.gov>; Foley, Kristen <Foley.Kristen@epa.gov>; Murphy, Benjamin <Murphy.Benjamin@epa.gov>; Szykman, James <Szykman.Jim@epa.gov>; Egeghy, Peter <Egeghy.Peter@epa.gov>; Norris, Gary <Norris.Gary@epa.gov>; Detenbeck, Naomi <Detenbeck.Naomi@epa.gov>; TenBrink, Marilyn

<Tenbrink.Marilyn@epa.gov>; Hagler, Gayle <Hagler.Gayle@epa.gov>; Hagy, Jim <Hagy.Jim@epa.gov>; LaLone, Carlie <lalone.carlie@epa.gov>; Rappold, Ana <Rappold.Ana@epa.gov>; Rosati, Jacky <Rosati.Jacky@epa.gov>; Thoma, Eben <Thoma.Eben@epa.gov>; Thorneloe, Susan <Thorneloe.Susan@epa.gov>; Appel, Keith Wyat <Appel.Wyat@epa.gov>; Breen, Michael <Breen.Michael@epa.gov>
Cc: Childress, Velez <Childress.Velez@epa.gov>; Scheitlin, Tom <Scheitlin.Tom@epa.gov>
Subject: High- End Scientific Computing Application Process- Webinar

Hi OSIM CSRs and EMVL Customers: Please feel free to forward this announcement for a webinar on the High-End Scientific Computing Application Process to those you feel may be interested. The services are provided, through a competitive process, at no cost to the individual P.I.s Lab or Center.

Each year, ORD centrally funds high-end scientific computing resources, providing scientists and researchers with access to High Performance Computing (HPC) and Environmental Modeling and Visualization Laboratory (EMVL) services through OEI's High-End Scientific Computing (HESC) group. HPC resources include a highly-parallelized compute cluster with software that meet most of ORD's scientific research needs, enabling scientific research to move at a quicker pace. EMVL services provide specialists with expertise in scientific computing, visualization, and a wide range of disciplines such as atmospheric modeling, computational fluid dynamics, computational toxicology and bioinformatics.

We will discuss the resources and the FY18 process during two webinars next week. (The seminars will cover the same material)

If you are interested in a separate webinar, geared to your organization, and/or your site, please let me know and I would be happy to arrange.

For those of you in RTP, please feel free to come by the NCC, we will be meeting in the Visualization Laboratory, N – 143.

The webinars will be held:

March 28th at 11:00 EDT and

March 29th at 2:00 EDT

You can also call in to our conference line: 8662993188- Ex. 2

And open our adobe connect: https://epawebconferencing.acms.com/emvlhp/

Heidi Paulsen, MURP

U.S. Environmental Protection Agency

Office of Environmental Information

Project Manager, Environmental Modeling and Visualization

OEI Liaison to ORD's Sustainable and Healthy Communities

Office: (919) 541-1834; Cell: (919) 748-2708 Room N211E

http://www2.epa.gov/hesc

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: InsideEPA.com
Sent: Wed 3/22/2017 11:15:03 AM
Subject: The Morning Headlines from InsideEPA.com -- March 22, 2017

The critical environmental policy-making news you need as you begin your day

March 22, 2017

Latest News

Trump 'Two-For-One' Deregulatory Order Halts EPA's Dental Amalgam Rule

President Donald Trump's executive order (EO) requiring agencies to "identify" two existing rules to withdraw for every new "major" rule they issue has halted implementation of EPA's Clean Water Act (CWA) rule on dental amalgam, a rule signed in the final hours of the Obama administration that is providing an early test of how agencies comply with the order.

Administration Critics Charge EPA Rule Delays May Violate 'Procedure' Act

House Democrats and other administration critics are warning top officials that recent actions by EPA and other agencies delaying implementation of almost a dozen Obama-era environmental and energy efficiency rules may violate the Administrative Procedure Act (APA) and urging the officials to withdraw the actions.

EPA's FY18 Budget Plan Raises Doubts On Fate Of Voluntary Programs

The Trump administration's fiscal year 2018 budget proposals have raised new questions about the status of EPA as a catalyst for voluntary public-private partnerships in the service of environmental goals, a fight that observers say goes beyond the administration's stated effort to rein in regulations and is prompting concern from some industries about talk of the programs' elimination.

EPA Launches Early Talks With States On Revising CWA Jurisdiction Rule

A top EPA water official says the agency has already begun informal talks with states and other stakeholders to gather input on the Trump administration's revisions to the Obama-era Clean Water Act (CWA) jurisdiction rule, and that officials have been told to work "quickly" to develop a proposal, though there is no deadline for that effort.

As Trump Order Looms, Groups Hint At 'Change' In EPA Stance In NSPS Suit

Parties in the litigation over EPA's greenhouse gas standards for new power plants are jointly submitting a proposed format for oral arguments in the suit scheduled for next month, though it hints that the Trump administration could soon formally change

the agency's position in the case and disrupt the plan given an anticipated presidential directive to the agency to “rewrite” the rule.

High Court Sets Strict Test For Trump Nominees To Serve In Acting Roles

The Supreme Court has issued a ruling barring almost all acting agency officials from continuing in that role after being nominated to take the same position permanently -- a strict test that could limit President Donald Trump's ability to fill top slots at EPA and that also raises questions over the legitimacy of actions by the Obama EPA's deputy chief.

Sen. Lankford Introduces Bill Applying TSCA Science Standards To APA

Sen. James Lankford (R-OK) has introduced a bill that would amend the Administrative Procedure Act (APA) by applying scientific standards in the revised Toxic Substances Control Act (TSCA) to all federal agencies that use science in their decisionmaking, saying it would ensure EPA and other agencies use "unbiased" data to develop their rules.

Daily Feed

D.C. Circuit names panel for NSPS litigation

The three-judge panel consists of Judges Karen LeCraft Henderson, Sri Srinivasan and Nina Pillard.

Pruitt defends mid-term review reopening as 'help' to automakers

“President Trump promised to fight to keep auto manufacturing jobs here in the United States, and he has asked his entire Cabinet to help,” the EPA administrator writes in an op-ed in *USA Today*.

Our most read: Trump’s EPA -- apocalypse or streamlining?

Proposed budget cuts and agency reorganization dominated environmental news over the past week.

9th Circuit upholds EPA's haze plan authority

Two new rulings from a federal appeals court maintain EPA's discretion to impose plans to force reductions in haze-forming emissions at pollution sources in areas under tribal jurisdiction.

Flint class-action defendants seek Supreme Court review

Engineering firms facing a suit over lead contamination in Flint, MI, are asking the Supreme Court to remove their case from state to federal court.

Ewire: A daily news roundup

President Donald Trump assured a rally in Louisville, KY, March 20 that he will soon be issuing an order rolling back EPA's Clean Power Plan and other deregulatory steps to “save the coal industry.”

Industry hails House approval of PRIA reauthorization

The House approved by voice vote a bill that would extend through fiscal year 2023 EPA's power to collect industry fees to support timely pesticide reviews, sending the measure to the Senate.

Read all the latest EPA news, analysis and documents →

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 3/22/2017 12:13:58 PM
Subject: Morning Consult Energy, Presented by the American Fuel & Petrochemical Manufacturers: Environmental Budget Cuts Could Face Bipartisan Opposition

By Jack Fitzpatrick

Washington Brief

- The White House's suggestions for cutting environmental programs could face bipartisan pushback, as both Democratic and Republican congressional districts received billions of dollars in combined contracts for environmental projects. (Bloomberg News)
  - White House Press Secretary Sean Spicer said the administration is "not considering a carbon tax," pushing back on a longshot attempt by officials with former Republican administrations to get President Donald Trump on board with a conservative-oriented policy to address climate change. (Axios)
  - A Government Accountability Office report detailed problems with communication within the Bureau of Safety and Environmental Enforcement, which Rep. Blake Fahrenthold (R-Texas) described as "distrust" between BSEE headquarters and its regional employees. (The Hill)

Business Brief

- Last year saw a 48 percent drop in plans for new coal-fired power plans worldwide, and a 62 percent drop in the start of new construction, according to a report by environmental groups Greenpeace, the Sierra Club and CoalSwarm. (BBC News)
  - Most of the world's cars will be powered by gasoline for the next two decades, continuing to drive demand for oil regardless of a surge in electric vehicles, according to Facts Global Energy. (Financial Times)
  - British electricity supplier Good Energy reached a deal to buy 12 percent

of the electricity generated from Dong Energy's offshore wind farm in Britain for one year. (Reuters)

Chart Review

Big Oil's Plan to Buy Into the Shale Boom
Bloomberg News

Events Calendar (All Times Local)

	8:30
House Energy & Commerce subcommittee hearing on Ozone	
House Natural Resources subcommittees hearing on Puerto	
	12:30
	7:30
	8:30
Chevron CEO John S. Watson speaks to Economic Club of	
	7:30

A Message from American Fuel & Petrochemical Manufacturers:

More than half of the components in the smart phones, tablets and laptops that connect us start with petrochemicals. Beyond making the fuels that power the world, American Fuel & Petrochemical Manufacturers provide the building-blocks for high-tech innovations that make our modern

Wednesday

American Coalition for Ethanol D.C. fly-in a.m.

Standards Implementation Act	10 a.m.
Rico Electric Power Authority	10 a.m.
Thursday ental Law Institute climate policy outlook	p.m.
International Conference on Climate Change	a.m.
American Coalition for Ethanol D.C. fly-in	a.m.
Bipartisan Energy Center on the North American energy trade	2 p.m.
D.C.	6 p.m.
Georgetown University Library discussion on energy policy	6 p.m.
Friday	
International Conference on Climate Change	a.m.

lifestyles possible. Learn about how American Fuel & Petrochemical Manufacturers are making our lives easier, healthier, safer and more productive at afpm.org. At AFPM, we make progress.

General

Trump's Environmental Spending Cuts Could Cost Republican Districts Billions
Christopher Flavelle et al., Bloomberg News

President Donald Trump's cuts to environmental programs may face resistance from members of his own party due to an Obama administration practice that spread billions of dollars in contracts to Republican as well as Democratic congressional districts. A Bloomberg analysis of federal contract data shows that spending related to the environment reached 423 congressional districts in fiscal year 2016 and totaled $5.9 billion.

Trump Lays Plans to Reverse Obama's Climate Change Legacy
Coral Davenport, The New York Times

President Trump is poised in the coming days to announce his plans to dismantle the centerpiece of President Barack Obama's climate change legacy, while also gutting several smaller but significant policies aimed at curbing global warming. The moves are intended to send an unmistakable signal to the nation and the world that Mr. Trump intends to follow through on his campaign vows to rip apart every element of what the president has called Mr. Obama's "stupid" policies to address climate change.

Companies promise Trump r his plan to scrap energy-efficiency program
John Siciliano, Washington E

Proponents of the federal Energy Star program for energy efficient appliances are promising President Trump a fight if he maintains his deep cuts to the program in his final budget in May. "This is a destructive proposal that walks away from decades of bipartisan support for energy efficiency going back to the Reagan administration and beyond," said Kateri Callahan, the president of the Alliance to Save Energy, a group that advocates for policies to boost efficiency.

Greens launch ad campaign a cuts
Devin Henry, The Hill

A environmental group has launched a six-figure ad campaign against proposed budget cuts to the Environmental Protection Agency (EPA). An ad from the Environmental Defense Fund (EDF) says cutting the agency's budget will lead to "more asthma attacks, more lead in drinking water, more health problems, more pollution."

Senate votes to lift limits on h ska grizzlies and wolves on federal land
Juliet Eilperin, The Washingto

The Senate voted Tuesday to abolish a rule restricting specific hunting practices on national wildlife refuges in Alaska - including trapping, baiting and aerial shooting - on the grounds that state officials should be able to set the terms for wildlife conservation on public land within their own borders. The 52-to-47 vote, which was almost entirely along party lines, represented the latest instance of Republicans using a powerful legislative tool - the Congressional Review Act - to eliminate regulations that Barack Obama's administration finalized before he left office in January.

Stocks Retreat, Bonds Gain a ade Wobbles
Samuel Potter, Bloomberg Ne

Equities dropped across the globe as investors began to question the U.S. president's ability to enact his pro-growth policies, casting doubt on the so-called reflation trade. Safe-haven assets advanced.

Oil and Natural Gas

Watchdog piles on criticism o drilling regulator
Timothy Cama, The Hill

A watchdog is alleging numerous problems at the federal government's offshore drilling regulator, including in its inspection and environmental stewardship programs. A new report from the Government Accountability Office (GAO) is the latest on the Interior Department's Bureau of Safety and Environmental Enforcement (BSEE) from Congress's watchdog, which previously identified problems ranging from revenue collection to employee retention and organizational restructuring.

Big Oil's Plan to Buy Into the n
Javier Blas, Bloomberg News

Exxon Mobil Corp., Royal Dutch Shell Plc and Chevron Corp., are jumping into American shale with gusto, planning to spend a combined $10 billion this year, up from next to nothing only a few years ago. The giants are gaining a foothold in West Texas with such projects as Bongo 76-43, a well which is being drilled 10,000 feet beneath the table-flat, sage-scented desert, and which then extends horizontally for a mile, blasting through rock to capture light crude from the sprawling Permian Basin.

Electric cars pose little threat nd
Cuneyt Kazokoglu, Financial

The popular claim that a surge in electric cars will hasten the arrival of peak oil demand is undermined by the data. The majority of the world's cars will remain powered by petrol, also commonly known as gasoline, for at least the next two decades and this will drive oil demand, according to data from Facts Global Energy.

Saudi Arabia's Oil Supremacy
Sarah McFarlane et al., The W ournal

Saudi Arabia is losing its grip on big oil markets it once dominated amid a deep production cut that has reshaped global petroleum trade routes and benefited rivals like Iran, Russia and the U.S.

Saudi Aramco to launch first l sale
Simeon Kerr and Anjli Raval, mes

Saudi Aramco is set to launch its first public bond sale, of around $2bn, as soon as this month, as it begins to tap local currency debt markets as part of a $10bn fundraising programme. People briefed on the company's plans say the world's largest energy company is expected to receive

approval from Saudi Arabia's capital markets authority this week to sell Islamic bonds, known as sukuk.

Gas Natural to file ???1bn co[illegible]inst Colombia
Tobias Buck and Andres Schi[illegible]cial Times

Gas Natural will on Wednesday file a ???1bn legal complaint against Colombia with an international arbitration panel in response to the seizure of the Spanish utility's power supply business by Bogotá. According to people briefed on the filing, the complaint will assert that the actions by the Colombian government in relation to Electricaribe amount to an expropriation.

Exxon's South Texas petroch[illegible]t wins county support
Rye Druzin, San Antonio Exp[illegible]

The San Patricio County, Texas, Commissioners Court voted twice in favor of what would be the world's largest ethane steam cracker - first approving a reinvestment zone for the land and then tax abatements. The project is a joint venture by Exxon Mobil and Saudi Arabia Basic Industries Corp., or SABIC, which want to bring the multibillion project to the Gulf Coast. The companies are also considering sites in Victoria and Louisiana.

Utilities and Infrastructure

Minnesota utility's long-term [illegible]r more renewables, less coal
Frank Jossi, Midwest Energy [illegible]

Clean energy groups won a victory last week after Minnesota regulators approved a long-range plan by Otter Tail Power Company that will double its investment in wind power and close a coal plant within the next five years. Otter Tail's updated 15-year "integrated resource plan" included suggestions from the groups Fresh Energy (which publishes Midwest Energy News), Wind on the Wires, Minnesota Center For Environmental Advocacy and Sierra Club.

Sonnen Tries Different Virtua[illegible]nt Models in Germany, Australia and America
Mike Stone, Greentech Media [illegible]

Buy a battery to store solar and never pay for electricity again. That's the bold proposition of sonnenFlat, the latest twist in an evolving virtual power plant model that developers hope will make home storage pay. Sonnen

believes the cost of providing distributed power in Australia should be offset by the income generated by ancillary services the company sells to the grid operator, leveraging the combined storage capacity of its customers' battery units.

Renewables

Britain's Good Energy to buy [illegible]nd power from Dong
Karolin Schaps, Reuters

British green energy supplier Good Energy (GOODG.L), one of the small players snapping up market share from big providers, said it had signed a one-year deal to buy electricity from a Dong Energy (DENERG.CO) wind farm off the Yorkshire coast. Good Energy, which also announced a near 40 percent jump in core profit for last year, said it will buy 12 percent of the electricity produced by Dong Energy's 210-megawatt (MW) Westermost Rough wind farm, with a view to expanding the deal in terms of length and volume.

Wind energy company renew[illegible] approval
The Associated Press

A renewable energy company again faced opposition from landowners Monday as it tried for the second time to win one of the final pieces of regulatory approval needed to carry wind power east from the nation's heartland over one of the country's longest transmission lines. Missouri utility regulators began hearing testimony on a request from Clean Line Energy to build a high-voltage transmission line from western Kansas across Missouri and Illinois to an Indiana power grid that connects with Eastern states.

Groups Urge State to Recons[illegible]olar Rules
Fred Bever, Maine Public

A broad coalition of solar power businesses, environmental advocates and industrial energy users want state regulators to reconsider new rules for solar power adopted earlier this year. But the move may just be a prelude to litigation - or legislative action.

Dominion Resources to build [illegible]olar-generating facilities
Richmond Times-Dispatch

Dominion Resources Inc. announced Monday that it will build two solar-

generating facilities in South Carolina that will be operated under long-term power-purchase agreements with South Carolina Electric and Gas. Both projects were purchased from developer Adger Solar in November.

Coal

Plans for coal-fired power pla almost half in 2016
Matt McGrath, BBC News

Twenty-sixteen saw a "dramatic" decline in the number of coal-fired power stations in pre-construction globally. The authors of a new study say there was a 48% fall in planned coal units, with a 62% drop in construction starts.

Indonesia to fuel coal demanc e boss
Matt Chambers, The Australia

New Hope Group managing -director Shane Stephan says the outlook for thermal coal used in power stations should be -bolstered in coming years as -Indonesia, the world's biggest exporter, considers domestic coal reservation. Mr Stephan said it would be "stupid" for Australia, which has squandered its cheap, secure -energy advantage, not to -investigate high-efficiency, low-emission coal plants to provide that nation with affordable, -reliable power.

Nuclear

UK asked to pause Hinkley nu or development by UN over environmental concerns
Grant Smith, The Independen

A United Nations committee has asked the UK to suspend work on the Hinkley Point C nuclear power plant, pending assessment of the environmental impact. EDF, the French state-controlled utility firm, won approval to build an £18bn nuclear plant on England's western coast in September.

Climate

Update: White House not con[illegible]rbon tax
Ben Geman, Axios

A few hours after White House press secretary Sean Spicer gave an ambiguous answer about whether the administration is considering a carbon tax, the White House took it off the table. Former Secretary of State and the Treasury James Baker and other backers had pushed the idea in a meeting with senior White House officials early last month.

The White House calls climat[illegible]search a 'waste.' Actually, it's required by law
Chris Mooney, The Washingt[illegible]

The day that President Trump's climate science-slashing budget landed last week, his government held a public meeting here to prepare the nation's Southeast region for rising seas, wildfires, extreme downpours and other impacts of climate change. Despite White House budget director Mick Mulvaney's assertion Friday that studying climate change is a "waste of your money," federal scientists are required, by a 1990 law, to do just that - and are carrying on for now, even under the cloud of budgetary uncertainty created by the Trump administration.

UN climate agency: Extreme [illegible]uncharted territory'
Devin Henry, The Hill

Extreme weather events triggered by a warming globe are pushing the Earth into "truly uncharted territory," the United Nations' weather agency said on Tuesday. The World Meteorological Organization (WMO) released its annual repot on extreme weather events on Tuesday, saying the prevalence of climate-related weather issues last year "made history" and has continued into 2017.

How Americans Think About [illegible]nge, in Six Maps
Nadja Popovich et al., The Ne[illegible]es

Americans overwhelmingly believe that global warming is happening, and that carbon emissions should be scaled back. But fewer are sure that the changes will harm them personally.

Opinions, Editorials and Perspectives

Making Solar Big Enough to M
Jeffrey Ball and Dan Reicher, ork Times

Solar energy has become big business. Over the past decade it has plummeted in cost, surged in volume, and, as booming industries do, benefited some investors and burned others.

A Message from American Fuel & Petrochemical Manufacturers:

By 2020, an estimated 18 billion devices will be wirelessly linked together by the "Internet of Things," a world made possible by petrochemicals and powered by fuels provided by American Fuel & Petrochemical Manufacturers. Learn about how American Fuel & Petrochemical Manufacturers are making our lives easier, healthier, safer and more productive at afpm.org. At AF ke progress.

Research Reports

WMO Statement on the State al Climate in 2016
World Meteorological Organiz

Warming continued in 2016, setting a new temperature record of approximately 1.1 °C above the pre-industrial period, and 0.06 °C above the previous highest value set in 2015.

How to Make Nuclear Innovat
Jessica Lovering et al., Break titute

If the nuclear industry once stood at the forefront of energy innovation, it is today rapidly losing ground. Global nuclear generation has fallen 9% since its peak in 2006, with closures outpacing new builds in many developed economies, and fossil fuels still cheaper and faster to deploy across the developing world.

Manag[illegible]ences

This email was sent by: Morning Consult

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Francesca Grifo (francescatgrifo@gmail.com)[francescatgrifo@gmail.com]; Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Otto, Martha
Sent: Wed 3/22/2017 12:14:35 PM
Subject: scientific integrity course - user report_20170322_0945.csv
scientific integrity user report_20170322_0945.csv

Hi, All,

I have asked for monthly reports on how many folks take the scientific integrity training, which is now mandatory for new hires. Attached is the first report. A total of 355 people have finished the course.

Hooray!!

Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

Asset_Title	Asset_ID	Asset_Type	Asset_Sub-type	Users_Accessed	Users_who_Completed	Actual_Duration	Average_Duration_per_User	Expected_Duration
Scientific Integrity Training	_scorm12_epa_scientific_integrity_fgc_enus	Custom	Custom	361	355	8369	22	30

To: Brantner, Emily K.[brantner.emilyk@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
From: Law, Sheryl
Sent: Wed 3/22/2017 12:29:09 PM
Subject: RE: Grants and Contracts Language Information

Thanks Emil! I'm not sure if these are all the emails I need, but this is enough to get started.

Cheers,

Sheryl

From: Brantner, Emily K.
Sent: Tuesday, March 21, 2017 12:06 PM
To: Law, Sheryl <law.sheryl@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>; Otto, Martha <Otto.Martha@epa.gov>
Subject: Grants and Contracts Language Information

Hi Sheryl,

Please find the attached emails. I believe these are the two emails that Francesca was talking about giving you at our staff meeting yesterday. Let me know if you need anything else!

Cheers,

Emily

To: Francesca Grifo (francescatgrifo@gmail.com)[francescatgrifo@gmail.com]; Grifo, Francesca[Grifo.Francesca@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]; Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]; Law, Sheryl[law.sheryl@epa.gov]
From: Otto, Martha
Sent: Wed 3/22/2017 12:55:46 PM
Subject: article: Sen. Lankford Introduces Bill Applying TSCA Science Standards To APA

Hi, All,

Interesting article from Inside EPA:

Sen. Lankford Introduces Bill Applying TSCA Science Standards To APA

https://insideepa.com/daily-news/sen-lankford-introduces-bill-applying-tsca-science-standards-apa

- Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Kei Koizumi
Location: Phone: Ex. 2 Room: 941-799-553
Importance: Normal
Subject: Conference call about AAAS Forum session on scientific integrity
Start Date/Time: Thur 3/23/2017 7:30:00 PM
End Date/Time: Thur 3/23/2017 8:00:00 PM

;;
Thank you for participating in a brief call about the AAAS Forum on S&T Policy session Monday March 27 4-5:30 on scientific integrity policies. I look forward to speaking with you in preparation for a great session!
Phone: 888-585-9008
Room: 941-799-553
Kei Koizumi

To: Grifo, Francesca[Grifo.Francesca@epa.gov]; Hawkins, CherylA[Hawkins.CherylA@epa.gov]; Law, Sheryl[law.sheryl@epa.gov]; Parkinson, Lorna[parkinson.lorna@epa.gov]; Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Otto, Martha
Sent: Wed 3/22/2017 1:05:34 PM
Subject: Facing Severe Budget Cuts, Officials Urge EPA Staff To 'Ride This Out'

Hi, All,

Somehow, I found this article to be uplifting.

Facing Severe Budget Cuts, Officials Urge EPA Staff To 'Ride This Out'

https://insideepa.com/daily-news/facing-severe-budget-cuts-officials-urge-epa-staff-ride-out

- Marti

Martha Otto
Office of the Science Advisor
mail code 8105R
tel: 202.564.2782
otto.martha@epa.gov

From: Kei Koizumi
Location: Phone: Ex. 2 Room: 941-799-553
Importance: Normal
Subject: Conference call about AAAS Forum session on scientific integrity
Start Date/Time: Thur 3/23/2017 7:30:00 PM
End Date/Time: Thur 3/23/2017 8:00:00 PM

;;
Thank you for participating in a brief call about the AAAS Forum on S&T Policy session Monday March 27 4-5:30 on scientific integrity policies. I look forward to speaking with you in preparation for a great session!
Phone: Ex. 2
Room: 941-799-553
Kei Koizumi

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Francesca Grifo
Sent: Wed 3/22/2017 1:15:43 PM
Script January 2016 SCIC Pre-Meetings.docx

Spring 2017 SCIC Pre-Meetings

1. Scl Quarterly Meeting Agenda [Handout provided]

2. Allegations for your Office/Region

3. Additional Scientific Integrity deputies/reps for your office, region or program

4. Allegations originating in or related to your region or office

5. New Administration

6.

7. Any issues you wish to raise

OTHER TO DO:

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Francesca Grifo
Sent: Wed 3/22/2017 1:16:07 PM
Draft Agenda for ScIC 25 January 2017 meeting.docx

SCIENTIFIC INTEGRITY COMMITTEE MEETING

Chair: Francesca Grifo, Ph.D., Scientific Integrity Official

Thursday, April 25, 2017
3:00 – 5:00 PM EDT
Room Location at HQ: RRB 51161
We will be using the Tandberg system.
Audioconference No: , access code

DRAFT AGENDA

1. **Introductory Remarks and Updates** (35 minutes, to 3:35)
   Lead: Francesca Grifo
   Updates: Status of Allegations
   Training: status and evaluation
   Status of Projects

2. **FY 2017 Work Plan** (20 minutes, to 3:55)
   Lead: Francesca Grifo
   Objective: Obtain Committee Input on Work Plan

3. **Management Survey and Training** (40 minutes, to 4:35)
   Lead: Francesca Grifo
   Objective: Obtain Committee Input

4. **Scientific Integrity 5 Year Anniversary** (20 minutes, to 4:55)
   Lead: Francesca Grifo
   Objectives: Obtain Committee Input

5. **Summary of Action Items** (5 minutes, to 5:00)
   Lead: Emily Brantner

DRAFT

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
Cc: Brantner, Emily K.[brantner.emilyk@epa.gov]
From: Parkinson, Lorna
Sent: Wed 3/22/2017 1:57:13 PM
Subject: AAAS Forum Presentation
AAAS SCIENCE AND TECHNOLOGY FORUM -FTG 2017pptx.pptx

Hi Francesca,

Here are your slides for your presentation next week with AAAS. I wanted to make sure that I sent these to you before I left.

Thanks!

Lorna

Lorna Parkinson

Scientific Integrity Research Support Associate

Office of the Science Advisor

ORAU Contractor for U.S. EPA

202.564.0439

parkinson.lorna@epa.gov

Scientific Integrity at EPA

AAAS Science and Technology Policy Forum

March 27th, 2017

Francesca T. Grifo, PhD

Scientific Integrity Official

US Environmental Protection Agency

EPA Scientific Integrity Policy

- Draft Policy – August 2011
- Public Comment Period
- Final Policy in February 2012

What is Scientific Integrity?

- Adherence to professional values and practices when conducting, communicating and applying the results of science

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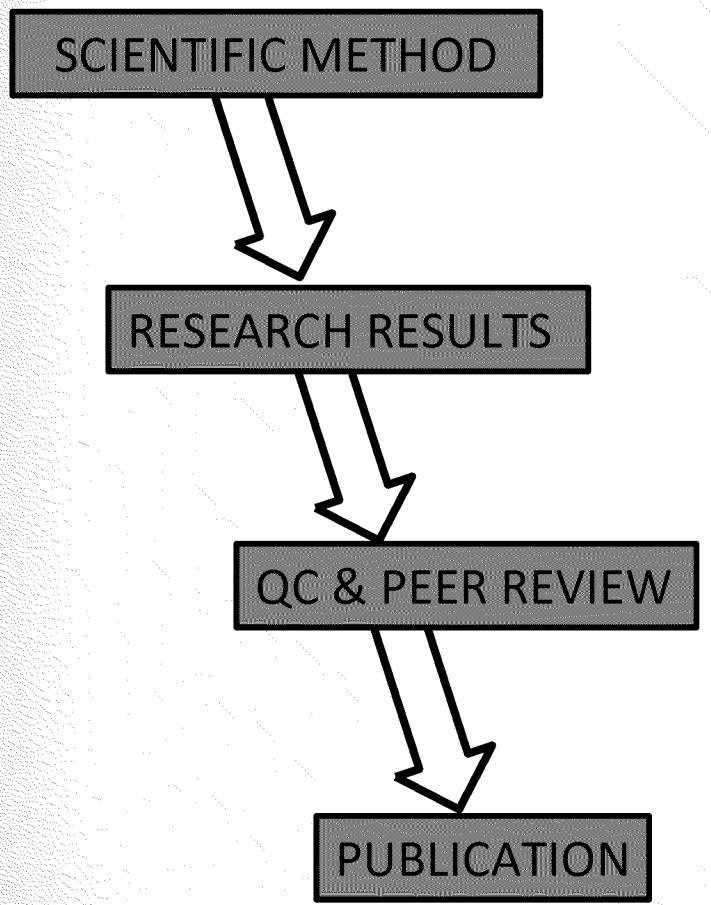
- Ensures objectivity, clarity, reproducibility and utility

What is Scientific Integrity?

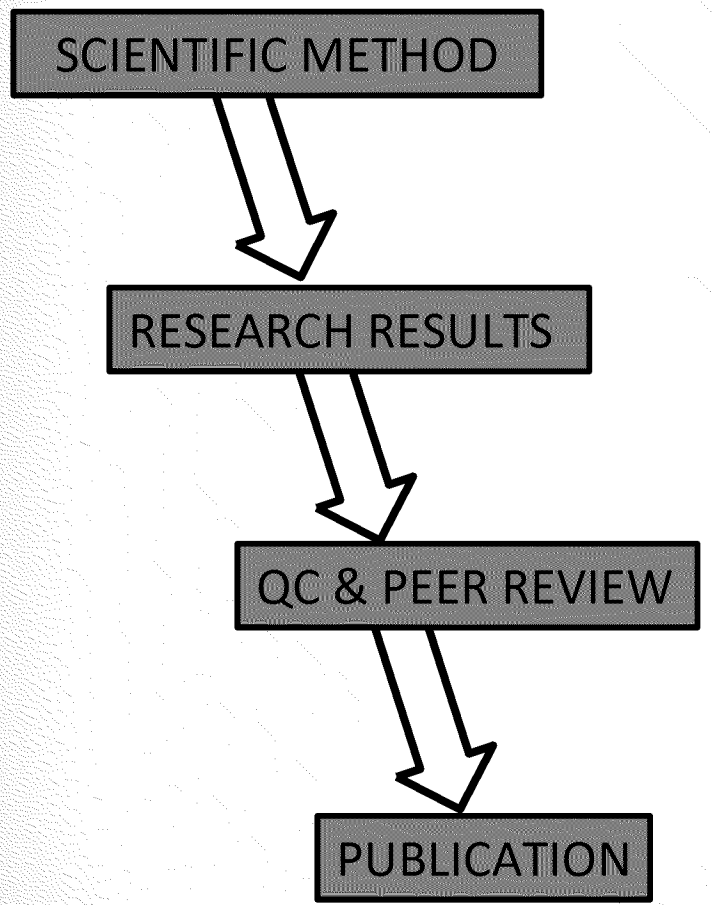
- Adherence to professional values and practices when conducting, communicating and applying the results of science
- Ensures objectivity, clarity, reproducibility and utility
- Provides insulation from bias, fabrication, falsification, plagiarism, outside interference and censorship

Scientific Misconduct

- 2003 - Policy and Procedures for Addressing Research Misconduct
- Adjudicated by EPA Inspector General
- 2016 Agreement that Plagiarism is typically delegated to Scientific Integrity


SCIENTIFIC METHOD
RESEARCH RESULTS
QC & PEER REVIEW
PUBLICATION

RESEARCH INTEGRITY



RESEARCH INTEGRITY

SCIENTIFIC METHOD

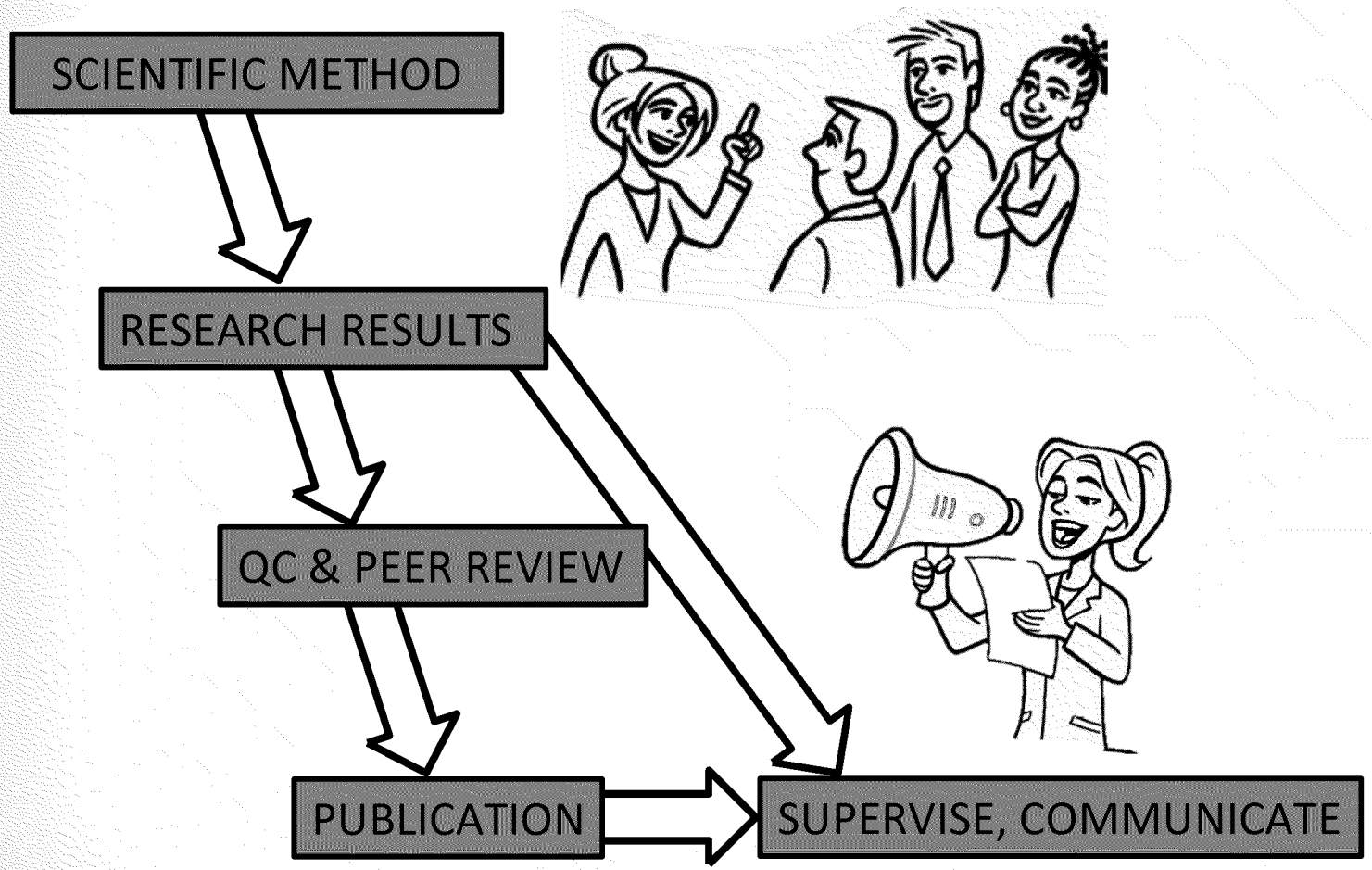
RESEARCH RESULTS

QC & PEER REVIEW

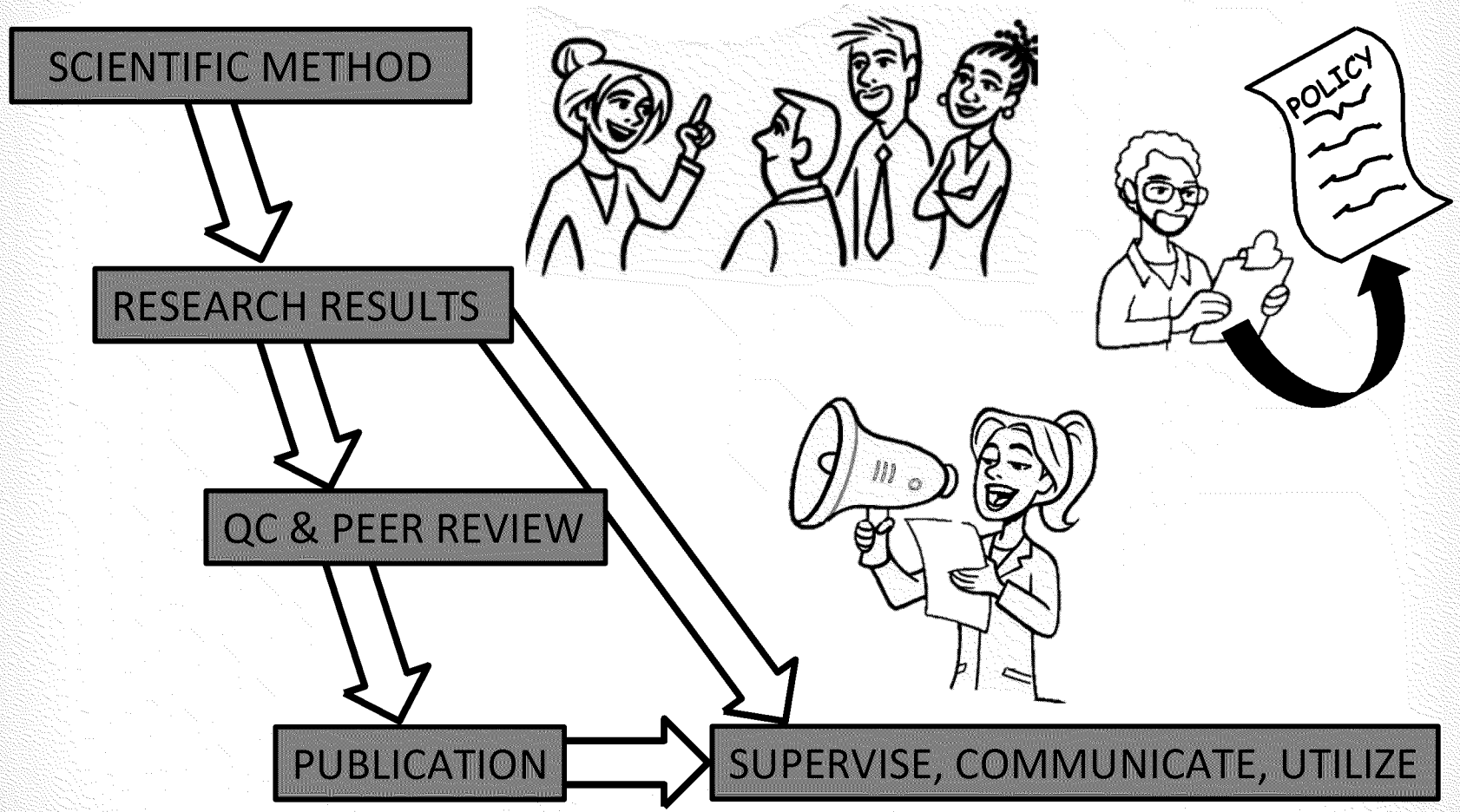
PUBLICATION

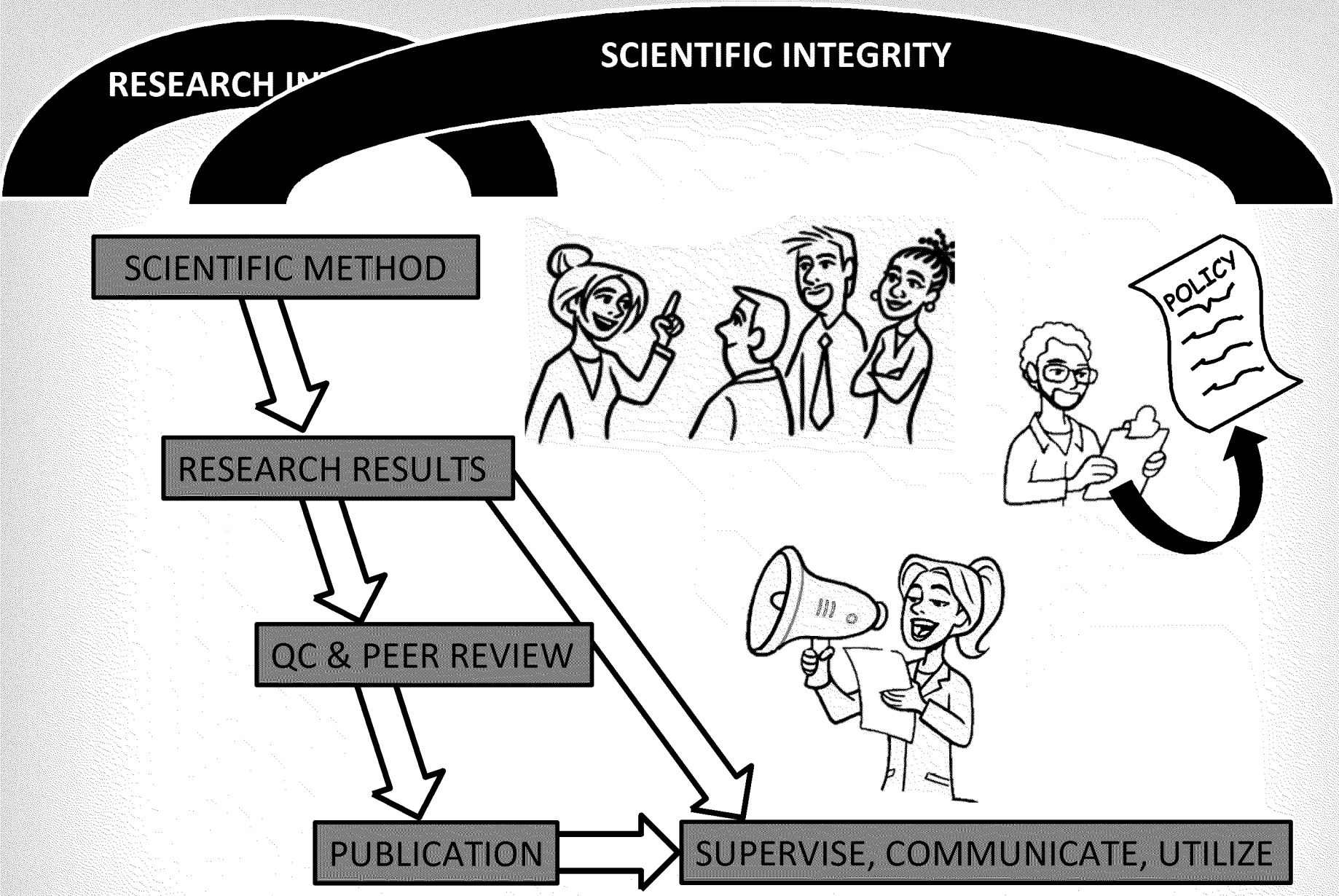
SUPERVISE

RESEARCH INTEGRITY



RESEARCH INTEGRITY




RESEARCH IN
SCIENTIFIC INTEGRITY
SCIENTIFIC METHOD
RESEARCH RESULTS
QC & PEER REVIEW
PUBLICATION
SUPERVISE, COMMUNICATE, UTILIZE
POLICY

Ensuring Scientific Integrity

- Validation of Scientific Methods
- Qualified Scientists
- Accreditation of Labs and Facilities
- Information Quality and Quality Assurance

Ensuring Scientific Integrity

- Validation of Scientific Methods
- Qualified Scientists
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- Information Quality and Quality Assurance

+

- Peer Review/ FACA
- No Conflict of Interest
- Free Flow of Science
- Management Review based on Scientific Quality
- Timely Release

Ensuring Scientific Integrity

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=

- Open Scientific Culture
- Honest Investigation
- Firm Commitment to Evidence
- Culture of Robust Scientific Inquiry and Discussion

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=

- Open Scientific Culture
- Honest Investigation
- Firm Commitment to Evidence
- Culture of Robust Scientific Inquiry and Discussion

→

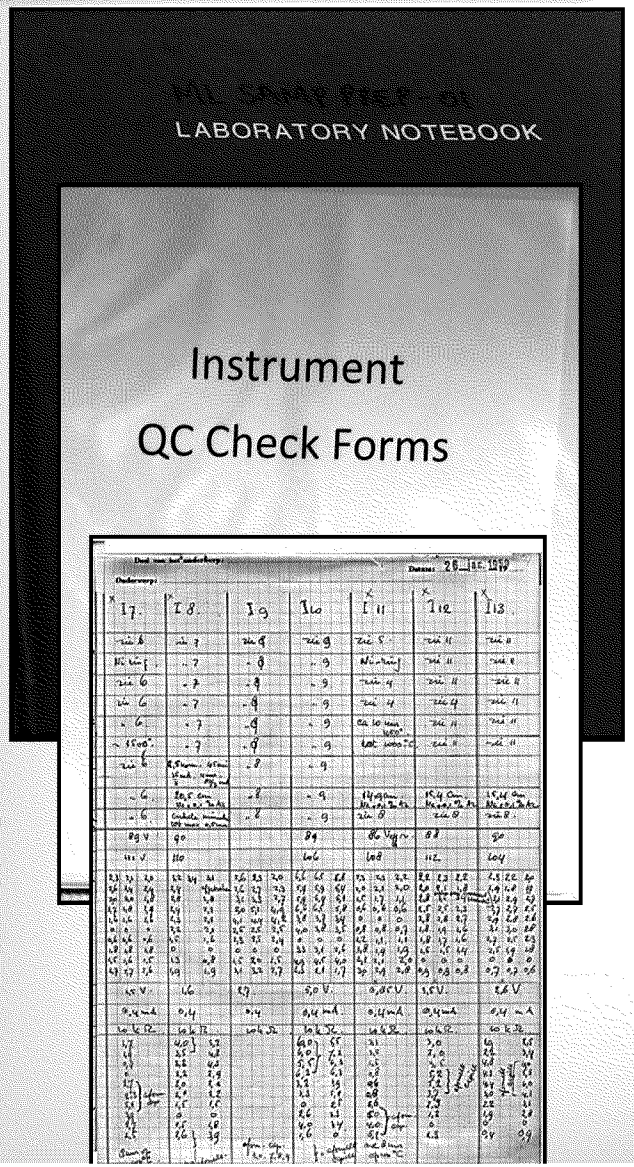
- Public Trust in Agency Science
- Transparent Scientific Processes and Open Communication of Science
- Scientific Conclusions Are Not Influenced by Their Policy Implications
- Scientists Are Able To Do Their Best Work

Who does the Policy apply to?

All employees, contractors, grantees, volunteers and collaborators who:

- Conduct, supervise, manage or influence scientific activities;
- Communicate information in an official capacity;
- Utilize scientific information in making Agency policy or management decisions.

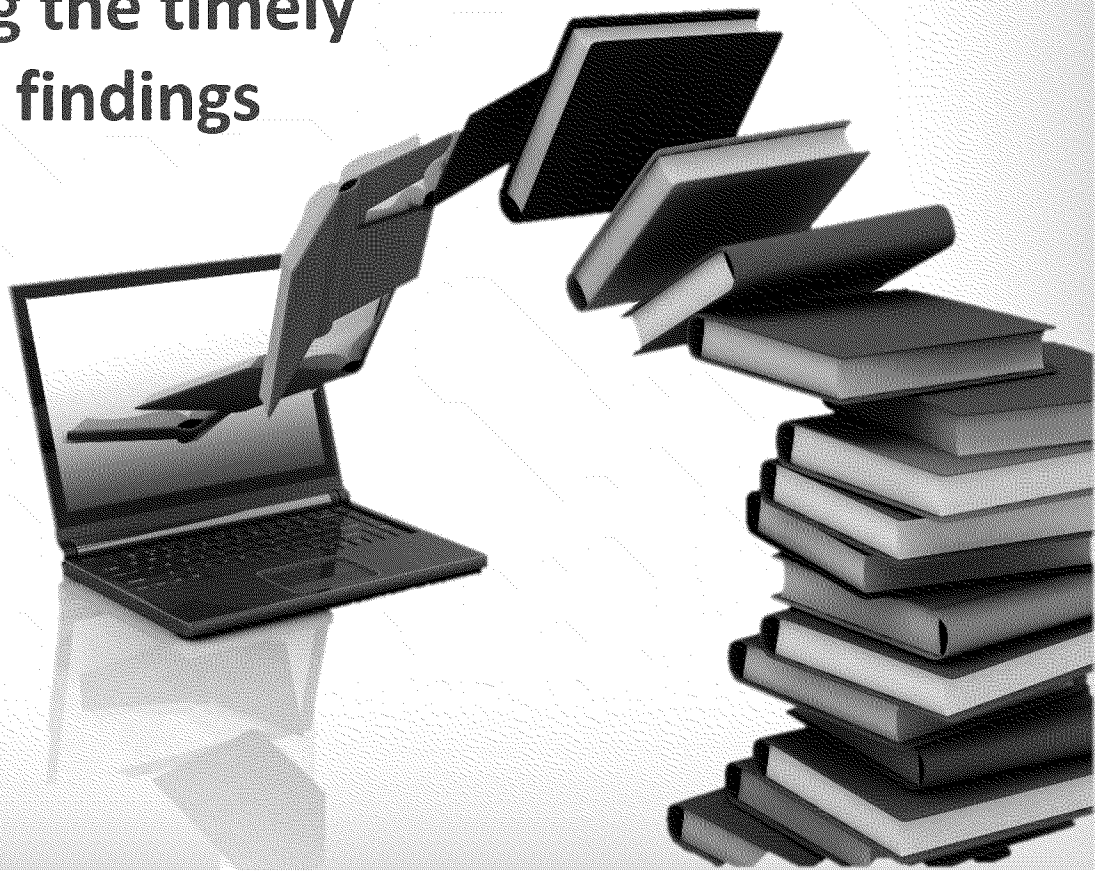
Strengths of the EPA Scl Policy



- Fosters honest investigation, open discussion, refined understanding and a firm commitment to evidence
- Requires adherence to applicable Agency information quality assurance policies and procedures
- Requires adherence to Agency documents on use and characterization of science in policy development
  - Guidance and handbooks on risk characterization

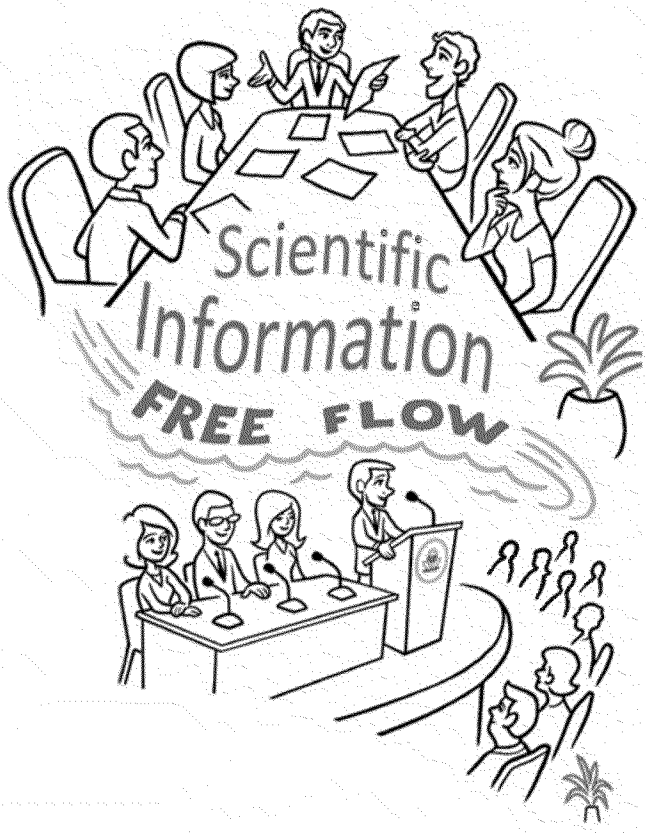
Strengths of the EPA Sci Policy

- **Prohibits all EPA employees from suppressing, altering, or otherwise impeding the timely release of scientific findings**



Strengths of the EPA Scl Policy

- Requires EPA to expand and promote access to scientific information



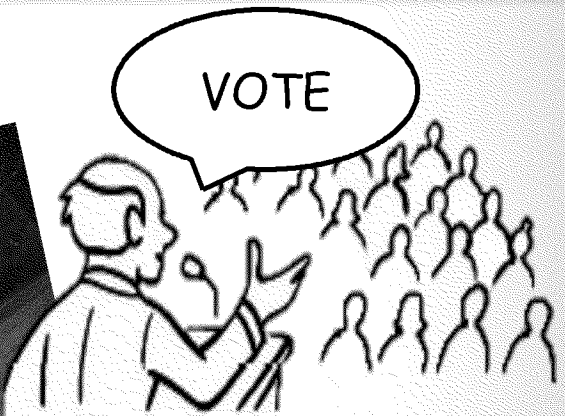
Strengths of the EPA Sci Policy

- Prohibits Agency leadership from intimidating or coercing scientists to alter scientific data, findings or professional opinions

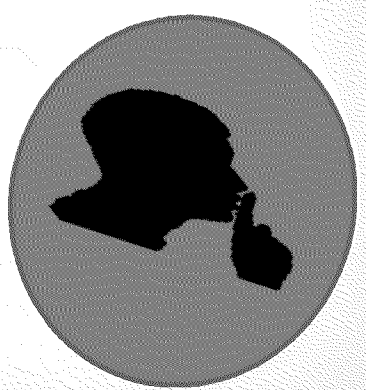
Strengths of the EPA Scl Policy

Personal Views Exception

Strengths of the EPA Scl Policy



Personal Views Exception



Strengths of the EPA Scl Policy

Right to Last Review

Strengths of the EPA Sci Policy

- Selection of Scientific and Technical FAC Members is transparent and based on scientific credentials
- Members of scientific and technical FACs should be appointed as special government employees
- All reports, recommendations and findings of FACs are solely FAC findings and not subject to Agency revision

Scientific Integrity Committee

- 24 Deputy Scientific Integrity Officials representing each of the Agency's Program Offices and Regions

- Mostly Deputy Assistant Administrators, Regional Science Liaisons and Regional Lab Directors

Annual Activities

- Scientific Integrity Committee
- Annual Meeting
- Annual Report
- Stakeholder Meetings
- Training
- Contractor - Managed Peer Review
- Quarterly Meetings With the OIG and OGC
- Certify Policy Compliance

Training

- Training Objectives –
  1. Know the definition of scientific integrity
  2. Know where to find information about scientific integrity
  3. Understand how scientific integrity enhances the work of EPA to protect human health and the environment
  4. Learn what constitutes an allegation of a lapse in scientific integrity
  5. Know how and where to report an allegation.

- The introductory video, Scientific Integrity at EPA, and one case study video will be available each year -- in 2016, 2017, and 2018
- Shown followed by 20 minutes of Q & A
- The Scientific Integrity at EPA Video is mandatory for onboarding of all EPA new hires and available for use with contractors and grantees
- We have a curriculum guide/lesson plan for each video

Management Training and Survey

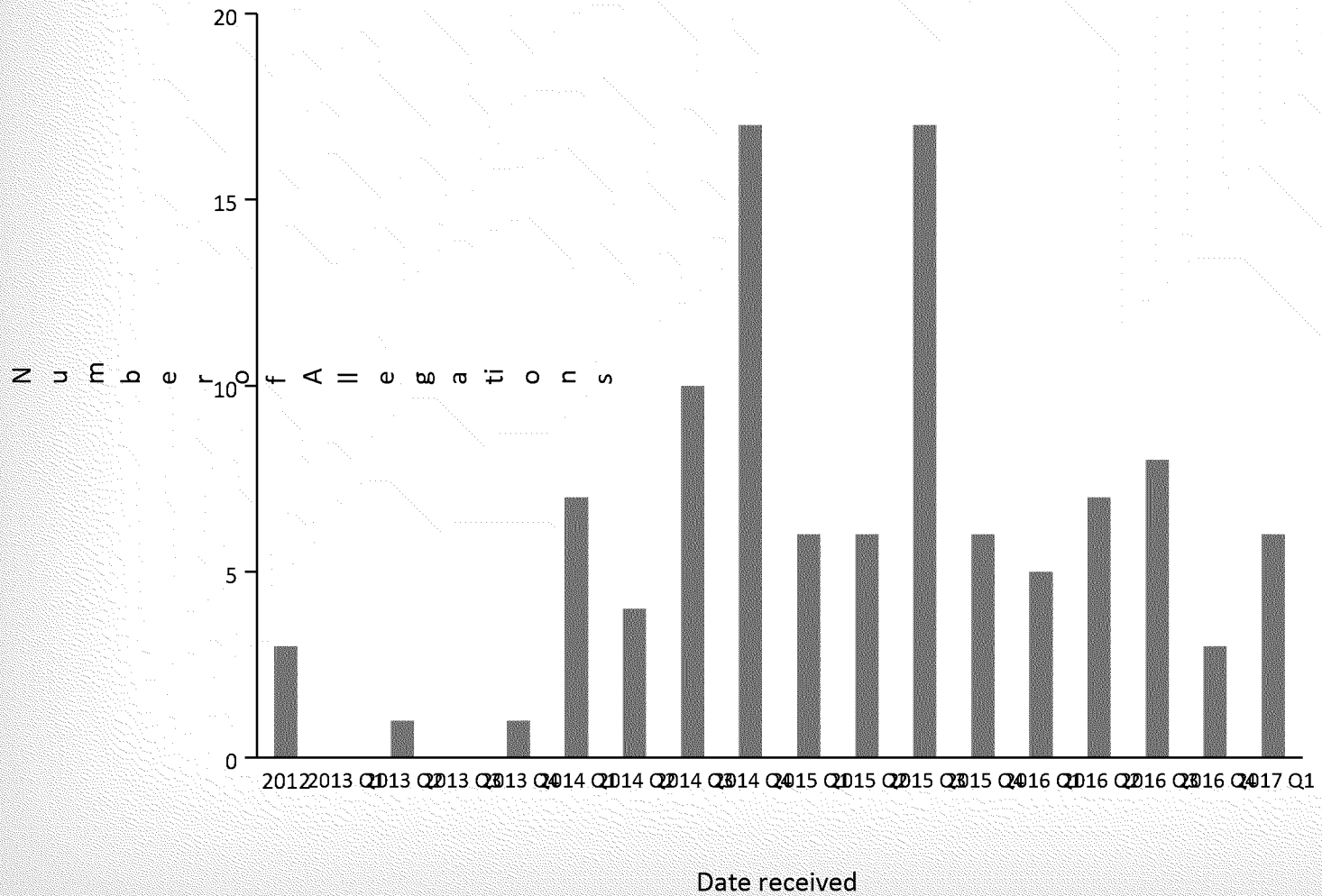
- Training
  - Scientific Integrity Best Practices for Leaders (includes 10 case studies)
  - Scientific Integrity Planner
  - Case Study
- Annual "Climate" Survey

Management Training and Survey

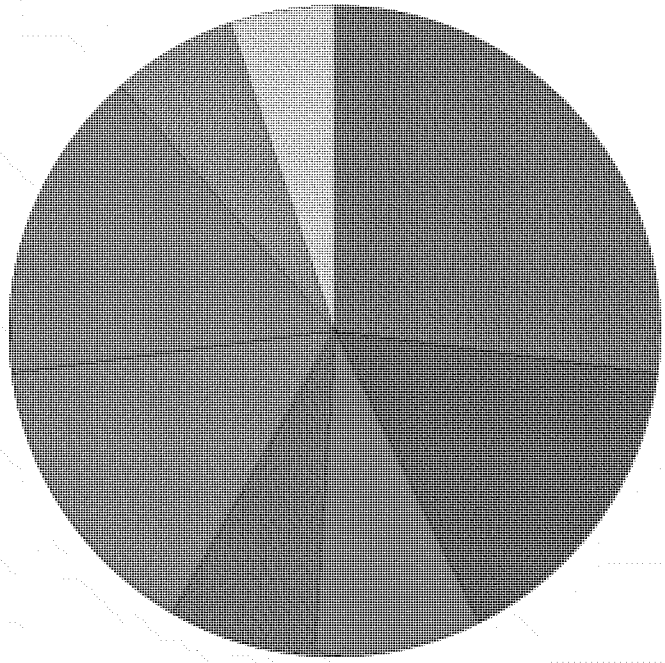
- All of them built around 4 themes
  1. Upholding a culture of scientific integrity
  2. Encouraging good policies and practices
  3. Leading science with integrity
  4. Mediating negative influences on scientific integrity

Allegations

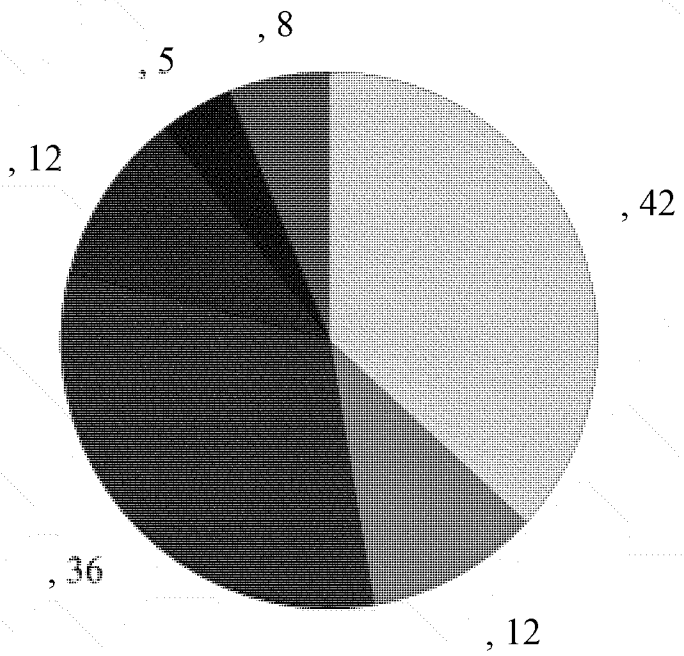
2012 to 2016


Number of Allegations
20
15
10
5
0
2012
2013 Q1
2013 Q2
2013 Q3
2013 Q4
2014 Q1
2014 Q2
2014 Q3
2014 Q4
2015 Q1
2015 Q2
2015 Q3
2015 Q4
2016 Q1
2016 Q2
2016 Q3
2016 Q4
2017 Q1
Date received

2012 to 2016



2012 to 2016



42 + 12 + 36 + 12 + 5 + 8 = 115 total allegations

Reporting an Allegation

- HOW –
  - Formal
  - Informal

Reporting an Allegation

- **WHERE-**
  - Scientific Integrity Official
  - Deputy Scientific Integrity Official
  - Office of Inspector General Hotline

Current Initiatives

- Clearance Best Practices
- Differing Scientific Opinions Policy
- Language for Grants and Contracts
- Management Training
- Scientific Integrity Policy Birthday Party

To: ORD-Exec-Council-Directors[Execcouncildirectors@epa.gov]
Cc: ORD-Mgmt-Council[ORDMgmtCouncil@epa.gov]; ORD-IOAA-Front Office Support[ORDIOAASUPPORT@epa.gov]; ORD-OSA[ord-osa@epa.gov]
From: Cox, Taylor
Sent: Wed 3/22/2017 3:24:29 PM
Subject: OSA Weekly Report
Weekly Report3_24_17.docx

Hi All,

Please find OSA's Weekly Report attached to this email for your information. Have a great remainder of your week.

Best,

Taylor

Taylor Cox

Office of the Science Advisor

ORAU for U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20460

W: (202) 564-5406

cox.taylor@epa.gov

-

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

- On March 24th the National Academies of Sciences (NAS) will provide a briefing to EPA on its report *Assessing Toxicologic Risks to Human Subjects Used in Controlled Exposure Studies of Environmental Pollutants.* The report is embargoed

until Tuesday, March 28th.

- The EPA Office of the Inspector General sent their draft report on their Follow-Up Evaluation of EPA's Human Subject Research Program. The document outlines their preliminary observations and recommendations. Comments on this document are due to the OIG by April 4th.

-

UPCOMING MAJOR PUBLIC EVENTS

- On March 27th, Dr. Francesca Grifo, the Scientific Integrity Official, is speaking at the AAAS Forum on Science and Technology Policy session on "Implementing Scientific Integrity Policies in Federal Agencies." She will be giving an update on the progress of scientific integrity at the EPA.

-

PAST WEEK ACCOMPLISHMENTS

- The Innovation Team and NRMRL have launched a new ideation challenge, "Solution Building with Citizen Science", and it is now active on EPA GreenSpark. The challenge was launched on Tuesday, March 14th with a webinar introducing citizen science along with a request for proposals from NRMRL scientists. The Innovation Team and NRMRL are encouraging participation in the ideation from all of ORD to help NRMRL scientists develop proposal ideas that advance ORD research priorities, provide feedback, and find potential collaborations from fellow scientists throughout EPA.
- On Friday, March 17, Lara Phelps delivered a keynote address for the modeling workshop, "Modeling of Cumulative Effects in Integrated Resource Management: Challenges and Opportunities," in Edmonton, Alberta, Canada.

- On March 22, The EPA Science Technology Policy Council held its quarterly meeting. Topics include implementing the EPA public access to research plan, Laboratory Enterprise Forum activities, extending the Innovation team's work across EPA, and several Risk Assessment Forum activities.

- The Federal Community of Practice for Citizen Science and Crowdsourcing (CCS), co-chaired by the Innovation Team, was selected as a finalist for the Harvard Kennedy School's 2017 Innovations in American Government Awards competition.

CCS is 1 of 11 finalists, representing the top 2% of the applicant pool. EPA submitted the initial application for the 2016-2017 Innovations in American Government Awards in April 2016 on behalf of the multi-agency community of practice. (Note: The award finalists have not yet been announced, so this information is for internal use only.)

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Office of the Science Advisor
Weekly Report
Ending March 24, 2017

Office of the Science Advisor
Weekly Report
Ending March 24, 2017

To: ORD-DC Feds and NonFeds[ORDDCFedsandNonFeds@epa.gov]
Cc: Sykes, John[Sykes.John@epa.gov]; Hammel, Craig[hammel.craig@epa.gov]; Kress, Jay[Kress.Jay@epa.gov]; McDowell, Mike[McDowell.Mike@epa.gov]
From: Knudsen, Keeley
Sent: Wed 3/22/2017 3:45:29 PM
Subject: YOUR ACTION REQUESTED: Please log off computers on Thursday, March 23, 2017

All:

On Thursday, March 23, 2017, please logoff your computer when leaving the office. Computer System upgrades will be performed on Thursday evening during our normal computer maintenance schedule. On Friday, March 24th, or the next time that you access the network, please login to your computer using the normal process. If any issues arise, please contact EZ Tech at Phone 1-866-411-4EPA (4372) option #3 and/or email EZTech@epa.gov with your issue. If you have any questions, you may contact OSIM's Mike McDowell at 754-541-4474 and/or mcdowell.mike@epa.gov.

Thank you!

Keeley Knudsen

Customer Support Representative/ Local Information Security Officer (LISO)

ORD/OSIM/CSD

Office - (202)-566-2461

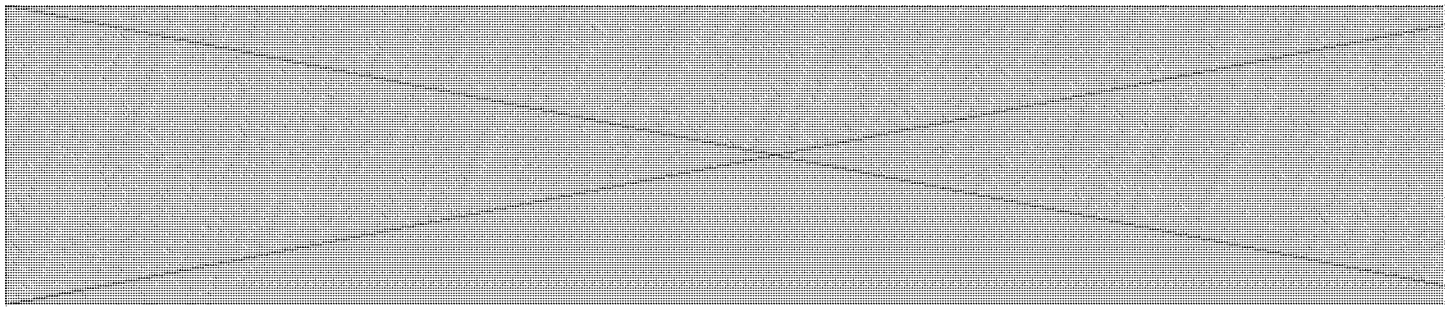
Cell – (202)495-8897

For more detailed information about OSIM Services, see our:

IT Resources, How to Submit Tickets, and/or OSIM IT Tips.

Please conserve paper and think before you print. The trees thank you.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bethany Spencer
Sent: Wed 3/22/2017 5:10:23 PM
Subject: Reminder - AAAS Forum on Science & Technology Policy



Dear Francesca,

The AAAS Forum on Science & Technology Policy is fast approaching! Please make a note of it on your calendar and check out the Program. Additional details are below.

Time: 8:00 AM
Date: Monday, March 27, 2017
Location: Ronald Reagan Building
Address: 1300 Pennsylvania Ave, NW, Washington, District of Columbia 20004
Confirmation Number: DXNZ7K4RY66
Current Registration:

Registration Information:	
Registration Items	
Francesca Grifo	Speaker Registration

On Tuesday, March 28, join us at AAAS headquarters for the March Colloquium. This will be a discussion with physicist Richard Garwin and the author of his new biography, Joel Shrukin. Charles Ferguson, of the Federation of American Scientists, will also be participating. Garwin is most famous in physics for his experiment on the violation of parity, which showed that the world in the mirror doesn't always mimic the world being reflected. He also created the design used to build the first hydrogen bomb. Click here to RSVP.

We look forward to seeing your there.

Sincerely,
Bethany Spencer
AAAS
bspencer@aaas.org

If you no longer want to receive emails from Bethany Spencer, please Opt-Out.

To: ORD-DC Feds and NonFeds[ORDDCFedsandNonFeds@epa.gov]
Cc: Sykes, John[Sykes.John@epa.gov]; Hammel, Craig[hammel.craig@epa.gov]; Kress, Jay[Kress.Jay@epa.gov]; McDowell, Mike[McDowell.Mike@epa.gov]
From: Knudsen, Keeley
Sent: Wed 3/22/2017 5:25:32 PM
Subject: REVISED- YOUR ACTION REQUESTED: Please log off computers on Thursday, March 30, 2017

All:

I've just been informed that there has been a change in the date for this requested log off of your PC. The new date is now 3/30/17 - next Thursday.

I apologize for any confusion this may have caused.

Keeley Knudsen

Customer Support Representative/ Local Information Security Officer (LISO)

ORD/OSIM/CSD

Office - (202)-566-2461

Cell – (202)495-8897

For more detailed information about OSIM Services, see our:

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On Mar 22, 2017, at 11:45 AM, Knudsen, Keeley <Knudsen.Keeley@epa.gov> wrote:

> All:
>
> On Thursday, March 23, 2017, please logoff your computer when leaving the office. Computer System upgrades will be performed on Thursday evening during our normal computer maintenance schedule. On Friday, March 24th, or the next time that you access the network, please login to your computer using the normal process. If any issues arise, please contact EZ Tech at Phone 1-866-411-4EPA (4372) option #3 and/or email EZTech@epa.gov with your issue. If you have any questions, you may contact OSIM's Mike McDowell at 754-541-4474 and/or mcdowell.mike@epa.gov.
>
> Thank you!

Keeley Knudsen

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Please conserve paper and think before you print. The trees thank you.

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 3/22/2017 5:32:16 PM
Subject: March 22 -- Greenwire is ready

Read today's Greenwire on the web

AN E&E NEWS PUBLICATION

GREENWIRE — Wed., March 22, 2017

READ FULL EDITION

1.NATIONAL PARKS:

Interior Twitter shutdown after inaugural a mistake — emails

The Interior Department never intended to suspend all Twitter activity after the National Park Service shared tweets about President Trump's inauguration turnout, according to internal emails released to E&E News today.

TOP STORIES

2.POLITICS:
Greens write playbook for 'environmental Armageddon'

3.CLIMATE:
White House slams door on carbon tax

4.OBITUARY:
Pioneering federal ornithologist dies at 98

POLITICS

5.CLIMATE:
Could Mattis and Tillerson buddy up on warming?

6.KEYSTONE XL:
Trump says he threatened TransCanada to drop NAFTA suit

7.CLIMATE:
Trump's tweets could harm his environmental rollbacks

CONGRESS

8.NUCLEAR:
Senate panel approves bipartisan reform bill

9.WATER POLICY:
Lawmakers stress infrastructure investment needs

10.SUPREME COURT:
LCV urges senators to reject Gorsuch

NATURAL RESOURCES

11.FORESTS:
Judge rejects federal approval of Ore. logging project

12.FORESTS:
Residents clash with feds over dam demo in dawn showdown

13.WILDLIFE:
Feds inadvertently killed 15 pets last year

14.WILDLIFE:
Duck hunting dips dramatically in U.S. since 1970

LAW

15.OREGON STANDOFF:
Last 4 defendants found guilty on misdemeanor charges

16.EPA:
Watchdog group sues agency for encrypted messages

17.DOE:
Federal appeals court weighs loan office cronyism charge

18.OIL AND GAS:
Judge halts Calif. injection fines

CLIMATE CHANGE

19.AGRICULTURE:
Beef consumption declines and so do emissions — report

20.ADVOCACY:
Documentaries highlight climate security risks

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21.DAKOTA ACCESS:
Holes burned through unused pipe highlight sabotage risk

22.REFINERIES:
Texas school board OKs $10B petrochemical plant

23.COAL:
Power plant construction plummeted in 2016 — study

24.PIPELINES:
Canadian spill prompts rare safety board deployment

FEDERAL AGENCIES

25.PEOPLE:
National Hurricane Center director moves to Weather Channel

PUBLIC HEALTH

26.LEAD:
Calif. towns see higher poisoning rates than Flint

STATES

27.WEST VIRGINIA:
Senator yanks bill to reduce coal mine safety enforcement

INTERNATIONAL

28.CZECH REPUBLIC:
Zoo cuts off rhino horns to deter poachers

29.INDONESIA:
Cruise ship causes serious damage to reef

30.CAMBODIA:
Power line electrocutes endangered elephant

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Wed 3/22/2017 6:20:25 PM
Subject: BREAKING: Suit Accusing FERC Of Pro-Energy Industry Bias Thrown Out [WARNING: DKIM validation failed]

ENVIRONMENTAL

Wednesday, March 22, 2017

BREAKING: Suit Accusing FERC Of Pro-Energy Industry Bias Thrown Out

A D.C. federal judge on Wednesday dismissed an environmental group's suit claiming the Federal Energy Regulatory Commission's pipeline approval process unconstitutionally favors the energy industry, saying there's no evidence that FERC is biased.

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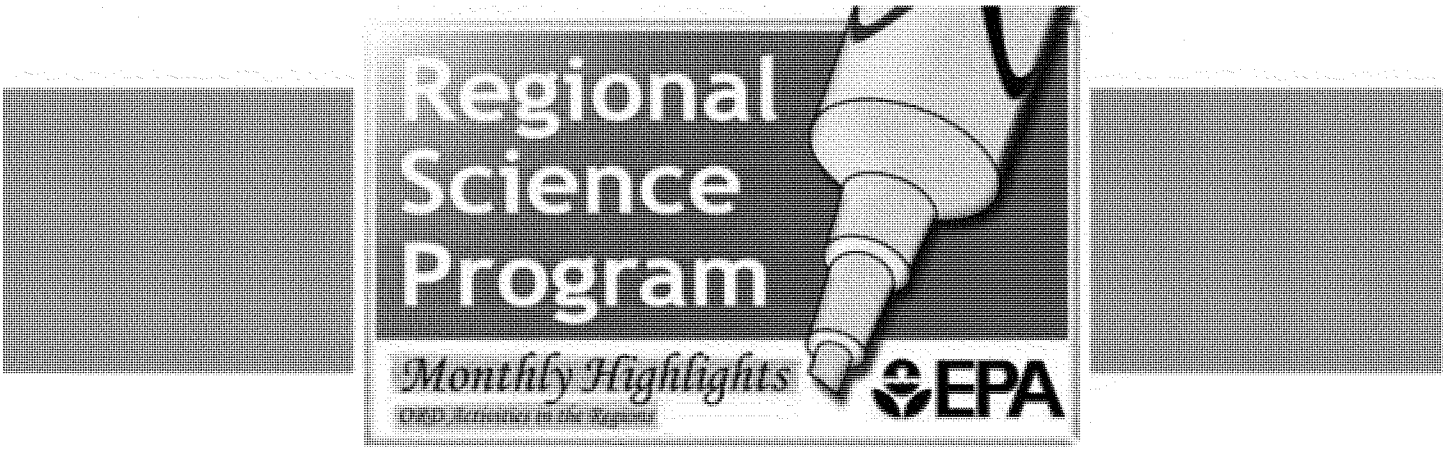
From: Otto, Martha
Location: FTG's office
Importance: Normal
Subject: talk about Scl budget
Start Date/Time: Wed 3/22/2017 7:45:00 PM
End Date/Time: Wed 3/22/2017 7:55:00 PM

From: Otto, Martha
Location: FTG's office
Importance: Normal
Subject: talk about Scl budget
Start Date/Time: Wed 3/22/2017 7:45:00 PM
End Date/Time: Wed 3/22/2017 7:55:00 PM

To: Drumm, Heather[Drumm.Heather@epa.gov]
From: Drumm, Heather
Sent: Wed 3/22/2017 6:44:17 PM
Subject: Regional Science Program Monthly Highlights - March 2017



March 2017

Top Stories | Around the Regions | Upcoming Events | Publications | Site Visits & Technical Support | RSP Staff Highlight

TOP STORIES

Regional Research Partnership Program

The 2017 Regional Research Partnership Program (R2P2) candidates and projects have been selected. R2P2 provides short-term training opportunities for regional technical staff to work directly with ORD scientists on high priority regional topics. This year, staff from seven regions will work with scientists from across ORD on a range of projects:

- Evaluating and presenting cyanobacterial data in Region 1
- Collaborating on CSS products and their application in Region 2
- Studying the fate and transport of radionuclides in freshwater in Region 3
- Assessing the use of ORD decision support tools in port communities in Region 4
- Fostering local partnerships in Region 5 with C-FERST and EnviroAtlas
- Monitoring harmful algal blooms in Region 7 using ORD-developed qPCR assays

•□□□□□□□□ Testing satellite derived data of harmful algal blooms in Region 9

Personnel Announcements

A Farewell in Region 3 - Ron Landy, the Region 3 RSL, retired on March 3. During his years as RSL, Ron was committed to actively communicating ORD's research, tools and initiatives with federal, state, local and non-profit stakeholders. His significant contributions to both ORD and Region 3 will not be forgotten.

A Welcome to Amy Shields, the new Acting RSL in Region 7. Amy is the Senior Water Policy Advisor for Region 7's Water, Wetlands and Pesticide Division where she coordinates and executes the division's strategic actions on resiliency, adaptation and harmful algal blooms. She is also the co-lead of the Kansas City Federal Executive Board Sustainability Committee and the regional representative on the Federal Partners in Mitigation and Resilience Working Group.

OSP is participating in a series of senior regional management discussions and staff interviews with Regions 3, 7 and 8 to fill the RSL vacancies in these regions.

Region 9 RSL Receives Award

Matt Small, the Region 9 RSL received the Annual Association for Environmental Health and Sciences (AEHS) Foundation Achievement Award at the 27th Annual International Conference on Soil, Water, Energy, and Air. This award recognizes individuals or organizations that have shown significant contributions to the field as well as outstanding environmental stewardship.

AROUND THE REGIONS

Work Begins on a Multiregional RARE Project

The STLs in Regions 1, 2, 5 and 10 are working with ORD/NRMRL on a recently funded RARE project titled: "A total PFAS approach to characterizing contaminated sites: Don't forget the precursors." The project team will develop a well-defined total-PFAS detection approach that will help states and regions characterize impacted sites for PFAS chemicals and PFAS precursors.

Planning Collaborative Research Efforts in Region 1

On March 9, the Region 1 RSL, Robert Hillger met with ORD/NRMRL in Edison, NJ to review ongoing stormwater infrastructure research. Region 1 is interested in corrective remedial technologies for cleaning up nutrient loads from septic systems in coastal environments with dense populations. The RSL also met with Region 2 staff to discuss

an ongoing multi-regional RARE project to evaluate and verify innovative methods for detecting marine microplastics. Regions 2, 4, and 9 are currently involved in this project, and Region 1 is considering joining this effort in FY18.

Region 2's Citizen Science Equipment Loan Program

Since 2013, Region 2 and ORD/NERL have partnered through the RARE Program to pilot air sensor units and offer air-monitoring equipment to regional communities. Region 2 recently announced its 2017 Citizen Science Equipment Loan Program, which will loan water quality meters, bacterial testing equipment, GPS units, turbidity tubes, and benthic macroinvertebrate collection equipment to communities in New York, New Jersey, Puerto Rico and the US Virgin Islands. Region 2 is prioritizing organizations within EJ communities, Tribal Nations and first-time applicants.

Building Capacity to Evaluate New Water Treatment Technologies in Region 3

As part of an ongoing Regional Research Partnership Program (R2P2) project, Region 3's Grant Scavello is working with ORD/NRMRL researcher Souhail Al-Abed to develop a framework for comprehensively evaluating emerging water treatment technologies in Region 3. Grant visited the NRMRL lab in Cincinnati to meet with ORD scientists, learn about QA/QC plan development, observe experiments on life-cycle assessment, the Spreadsheets for Environmental Footprint Analysis (SEFA) tool, sustainability matrices, and treatment technology and processes. Grant is composing a final report which will detail his experience and outline the evaluative framework which will be used by Region 3's Groundwater and Enforcement Division.

Young Ambassadors to Visit Region 4

A group of young ambassadors visited NHEERL's Gulf Ecology Division in Gulf Breeze, FL on March 21 as part of the Department of State's International Visitor Leadership Program. The group, representing 23 countries, explored the role of research in addressing coastal and marine resource management issues, particularly marine pollution, climate impacts on the ocean, marine protected areas, and sustainable fishing. Region 4's RSL, Dawn Taylor, coordinated with NHEERL and the Office of International and Tribal Affairs to plan the visit.

RESES Project in Region 6

ORD is collaborating with Region 6 and the City of Brownsville, TX on a Regional Sustainable Environmental Science (RESES) project to study spatial and temporal patterns of mosquito distribution in urban environments using web-based temporal-spatial tools, GIS platforms, and citizen science/crowdsourcing systems. Beginning March 13, the project team deployed mosquito traps in selected neighborhoods in order to identify species and analyze for pathogens. In early May, the project team will host "Train the Trainer" sessions to teach citizens how to photograph potential mosquito breeding habitats using smartphones equipped with GPS-location tagging.

Village Green in Region 6

On March 21, a 3rd generation Village Green monitoring bench was installed at the John P. McGovern Museum of Health and Medical Science in Houston, TX as part of a FY16 Region 6 RARE project. In addition to the parameters that other Village Green benches monitor (ozone, PM2.5, meteorology), this bench will measure nitrogen dioxide, black carbon and total VOCs. ORD's Ron Williams provided onsite training on how to use the technology to museum and city officials.

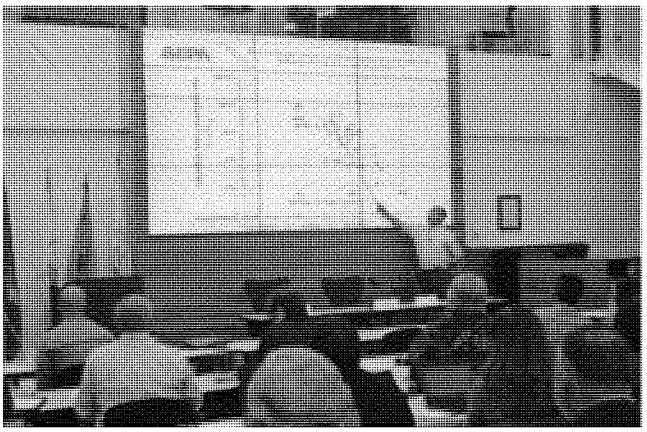
EnviroAtlas in Austin

ORD's Anne Neale and Laura Jackson recently held a webinar with the City of Austin, Texas to share an overview of EnviroAtlas, an ORD tool that provides interactive resources for exploring the benefits people receive from nature. The City of Austin is one of eighteen cities nationwide that have an EnviroAtlas community boundaries dataset derived from the 2010 US Census Bureau's Urbanized Areas.

HAB Workshop in Region 7

In February, Region 7 hosted a harmful algal blooms workshop for federal partners, states, universities and local water utilities. The plenary session speaker was Dr. Hans Paerl from University of North Carolina, who discussed his work on "*Mitigating*

cyanobacterial harmful algal blooms in aquatic ecosystems impacted by climate change and anthropogenic nutrients." Nick Dugan (ORD/NRMRL) also gave a presentation on "*An Overview of Treatment Options for HABs-Impacted Waters*."



Nick Dugan at the Region 7 HABs Workshop

Tall Grass Prairie Meeting in Region 7

On March 13-17, Region 7 hosted a Tall Grass Prairie Meeting, where ORD's Brian Gullet demonstrated how to use aerial plume sampling technology to better predict air pollution emission rates related to prairie burning. Dr. Gullet's data will be useful for determining optimal burn times and promote best practices in rangeland management. His data will also be used to validate current models used by regional and state officials and supplement the development of a user-friendly air quality modeling and visualization tool set.

Canadian Delegates Visit Region 7

On March 14, the acting RSL in Region 7, Amy Shields, gave a presentation on ORD's Air, Climate and Energy program to delegates from Canada who were visiting the region to discuss the effects of climate change on Canada-US security.

Vegetation Island Deployed in Region 9

In February, ORD/NERL installed a floating vegetation island in Havasu Lake, CA as part of a Region 9 RESES project. ORD and Region 9 are working with the Chemehuevi Indian Tribe to evaluate the effectiveness of floating vegetated islands in removing nutrients from the water column. This project complements a similar floating island deployed in No Name Lake by the Colorado River Indian Tribe (CRIT) last November. Both the Chemehuevi Tribe and CRIT will conduct monitoring efforts to track nutrient levels.

ORD Decision Analysis Tool Used at Superfund Site in Region 10

The Region 10 STL, Kira Lynch, along with the Region 2 STL, Diana Cutt, met with ORD and Region 10 staff on the implementation of the ORD tool Decision Analysis for a Sustainable Environment, Economy, and Society (DASEES) at two Superfund sites in the regions. The Bunker Hill Superfund Site in Idaho will be facing complex remedial action decisions for a large and ecologically complex environment including technical, economic, community and stakeholder considerations. The DASEES output will be used to support Region 10 for future decisions at the site. The project will take advantage of planned community/stakeholder meetings to vet the approach and findings and document community response. A site in Region 2 will also be chosen to participate in this project.

UPCOMING EVENTS

•□□□□□□□□ The Office of Water and Region 9, in collaboration with the California Surface Water Ambient Monitoring Program (SWAMP), are organizing a harmful algal blooms (HABs) webinar on April 5th in advance of an in-person HABs meeting to be held in Costa Mesa, CA, April 25-27. The webinar is open to state, tribal, and federal partners, lake managers and water utilities. The in-person meeting will provide a collaborative and educational forum for state, tribal and local agencies, lake managers and water utilities to discuss current, emerging, and advanced HABs issues. The meeting is structured to provide a venue for participants to learn about approaches and partnerships occurring nationally, as well as opportunities to share regional and local strategies and successes. For more information, contact Matt Small (Region 9 RSL).

•□□□□□□□□ On May 23, the Northeast Waste Management Officials Association (NEWMOA) will hold a State/EPA technical workshop on Poly- and Perfluoroalkyl Substances (PFAS) in Worcester, MA. Region 2 is providing assistance to the group in looking at modeling approaches for transport of PFAS through the soil column to groundwater. NEWMOA is a non-profit, non-partisan interstate association whose membership is composed of the state environmental agency directors of the hazardous waste, solid waste, waste site cleanup, emergency response, pollution prevention, and underground storage tank programs in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. For more information, contact Diana Cutt (Region 2 STL) or Jan Szaro (Region 1 STL).

PUBLICATIONS

RARE Publication Now Online

As part of a completed RARE project in Iowa, EPA and USGS co-authored a report on *The Effect of Restored and Native Oxbows on Hydraulic Loads of Nutrients and Stream Water Quality*. This report documents hydraulic and water quality monitoring conducted from 2013 through 2014. The project team measured the effectiveness of using oxbow wetlands installations to remove nutrients from agricultural runoff and improve the quality of downstream water resources.

SITE VISITS & TECHNICAL SUPPORT

•□□□□□□□□ *Region 2* – The STL in Region 2, Diana Cutt, reviewed a proposed scope of work for the remedial design of contaminated groundwater and identified ways to streamline the field investigation at the Cidra Superfund Site in Puerto Rico. Diana also reviewed the design of a groundwater pumping test that will determine the optimal design for a groundwater extraction system at the Cornell Dubilier Superfund site in New Jersey.

•□□□□□□□□ *Region 4* – The STL in Region 4 and Director of ORD's Site Characterization and Monitoring Technical Support Center, Felicia Barnett, led the review of investigation reports and subsurface analytical data for the LCP Chemical Superfund site in Georgia. This review will help the region to develop a Conceptual Site Model (CSM) and determine cost-effective remediation options for the site. Felicia is also working with ORD/NERL, OLEM and Region 9 to determine if geophysical features are hindering remediation efforts of a volatile organic compound (VOC) groundwater plume from a leaking underground storage tank on the Navajo Nation in Arizona.

•□□□□□□□□ *Region 6* – The STL in Region 6, Terry Burton, and scientists from ORD/NERL and NRMRL provided technical assistance to Region 6 in finding the best method and lab with capability to perform phosphine analysis. This effort is part of the ongoing response to the Amarillo phosphine incident in Texas, where 4 children died of phosphine gas poisoning in January 2017.

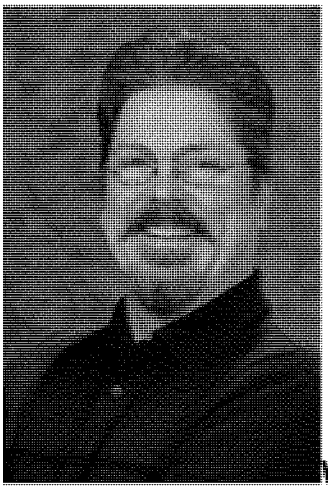
•□□□□□□□□ *Region 7* - The Region 7 STL, Rob Weber, is working with ORD's SCMTSC and Engineering Technical Support Center (ETSC) to provide statistical and geochemical site reviews for the West Lake Landfill Site in Missouri, where soil was mixed with uranium ore processing residues and used as a landfill cover. The STL is also working with ORD to develop design criteria for a soil disposal area at the Madison County Mine Site in Missouri.

•□□□□□□□□ *Region 8* - The STL in Region 8, Stephen Dyment, met with the Bureau of Land Management, the US Forest Service, the Colorado Dept. of Public Health and the Environment, and local stakeholders to discuss ORD's recommendations on using innovative technologies for a remedial investigation and feasibility study at the Bonita Peak Mining District Superfund Site in Colorado.

•□□□□□□□□ *Region 9* – The STL in Region 9, Anna-Marie Cook, provided support to evaluate the best options for a time critical removal action at the Sulphur Bank Mercury Mine Superfund Site in California. An open mine pit was at risk of overflowing into Clear Lake in early March if precipitation events in California continued.

RSP STAFF HIGHLIGHT

Matt Small – Region 9 Regional Science Liaison



What do you enjoy most about your position as an RSL?
I like the variety. As an RSL I get to work with all of our regional programs on a wide range of science/research issues. It keeps the job interesting and I end up learning something new almost every day.

What is an example of a high-priority site management issue in your Region?
One of the biggest science issues that I think we all face at the moment is science communication. First, we must continue to ensure that our science is rigorous, the methods are transparent, and the data are publically available. Then, we need to clearly communicate our scientific findings in plain language to the public and to decisions makers. This will help to ensure the EPA decisions are based upon the best available science.

What ORD Staff have been particularly helpful to you in your position as RSL?
Everyone at ORD has been great from the day I joined the RSL program. I particularly appreciate the ORD scientists who step up to partner with the Regions on RARE, RESES, R2P2, ROCS-Net, and other regional projects. These folks are the true superstars of ORD.

Additional Resources:
RSL and STL Contact information available here.
For more information about the program, visit the RSP intranet site
Questions? Contact Maggie LaVay (202-564-5264)

To: Gabriel.lohr@sol.doi.gov[Gabriel.lohr@sol.doi.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]; Otto, Martha[Otto.Martha@epa.gov]
From: Brantner, Emily K.
Sent: Wed 3/22/2017 6:54:16 PM
Subject: DOI Scientific Integrity Handbook

Hi Gabriel,

I'm contacting you from the EPA Scientific Integrity Program. We're working on our Scientific Integrity Handbook, and would like to get a feel for some of the other department's handbooks as well. I've been on the DOI site, but the links for the handbook and the policy are both broken, or at least won't open from Internet Explorer or Firefox on my work computer. Is there any chance you could send me a pdf of both the policy and the handbook? I found your email from the Scientific Integrity Interagency Working Group invite list, but let me know if I should reach out to someone else instead.

Thank you very much!

Emily

Emily Brantner

Office of the Science Advisor

ORAU contractor for U.S. Environmental Protection Agency

Science Integrity Outreach Support Associate

202-564-8492

brantner.emilyk@epa.gov

To: McQuiddy, David[Mcquiddy.David@epa.gov]
From: Grifo, Francesca
Sent: Wed 3/22/2017 7:00:53 PM
Subject: Running Late!

At the STPC meeting and they are behind. So sorry!

Sent from my iPhone

To: Kumar, Manisha[Kumar.Manisha@epa.gov]
From: Grifo, Francesca
Sent: Wed 3/22/2017 7:08:55 PM
Subject: Can you send me the slides

From STPC?

Thanks!

Sent from my iPhone

To: Nguyen, Quoc[Nguyen.Quoc@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Cox, Taylor
Sent: Wed 3/22/2017 7:29:23 PM
Subject: RE: question about EPA's response to the following congressional request
AL-14-000-7088 Letter.pdf

Hi Quoc,

Attached is the letter that you requested from Francesca.

Thanks,

Taylor

From: Grifo, Francesca
Sent: Tuesday, March 21, 2017 7:40 PM
To: Cox, Taylor <cox.taylor@epa.gov>
Subject: Fwd: question about EPA's response to the following congressional request

Hi Taylor - can you retrieve this from controlled correspondence ?

Thanks!

Francesca

Sent from my iPhone

Begin forwarded message:

> **From:** "Nguyen, Quoc" <Nguyen.Quoc@epa.gov>
> **Date:** March 21, 2017 at 4:39:13 PM EDT
> **To:** "Grifo, Francesca" <Grifo.Francesca@epa.gov>
> **Subject: question about EPA's response to the following congressional request**
>
> Hi Francesca,

I hope all is well. Could you send me the correspondence for this request, please? Thank you.

Quoc

March 17, 2014 Request from Senator Vitter to EPA Science Integrity Official Dr. Francesca Grifo.

- *Sought:* Congress sought "guidance on the appropriate steps that need to be taken to ensure guidelines and policy on data misconduct and scientific transparency are not violated by EPA."

Quoc P. Nguyen

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-6343

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 2 2 2014

OFFICE OF THE
SCIENCE ADVISOR

The Honorable David Vitter
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Senator Vitter:

Thank you for your letters dated March 17 and June 16 2014, to the U.S. Environmental Protection Agency regarding data access and scientific integrity. The agency takes seriously its responsibility to retain the highest of scientific and ethical standards, including quality standards; its commitment to peer review and advisory committees; and its obligation to communicate clearly and openly with the public. In terms of the issues you raise in your letter, the EPA has worked with you to be forthcoming, and has provided to you all of the data, as well as analyses and re-analyses of that data, the agency has obtained. That data was provided to you in the same format in which it was provided to the agency.

This letter seeks to address your concerns regarding the reliance of the EPA on the highest quality science; the assurance that scientific studies used to support regulatory studies undergo appropriate levels of independent peer review; the existence of EPA initiatives to expand and promote access to scientific information by making it available online in open formats in a timely manner, including access to data and non-proprietary models underlying agency policy decisions. The concerns you raised about the 2001 publication co-authored by Dr. Stanley Barone have been forwarded to the Office of Chemical Safety and Pollution Prevention for a response.

Progress built on science defines EPA's success. It is through science that we untangle even those most complex questions about our air, water, and earth, and endeavor to deliver a safe and healthy environment to the American people. Accurate and objective technical and scientific information is the backbone of every decision about public policy made by this agency.

The EPA's Scientific Integrity Policy, which builds upon government and agency-wide guidance documents and policies, applies to all data collected for environmental operations, including environmental technology activities, performed directly by or for the EPA. This includes all federal, state, tribal and local partners under interagency and financial assistance agreements; contractors, cooperators and grantees funded by the EPA; regulated entities; and potentially responsible parties. In addition, the EPA's Guidelines for Field Operations comprise a quality management system that promotes national consistency among the agency's field activities including document control, records management, sampling and environmental data management, field documentation, equipment, inspections, investigations, and reports. Consistent with this Policy and these Guidelines, the EPA employs up-to-date research methodologies and verifiable and defensible data collection methods,

ED_001292B_00001343-00001

relying upon data of known quality that is suitable for its intended use. In so doing, we uphold our commitment to promoting a culture of scientific integrity at the EPA.

The EPA regards peer review as essential for enhancing the quality and the credibility of the scientific basis of our public policy decisions. Peer review is a critical tool for ensuring that this agency employs only high-quality, robust science; for promoting efficiency, as well as open discussion; and for fostering the refinement of our technical and scientific understanding. Agency-wide peer review policies have been in place since 1993, and, today, the EPA relies on its Peer Review Policy[1], which calls for the review of the agency's scientific work products, including economic and social science products that inform agency decisions, as well as the Peer Review Handbook[2], a how-to manual for agency staff.

Your letter also raises questions about replication, reproducibility, and reanalysis. Replication is the application of the exact same experimental design and procedure to see if the results will be similar. It could be done by the original investigator or an independent investigator. Reproducibility describes the ability to find consistent results when using a similar, but not exact, experimental design (e.g., conducting an epidemiology study in different geographic areas). Like replication, a study of reproducibility could be done by the same or independent investigator. Both reproducibility and replication are key tenets in experimental science, as they attest to the robustness (or lack thereof) of the original findings. In observational research such as epidemiology, the ability to replicate an experiment is more difficult than to reproduce the findings. Reanalysis employs statistical procedures on an existing data set (that is, no new data is generated, only potentially new interpretations based upon a different way of looking at the date) and is usually carried out by independent researchers. While re-examining an already analyzed data set can have merit, science is often most effectively advanced by new studies that attempt to demonstrate that the results of previous research did not happen by chance or occurred because of undetected confounders or bias.

In the case of the specific studies you have raised – the Harvard Six Cities Cohort Study and American Cancer Society (ACS) Cohort Study – the underlying data were reanalyzed through a rigorous process initiated by the Health Effects Institute (HEI). The HEI reanalysis report and its appendices provide documentation that includes an independent data audit, reanalysis of the results of the initial study, copies of questionnaires, codebooks, and computer outputs used in the reanalysis effort. Furthermore, the extended follow-up studies provide additional documentation on confirmation of results and important extensions of the Harvard Six Studies Study. Concerning the ACS study, as part of the HEI sponsored re-analyses, the ACS made data sharing agreements that allowed separate data access by a large independent reanalysis team headed by Dr. Daniel Krewski at the University of Ottawa to conduct data auditing, reanalysis of originally published results, and substantial sensitivity analyses. Many peer reviewed journal articles from 2002 to 2013 contain even more extensive documentation.[3] A discussion of the nature of this documentation was supplied in the August 1, 2013, letter from Dr. C. Arden Pope III and the September 25, 2013, letter from Harvard University, both forwarded to your office on October 30, 2013.

---

[1] U.S. Environmental Protection Agency (2006) *Peer Review and Peer Involvement at the U.S. Environmental Protection Agency.* http://www.epa.gov/peerreview/pdfs/peer_review_policy_and_memo.pdf

[2] U.S. Environmental Protection Agency (2006) *Peer Review Handbook, Third Edition.* http://www.epa.gov/peerreview/pdfs/peer_review_handbook_2006.pdf

[3] Including Pope et al. 2002, Pope et al. 2004, Jerrett et al. 2005, Jerrett et al. 2009, Turner et al. 2011, Jerrett et al. 2013, Krewski et al. 2000, Krewski et al. 2009, Jerrett et al. 2011

Although it is not feasible to exactly replicate epidemiologic studies based on their observational nature we have had the benefit of numerous additional peer-reviewed research studies being published since the publication of the original ACS and Harvard Six Cities studies that demonstrate the reproducibility of the findings. One such study, Eftim et al. (2008), detailed in the 2009 Particulate Matter Integrated Science Assessment (PM ISA), examined the public health impact of long-term exposure to air pollution in the same cities that encompass the ACS and Harvard Six Cities studies, but used Medicare data rather than personal medical records that are protected due to individual privacy requirements. The results of Eftim et al. (2008) further confirmed the conclusions of the ACS and Harvard Six Cities studies. As such the PM ISA concluded that the Eftim et al. (2008) study was able to "qualitatively reproduce the original individual-level cohort study (e.g., ACS and Six Cities Study) results."
Since the completion of the 2009 PM ISA that provided the scientific foundation for decisions on the Particulate Matter National Ambient Air Quality Standards in 2012, hundreds of relevant peer-reviewed publications have become available, and these studies confirm the conclusions described in the ISA, as detailed in the "Provisional Assessment of Recent Studies of Health Effects of Particulate Matter Exposure". Of these studies, a relatively large number have been published outside the U.S., such as in South America (the ESCALA study) and Asia (the PAPA study). Long-term exposure studies can be costly, and take many years to conduct. As such, few such studies have been conducted outside of the U.S. However, the few that have been conducted in places such as the Netherlands (Brunekreef et al. 2009) and Norway (Naess et al. 2007), add to the large body of scientific evidence indicating the public health impact of air pollution. Although most of the studies in the "Provisional Assessment of Recent Studies of Health Effects of Particulate Matter Exposure" are examining short-term exposures to air pollution, they too demonstrate that air pollution is a worldwide public health problem. These short-term exposure studies are equally important in assessing the public health impacts of air pollution, but differ from the ACS and Harvard -Six Cities studies as they are cohort studies that examine the public health impact of long-term exposures to air pollution.

The EPA has long fostered a culture of scientific openness and integrity, and we continue to seek ways to enhance and expand upon these responsibilities. Again, I thank you for championing scientific integrity.

Should you have further questions, please contact me or your staff may contact Laura Gomez in the EPA's Office of Congressional and Intergovernmental Relations at gomez.laura@epa.gov or 202-564-5736.

Sincerely,

Robert Kavlock

Robert Kavlock, Ph.D.
Interim Science Advisor

cc: The Honorable Barbara Boxer, Chairman

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Wed 3/22/2017 8:02:05 PM
Subject: March 22 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Bill to Boost Advanced Nuclear Gets Senate Committee Approval

Posted March 22, 2017, 12:01 P.M. ET

By Rebecca Kern

A bill that would develop a regulatory framework for advanced nuclear reactors, and make changes to a grant program to help develop them, moves to the full Senate after the Environment and Public Works Committee approved it March 22.

The Nuclear Energy Innovation and Modernization Act, S. 512, introduced by Sen. John Barrasso (R-Wyo.), aims to assist the development of advanced reactors—which are cooled by substances other than water, such as liquid metals and sodium—and reportedly have a stronger safety profile and lower costs than current reactors. It is backed by groups representing companies such as NuScale Power and Westinghouse Electric Co. The bill has bipartisan support with 11 cosponsors, including the committee's ranking member, Sen. Thomas Carper (D-Del.). The committee approved an amendment serving as a new version of the bill 18-3, sending it to the full Senate.

The bill includes a modification to the Department of Energy's cost-share grant program for advanced reactors to establish parity with a similar program for small modular reactors, which are manufactured at a plant and brought to a site for full construction.

"Specifically, the changes are meant to ensure that all advanced nuclear technologies are treated the same when it comes to federal funding," Carper said. "They incentivize private investments in research and development of nuclear technology, which is critical for advanced nuclear."

Prospects for Legislation

The committee approved a similar version of the bill in 2016, but it didn't get a vote in the Senate.

Barrasso said he would work to get the bill to the Senate floor for a vote as soon as possible. He said Republican chairmen of the Senate committees were meeting March 22 with Senate Majority Leader Mitch McConnell (R-Ky.)

"I'm going to bring this forward and talk about the significant bipartisan nature of support passing 18-3 and make a case to get this to the floor," he told reporters. Carper also said he would bring up the bill in a separate meeting of Democratic ranking members of Senate committees.

The legislation makes changes to the fee structure that nuclear plants pay the Nuclear Regulatory Commission. It caps the annual amount that existing reactors pay to the NRC—with adjustment for inflation—at fiscal year 2015 levels. It also would exempt the development of any advanced non-light water reactor regulatory framework from the fees industry pays NRC, but would include them in direct federal appropriations.

The bill also directs the NRC to examine ways to improve the efficiency of uranium recovery licensing and addresses the Energy Department's management of excess uranium transfers.

Biofuels Get Boost from Trump as Temporary EPA Review Ends

Posted March 22, 2017, 9:16 A.M. ET

By Mario Parker

America's biofuel industry got a boost as President Donald Trump's administration left record consumption quotas for the year untouched.

Prices for Renewable Identification Numbers (RINs), certificates that track gallons of ethanol and biodiesel, surged to the highest in more than two months on March 20.

Prices for RINs tracking 2017 ethanol targets have risen 46 percent since March 17 to 54 cents apiece, the most since Jan. 26. Those attached to biodiesel have gained 5.2 percent during that same period to $1.01, the costliest since Jan. 23, data compiled by Bloomberg show.

A 2007 energy law, known as the Renewable Fuel Standard, requires refiners to accrue the credits and submit them to regulators to show compliance. In November, the Obama administration ordered oil refiners to mix record amounts of biofuel with petroleum this year.

In January, Trump ordered a temporary freeze and review of 30 Environmental Protection Agency regulations that were issued between the time of the U.S. election and his inauguration.

The mandate has been increasingly scrutinized as billionaire Carl Icahn, who owns a majority stake in CVR Energy Inc. and is a special adviser to Trump, pushes for a change on who should be responsible for showing compliance with the RFS program.

A ruling could come by late May, if the EPA moves at its typical pace, Spiro Dounis, an analyst at UBS, said in a note March 21. A public comment period on the Icahn-backed measure ended Feb. 22.

Prices for the biofuel credits have tumbled since Trump's Nov. 8 election win, on speculation that the regulation could be altered.

"The narrative promoted by some in the oil industry notwithstanding, President Trump clearly stands behind the nation's farmers and the Renewable Fuel Standard," Bob Dinneen, president of the Renewable Fuels Association, a Washington-based trade group, said in an emailed statement

March 21.

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Exxon Lost Year of Tillerson's 'Wayne Tracker' Emails, N.Y. Says

Posted March 22, 2017, 12:40 P.M. ET

By Erik Larson

Exxon Mobil Corp. lost one year's worth of emails that former Chief Executive Officer Rex Tillerson used to discuss climate change risks and other issues under the alias Wayne Tracker, a lawyer for New York state told a judge.

Tillerson, now U.S. Secretary of State, used the pseudonym account for sending sensitive messages to company board members, according to New York Attorney General Eric Schneiderman, who is investigating whether the company misled investors for years about the possible impact of climate change on its business.

A New York judge is holding a hearing into Schneiderman's request for the emails and management documents from dozens of other sources.

Exxon said in court filings before the hearing that Schneiderman is exaggerating the potential loss of relevant documents. The issue that affected the Wayne Tracker account was an "isolated occurrence" that resulted from the standard configurations of Exxon's Microsoft Exchange system, the company said.

New York's claim marks the latest email-handling matter to make headlines, from Hillary Clinton using a private email server as Secretary of State to more-recent revelations that Vice President Mike Pence used a private email account to conduct some official business as governor of Indiana. Neither of those instances involved an alias.

Schneiderman's request is part of protracted legal dispute between New York and Massachusetts and Exxon, which is trying to upend the states' investigations. The Wayne Tracker email account was discovered by Schneiderman's team while reviewing other Exxon documents.

"Exxon has failed to produce management documents from critical time periods when Exxon is known to have been formulating and publicizing key policies and related representations regarding the company's resilience to the impacts of climate change and climate change regulations," the attorney general said in a letter to the court.

To contact the reporter on this story: Erik Larson in New York at elarson4@bloomberg.net

To contact the editors responsible for this story: David Glovin at dglovin@bloomberg.net Andrew Martin

TransCanada Can't Ax Trees Fast Enough to Run Gas Line on Time

Posted March 22, 2017, 03:04 P.M. ET

By Jonathan N. Crawford

Natural gas pipeline developers from TransCanada Corp. to Energy Transfer Partners LP may not be able to chop down trees fast enough to meet U.S. deadlines, raising the prospect that multibillion-dollar links to America's biggest reservoirs of the fuel will be delayed.

TransCanada asked the Federal Energy Regulatory Commission March 21 for approval to continue clearing trees for the $1.4 billion Leach XPress gas line beyond the March 31 cutoff date, citing delays at the agency. The U.S. restricts tree removal in the spring to avoid disrupting seasonal habitats for endangered bats and birds. TransCanada seeks to start the line, which transits the Marcellus and Utica shale basins in Ohio, Pennsylvania and West Virginia, in the second half of this year.

TransCanada and Energy Transfer, which aims to start the first phase of its $4.2 billion Rover gas line by the middle of the year, are racing against the clock as public opposition and increased environmental scrutiny threaten to derail pipeline projects across the U.S. Regulatory setbacks could leave gas supplies stranded in shale reservoirs, keeping prices under pressure.

"Without the extension we don't think TransCanada will be able to make the in-service date, period," Colette Breshears, a gas analyst at Genscape Inc. in Houston, said by phone March 22.

The 160-mile (257 kilometer) Leach XPress project is designed to transport about 1.5 billion cubic feet per day of gas from the Marcellus and Utica reserves, according to the project website.

TransCanada's request to continue clearing trees beyond the deadline "only impacts a small area" of the Leach Xpress project, Scott Castleman, a spokesman for the Calgary-based company, said in an email March 21. "We believe this is a reasonable request and remain committed to hitting our in-service date," Castleman said.

Energy Transfer had cleared trees on 62 percent of its Rover mainline as of March 10, a filing with energy regulators showed. The project would deliver about 3.25 billion cubic feet per day of gas from the Marcellus and Utica. A spokeswoman for the Dallas-based company didn't immediately respond to a request for comment.

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Trump's Words Could Jeopardize His Environmental Rollbacks, Too

Posted March 22, 2017, 9:16 A.M. ET

By Jennifer A. Dlouhy

President Donald Trump's words may come back to haunt him in court as he moves to roll back regulations that fight climate change, just as they did when he tried to ban travel from six predominantly Muslim countries.

Environmentalists are scrutinizing Trump's tweets and the phrasing of presidential orders, looking for evidence that an action is driven by politics or that a review of regulations is being carried out with a specific outcome in mind. That could be used in a lawsuit to argue that the process is a sham and violates federal law governing rulemaking.

"If there's anything that suggests that it's a politically motivated decision instead of a rationally

based decision, that's always something we put before the court," said Abigail Dillen, vice president of litigation for climate and energy at Earthjustice. "Explosive statements" in a White House order "can and will be used against them," she said.

As recent rulings on Trump's travel order illustrate, intent matters. A federal judge in Hawaii halted Trump's latest restrictions after concluding past comments by the president and associates showed the policy was designed to disfavor Muslims. While courts shouldn't examine the "secret motives" of government decision makers, the judge wrote, the clear facts in that case "require no such impermissible inquiry."

Lobbyists Urge Caution

A handful of energy industry lobbyists have counseled the White House to be cautious. They are advising the administration to dial back its planned executive order targeting Obama's plan to slash greenhouse gas emissions from power plants—lest the White House arm critics with legal fodder for later court challenges. With the administration weighing plans to undo other Obama-era environmental protections, a stray tweet or promise at a presidential rally may turn up in court filings to defend the earlier regulations.

Some damage may already be done. Trump famously called climate change a hoax perpetrated by the Chinese in a 2012 tweet. And he vowed to repeal carbon rules for power plants as part of a broader effort to reverse environmental regulation and save jobs.

The administration will turn the Environmental Protection Agency "from a job killer into a job creator," Trump told a crowd in Kentucky this week, promising to save coal-mining jobs. "We've wiped out many, many unnecessary regulations and that's just the beginning."

EPA Administrator Scott Pruitt also discounted the role of carbon dioxide as the main driver of climate change earlier this month. Those climate comments could be used by opponents if the EPA decides to reverse its landmark 2009 determination that greenhouse gas emissions endanger the public health and welfare, said Joanne Spalding, a senior managing attorney at the Sierra Club.

Rulemaking Needed

Generally, regulations can't be killed with the stroke of president's pen. Instead the administration must undertake the same rulemaking process used to create regulations to undo them. And that process can't be "arbitrary and capricious"—the bright line standard established in the 71-year-old Administrative Procedure Act that governs federal rulemaking.

In practice, that means agencies must provide a good explanation for rescinding a regulation—by demonstrating the factual, legal and policy justifications. They also must stick to the factors laid out in the legislation. For instance, that means they can't weigh cost when determining how stringent to make ozone standards because the Supreme Court has unanimously found that those considerations weren't in the original statute.

It's permissible for a government official to announce the beginning of "a process that might lead to a change in policy," said Richard Revesz, director of the Institute for Policy Integrity at New York University.

But, he said, it would be "very problematic" if the administration explicitly compelled officials to, say, lower the government's metric known as the social cost of carbon., which estimates the effects of climate change.

The issue could come up as soon as the Trump administration files papers designed to interrupt a federal court review of the Clean Power Plan. Not only are statements about the administration's intent to undo the rule relevant to that effort, Spalding said, but so are Pruitt's arguments in his prior role as Oklahoma attorney general that the EPA is precluded from regulating power plant carbon emissions.

Courts also have held that federal decisions can be disqualified if they were driven by regulators who have an "unalterably closed mind" on an issue. Regulators are allowed to have opinions, but courts maintain their actions are suspect if there is clear and convincing evidence an official's mind is so strongly made up that all relevant public comments will be disregarded.

To be sure, Trump and Pruitt's climate commentary isn't a silver bullet for opponents seeking to maintain Obama-era environmental laws. Agencies can help insulate themselves from challenges by doing their homework and buttressing the administrative record with plenty of evidence to support a pivot in policy.

'Gotcha Moments'

None of these statements are "eureka, gotcha moments" by themselves, said Sean Donahue, an attorney who has argued on behalf of the Environmental Defense Fund. "Most important of all is going to be what they do." The weaker the record, the more likely those statements will come into play.

Citing statements in a legal filing "would be a weak case if the record showed a serious consideration and a balanced weighing of factors and a reasonable interpretation of the statute," Donahue said.

EPA spokesmen did not respond to requests for comment.

Supporters say the Trump administration will be making good on its campaign promises by rolling back regulations the president sees as throttling domestic energy development. A White House directive to repeal climate rules is not all that different from when former President Barack Obama issued a 21-page climate action plan outlining plans to establish those rules, they say.

Pruitt's Argument

Rhetoric is "not indicative of a pre-ordained outcome," said Stephen Brown, a lobbyist for Tesoro Corp. One could also divine intent from Obama's statements, he said.

In fact, when Pruitt was representing Oklahoma, he argued just that point.

Oklahoma joined 13 other states to assert that Obama's EPA administrator had already determined conclusively that the agency had the authority to issue its Clean Power Plan. At the time, that regulation hadn't been finalized.

Pruitt and the other state attorneys general cited tweets by then-administrator Gina McCarthy pledging to reduce carbon dioxide emissions, and said that was evidence that the "agency has a 'closed mind,' and is engaged in a 'sham' rulemaking."

In the end, that argument didn't win the day. The case was tossed out when a three-judge panel

decided there was no legal authority to review the regulation before it was final.

—With assistance from Erik Larson.

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U.S. Slips in Global Rankings on Energy Infrastructure: Forum

Posted March 22, 2017, 10:56 A.M. ET

By Marine Strauss

The U.S. slipped in a global ranking of countries' ability to deliver secure, affordable and sustainable energy while European nations maintained positions at the top of the list, a report by the World Economic Forum showed.

With "particularly low scores" relating to emissions, the U.S. ranked 52 on the list of 127 countries, four places lower than a year ago, the WEF said in its latest Global Energy Architecture Performance Index Report published on March 22.

The U.S. "lags behind its peers" in the Organization for Economic Cooperation and Development on environmental sustainability, according to the report.

Switzerland led the rankings for a third year, followed by Norway, Sweden, Denmark and France. European Union nations and their neighbors benefit from "advantages gained through a long history of regional coordination between member states" of the EU, as well as European Commission efforts to focus on cross-border trade and increasing competition for lower energy prices, the WEF said.

The report "demonstrates well the unprecedented structural changes in the global energy system," Maros Sefcovic, vice president for energy policy at the Brussels-based commission, said in a statement.

"Europe, with its clean-energy transition, has embarked on an ambitious path to lead this goal."

Among other nations, Japan rose six places to 45, three ahead of Russia. China was at 95, while India ranked 87.

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EU Calls for Comments on Genetically Modified Soybeans

Posted March 22, 2017, 01:10 P.M. ET

By Stephen Gardner

The European Commission is calling for comments on European Food Safety Authority opinions on Dow AgroSciences applications requesting authorization for two genetically engineered soybeans in the European Union.

The EFSA opinions cover applications for the authorization for food and feed uses of the soybeans

DAS-68416-4 and DAS-44406-6. The closing dates for comments are April 20 and April 24, respectively.

Each soybean variety is "as safe as its conventional counterpart," and the requested authorizations should be granted, EFSA said in its opinions. After EFSA's consultation periods close, the commission will draw up draft decisions on the authorizations, which will then require the approval of an EU regulatory committee.

The soybeans are sold under the Enlist brand name. Dow AgroSciences said in a statement March 21 that it "welcomes the positive safety conclusion" from EFSA and "looks forward to the next steps in the authorization process and to a timely approval in the EU."

EU Return to Simplified Energy Labels for Appliances a Plus

Posted March 22, 2017, 12:22 P.M. ET

By Stephen Gardner

The European Union is planning to overhaul the bloc's energy-efficiency labeling system for household appliances to make it easier for consumers to make energy-conscious choices, European Parliament lawmakers said March 22.

Herbert Reul, a German center-right member of the European Parliament, said it was a "positive move" that the EU would scrap its current labeling system in which "almost all fridges, washing machines or televisions" received the highest ratings for energy efficiency.

In 2010, the EU switched from a system that rated appliances A to G for energy use, with an A rating signifying the best performers, to a system in which A+, A++ and A+++ classes were added to take account of overall improvements in appliance efficiency. The new categories, however, were judged to be confusing for consumers.

Negotiators from the European Parliament and the Council of the EU, which represents the bloc's governments, agreed late March 21 to return to a revised A-to-G scheme, which will be rescaled when the number of appliances in the A class exceeds 30 percent of appliances available on the market.

The new A-to-G scale would be phased in as the current labels for different product categories expire. In practice, the new labels are likely to appear starting in 2020.

Jakop Dalunde, a Swedish Green European Parliament lawmaker, said March 22 that "energy efficiency is of major importance in the fight against climate change and helps consumers," who with the new system "will be able to tell at a glance how much energy a product uses."

The EU regulation that sets out the revised energy labeling system must now be formally ratified by the European Parliament and Council of the EU. No dates have yet been set for ratification.

Canada Firm Uses Salt, Tesla and Flywheels in Clean Energy Race

Posted March 22, 2017, 9:41 A.M. ET

By Gerrit De Vynck

A Canadian firm is hoping to cash in on the burgeoning market for electricity storage, no matter which technology breaks out first.

NRStor Inc. is positioning itself to be the go-to distributor, developer and operator of lithium-ion batteries, magnetically levitated flywheels and other technologies seeking to solve the age-old question of how to save electricity for later use. The Toronto-based company is the only distributor of Tesla's Powerwall residential battery in Canada and is working to turn a giant salt cavern into a compressed air energy storage system.

Battery technology is advancing swiftly, largely driven by Elon Musk's Tesla Inc. At the same time, other methods are being refined that can be used to store energy for even longer periods of time. The global market could expand to around $20 billion by 2024, from around $600 million in 2015, according to U.S. firm Navigant Research.

"This thing can go really quick," said NRStor Chief Executive Officer Annette Verschuren. Verschuren previously ran Home Depot Inc.'s business in Canada and met U.S. President Donald Trump during a meeting with female executives in February. "These technology companies would prefer to work with us, because we develop the market, we get the regulations right, we do the assessments, we do the connections, we build it, we operate it."

Founded in 2012 with C$10 million ($7.5 million) in seed capital, Verschuren estimates NRStor could have an enterprise value of about C$500 million in abound six years and may eventually go public. She foresees a future where residential homes, businesses and manufacturers all tap energy storage technology in different ways to save costs. She declined to provide current revenue figures.

First Flywheel

The company started operating the first flywheel project in Canada in Minto, Ontario, about 150 kilometers (93 miles) west of Toronto, in 2014. The giant spinning wheels, which rest on levitating magnets to reduce friction, store kinetic energy that can be used to power a generator.

Another project NRStor is spearheading is pumping a salt cavern in Goderich, Ontario full of compressed air. It's a technique that's been used to store natural gas for years as salt naturally seals any cracks that form, keeping whatever's inside from escaping. NRStor also captures the heat from the compressed air using a substance developed by another Canadian firm, Hydrostor Inc., an innovation NRStor says is a world's first for a project that big.

"This is what allows us to make our technology fuel-free," said Katherine Peretick, NRStor's lead engineer. The few other compressed-air storage facilities in operation need to burn natural gas to heat the air back up. The salt cavern will be able to store enough electricity to power around 1,000 homes and was commissioned by Ontario's government-owned electrical system operator.

Annual investment in compressed air alone will hit $5 billion annually by 2024, according to Navigant. Much of that demand will come from abroad and Verschuren said she's already fielding interest from Europe and the Caribbean for NRStor's work. The big prize will be the U.S. though, with the North American market for energy storage forecast to grow to $150 billion, Verschuren said.

Trump's skepticism of climate change and sustainable energy projects doesn't worry her, Verschuren said. "The horses are out of the barn. You cannot stop California, New York, New England," she said, referring to the myriad state regulations and subsidies for clean energy. "I know he's stripping the EPA but I think it's going to give a lot more power to the states, and that's where

things get done."

Trump Meeting

She told Trump as much when she met with him as part of Canadian Prime Minister Justin Trudeau's visit to the White House. It also gave her the chance to impress on the president her view that more needs to be done to remove barriers for women to get into positions of power in business and politics, Verschuren said.

"My argument with him was, 'look, let's drive our economies through the productivity of women, the participation of more women,"' she said. Verschuren encouraged Trump to ask male CEOs what they were doing to get rid of the glass ceiling. "I really believe it could change, even from him."

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Brazil to Get First Dibs at Norway Rainforest-Protection Fund

Posted March 22, 2017, 11:23 A.M. ET

By Michael Kepp

Small-scale farmers in Brazil will be the first to access grants from a Norwegian sustainable agriculture fund, Brazil's Environment Ministry said.

Environment ministers from Brazil and Norway signed an agreement March 21 to give Brazil access to assistance from the new fund. Norway has pledged to put $100 million into the fund, which aims to raise $400 million by 2020 from private, bilateral, and multilateral donors such as the Global Environment Facility, a partnership of agencies working with countries to address environmental issues.

The governments did not say how much of the funds would be available in Brazil, or when the money would become available. Brazil has about one-third of the world's remaining rainforest, and the fund is meant to help farmers make a living without encroaching on the rainforest.

Small-scale farmers, among them subsistence-farming Amazon settler communities, can apply for grants through Brazil's Environment Ministry, a ministry spokesman told Bloomberg BNA.

The fund, announced by Norway in January, is expected to help protect 5 million hectares (46,000 square miles) of tropical forest and peatland, wetlands without forest cover.

The fund's working title is the Production Protection Inclusion Fund (PPI fund), Kaja Schill Godager, a spokeswoman from Norway's Ministry of Agriculture and Food, told Bloomberg BNA March 22.

Denmark Says Offshore Wind Auctions Poised for Record Low Bids

Posted March 22, 2017, 01:44 P.M. ET

By Brian Parkin and Weixin Zha

Bidders in global offshore wind auctions are set to probe record-lows, according to a Danish government official.

Denmark already attracted a record bid for offshore wind last year when Swedish utility Vattenfall AB offered just 4.99 euro cents a kilowatt-hour for a 600 megawatt site in the Baltic Sea. Prices could sink further, said Energy, Utilities and Climate Policy Minister Lars Christian Lilleholt.

"I expect global offshore prices to fall below the record," Lilleholt said in a March 21 interview in Berlin. Denmark is spearheading the drive to push costs down and wants to become the first country where offshore wind can grow without subsidies, he said.

Denmark has completed its current cycle of offshore auctions, putting about 1.35 gigawatts under the hammer in three sales. Vattenfall won them all. The government in Copenhagen will present new proposals for the post-2020 time frame as early as the third quarter, screening potential North Sea and Baltic sites to attract competition, said Lilleholt.

Denmark wants at least half its energy from renewables by 2030, meaning it may add another 6 gigawatts of offshore wind in the next 13 years, according to Lilleholt's ministry. By 2020, the European offshore market is set to grow 23 percent to 27.2 gigawatts, according to the most recent forecast of Bloomberg New Energy Finance.

The attention of the European offshore industry is focusing on Germany, where 1.55 gigawatts is up for auction this year and again in 2018.

Bidding may well be "strategic" as investors seek a foothold in the German offshore market, said Heiko Stohlmeyer, who heads PricewaterhouseCoopers LLP Renewables unit, in an interview in Hamburg. The German tenders will pit Denmark's Dong Energy A/S against utilities including EON SE, Energie Baden-Wuerttemberg AG and Vattenfall.

In a separate statement of March 21, Stohlmeyer said he expects bids to markedly undercut 10 euro cents a kilowatt-hour, marking an "enormous" drop on the average 19.4 euro cents paid under the current program. The deadline for bids in Germany's first offshore auction is April 3.

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Indonesia Geothermal Power Plant's First Unit Starts Operating

Posted March 22, 2017, 8:51 A.M. ET

By Chisaki Watanabe

The first unit of the Sarulla Geothermal station in Indonesia being developed by Japanese trading company Itochu Corp. and Kyushu Electric Power Co. began operating earlier this month.

The power plant, located in Indonesia's North Sumatra, has about 106 megawatts of capacity. A second unit will start running by the end of the year, followed by a third in 2018 that will bring the station's total capacity to about 321 megawatts, Tokyo-based Itochu said in a statement March 21.

Medco Power Indonesia PT, Japan's Inpex Corp. and Ormat Technologies Inc., an American geothermal developer, are also taking part in the project to develop a geothermal resource concession owned by Pertamina Geothermal Energy PT in the Sarulla region, according to the statement.

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Daily Environment Report for EPA

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Kumar, Manisha
Sent: Wed 3/22/2017 8:08:45 PM
Subject: RE: Can you send me the slides
3_LEF Update.pptx
4_Public Data Access Forum_Presentation_03222017.pptx

Good afternoon Francesca,

Attached are the LEF Update and Public Access Forum presentation slides.

Best regards,
Manisha Kumar

-----Original Message-----
From: Grifo, Francesca
Sent: Wednesday, March 22, 2017 3:09 PM
To: Kumar, Manisha <Kumar.Manisha@epa.gov>
Subject: Can you send me the slides

From STPC?

Thanks!

Sent from my iPhone

Establish the Forum on Increasing Public Access to EPA Research

Science and Technology Policy Council
March 22, 2017
Kevin Teichman (ORD) and
Matt Leopard (OEI)

ED_001292B_00001338-00001

Background

- White House Office of Science and Technology Policy issued a memorandum "Increasing Access to the Results of Federally Funded Scientific Research" in February 2013.
- US EPA released its "Plan to Increase Access to Results of EPA-Funded Scientific Research" in November 2016.

ED_001292B_00001338-00002

Plan to Increase Access to Results of EPA-Funded Scientific Research

- Describes how the Agency intends to prospectively increase access to peer-reviewed scholarly publications and digital data resulting from EPA-funded scientific research.

- Does not apply to research data shared with EPA but owned by other organizations.

ED_001292B_00001338-00003

Implementation of Plan

- Implementation is to be completed in 3 Phases:
  - Phase 1 – EPA ORD intramural research (2016)
  - Phase 2 – EPA non-ORD intramural research (2017 publications/2018 data)
  - Phase 3 – Extramural funded research (2018)
- ORD began implementing the Plan before it was finalized.

ED_001292B_00001338-00004

Scientific Research Data Definitions

- Scientific Research data are defined, consistent with the OSTP Memo and 2 CFR 200.315, as the digital recorded factual material commonly accepted in the scientific community as necessary to validate research findings.

- Research data as used in the Plan are the digital scientific research data from EPA-funded scientific research.

ED_001292B_00001338-00005

Exclusions

- Research data does not include:
  - Preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues
  - Physical objects (e.g. laboratory samples)
  - Trade secrets and commercial information
  - Materials necessary to be held confidential by a researcher until publication of results in a peer-reviewed journal
  - Personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.

ED_001292B_00001338-00006

Exemptions

- Interim results or other preliminary scientific research data not used to generate the results.
- Preliminary scientific research documentation beyond the article, supplementary materials, and metadata in the final peer-reviewed publication.
- Information that may disclose intellectual property rights.
- National security and other classified information.

ED_001292B_00001338-00007

Elements of Public Access Plan

- Scientific Data Management Plans (SDMPs)
- NIH PubMed Central (PMC) – Repository for Publications
- Environmental Dataset Gateway (EDG) – Public Access to EPA-Funded Research Data
- Agency-wide Forum – Develop Procedures to Implement Plan

ED_001292B_00001338-00008

Scientific Data Management Plan (SDMP)

- Researchers will be required to establish a SDMP addressing public access for all EPA-funded scientific research (intramural and extramural).
- The SDMP should describe the location, primary contacts, organization, and access restrictions for the research data.

ED_001292B_00001338-00009

NIH PubMed Central (PMC)

- EPA will use NIH PMC as the repository allowing the public to read, download, and analyze in digital form publications arising from EPA-funded research.
- NIH PMC
  - Facilitates easy public search and access.
  - Uses widely available and nonproprietary archival format.
- EPA will establish a maximum 12-month post-publication embargo period for making publications publicly available.

ED_001292B_00001338-00010

Environmental Dataset Gateway (EDG)

- EPA will require research data underlying a publication to be posted to a publicly accessible data repository within 30 days of posting the article in PMC.
- EDG is EPA's public portal for access to datasets and tools created and/or paid for by EPA's program offices and regions.
- EDG connects to Data.gov.

ED_001292B_00001338-00011

Forum on Increasing Public Access to EPA Research

- The Plan states the Forum should be established within four months after approval of the Plan (by April 2017).
- The Forum is being established under the EPA Science and Technology Policy Council (STPC).

ED_001292B_00001338-00012

Purpose of the Forum

- The Forum will develop specific procedures, guidelines, and funding strategies to implement the Plan.
  - Procedures to track research publications and establish metrics to monitor entry of publications into PMC, submissions of SDMPs, and entry of research data sets and metadata into EDG.
  - Training for current and new researchers on the new data management requirements.

ED_001292B_00001338-00013

Purpose of the Forum

- The Forum will support existing activities and enhance consistency across the Agency by adopting best practices.
  - EPA released a SDMP Guidance for ORD intramural research projects in August of 2015*.
  - Data submissions to EPA's EDG will be consistent with the EIMP Cataloging Information Procedure.

*https://intranet.ord.epa.gov/sites/default/files/media/science/sdm/ORD-SDM-Handbook.pdf

ED_001292B_00001338-00014

Forum Status

- Forum charter was provided to the STPC for approval in March.
- Forum will consist of members from:
  - Program offices
  - Lead Regions for ORD and OEI
- Forum will be led by Co-Chairs appointed by the Science Advisor, Kevin Teichman ORD and Matt Leopard OEI.
- Forum activities will be coordinated by staff from OSA and OEI.

ED_001292B_00001338-00015

Forum Members

- Forum members should be:
  - Senior-level managers (i.e., Division Director equivalent or higher).
  - Have experience in science research publication; scientific research administration; and/or planning, budgeting, and accountability for scientific research.
  - Have or be able to gain knowledge of the intra and extra-mural research, publications, and data generated across their Office or the Regions.
  - Able to identify and obligate staff resources from their respective organizations to participate in specific Forum activities.

ED_001292B_00001338-00016

Forum Workgroups

- Forum will establish workgroups to work on specific projects.
- Support for the workgroups will be provided by staff from the Offices and Regions that make up the Forum.
- Workgroups could potentially address publications, data management, extramural research, training, and IT.

ED_001292B_00001338-00017

Next Steps

- STPC members should identify and appoint appropriate Forum members to represent their Programs/Regions.
- Programs/Regions represented on Forum should identify staff with skills/knowledge necessary to develop workgroup products.

ED_001292B_00001338-00018

Laboratory Enterprise Forum (LEF) Update

STPC March 2017 Meeting

William H. Benson, LEF Chair (ORD)

Mary Greene (OSA)

Ongoing Projects Addressing Efficiency and Effectiveness of the Laboratory Enterprise

Approved by STPC

* Developing Laboratory Equipment and Analytical Methods Inventories
* Addressing Laboratory Information Technology and Information Management Issues and Needs
* Improving Laboratory Data Call Collection and Reporting Process

Pending STPC Approval

* Demonstrating Value of EPA Laboratory Enterprise

ED_001292B_00001337-00002

Lab Equipment and Analytical Methods Inventories

Purpose:

- Make information regarding the Agency's high-end laboratory instruments and equipment readily available to be used in joint purchasing and sharing decisions, and help characterize EPA laboratory capabilities.

Goal:

- Develop an inventory that fully characterizes EPA laboratory equipment and the analytical methods developed to use this equipment.

Status:

- EPA's Agency Asset Management System being used to identify lab instruments and equipment valued >$100K.
  - Currently a total of 458 Agencywide.
- Currently, AAMS entries are being categorized into appropriate instrument and equipment types to assist in searching and sorting.
- Labs will be asked to verify that their equipment/instruments was correctly categorized.

ED_001292B_00001337-00003

Addressing Laboratory IT/IM Issues and Needs

Purpose:

- To address Agencywide laboratory information technology (IT) and information management (IM) issues and needs that affect the operations and functioning of the laboratories.

Goal:

- Improve the effectiveness and efficiency of the Agency laboratory IT and IM operating systems.

Status:

- Options and recommendation paper/plan that addresses the immediate need of bench and field instruments to establish/improve network connectivity:
  - An ORD pilot plan designed to improve network connectivity is close to being implemented; plan is anticipated to also meet the needs of the other EPA labs.
- Agencywide long-term vision and goals for Lab IT/IM, and develop a plan to systematically and strategically analyze current and future high-level cross Agency IT/IM issues and needs:
  - Crosswalking IT/IM trends, identified by research and advisory organizations, that are relevant to the EPA laboratory enterprise with the IT/IM issues and needs identified by LEF.

ED_001292B_00001337-00004

Laboratory Data Collection and Analysis

Purpose:

- Provide accurate and current laboratory information on facility space, workforce, and costs, and recommendations to improve Agency laboratory enterprise effectiveness and efficiency.

Goal:

- Verify and analyze the collected 2013 and 2014 lab data, improve the laboratory data call collection and reporting process for future data calls.

Status:

- 2013 and 2014 data call cost data has recently been verified and is being analyzed.
- 2015 and 2016 data call is anticipated to be initiated the beginning of April.
- Changes:
  - Same major cost categories will be used but some sub-categories are being consolidated;
  - An FDMS module has been developed to automate data reporting and calculation.
- Changes are anticipated to reduce time needed to collect and report the data by 1/3 to 1/2.

EPA Laboratory Business Case Development: A Demonstration of Value

Purpose:

- Identify quantitative and qualitative approaches that can be used to characterize the effectiveness and efficiency of EPA's Laboratory Enterprise in supporting EPA's mission.

Goal:

- Demonstrate the critical nature and value of the scientific and technical services, products, and outcomes provided by the Agency's Laboratory Enterprise.

Activities:

- Develop a value statement for the EPA laboratory enterprise.
- Demonstrate how the laboratory enterprise is:
  - Effective in providing the products and services needed by EPA and its partners.
  - Efficient in providing the products and services, and how the products and services compare against other similar laboratories (e.g. other federal labs).

ED_001292B_00001337-00006

Overview of Process for Developing the Business Case for the Laboratory Enterprise

Step 1. Inventory the bins of products and services that the laboratory enterprise provides.

- Field sampling
- Sample analysis
- Tools and models development
- Technical assistance (EPA and partners)
- Quality assurance
- Training (EPA and partners)
- Accreditation and review of state labs
- Method development
- Production and management of scientific data
- Emergency operations support
- Support for Homeland Security

Note: Criteria for identifying product/services bins: a) big categories of work at the operational level; b) uniqueness

Step 2a. Develop approaches to measuring effectiveness of meeting EPA's mission and supporting customer needs.

Step 2b. Develop measurable approaches for assessing & improving efficiency including:

i. Identifying areas of duplication that may exist; and
ii. Identifying areas where coordination will improve the overall value of the enterprise (sharing of equipment and personnel).

*** Identify similar laboratories (e.g., USGS, DOE, FDA) that provide similar products and services to:**

a. Understand how they measure effectiveness;
b. Determine what steps they have taken to become more effective and efficient.

Step 3. Collect information needed to implement the approach in 2a.

Step 4. * Develop a value statement about the laboratory enterprise that demonstrates the importance of EPA's enterprise, its current effectiveness and efficiency, and actions to improve the enterprise.

* Completed with assistance of contractor.

ED_001292B_00001337-00007

Questions?

ED_001292B_00001337-00008

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Morning Consult
Sent: Wed 3/22/2017 8:12:48 PM
Subject: Energy News Ticker: Strange Bedfellows in Senate Advance Nuclear Bill

Strange Bedfellows in Senate Advance Nuclear Bill

3/22/17 11:20 AM

The Senate Environment and Public Works Committee passed a bill aimed at developing nuclear reactors on Wednesday, garnering an unusual amount of bipartisan support.

Public-Health Groups Slam Attempt to Roll Back Obama's Ozone Standards

3/22/17 12:26 PM

A group of public-health organizations this week criticized a House bill delaying the Obama administration's ozone standards, while opponents of the requirements said they are too strict.

More From Morning Consult

House Intel Chairman: Trump Team Was Surveilled During Transition

3/22/17 2:31 PM

House Intelligence Committee Chairman Devin Nunes on Wednesday said he's received dozens of reports showing that communications from President Donald Trump's transition team - and possibly Trump himself - were intercepted during the transition period between Election Day and Inauguration Day.

Graham Accuses Democrats of Imitating Trump in Gorsuch Attacks

3/22/17 2:14 PM

Sen. Lindsey Graham (R-S.C.) said Wednesday he agreed with President Donald Trump's critics that his attacks on members of the judiciary were wrong, but lamented those very same Democrats who have railed against his Supreme Court nominee, Judge Neil Gorsuch.

Many Voters Support Foreign Aid Cuts, but Want More Spent at Home

3/22/17 7:00 AM

President Donald Trump's proposed budget cuts to foreign assistance might be popular, but Americans would like to see their government spend more on domestic programs, particularly education and health care.

This email was sent by: Morning Consult

PO Box 27068 Washington, DC, 20038, US

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From: Cox, Taylor
Location: Mary's Office
Importance: Normal
Subject: Scientific Integrity Revised Work Plan Discussion
Start Date/Time: Thur 3/23/2017 7:00:00 PM
End Date/Time: Thur 3/23/2017 7:30:00 PM

From: Greene, Mary
Location: Mary's Office
Importance: Normal
Subject: Scientific Integrity Revised Work Plan Discussion
Start Date/Time: Thur 3/23/2017 7:00:00 PM
End Date/Time: Thur 3/23/2017 7:30:00 PM

From: Canzler, Erica
Location: Call 303-462-9003
Importance: Normal
Subject: Accepted: Canzler/Grifo Scientific Integrity Pre-Call
Start Date/Time: Mon 3/27/2017 7:00:00 PM
End Date/Time: Mon 3/27/2017 7:45:00 PM

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: E&E News
Sent: Wed 3/22/2017 8:27:14 PM
Subject: March 22 -- E&E News PM is ready

Read today's E&E News PM on the web

AN E&E NEWS PUBLICATION

E&E NEWS PM — Wed., March 22, 2017

READ FULL EDITION

1.TRANSITION:

'Intelligence community' tracked Trump team — Nunes

Members of President Trump's transition team were subject to surveillance by government intelligence agencies, House Intelligence Chairman Devin Nunes (R-Calif.) told reporters today.

TOP STORIES

2.WHITE HOUSE:

Trump expands legislative affairs team

3.POLITICS:

Stephen Hawking: Replace Scott Pruitt

4.PIPELINES:

Judge rejects greens' charge of FERC bias

THIS AFTERNOON'S STORIES

5.CLEAN POWER PLAN:

Spicer disputes delay of order to repeal Obama regs

6.POLITICS:

Group uses Trump family ski trip to sound alarm on climate

7.LOBBYING:

Ethanol group hires top lobby firm

8.SAGE GROUSE:

Carefully timed grazing can benefit birds — study

9.DOE:

Complaint of 'misconduct' at Kemper filed with agency's IG

10.PESTICIDES:

Med school backs professor on glyphosate paper

UPCOMING HEARINGS AND MARKUPS

11.CALENDAR:

Activity for March 20 - March 26, 2017

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To: Cox, Taylor[cox.taylor@epa.gov]
Cc: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Nguyen, Quoc
Sent: Wed 3/22/2017 8:28:06 PM
Subject: RE: question about EPA's response to the following congressional request

Grazie!!!!

Quoc

From: Cox, Taylor
Sent: Wednesday, March 22, 2017 3:29 PM
To: Nguyen, Quoc <Nguyen.Quoc@epa.gov>
Cc: Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: RE: question about EPA's response to the following congressional request

Hi Quoc,

Attached is the letter that you requested from Francesca.

Thanks,

Taylor

From: Grifo, Francesca
Sent: Tuesday, March 21, 2017 7:40 PM
To: Cox, Taylor <cox.taylor@epa.gov>
Subject: Fwd: question about EPA's response to the following congressional request

Hi Taylor - can you retrieve this from controlled correspondence ?

Thanks!

Francesca

Sent from my iPhone

Begin forwarded message:

From: "Nguyen, Quoc" <Nguyen.Quoc@epa.gov>
Date: March 21, 2017 at 4:39:13 PM EDT
To: "Grifo, Francesca" <Grifo.Francesca@epa.gov>
Subject: question about EPA's response to the following congressional request

Hi Francesca,

I hope all is well. Could you send me the correspondence for this request, please? Thank you.

Quoc

March 17, 2014 Request from Senator Vitter to EPA Science Integrity Official Dr. Francesca Grifo.

- *Sought:* Congress sought "guidance on the appropriate steps that need to be taken to ensure guidelines and policy on data misconduct and scientific transparency are not violated by EPA."

Quoc P. Nguyen

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-6343

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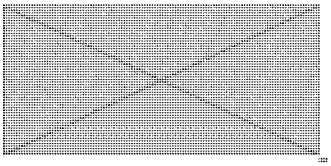
To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Environmental Law360
Sent: Wed 3/22/2017 10:43:48 PM
Subject: BREAKING: 5th Circ. Sides With EPA In Battle Over Texas Haze Rule [WARNING: DKIM validation failed]



ENVIRONMENTAL

Wednesday, March 22, 2017

BREAKING: 5th Circ. Sides With EPA In Battle Over Texas Haze Rule

The Fifth Circuit on Wednesday rejected Texas' bid to strike down the U.S. Environmental Protection Agency's regional haze plan for the Lone Star State, instead granting the EPA's motion to send the existing regulations back to the agency for revision.

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Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bahadori, Tina
Sent: Wed 3/22/2017 11:46:27 PM
Subject: stopping by

Dearest,

My next two meetings were back in PY. So, I had to try to catch the 5:10 shuttle back. I just finished those meetings, I am sorry!!! I also will need to take this Friday off for some college stuff for my son – it is the first day of his spring break. Can we look for another time to get together or have lunch/coffee, or anything? What is your schedule like?
T.

==========

Tina Bahadori, Sc.D.

Director, National Center for Environmental Assessment (ORD/EPA)

phone: 703-347-0283; mobile: 202.680.8771; Email: Bahadori.Tina@epa.gov

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: BNA Highlights
Sent: Wed 3/22/2017 2:01:47 AM
Subject: Mar. 22 -- BNA, Inc. Daily Environment Report

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Wednesday, March 22, 2017 · Number 54

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LEADING THE NEWS

Courts
Democratic Senators Grill Gorsuch on Agency Deference
Several Democratic senators challenged Neil Gorsuch about his views on agency deference during his Supreme Court confirmation hearing, with one senator suggesting that he was nominated by President Trump specifically to further the administration's...

Endangered Species
Interior Protects Bumblebee Species as Endangered
Protections for an endangered bumblebee species can go into effect now that the Interior Department has rejected a delay requested by a coalition of construction, energy and agricultural interests....

NEWS

Air Pollution
Haze Plan for Arizona Power Plant Reasonable, Court Says
A coal-fired power plant on an Arizona reservation will not be required to install additional emissions controls after an appellate court rejected challenges to its federal air pollution plan, which could provide certainty should the plant...

Air Pollution
Industries Push for Settlement Talks on Obama-Era Air Policy
New leadership at the EPA could offer an opportunity to settle litigation over an Obama-era regulation governing regional application of the Clean Air Act, according to a coalition of industry associations....

Biofuels
U.S. Fuel-Makers Woo Trump to Fix Tax Gift for Argentina Imports
Producers of a fuel additive made mostly from Midwest soybeans are trying to convince President Donald Trump that their business is being crippled because millions of U.S. trucks, buses and tractors have way too much of Argentina's...

Biotechnology
Syngenta's GM Corn Faces Parliamentary Maze in Europe
Lawmakers on the European Parliament's environment committee March 21 objected to a proposed European Union authorization for food and feed containing a genetically modified corn from Syngenta AG....

China
China Carbon Trading Pilot Program Expected to Launch in Fall
China, the world's major greenhouse gas emitter, is expected to start a pilot carbon emissions-trading program nationally between August and October, industry and academic observers said. ...

Climate Change
China Gets Help on Climate Related Projects From European Investment Bank
The European Investment Bank, the lender owned by the European Union's 28 members, will seek to increase financing by 68 percent this year for climate-related projects in China....

Climate Change
Proposed Budget Cuts May Hurt Colorado Climate, Energy Labs
Scientists at federal facilities in Colorado say the proposed cuts in the Trump administration's recent budget request will have devastating impacts on research in energy, environment and climate change science....

Climate Policy
Green Bonds Will Come in Different Shades After S&P Ranking
S&P Global Inc. is working on a new way of ranking bonds based on their impact on the environment, hoping that greener securities will command a premium to traditional ones once there are metrics to justify it....

Climate Policy
U.K.'s Low-Carbon Economy Could Grow Tenfold by 2050: Watchdog
The value of Britain's low-carbon economy could grow more than tenfold by mid-century if the government lifts some existing barriers to investment in several renewable sectors, the U.K.'s climate change watchdog said....

Courts
Supreme Court Sides With Senate Over Vacancy Power
The U.S. Supreme Court made it harder for presidents to temporarily fill vacancies without the advice and consent of the Senate (NLRB v. SW General, Inc. , 2017 BL 87442, U.S., No. 15-1251, 3/21/17)....

Energy
Austrian EV Charging Network Seen Growing to 2,000 by Year End
An Austrian group with a nationwide network of charging stations for electric vehicles will increase the number of plugs available for battery-powered cars by more than 50 percent this year....

Energy
Consumers Would Be $3.9 Billion 'Losers' From Nuclear Subsidies

Expanding state aid to money-losing nuclear reactors across the Eastern U.S. could put consumers on the hook for as much as $3.9 billion a year in higher power bills....

Energy
Feds Must Pick Up Radioactive Fuel in South Carolina
The Energy Department has been ordered to remove one metric ton of plutonium from South Carolina's Savannah River Site (South Carolina v. United States , D.S.C., 1:16-cv-391, 3/20/17)....

Energy
Oil Men Huddle in Tokyo to Seek Refuge From China Fuel Flood
Huddled deep within Tokyo's government district, nearly two dozen of Japan's top oil experts pore over a problem plaguing its energy industry: how can they stop China from pushing its crude refiners into a corner?...

Energy
Public, Private Funds Needed For Aging Electric Grid, Regulator Says
Infrastructure. It's one of hottest agenda items in the White House and Congress, and energy infrastructure like pipelines and transmission lines needs to be part of the discussion, the acting chairman of the Federal Energy Regulatory...

Environmental Reviews
India Offers Six-Month Window to Environmental Permit Violators
Potentially thousands of construction projects underway in India without the necessary environmental paperwork have been given six-month grace periods to obtain environmental permits, India announced. ...

EPA
N.Y. Attorney General Renews Objections to EPA Budget Plan
Budget cuts proposed for the EPA would slow, halt or set back progress made by the states to address major pollution threats, New York Attorney General Eric T. Schneiderman (D) said March 21....

International Climate
Japan Power Sector Risks Emissions Targets With Plans for Coal
Japan's power sector may exceed its carbon dioxide emissions targets from coal-power stations for fiscal 2030 if capacity currently in the pipeline is built, the Ministry of the Environment said in a report....

International Issues
North Face Founder's Legacy to Live on Through Parks in Chile
The Chilean government has created five new national parks in Patagonia, covering an area the size of Denmark, under an agreement with the foundation of the late American environmentalist and North Face founder Douglas Tompkins....

Mining
EPA, Mine Owner Ask for More Time to Settle Pebble Case
Both parties in a lawsuit over a proposed copper, gold and molybdenum mine in Alaska have sought an extension until May 4 to settle the case (Pebble L.P. v. EPA , D. Alaska, No. 3:14-cv-00171, 3/20/17)....

Natural Gas
Texas, Natural Gas Industry Contest Storage Safety Rule
A new federal natural gas regulation is taking away states' abilities to regulate their storage caverns, Texas' attorney general argues in an appeals court review of the rule....

Oil & Gas
Oil Giants Upending Shale Turf Where Wildcat Drillers Once Ruled
Big Oil is muscling in on shale country....

Oil & Gas
Senators Try to Pull Together Votes to Kill Methane Rule
The effort to rescind new federal regulations on the venting and flaring of natural gas from oil and gas operations on federal and Indian lands is still uncertain, with Republican leaders looking to pull together the last few Senate votes needed....

Pesticides
Lawsuit Targets U.S. Funding for European Cancer Institutes
A legal watchdog is seeking to uncover how the federal government funds foreign institutions on cancer research. ...

Pesticides
Podcast: The Looming Trade War Trump May Prevent?
Donald Trump has an aggressive stance on trade. He wants to rip up many trade deals with other countries, which some worry may spark an international spiral into protectionism....

Pesticides
Round Two of Challenges Against Dow's Herbicide
Environmental groups are gearing up to fight a second round against the approval of a controversial pesticide in court. ...

REACH
European Countries to Evaluate 22 Suspected Hazardous Substances
Authorities in Europe this year will start to evaluate 22 suspected hazardous substances, a process that could lead to recommendations for stricter controls, the European Chemicals Agency announced March 21....

Toxic Substances
3D Printing at Center of Respirator Mask Suit
3M Co. failed to shoot down expert witness testimony in a suit alleging failure of a respirator mask resulted in a technician's lung disease, a federal district court said (Coene v. 3M Co. , 2017 BL 85750, W.D.N.Y., 10-CV-6546, 3/20/17)....

Trade
South Korea Taps First Environment Trade Promotion Agency
South Korea appointed an environmental agency as a professional trading firm for the first time to promote environment-related trade for small and medium-sized companies....

Trade
Trade Rep Nominee Backs Strong Labor, Environmental Provisions
President Donald Trump's pick to lead the nation's trade agency said he would work to ensure that the North American Free Trade Agreement (NAFTA) is updated to include enforceable labor and environmental standards....

Water Pollution
Moving Forward With Water Rule Rewrite at 'Fast Pace': EPA
Rewrite of the rule clarifying the geographic scope of the Clean Water Act is occurring at a "fast pace," the top water official at the Environmental Protection Agency said March 21....

BNA INSIGHTS

Chemicals

Practitioner Insights: EPA Changes to the Risk Management Program

On March 16 the Environmental Protection Agency delayed for three months, or until June 19, the effective date of several significant amendments to the agency's Risk Management Program. The wide-ranging revisions and additions to...

REGULATORY AGENDA

TODAY'S FEDERAL REGISTER

TODAY'S STATE REGISTERS

Daily Environment Report

Wednesday, March 22, 2017 (Copyright 2017 by The Bureau of National Affairs, Inc.)

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To: Grifo, Francesca[Grifo.Francesca@epa.gov]; China: Li Jinghai[jhli@cashq.ac.cn]; China: Dr. Yuan Junpeng[junpengyuan@126.com]; China: Li Wei (Min. Sci/Tech. Suprvsn.Serv.CntrSci-TechnFund)[liw@jgzx.org]; China: Sun Ping[p.sun718@sohu.com]; Craig-Henderson Kellina M[khenders@nsf.gov]; Kimsey Carter[ckimsey@nsf.gov]; Lida Anestidou[lanestidou@nas.edu]
From: John Richard Schrock
Sent: Thur 3/23/2017 12:50:33 AM
Subject: Layperson-level descriptions of cases of predatory/fake journals...FYI.

A casual summary of how bad some "journals" have become, with a general description of the Sokal hoax. -JRS

http://skeptoid.com/mobile/ 4543

To: Grifo, Francesca[Grifo.Francesca@epa.gov]
From: Bloomberg BNA
Sent: Thur 3/23/2017 1:02:13 AM
Subject: March 23 -- Daily Environment Report

Daily Environment Report

March 23, 2017 - Number 55

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Leading the News

Congress
Environment, Energy Rules' Delay Raises Concerns: Legal Experts
House Democrats are accusing the Trump administration of pushing the limits of the Administrative Procedure Act, and some legal experts appear to agree.

News

Biofuels
Biofuels Get Boost From Trump as Temporary EPA Review Ends
America's biofuel industry got a boost as President Donald Trump's administration left record consumption quotas for the year untouched.

Biotechnology
EU Calls for Comments on Genetically Modified Soybeans
The European Commission is calling for comments on European Food Safety Authority opinions on Dow AgroSciences applications requesting authorization for two genetically engineered soybeans in the European Union.

Budget
Trump's Environmental Spending Cuts Could Cost Republican Districts Billions
President Donald Trump's cuts to environmental programs may face resistance from members of his own party due to an Obama administration practice that spread billions of dollars in contracts to Republican as well as Democratic congressional districts .

Chemicals
Industry Focuses on Chemicals Cooperation as Trade Pacts Wane

Chemical manufacturers should encourage government-to-government regulatory cooperation initiatives as political support wanes for multilateral trade agreements in the U.S. and other countries, chemical industry officials say.

Chemicals
Less Toxic Spray Insulation May Be Required in California
Certain spray foam insulation materials sold in California may need to be made less toxic.

Chemicals
OECD Moves to Cut Chemical Test Costs, Limit Animal Use
The Organization for Economic Cooperation and Development announced new guidance March 22 to help cut the costs of chemical tests and decrease reliance on using animals in determining a chemical's safety.

Climate Change
Exxon Lost Year of Tillerson's 'Wayne Tracker' Emails, N.Y. Says
Exxon Mobil Corp. lost one year's worth of emails that former Chief Executive Officer Rex Tillerson used to discuss climate change risks and other issues under the alias Wayne Tracker, a lawyer for New York state told a judge.

Energy
Bill to Boost Advanced Nuclear Gets Senate Committee Approval
A bill that would develop a regulatory framework for advanced nuclear reactors, and make changes to a grant program to help develop them, moves to the full Senate after the Environment and Public Works Committee approved it March 22.

Energy
EU Return to Simplified Energy Labels for Appliances a Plus
The European Union is planning to overhaul the bloc's energy-efficiency labeling system for household appliances to make it easier for consumers to make energy-conscious choices, European Parliament lawmakers said March 22.

Energy
In Coal Country, States Feel Emboldened to Cut Energy Efficiency
Energy efficiency programs are coming under attack, both in Washington and in at least two states.

Energy
U.S. Slips in Global Rankings on Energy Infrastructure: Forum
The U.S. slipped in a global ranking of countries' ability to deliver secure, affordable and sustainable energy while European nations maintained positions at the top of the list, a report by the World Economic Forum showed.

General Policy
Arnold & Porter Hires High-Ranking Obama EPA Attorney
Ethan Shenkman, a former high-ranking attorney at the EPA and the Justice Department, is returning to private practice as a partner with Arnold & Porter Kaye Scholer LLP.

Natural Gas
TransCanada Can't Ax Trees Fast Enough to Run Gas Line on Time
Natural gas pipeline developers from TransCanada Corp. to Energy Transfer Partners LP may not be able to chop down trees fast enough to meet U.S. deadlines, raising the prospect that multibillion-dollar links to America's biggest reservoirs of the fuel will be delayed.

Regulatory Policy

Trump's Words Could Jeopardize His Environmental Rollbacks, Too

President Donald Trump's words may come back to haunt him in court as he moves to roll back regulations that fight climate change, just as they did when he tried to ban travel from six predominantly Muslim countries.

Renewable Energy

Canada Firm Uses Salt, Tesla and Flywheels in Clean Energy Race

A Canadian firm is hoping to cash in on the burgeoning market for electricity storage, no matter which technology bre aks out first.

Sustainability

Brazil to Get First Dibs at Norway Rainforest-Protection Fund

Small-scale farmers in Brazil will be the first to access grants from a Norwegian sustainable agriculture fund, Brazil's Environment Ministry said.

Sustainability

EIB, PBOC Join Forces to Make Green Bond Market More Transparent

The European Investment Bank and the People's Bank of China announced a partnership to make green bonds more transparent and support the implementation of the Paris agreement.

Toxic Substances

BP Defeats Fisherman's Deepwater Horizon Cancer Suit

BP Exploration won dismissal of a lung cancer suit by a fisherman who aided in the cleanup of the Deepwater Horizon oil spill (Cibilic v. BP Exploration & Prod., Inc., 2017 BL 87711, E.D. La., 15-995, 3/20/17).

Toxic Substances

Winemaker's Bid to End Hazmat Claims Squashed

A California winemaker's bid to quickly end federal hazardous waste claims for its fatal release of ammonia gas was rebuffed by the Eastern District of California March 20 (United States v. Gibson Wine Co., 2017 BL 86658, E.D. Cal., No. 15-cv-01900, 3/20/17).

Water Infrastructure

Water Infrastructure Funding Will Boost Economy, Report Says

Funding repairs to aging pipes and sewers, leaking pumps and outdated wastewater and drinking water treatment plants would boost the U.S. economy by $220 billion annually, a report released March 22 said.

Water Pollution

U.K. Slaps Utility With Record $25 Million Fine for Polluting Thames

The U.K. levied a record 20.3 million pounds ($25.3 million) fine to a private water utility for polluting the Thames River with untreated sewage on several occasions, the Environment Agency said March 22.

CORRECTION

A story published in the March 20 report, "Missouri Bill Targets Off-Label Use of Weed Killers" incorrectly spelled the herbicide dicamba. Monsanto's newer version of dicamba reduces the potential for off-target movement when the herbicide is applied. The online version has been corrected.

CORRECTION

A story published in the March 22 report, "N.Y. Attorney General Renews Objections to EPA Budget Plan" quoted the attorney general's office as saying that the Trump administration's preliminary EPA budget would cut Superfund programs by 43 percent. New York has updated the figure, saying it would be a 30 percent cut. The online version has been corrected.

Regula tory Agenda

TODAY'S FEDERAL REGISTER

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